



Northern Natural Gas
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June 8, 2023

Via eFiling

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Northern Natural Gas Company
Northern Lights 2023 Expansion Project
Docket No. CP22-138-000

Dear Ms. Bose:

Northern Natural Gas (Northern) hereby resubmits for filing with the Federal Energy Regulatory Commission (FERC) in the above-referenced docket the attached documentation from the Minnesota Pollution Control Agency (MPCA) regarding the 401 water quality authorization and the U.S. Fish and Wildlife Service showing concurrence the project may affect but not likely to adversely affect the Northern long eared bat.

Any questions regarding the filing should be directed to the undersigned at (402) 398-7138.

Respectfully submitted,

/signed/ Donna Martens

Donna Martens
Senior Regulatory Analyst

cc: Parties of record

MPCA Correspondence

Plucker, Terry (Northern Natural Gas)

From: Wilde, William (MPCA) <william.wilde@state.mn.us>
Sent: Tuesday, June 6, 2023 10:15 AM
To: Plucker, Terry (Northern Natural Gas)
Cc: Wenger, Maggie (MPCA)
Subject: [INTERNET] Northern Lights 2023 Expansion Project - 401 Water Quality Authorization

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Good morning, Terry,

This is the follow-up to our telephone call today regarding the Northern Lights 2023 Expansion project, [Docket No. CP22-138-000] Section 401 water quality authorization.

Providing all the conditions listed in the January 13, 2023, Regional General Permits Minnesota Pollution Control Agency 401 Certification, are adhere to and complied with, the MPCA 401 water quality program has no additional comment. However, this correspondence does not release or limit the applicant from obtaining all necessary federal, state, and local permits, nor does it limit more restrictive requirements set through any such program. It does not eliminate, waive, or vary the applicant's obligation to comply with all other laws and state water statutes and rules through the construction, installation, and operation of the project. This letter does not release the applicant from any liability, penalty, or duty imposed by Minnesota or federal statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege.

This MPCA authorization is made, in part, on the applicant's representations that environmental review under the Minnesota Environmental Quality Board's Rules, Minn. R. ch. 4410 or under the Federal Energy and Regulatory Commission is not needed for the project or, alternatively, that all necessary environmental reviews and related decisions have been completed. If environmental review for this project is needed and has not been completed, the MPCA does not have legal authority to issue this authorization. In that situation, the MPCA reserves the right to make a Section 401 Certification decision when the environmental review process is completed.

The MPCA reserves the right to revisit or revoke this Authorization due to new or additional information, updated information, changes in technology, or any other changes that could render the project as incompatible with Minnesota's water quality standards.

If you have any questions or concerns regarding this project, please contact me at the address and telephone number below.

Thank you,
---Bill

Bill Wilde
Minnesota Pollution Control Agency
401 Program
520 Lafayette Road
St. Paul, Minnesota 55155
(651) 757-2825

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January 13, 2023

Chad Konickson
U.S. Army Corps of Engineers
Regulatory Branch Chief, St. Paul District
180 5th St E, Suite 700
St. Paul, MN 55101-1678

RE: Regional General Permits Minnesota Pollution Control Agency 401 Certification
Clean Water Act Section 401 Water Quality Certification

Dear Chad Konickson:

This letter is submitted by the Minnesota Pollution Control Agency (MPCA) under the authority of Section 401 of the Clean Water Act (CWA) (33 U.S.C § 1251 et seq.), Minn. Stat. chs. 115 and Minn. R. 7001.1400 – 7001.1470, chs. 7050, 7052, and 7053. The MPCA has examined the draft Regional General Permits (RGPs) and request for 401 Certification by the U.S. Army Corps of Engineers (USACE) for the following RGPs: Bank Stabilization Habitat Improvement, Beach Creation and Nourishment, Beach Raking, Minor Discharges, Piers and Docks, Transportation, Utility, and Wildlife Ponds, and is requiring conditions through the 401 Water Quality Certification.

RGPs authorize work in Waters of the United States, and USACE can directly enforce water quality certification conditions within the scope of its permitting authority. Minnesota's water quality standards apply to all "waters of the state" which includes all waters of the United States as well as other waters. "Waters of the state" includes all lakes, streams, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water in or bordering Minnesota (Minn. Stat. § 115.01, subd. 22).

Activities that impact waters of the state that are not waters of the United States must comply with state law and state water quality standards. The MPCA has jurisdiction over waters of the state and can enforce the conditions below in waters of the state. The term "waters" as used in the conditions of this Certification, apply to the respective jurisdiction of each agency.

Certain conditions, as identified below, may require case-by-case review and interpretation by the MPCA. After such interpretation, the conditions are enforceable by the MPCA and USACE.

Waters Excluded from 401 Certification of the RGPs

Physical Alterations of 300 or More Linear Feet of a Stream

The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that protect and maintain existing and beneficial uses. For this reason, the MPCA denies

Certification without prejudice for projects resulting in permanent degradation (impacts longer than 12 months) for projects that will cause a cumulative physical alteration of 300 or more linear feet of a stream defined as a water of the state Natural streams or wetlands that have been channelized or converted to drainage structures are included in this definition of surface waters; however, man-made channels and drainage ditches that have been constructed as part of a treatment system are excluded. Proposers of these projects must instead request an individual 401 water quality certification from the MPCA. Minn. R. ch. 7050.0255 subp. 30, defines “physical alteration” as “a physical change that degrades surface waters such as the dredging, filling, draining, or permanent inundation of a surface water.” The MPCA Authority: Minn. R. ch. 7050.0255. Physical alterations to smaller streams can potentially have significant impacts on overall water quality. The MPCA must individually review these projects for compliance with Water Quality Standards (WQS).

Physical Alteration of any Linear Amount of a Class 2A water

The MPCA’s antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that protect and maintain existing and beneficial uses. For this reason, the MPCA denies certification without prejudice for projects resulting in permanent degradation (impacts longer than 12 months) for projects that will cause a physical alteration to a Class 2A water (Minn. R. ch. 7050.0140 subp. 2). Proposers of these projects must instead obtain an individual 401 certification from the MPCA. Minn. R. ch. 7050.0255 subp. 30, defines “physical alteration” as “a physical change that degrades surface waters such as the dredging, filling, draining, or permanent inundation of a surface water.” The MPCA Authority: Minn. R. ch. 7050.0255. Physical alterations to any Class 2A potentially have significant impacts on overall water quality. The MPCA must individually review these projects for compliance with Water Quality Standards (WQS).

Exceptional Aquatic Life Use Waters

The MPCA’s antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that protect and maintain existing and beneficial uses. For this reason, the MPCA denies certification without prejudice for projects resulting in permanent degradation (impacts longer than 12 months) for projects that will cause a physical alteration of Exceptional Aquatic Life Use Waters. Exceptional Aquatic Life Use Waters are very susceptible to disturbance. An increase in water temperature or sedimentation can effectively destroy this unique water habitat. Proposers of projects that will potentially impact Exceptional Aquatic Life Use Waters directly or indirectly by impacting stream hydrology, connectivity, chemistry and habitat are required to obtain an individual Certification. The MPCA Authority: Minn. R. ch. 7050.0222 subps. 2c, 3c and 4c. Because Exceptional Aquatic Life Use Waters are very susceptible to disturbance, the MPCA must individually review projects for compliance with WQS for the following water bodies: More information on the water bodies is located at the 401 webpage: <https://www.pca.state.mn.us/water/clean-water-act-section-401-water-quality-certifications>.

	Water Body Name	Miles	Reach
1	Cross River	14.84	Fourmile Cr. To Lk Superior
2	Greenwood River	7.29	Greenwood Lk to Brule R
3	Irish Creek	7.07	Headwaters to Swamp River Reservoir
4	Kimball Creek	8.98	Headwaters to Lk Superior
5	Manitou River	11.07	S Br Manitou R to Lk Superior
6	Mistletoe Creek	4.56	Halls Pond to Poplar R
7	Two Island River	11.44	Unnamed cr to Lk Superior
8	Little Devil Track River	2.71	Unnamed cr to Devil Track R

9	Heartbreak Creek	3.79	Unnamed cr to Temperance R
10	Houghtaling Creek	1.7	Unnamed cr to Unnamed cr
11	Caribou River	5.51	Amenda cr to Unnamed cr
12	Caribou River	1.18	Unnamed cr to Unnamed cr
13	Crown Creek	1.68	Fry Cr to Unnamed cr
14	Cascade River	14.46	N Br Cascade R to Lk Superior
15	Spruce Creek (Deer Yard Creek)	3.21	Unnamed cr (Ward Lk outlet) to Lk Superior
16	Bluff Creek	2.68	East Twin Lk (16-0145-00) to South Brule R
17	Elbow Creek	0.81	Unnamed cr to Devil Track R
18	Wanless Creek	2.73	Headwaters (Dam Five Lk 38-0053-00) to Houghtaling Cr
19	Lullaby Creek	1.82	Headwaters (Lullaby Lk 16-0100-00) to Brule R
20	Manitou River, South Branch	5.42	Junction Cr to Mantiou R
21	Sixmile Creek	3.32	Unnamed cr to Temperance R
22	Swamp River	1.91	Stevens Lk to T63 R4E S20, east line
23	Brule River	12.58	BWCA boundary to South Brule R
24	Baptism River, West Branch	2.68	-91.3381 47.4702 to Crown Cr
25	Kadunce River (Kadunce Creek)	2.69	-90.1484 47.8261 to Lk Superior
26	Portage Brook	5.85	CSAH 16 to Pigeon R
27	Temperance River	15.05	T61 R4W S4, north line to Sixmile Cr
28	Baptism River, East Branch	3.28	Lk Twenty-three to Blesner Cr
29	Woods Creek	1.84	-90.2650 47.7964 to Devil Track R
30	Devil Track River	6.66	Devil Track Lk to Unnamed cr
31	Humphrey Creek	3.67	Headwaters to Boulder Cr
32	Coyote Creek	1	Unnamed cr to Pequaywan Lk
33	Cloquet River	13.95	Headwaters (Katherine Lk 38-0538-00) to T57 R10 S32, south line
34	Cloquet River	26.44	T56 R10 S5, north line to W Br Cloquet River
35	Cloquet River	28.82	W Br Cloquet R to Island Lake Reservoir
36	Schoolcraft River	7.78	Frontenac Cr to Plantagenet Lk
37	Prairie River, West Fork	2.31	Hartley Lk to Prairie R
38	Willow River Ditch	3.3	Willow River Flowage to Moose R
39	Tamarack River	7.52	Little Tamarack R to Prairie R
40	Prairie River	11.31	Day Bk to Balsam Cr
41	Bee Creek (Waterloo Creek)	3.45	T101 R6W S29, north line to MN/IA border
42	Tulaby Creek	5.08	Tulaby Lk to McCraney Lk
43	Little Isabella River	11.02	Headwaters to Flat Horn Lk
44	Snake River	1.71	T61 R9W S7, south line to T61 R10W S12, north line

45	Jack Pine Creek	7.24	Headwaters to Mitawan Cr
46	Mitawan Creek	8.18	Kitigan Lk to T61 R9W S13, north line
47	Denley Creek	3.13	Nira Cr to Stony R
48	Cross River	3.79	Ham Lake Outlet to Gunflint Lk
49	Bezhik Creek	0.9	BWCA boundary to Moose R

Prohibited Outstanding Resource Value Waters

The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that "prohibit a net increase in loading or other causes of degradation to prohibited outstanding resource values waters." For this reason, the MPCA denies certification without prejudice for projects resulting in permanent (impacts longer than 12 months) to prohibited outstanding resource value waters (ORVWs). The MPCA does not find that RGP authorizations for broad categories of activities, where specific impacts may vary, is appropriate for activities in these waters. Therefore, the MPCA excludes from this general 401 Certification of the RGPs any project taking place in whole or in part in a listed prohibited ORVW in Minnesota, as identified in Minn. R. 7050.0335, subp. 3, and listed below. Such projects, though authorized by the RGPs, require individual 401 Certification from the MPCA (Minn. R. Chs. 7050, 7001).

Minn. R. 7050.0335 DESIGNATED OUTSTANDING RESOURCE VALUE WATERS.

Subp.3. Prohibited outstanding resource value waters. For the purposes of parts 7050.0250 to 7050.0335, the following surface waters are prohibited outstanding resource value waters:

- A. Waters within the Boundary Waters Canoe Area Wilderness (BWCAW);
- B. Those portions of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary;
- C. Waters within Voyageurs National Park;
- D. The following scientific and natural areas:
 1. Boot Lake, Anoka County
 2. Kettle River in Sections 15, 22, 23, T.41, R.20, Pine County;
 3. Pennington Bog, Beltrami County;
 4. Purvis Lake-Ober Foundation, St. Louis County;
 5. Waters within the borders of Itasca Wilderness Sanctuary, Clearwater County;
 6. Iron Springs Bog, Clearwater County;
 7. Wolsfeld Woods, Hennepin County;
 8. Green Water Lake, Becker County;
 9. Black Dog Preserve, Dakota County;
 10. Prairie Bush Clover, Jackson County;
 11. Black Lake Bog, Pine County;
 12. Pembina Trail Preserve, Polk County; and
 13. Falls Creek Washington County.
- E. The following state and federal designated wild river segments:
 1. Kettle River from the site of the former dam at Sandstone to its confluence with the St. Croix River; and
 2. Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia.

Restricted Outstanding Resource Value Waters

The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that "restrict net increases in loading or other causes of degradation as necessary to maintain the exceptional characteristics for which the restricted outstanding resource value waters were designated." Projects authorized by the RGPs in the following Restricted Outstanding Resource Value Waters (ORVWs) must meet the additional BMPs listed under "Additional BMPs for Restricted Outstanding Resource Value Waters" below, in order to ensure protection of the exceptional characteristics of these waters. Projects that will potentially impact calcareous fens identified as restricted ORVWs in Minn. R. 7050.0335, subp. 1 are not required to meet the additional BMPs below as they are either excluded from RGP coverage altogether (Minor Discharges and Beach Creation and Nourishment) or are required to have an approved Fen Management Plan from the Minnesota DNR (Transportation, Utility, Beach Raking, Piers and Docks, and Wildlife Ponds) which is sufficient to ensure maintenance of the exceptional characteristics for which the fens were designated as restricted ORVWs.

Minn. R. 7050.0335 DESIGNATED OUTSTANDING RESOURCE VALUE WATERS.

Subpart 1. Restricted outstanding resource value waters. For the purposes of parts 7050.0250 to 7050.0335, the following waters are restricted outstanding resource value waters:

- A. Lake Superior, except those portions identified in subpart 3, item B as a prohibited outstanding resource value water;
- B. Those portions of the Mississippi River from Lake Itasca to the southerly border of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981;
- C. Lake trout lakes, both existing and potential, as determined by the commissioner in conjunction with DNR, outside the boundaries of the BWCAW and Voyageurs National Park and identified in parts 7050.0460 to 7050.0470;
- D. The following state and federal designated scenic or recreational river segments:
 - 1) St. Croix River, entire length;
 - 2) Cannon River from northern city limits of Faribault to its confluence with the Mississippi River;
 - 3) North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright County line;
 - 4) Kettle River from north Pine County line to the site of the former dam at Sandstone;
 - 5) Minnesota River from Lac qui Parle dam to Redwood County State-Aid Highway 11;
 - 6) Mississippi River from County State-Aid Highway 7 bridge in St. Cloud to northwestern city limits of Anoka;
 - 7) Rum River from State Highway 27 bridge in Onamia to Madison and Rice Streets in Anoka.

Additional BMPs for Restricted Outstanding Resource Value Waters:

- 1. The permittee must have a written plan, kept on site, that shows a practicable means of control to prevent an increase in TSS in the water. It must include methods to minimize degradation of water, including avoidance of impacts, construction phasing, seasonal construction where practicable, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through adequate BMPs, and other management practices published by state agencies (Minn. R. Chs 7050, 7001).

The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforce this condition

independent of the RGPs. If there are questions regarding proper implementation of this condition, the MPCA will determine compliance, as needed, on a case-by-case basis. The point of contact at the MPCA for questions regarding this condition is 401Certification.pca@state.mn.us.

2. The permittee must inspect the site daily to ensure that BMPs are functioning properly and to determine if additional BMPs are required. Additionally, permittee must allow representatives from the MPCA to inspect the project site and the authorized activity to ensure that the project is constructed, and BMPs maintained, in accordance with this Certification (Minn. R. Chs. 7050, 7001).
3. Where practicable, the permittee must establish and maintain an undisturbed buffer zone of at least 100 linear feet from the restricted ORVWs, except in the immediate area of the in-water work (Minn. R. Chs 7050, 7001).
4. Whenever any construction activity is within 200 feet of a restricted ORVW, the permittee must stabilize all exposed soils within 24 hours after completing the construction activity (Minn. R. Chs 7050, 7001).

401 Certification of the RGPs

Based on a review of the RGPs and evaluation of information that is relevant to water quality considerations, the MPCA certifies the general permits for projects that do not fall under an exclusion as stated above. This certification is issued on the basis there is reasonable assurance that the activities authorized by the RGPs will be conducted in a manner that will not violate applicable water quality standards so long as the work is completed in accordance with the below-specified conditions, which shall become conditions of the RGPs. Additionally, based on a review of the determinations specified in the Code of Federal Regulations (CFR), title 33, part 320, subpart 4, and CFR title 40, part 230, subpart 7, the MPCA has determined that the antidegradation standards described in Minn. R. 7050.0270 are satisfied by issuing a 401 Certification with the below conditions:

General conditions

All activities authorized by the above-listed RGPs must comply with the conditions below:

1. Permittees must ensure that surface waters in or bordering the project area that are not proposed to be impacted by the project are clearly identified prior to construction. This may be accomplished through demarcation of the construction area on plan sheets and/or through marking boundaries in the field, for example construction staking, flagging, or the use of silt fences along boundaries. The permittee must not impact these areas while conducting activities authorized by the RGPs (Minn. R. Chs. 7050, 7001).
2. The permittee must install in-water Best Management Practices (BMPs) to the extent practical and feasible, to minimize total suspended solids (TSS) and sedimentation for any work conducted below the ordinary high water level (OHWL) as defined in Minn. Stat. § 103G.005, subp. 14, of any water or within the delineated boundaries of wetlands.

The permittee must document the in-water BMPs to be used during the authorized work prior to disturbing any land at the site; this documentation may be stand-alone or part of an Erosion

Control Plan, Construction Plan, or other relevant construction document. This documentation is not required to be submitted to the MPCA, but must be kept on-site during active construction by the contractor until the project is complete. Proper installation of BMPs is required before conducting the authorized in-water activities and must be properly maintained until the project is complete. This includes maintenance of in-water BMPs along with the establishment and maintenance of any erosion prevention, sediment control or site stabilization features included in the project plan or required by the RGP or this certification. While conducting the authorized work, the permittee must visually monitor the BMPs to ensure that the BMPs are working as intended to reduce TSS or sedimentation. If the project activities cause an observable increase in TSS or sedimentation as described in Minn. R. 7050.0210, subp. 2, outside or downstream of the authorized defined working area, then the project activities must immediately cease and any malfunctioning BMPs must be repaired, or alternative BMPs must be implemented. This Certification does not authorize the violation of applicable water quality standards outside or downstream of the defined work area. Minnesota water quality standards are defined in Minn. R. Chs. 7050, 7001.

Information on types of BMPs that may be suitable for in-water work is located in the Minnesota Department of Natural Resources (DNR) Manual titled *Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001*, located at:
https://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html

The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforce this condition independent of the RGPs. If there are questions regarding proper implementation of this condition, the MPCA will determine compliance, as needed, on a case-by-case basis. The point of contact at the MPCA for questions regarding this condition is
401Certification.pca@state.mn.us.

3. The permittee must ensure that any dewatering activities do not create nuisance conditions as defined in Minn. R. 7050.0210, subp. 2. The permittee must use BMPs that minimize TSS and sedimentation by removing solids in the water before discharging the water. The permittee must document BMPs prior to beginning any dewatering; this documentation may be stand-alone or part of an Erosion Control Plan, Construction Plan, or other relevant construction document. The permittee must ensure that properly installed BMPs are in place before conducting the authorized activities and are maintained throughout the duration of the dewatering work. Any unplanned dewatering that must occur due to site conditions at the time of construction should be noted on the SWPPP or other relevant construction documents (Minn. R. Chs. 7050, 7001).

The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforce this condition independent of the RGPs. If there are questions regarding proper implementation of this condition, the MPCA will determine compliance, as needed, on a case-by-case basis. The point of contact at the MPCA for questions regarding this condition is
401Certification.pca@state.mn.us.

4. The permittee must ensure earthen material used to construct or improve temporary or permanent dikes or dams, including cofferdams, or any roads, is contained in a manner that will prevent earthen material from eroding into the water. All BMPs must be properly installed to ensure compliance with state water quality standards. The permittee must completely remove temporary structures and restore original bathymetry or contours at project completion or within 12 months, whichever is sooner (Minn. R. Chs 7050, 7001).
5. The permittee must ensure that the authorized activities do not exacerbate any existing impairments of a CWA 303(d) listed impaired water. Prior to beginning any authorized activities, the Permittee must first identify whether their project area is in, or near, any impaired waters and waters with the USEPA- approved TMDLs. When working in, or near, impaired waters, the Permittee must deploy redundant BMPs as necessary to ensure the authorized construction activities will not exacerbate existing impairments. The following MPCA webpage contains more information and search tools available to determine which waters in Minnesota are impaired: <https://www.pca.state.mn.us/air-water-land-climate/minnesotas-impaired-waters-list>. The applicable water quality standards are located in Minn. R. Chs. 7050, 7001.

The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforce this condition independent of the RGPs. If there are questions regarding proper implementation of this condition, the MPCA will determine compliance, as needed, on a case-by-case basis. The point of contact at the MPCA for questions regarding this condition is 401Certification.pca@state.mn.us.

6. The permittee must ensure that any fill placed in water must be clean fill that is free of solid waste, toxic or hazardous contaminants. Any deviation from this requirement such as seeking beneficial reuse of materials, requires case-specific beneficial use determinations by MPCA for debris and soil with contaminant levels appropriate for the placement setting. The permittee must also ensure that any fill will not promote the spread of invasive species as defined in Minn. State. Ch. 84D and Minn. R. 6216, and is free of those species identified as “prohibited species” in the *Minnesota Noxious Weeds* publication <https://www.mda.state.mn.us/plants-insects/minnesota-noxious-weed-list>. The Permittee must ensure all construction equipment, construction matting, erosion control devices and BMPs brought to the site are free of the same prohibited species.
7. The permittee must provide: a) a copy of this certification; b) documentation of any required BMPs under the above conditions; and c) any written demarcation of waters to any prime contractor responsible for completing the projects authorized activities. The permittee must also ensure that there is a mechanism in place requiring each prime contractor to provide the same information to all subcontractors, at any level, responsible for fabricating or providing any material for the project or performing work at the project site. In addition, copies of these documents and any other relevant regulatory authorizations related to impacts to waters must be available at or near the project site for use by contractors and staff responsible for completing the project work and must be available within 72 hours when requested by MPCA staff (Minn. R. Chs. 7050, 7001).

8. The permittee must allow representatives from the MPCA to inspect the project site and the authorized activity to ensure that the project is constructed, and BMPs maintained, in accordance with this Certification (Minn. R. Chs 7050, 7001).
9. The permittee is responsible for ensuring that all requirements of this Certification are met (Minn. R. Chs 7050, 7001).
10. This Certification includes and incorporates by reference the general conditions of Minn. R. Chs. 7050, 7001.
11. Minn. R. Chs. 7001 and 7090 require any activity that will disturb one acre or more of land to first acquire a National Pollutant Discharge Elimination System Permit (NPDES)/State Disposal System (SDS) General Stormwater Permit from the MPCA for discharging stormwater during construction activity. Both the owners and operators of construction activity disturbing one acre or more of land are responsible for obtaining and complying with the conditions of the NPDES/SDS General Stormwater Permit prior to commencing construction activities. Sites disturbing less than one acre within a larger common plan of development or sale that is more than one acre also need permit coverage. A detailed Stormwater Pollution Prevention Plan (SWPPP), containing both temporary and permanent erosion and sediment control plans, must be prepared prior to submitting an application for the NPDES/SDS General Stormwater Permit. In addition, any project that will result in over 50 acres of disturbed area and has a discharge point within one mile of a special or impaired water is required to submit its SWPPP to the MPCA for a review at least 30 days prior to the commencement of land disturbing activities. If the SWPPP is out of compliance with the terms and conditions of the NPDES/SDS General Stormwater Permit, further delay may occur. For more information, please visit: <https://www.pca.state.mn.us/business-with-us/construction-stormwater>.
12. Minn. R. 7001.0030 requires that, prior to testing the structural integrity of any newly installed pipeline or any existing pipeline maintained or repaired that is authorized by the RGP, the permittee must obtain NPDES/SDS Permit coverage from the MPCA. The NPDES/SDS permit regulates the discharge of water and trench waters associated with this activity.
13. It is the permittee's responsibility to fully comply with all MPCA rules governing waters of the state, including MPCA rules governing wetlands (Minn. R. 7050.0186), which require a permittee to provide compensatory mitigation for a project's unavoidable permanent impacts to wetlands and streams, including those that are not subject to federal jurisdiction under section 404 of the CWA.

Additional conditions for Transportation RGP projects:

The MPCA requires the following conditions for any project that is authorized under the Transportation RGP:

1. During bridge painting, cleaning, or restoration activities, the permittee must use BMPs such as curtains or other reliable methods designed to prevent the discharge of paint, chemicals, grouting, or other contaminants to waters. These BMPs must remain in place for the duration of the project's painting, cleaning, or restoration activities (Minn. R. Chs 7050, 7001).

The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforce this condition independent of the RGPs. If there are questions regarding proper implementation of this condition, the MPCA will determine compliance, as needed, on a case-by-case basis. The point of contact at the MPCA for questions regarding this condition is 401Certification.pca@state.mn.us.

2. The permittee must not conduct bridge demolition activities that use explosive devices to implode or collapse a bridge or any portion of a bridge into any water (Minn. R. Chs 7050, 7001).
3. The permittee must not use broken concrete from any existing bridge as riprap bank protection unless, 1) it is crushed to the diameter which is greater than 6 inches and no larger than 30 inches, 2) all steel reinforcement bars and asphalt have been removed, and 3) it does not contain any contaminants of concern listed in Minn. R. 7035.2860, subp. 4.
4. If the permittee plans to place riprap grouted with concrete under a bridge, then plywood sheeting, sheet piling, sandbags, or other suitable material must be placed at the base of the riprap prior to conducting the grouting activity to ensure no grout reaches the waterbody. The material must remain in place until all concrete grouting has cured (Minn. R. Chs 7050, 7001).
5. A Stream Diversion Plan (SDP) will be required for removal and replacement of culverts or bridges. Prior to construction, stream diversion water procedures must be in place to ensure that discharge points are adequately protected from erosion and scour. In addition, the SDP must address erosion prevention and sediment control, comply with water quality requirements, and meet in-water best construction practices. The MPCA reserves the right to add additional conditions if necessary to accommodate and address specific design requirements and to maintain water quality standards (Minn. R. Chs 7050, 7001).

Additional conditions for Utility RGP projects:

The Permittee must comply with the following MPCA conditions for activities authorized under the Utility RGP:

1. **Spill Prevention Plan.** Prior to the start of each segment of construction, for any trenching that will pass over, under, or around any water or any perceptible flow of water, the permittee or contractor acting on permittee's behalf must prepare a spill prevention plan, to be kept on-site, that describes steps that must be taken to prevent, mitigate, and immediately clean up any spill from any product, including drilling mud, from entering any waters. The plan must include a directive to immediately contact the Minnesota State Duty Officer at 651-649-5451 for any spill substance or material of any quantity, other than a spill of five gallons or less of petroleum, that may cause pollution to waters of the state, and it must describe disposal methods for the spill material (Minn. R. Chs. 7050, 7001; Minn. Stat.115.061).
2. **Horizontal Directional Drilling (HDD) Requirements.**
 - a. **Geotechnical Investigation and Cleanup Response.** Prior to conducting any authorized HDD construction activities beneath or near any wetlands, tributaries, and rivers and streams, the Permittee, or contractor acting on Permittee's behalf, must first:

- i. Ensure there is a geotechnical investigation of the area to determine whether the soils and geology will support successful HDD installation without a moderate to high risk of a drilling mud release during the installation process. The Permittee must retain a copy of the associated report and provide to state resource agencies, including the MPCA, upon request.
 - ii. Prepare a plan to be kept on site that describes cleanup procedures and the response plan in the case of spills or releases of material.
 - iii. In the event of a drilling mud release during the HDD activities, the Permittee or contractor acting on Permittee's behalf must immediately contain and clean up any such drilling mud that discharged into waters of the state, and immediately report the incident to the State Duty Officer at 651-649-5451. Drilling mud discharges to upland area must also be immediately contained and cleaned up accordingly (Minn. R. Chs. 7050, 7001).
 - b. **Prohibition.** The Permittee, or contractor acting on Permittee's behalf, is prohibited from using any drilling muds or drilling mud additives that contain phosphorus or sulfate, or any hazardous materials. The Permittee must keep a Safety Data Sheet on-site for each of the drilling muds or drilling mud additives used during the HDD installation process (Minn. R. Chs. 7050, 7001).
 - c. **HDD drilling mud discharges to waterbodies and wetlands prohibited (MPCA authority: Minn. Stat. ch. 115; Minn. R. chs. 7001, 7050, and 7052).** This 401 Certification does not authorize the Permittee to discharge drilling mud into waters of the state. Such discharges are considered a violation of applicable statutes (Minn. Stat. ch. 115) and applicable water quality standards (Minn. R. 7050).
3. The permittee must utilize low flow and winter construction methods whenever possible (Minn. R. Chs 7050, 7001).
 4. The permittee must restore trenches approaching and leading away from any water to preconstruction contours prior to beginning work on the next segment of trench. The permittee must limit any open trench, for all related projects authorized by the Utility RGP, to 5280 linear feet at any given time (Minn. R. Chs. 7050, 7001).
 5. The permittee must stabilize all exposed soil areas whenever any construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (Minn. R. Chs. 7050, 7001).
 6. The permittee must use dry construction methods (e.g. coffer dams, HDD, dam and pump, flume, stream diversion, etc.) for any maintenance or repair of any utility that will occur within flowing water (Minn. R. Chs. 7050, 7001).

Notifications:

The following notifications are not conditions of the MPCA CWA 401 Certification of the RGPs. They provide information that can help reduce the potential environmental impacts, or they provide notification to the public in Minnesota that certain discharges in waters are also regulated under other rules administered by the MPCA:

1. Chloride from winter road salt affects water quality. The MPCA encourages public road authorities pursuing projects under the general permit to consider the use of BMPs to reduce the use of chloride. General information about chloride and water quality, including the *Twin Cities Metropolitan Area Chloride Management Plan*, is located at:
https://stormwater.pca.state.mn.us/index.php/Chloride_Management_Plan
2. When riprap is used, the permittee should consider placing riprap in the following manner:
 - a. Use natural rock (cannot average less than 6 inches or more than 30 inches in diameter) that is free of debris that may cause pollution or siltation.
 - b. A filter of crushed rock, gravel, or filter fabric material can be placed underneath the rock.
 - c. The riprap should be no more than 6 feet waterward of the OHWL as defined in Minn. Stat. §103G.005, subp. 14.
 - d. The riprap should conform to the natural alignment of shore and should not obstruct navigation or the flow of water.
 - e. The minimum finished slope waterward of the OHWL should be no steeper than 3 to 1 (horizontal to vertical).

Disclaimer:

Section 401 Certification does not release the permittee from obtaining all necessary federal, state, and local permits. It does not limit any other permit where requirements may be more restrictive. It does not eliminate, waive, or vary the permittee's obligation to comply with all other laws and state water statutes and rules through the construction, installation, and operation of the project. This Certification does not release the permittee from any liability, penalty, or duty imposed by the Minnesota or federal statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege. This Certification does not authorize impacts to any waters beyond the project area.

This Certification does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (MEPA) or the National Environmental Policy Act (NEPA). In accordance with MEPA, Minn. Stat. §116D.04, subd. 2b and related rules, projects that are required to complete an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS) may not be started until:

- A petition for an EAW is dismissed,
- A negative declaration on the need for an EIS has been made,
- An EIS has been determined to be adequate, or
- A variance has been granted by the state Environmental Quality Board.

An Environmental Review, required by law, for any project, must be complete in order for any state permit or Certification to be valid.

The MPCA reserves the right to modify this Certification or revoke this Certification as provided in Minn. R. 7001.0270 and 33 U.S.C. §1341.

Pursuant to Minn. R. 7001.1450 and 33 U.S.C. §1341(a)(3), failure to comply with any of the conditions in this Certification may result in the MPCA invalidating or revoking this 401 Water Quality Certification on a project-by-project basis.

If you have questions on this Certification, please contact Kirsten Barta at 651-757-2827 or Kirsten.barta@state.mn.us.

Sincerely,

A handwritten signature in black ink that reads "Anna Hotz". The signature is written in a cursive, flowing style.

This document has been electronically signed.

Anna Hotz
Manager
Environmental and Business Assistance Section
Resource Management and Assistance Division

AH/KB:je

USFWS Correspondence

Plucker, Terry (Northern Natural Gas)

From: Utrup, Nick J <nick_utrup@fws.gov>
Sent: Wednesday, April 26, 2023 2:02 PM
To: Plucker, Terry (Northern Natural Gas)
Cc: Knabe, Susan; Fahrenkrog, Jake
Subject: [INTERNET] Re: [EXTERNAL] FW: Northern Natural Gas - Northern Lights 2023 - NLEB Consistency Letters - MANLAA

THIS MESSAGE IS FROM AN EXTERNAL SENDER.

Look closely at the **SENDER** address. Do not open **ATTACHMENTS** unless expected. Check for **INDICATORS** of phishing. Hover over **LINKS** before clicking. [Learn to spot a phishing message](#)

Hi Terry,

We concur with the Not Likely to Adversely Affect determinations for Northern Long-eared Bat (NLEB) as documented in the NLEB Consistency Letters.

Thanks,

Nick

Nick Utrup
Minnesota-Wisconsin Ecological Services Field Office
U.S. Fish and Wildlife Service
3815 American Boulevard East
Bloomington, MN 55425

Phone: (612) 600-6122

Email: Nick_Utrup@fws.gov

From: Plucker, Terry (Northern Natural Gas) <Terry.Plucker@nngco.com>
Sent: Friday, April 14, 2023 8:11 AM
To: Utrup, Nick J <nick_utrup@fws.gov>
Cc: Knabe, Susan <susan.knabe@stantec.com>; Fahrenkrog, Jake <jake.fahrenkrog@stantec.com>
Subject: [EXTERNAL] FW: Northern Natural Gas - Northern Lights 2023 - NLEB Consistency Letters - MANLAA

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

Nick,

Just following up on the request for concurrence with the attached consistency letters sent April 3, 2023.

Terry Plucker
Manager – Construction Environmental Compliance
Northern Natural Gas Company

402-398-7226 –Office

402-332-7081–Cell

From: Plucker, Terry (Northern Natural Gas)

Sent: Monday, April 3, 2023 10:53 AM

To: Utrup, Nick J <nick_utrup@fws.gov>

Cc: Fahrenkrog, Jake <jake.fahrenkrog@stantec.com>; Knabe, Susan <susan.knabe@stantec.com>

Subject: Northern Natural Gas - Northern Lights 2023 - NLEB Consistency Letters - MANLAA

Northern is acting as FERC's designated non-federal representative per 18 CFR § 380.13(b)(1) on the Northern Lights 2023 (FERC Docket CP22-138-000) project. I have attached the consistency letters for the six component projects that make up the Northern Lights 2023 project. Northern is seeking your concurrence with the determination key finding of May Affect, Not Likely to Adversely Affect for the NLEB all of the component projects. This would be in addition to your earlier concurrences of No effect for the NLEB dated February 1, 2023 and May Affect, Not Likely to Adversely for the rusty patched bumble bee for the Willmar component dated October 31, 2022.

FERC will request a written response, so please respond via email to this concurrence request.

Thank you,

Terry Plucker

Manager – Construction Environmental Compliance

Northern Natural Gas Company

1111 South 103rd Street

Omaha, NE 68124

402-398-7226 –Office

402-332-7081–Cell

This email, including attachments, may contain highly sensitive, confidential, proprietary or valuable information. It is intended only for the designated recipient(s) named above. Any unauthorized use, reproduction, forwarding or distribution of this transmission, including attachments, is prohibited. If you have received this communication in error, please immediately notify the sender and permanently delete any record of this transmission.

Plucker, Terry (Northern Natural Gas)

From: Plucker, Terry (Northern Natural Gas)
Sent: Friday, April 14, 2023 8:12 AM
To: Utrup, Nick J
Cc: Knabe, Susan; Fahrenkrog, Jake
Subject: FW: Northern Natural Gas - Northern Lights 2023 - NLEB Consistency Letters - MANLAA
Attachments: NLAA Consistency Letter_ Princeton Tie Over Loop.pdf; NLAA Consistency Letter_ Tomah Branch Line Loop.pdf; NLAA Consistency Letter_ Ventura North E-Line.pdf; NLAA Consistency Letter_ Wilmar D Branch Line.pdf; NLAA Consistency Letter_ Elk River Branch Line Loop.pdf; NLAA Consistency Letter_ Paynesville Branch Line Loop.pdf

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Terry Plucker
Manager – Construction Environmental Compliance
Northern Natural Gas Company
402-398-7226 –Office
402-332-7081–Cell

From: Plucker, Terry (Northern Natural Gas)
Sent: Monday, April 3, 2023 10:53 AM
To: Utrup, Nick J <nick_utrup@fws.gov>
Cc: Fahrenkrog, Jake <jake.fahrenkrog@stantec.com>; Knabe, Susan <susan.knabe@stantec.com>
Subject: Northern Natural Gas - Northern Lights 2023 - NLEB Consistency Letters - MANLAA

Northern is acting as FERC's designated non-federal representative per 18 CFR § 380.13(b)(1) on the Northern Lights 2023 (FERC Docket CP22-138-000) project. I have attached the consistency letters for the six component projects that make up the Northern Lights 2023 project. Northern is seeking your concurrence with the determination key finding of May Affect, Not Likely to Adversely Affect for the NLEB all of the component projects. This would be in addition to your earlier concurrences of No effect for the NLEB dated February 1, 2023 and May Affect, Not Likely to Adversely for the rusty patched bumble bee for the Willmar component dated October 31, 2022.

FERC will request a written response, so please respond via email to this concurrence request.

Thank you,

Terry Plucker
Manager – Construction Environmental Compliance
Northern Natural Gas Company
1111 South 103rd Street
Omaha, NE 68124
402-398-7226 –Office
402-332-7081–Cell



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793 Fax: (952) 646-2873



In Reply Refer To:
Project code: 2023-0062151
Project Name: Elk River Branch Line Loop (NLEB)
IPaC Record Locator: 786-124336495

March 29, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Federal Energy Regulatory Commission

Subject: Technical assistance for 'Elk River Branch Line Loop (NLEB)'

Dear Timothy Paquin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 29, 2023, for 'Elk River Branch Line Loop (NLEB)' (here forward, Project). This project has been assigned Project Code 2023-0062151 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

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

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

- Higgins Eye (pearlymussel) *Lampsilis higginsii* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential
- Winged Mapleleaf *Quadrula fragosa* Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Steps

Consultation with the Service is necessary. The project has a federal nexus (e.g., funds, permit), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects, and the Service concurs with the federal action agency's determination. Please provide this technical assistance letter to the lead federal action agency or its designated non-federal representative with a request for its review.

As the federal agency deems appropriate, they should submit their determination of effects to the appropriate Ecological Services Field Office. The lead federal action agency or designated non-federal representative can log into IPaC system using their agency email account and click "Search by record locator" to find this Project using **786-124336495**.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2023-0062151 associated with this Project.

Action Description

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

1. Name

Elk River Branch Line Loop (NLEB)

2. Description

The following description was provided for the project 'Elk River Branch Line Loop (NLEB)':

Northern proposes to construct and operate an approximately 1.00-mile loop of its 20-inch-diameter MNB87701 and 20-inch-diameter MNB87702 Elk River branch lines in Washington county, Minnesota. The proposed loop will take off inside Northern's existing Hugo compressor station via an extension of the station discharge header. The Hugo compressor station is located in Section 6, Township 31 North, Range 20 West, Washington County, Minnesota. The downstream tie-in to both 20-inch-diameter MNB87701 and 20-inch-diameter MNB87702 Elk River branch lines will be completed via hot taps in Section 36, T32N, R21W, Washington County, Minnesota

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.210645549999995,-92.8984520579467,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

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

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

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) present in the action area? Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections.

No

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

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

No

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

Yes

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

No

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

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

Yes

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

No

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

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

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

No

9. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

10. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

12. Will the action cause effects to a bridge?

No

13. Will the action result in effects to a culvert or tunnel?

No

14. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

15. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

16. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

17. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

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

No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

20. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

21. Will the action include drilling or blasting?

Yes

22. Will the drilling or blasting affect known or potentially suitable hibernacula, summer habitat, or active year-round habitat (where applicable) for the northern long-eared bat?

Note: In addition to direct impacts to hibernacula, consider impacts to hydrology or air flow that may impact the suitability of hibernacula. Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

23. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

24. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

25. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

26. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

27. Will the action use only downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) when installing new or replacing existing permanent lights? Or for those transportation agencies using the Backlight, Uplight, Glare (BUG) system developed by the Illuminating Engineering Society, will all three ratings (backlight, uplight, and glare) be as close to zero as is possible, with a priority of "uplight" of 0?

Yes

28. Will the action direct any temporary lighting away from suitable northern long-eared bat roosting habitat during the active season?

Note: Active season dates for northern long-eared bat can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

29. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

30. Will the action result in the use of prescribed fire?

No

31. Will the action cause noises that are louder than ambient baseline noises within the action area?

Yes

32. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?

Answer 'no' if the noises will occur only during the inactive period.

Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

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

Yes

IPAC USER CONTACT INFORMATION

Agency: Stantec Consulting Services
Name: Timothy Paquin
Address: One Carlson Parkway, Suite 100
City: Plymouth
State: MN
Zip: 55447
Email: tim.paquin@stantec.com
Phone: 9523340820

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Energy Regulatory Commission



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793 Fax: (952) 646-2873



In Reply Refer To:
Project code: 2023-0062410
Project Name: Paynesville Branch Line Loop (NLEB)
IPaC Record Locator: 166-124381151

March 30, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Federal Energy Regulatory Commission

Subject: Technical assistance for 'Paynesville Branch Line Loop (NLEB)'

Dear Timothy Paquin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 30, 2023, for 'Paynesville Branch Line Loop (NLEB)' (here forward, Project). This project has been assigned Project Code 2023-0062410 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

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

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

- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Steps

Consultation with the Service is necessary. The project has a federal nexus (e.g., funds, permit), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects, and the Service concurs with the federal action agency's determination. Please provide this technical assistance letter to the lead federal action agency or its designated non-federal representative with a request for its review.

As the federal agency deems appropriate, they should submit their determination of effects to the appropriate Ecological Services Field Office. The lead federal action agency or designated non-federal representative can log into IPaC system using their agency email account and click "Search by record locator" to find this Project using **166-124381151**.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2023-0062410 associated with this Project.

Action Description

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

1. Name

Paynesville Branch Line Loop (NLEB)

2. Description

The following description was provided for the project 'Paynesville Branch Line Loop (NLEB)':

Northern proposes to construct and operate an approximately 1.82-mile 4-inch-diameter loop of its 3-inch-diameter MNB59201 Paynesville branch line in Stearns County, Minnesota. The proposed loop will be tied in below grade via stopple tie-in in Section 29, Township 123 North, Range 31 West, Stearns County, Minnesota. This location also is known as the Dooley's MN #2 TBS on the east side of Highway 123. The downstream tie-in to both its 3-inch-diameter MNB59201 Paynesville branch line and MNB59601 Roscoe branch line will be in Section 30, T123N, R31W, Stearns County, Minnesota.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.4306099,-94.6061039234046,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

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

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

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) present in the action area? Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections.

No

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

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

No

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

Yes

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

No

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

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

Yes

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

No

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

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

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

No

9. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

10. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

12. Will the action cause effects to a bridge?

No

13. Will the action result in effects to a culvert or tunnel?

No

14. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

15. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

16. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

17. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

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

No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

20. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

21. Will the action include drilling or blasting?

Yes

22. Will the drilling or blasting affect known or potentially suitable hibernacula, summer habitat, or active year-round habitat (where applicable) for the northern long-eared bat?

Note: In addition to direct impacts to hibernacula, consider impacts to hydrology or air flow that may impact the suitability of hibernacula. Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

23. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

24. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

25. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

26. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

27. Will the action use only downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) when installing new or replacing existing permanent lights? Or for those transportation agencies using the Backlight, Uplight, Glare (BUG) system developed by the Illuminating Engineering Society, will all three ratings (backlight, uplight, and glare) be as close to zero as is possible, with a priority of "uplight" of 0?

Yes

28. Will the action direct any temporary lighting away from suitable northern long-eared bat roosting habitat during the active season?

Note: Active season dates for northern long-eared bat can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

29. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

30. Will the action result in the use of prescribed fire?

No

31. Will the action cause noises that are louder than ambient baseline noises within the action area?

Yes

32. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?
Answer 'no' if the noises will occur only during the inactive period.

Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

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

Yes

IPAC USER CONTACT INFORMATION

Agency: Stantec Consulting Services
Name: Timothy Paquin
Address: One Carlson Parkway, Suite 100
City: Plymouth
State: MN
Zip: 55447
Email: tim.paquin@stantec.com
Phone: 9523340820

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Energy Regulatory Commission



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793 Fax: (952) 646-2873



In Reply Refer To:
Project code: 2023-0062391
Project Name: Princeton Tie Over Loop (NLEB)
IPaC Record Locator: 476-124379631

March 30, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Federal Energy Regulatory Commission

Subject: Technical assistance for 'Princeton Tie Over Loop (NLEB)'

Dear Timothy Paquin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 30, 2023, for 'Princeton Tie Over Loop (NLEB)' (here forward, Project). This project has been assigned Project Code 2023-0062391 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

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

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

- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Steps

Consultation with the Service is necessary. The project has a federal nexus (e.g., funds, permit), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects, and the Service concurs with the federal action agency's determination. Please provide this technical assistance letter to the lead federal action agency or its designated non-federal representative with a request for its review.

As the federal agency deems appropriate, they should submit their determination of effects to the appropriate Ecological Services Field Office. The lead federal action agency or designated non-federal representative can log into IPaC system using their agency email account and click "Search by record locator" to find this Project using **476-124379631**.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2023-0062391 associated with this Project.

Action Description

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

1. Name

Princeton Tie Over Loop (NLEB)

2. Description

The following description was provided for the project 'Princeton Tie Over Loop (NLEB)':

Northern proposes to construct and operate an approximately 2.47-mile extension of its 8-inch diameter MNB91902 Princeton tie-over loop. The proposed extension will be located between Section 35, T35N, R26W and Section 11, T34N, R26W, Sherburne County, Minnesota. Northern will remove the existing aboveground valve setting and driveway on the north side of 281st Avenue in Section 35, T35N, R26W, Sherburne County, Minnesota. Additionally, Northern plans to install a valve inside an existing aboveground facility at the terminus of the Princeton branch line, on the north side of 261st Avenue, Section 11, T34N, R26W, Sherburne County, Minnesota.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.46231315,-93.53658195935482,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

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

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

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) present in the action area? Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections.

No

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

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

No

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

Yes

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

No

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

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

Yes

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

No

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

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

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

No

9. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

10. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

12. Will the action cause effects to a bridge?

No

13. Will the action result in effects to a culvert or tunnel?

No

14. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

15. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

16. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

17. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

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

No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

20. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

21. Will the action include drilling or blasting?

Yes

22. Will the drilling or blasting affect known or potentially suitable hibernacula, summer habitat, or active year-round habitat (where applicable) for the northern long-eared bat?

Note: In addition to direct impacts to hibernacula, consider impacts to hydrology or air flow that may impact the suitability of hibernacula. Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

23. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

24. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

25. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

26. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

27. Will the action use only downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) when installing new or replacing existing permanent lights? Or for those transportation agencies using the Backlight, Uplight, Glare (BUG) system developed by the Illuminating Engineering Society, will all three ratings (backlight, uplight, and glare) be as close to zero as is possible, with a priority of "uplight" of 0?

Yes

28. Will the action direct any temporary lighting away from suitable northern long-eared bat roosting habitat during the active season?

Note: Active season dates for northern long-eared bat can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

29. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

30. Will the action result in the use of prescribed fire?

No

31. Will the action cause noises that are louder than ambient baseline noises within the action area?

Yes

32. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?
Answer 'no' if the noises will occur only during the inactive period.

Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

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

Yes

IPAC USER CONTACT INFORMATION

Agency: Stantec Consulting Services
Name: Timothy Paquin
Address: One Carlson Parkway, Suite 100
City: Plymouth
State: MN
Zip: 55447
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Phone: 9523340820

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Energy Regulatory Commission



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
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In Reply Refer To:
Project code: 2023-0062229
Project Name: Tomah Branch Line Loop (NLEB)
IPaC Record Locator: 828-124355132

March 29, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Federal Energy Regulatory Commission

Subject: Technical assistance for 'Tomah Branch Line Loop (NLEB)'

Dear Timothy Paquin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 29, 2023, for 'Tomah Branch Line Loop (NLEB)' (here forward, Project). This project has been assigned Project Code 2023-0062229 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

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

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

- Gray Wolf *Canis lupus* Endangered
- Karner Blue Butterfly *Lycaeides melissa samuelis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Wild Monkshood *Aconitum noveboracense* Threatened
- Rusty Patched Bumble Bee *Bombus affinis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Steps

Consultation with the Service is necessary. The project has a federal nexus (e.g., funds, permit), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects, and the Service concurs with the federal action agency's determination. Please provide this technical assistance letter to the lead federal action agency or its designated non-federal representative with a request for its review.

As the federal agency deems appropriate, they should submit their determination of effects to the appropriate Ecological Services Field Office. The lead federal action agency or designated non-federal representative can log into IPaC system using their agency email account and click "Search by record locator" to find this Project using **828-124355132**.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2023-0062229 associated with this Project.

Action Description

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

1. Name

Tomah Branch Line Loop (NLEB)

2. Description

The following description was provided for the project 'Tomah Branch Line Loop (NLEB)':

Northern proposes to construct and operate an approximately 0.33-mile of its 8-inch-diameter extension of its existing 8-inch-diameter WIB11902 Tomah branch line loop in Monroe County, Wisconsin. The proposed extension will be tied in below grade at the current termination of the 8-inch-diameter WIB11902 Tomah branch line loop in Section 2, T17N, R3W, Monroe County Wisconsin. This location is located within the existing Tomah branch line loop receiver, on the west county Highway B side. The downstream tie-in to is 6-inch-diameter WIB11901 Tomah branch line in Section 1, T17N, R4W, Monroe County, Wisconsin

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.972038600000005,-90.81208118524557,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

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

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

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) present in the action area? Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections.

No

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

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

No

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

Yes

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

No

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

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

Yes

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

No

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

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

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

No

9. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

10. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

11. Will the action cause effects to a bridge?

No

12. Will the action result in effects to a culvert or tunnel?

No

13. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

14. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

15. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

16. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

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

No

17. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

18. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

19. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

20. Will the action include drilling or blasting?

Yes

21. Will the drilling or blasting affect known or potentially suitable hibernacula, summer habitat, or active year-round habitat (where applicable) for the northern long-eared bat?

Note: In addition to direct impacts to hibernacula, consider impacts to hydrology or air flow that may impact the suitability of hibernacula. Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

22. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

23. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

24. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

25. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

26. Will the action use only downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) when installing new or replacing existing permanent lights? Or for those transportation agencies using the Backlight, Uplight, Glare (BUG) system developed by the Illuminating Engineering Society, will all three ratings (backlight, uplight, and glare) be as close to zero as is possible, with a priority of "uplight" of 0?

Yes

27. Will the action direct any temporary lighting away from suitable northern long-eared bat roosting habitat during the active season?

Note: Active season dates for northern long-eared bat can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

28. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

29. Will the action result in the use of prescribed fire?

No

30. Will the action cause noises that are louder than ambient baseline noises within the action area?

Yes

31. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?

Answer 'no' if the noises will occur only during the inactive period.

Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

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

Yes

IPAC USER CONTACT INFORMATION

Agency: Stantec Consulting Services
Name: Timothy Paquin
Address: One Carlson Parkway, Suite 100
City: Plymouth
State: MN
Zip: 55447
Email: tim.paquin@stantec.com
Phone: 9523340820

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Energy Regulatory Commission



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793 Fax: (952) 646-2873



In Reply Refer To:
Project code: 2023-0062745
Project Name: Ventura North E-Line (NLEB)
IPaC Record Locator: 476-124415600

March 30, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Federal Energy Regulatory Commission

Subject: Technical assistance for 'Ventura North E-Line (NLEB)'

Dear Timothy Paquin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 30, 2023, for 'Ventura North E-Line (NLEB)' (here forward, Project). This project has been assigned Project Code 2023-0062745 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

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

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

- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Steps

Consultation with the Service is necessary. The project has a federal nexus (e.g., funds, permit), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects, and the Service concurs with the federal action agency's determination. Please provide this technical assistance letter to the lead federal action agency or its designated non-federal representative with a request for its review.

As the federal agency deems appropriate, they should submit their determination of effects to the appropriate Ecological Services Field Office. The lead federal action agency or designated non-federal representative can log into IPaC system using their agency email account and click "Search by record locator" to find this Project using **476-124415600**.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2023-0062745 associated with this Project.

Action Description

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

1. Name

Ventura North E-Line (NLEB)

2. Description

The following description was provided for the project 'Ventura North E-Line (NLEB)':

Northern proposes to construct and operate an approximately 2.79-mile extension of its 36-inch diameter Ventura North E-line. The proposed extension will be located between Section 27, T101N, R22W and Section 16, T101N, R22W, Freeborn County, Minnesota. Northern will remove the existing aboveground valve setting in Section 27, T101N, R22W, Freeborn County, Minnesota. Additionally, Northern plans to construct and operate an aboveground valve setting in Section 16, T101N, Range 22W, Freeborn County, Minnesota.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.5329213,-93.46623688635961,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

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

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

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) present in the action area? Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections.

No

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

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

No

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

Yes

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

No

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

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

Yes

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

No

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

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

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

No

9. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

10. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

12. Will the action cause effects to a bridge?

No

13. Will the action result in effects to a culvert or tunnel?

No

14. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

15. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

16. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

17. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

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

No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

20. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

21. Will the action include drilling or blasting?

Yes

22. Will the drilling or blasting affect known or potentially suitable hibernacula, summer habitat, or active year-round habitat (where applicable) for the northern long-eared bat?

Note: In addition to direct impacts to hibernacula, consider impacts to hydrology or air flow that may impact the suitability of hibernacula. Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

23. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

24. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

25. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

26. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

27. Will the action use only downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) when installing new or replacing existing permanent lights? Or for those transportation agencies using the Backlight, Uplight, Glare (BUG) system developed by the Illuminating Engineering Society, will all three ratings (backlight, uplight, and glare) be as close to zero as is possible, with a priority of "uplight" of 0?

Yes

28. Will the action direct any temporary lighting away from suitable northern long-eared bat roosting habitat during the active season?

Note: Active season dates for northern long-eared bat can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

29. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

30. Will the action result in the use of prescribed fire?

No

31. Will the action cause noises that are louder than ambient baseline noises within the action area?

Yes

32. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?
Answer 'no' if the noises will occur only during the inactive period.

Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

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

Yes

IPAC USER CONTACT INFORMATION

Agency: Stantec Consulting Services
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LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Energy Regulatory Commission



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793 Fax: (952) 646-2873



In Reply Refer To:
Project code: 2023-0062766
Project Name: Wilmar D Branch Line (NLEB)
IPaC Record Locator: 853-124417910

March 30, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Federal Energy Regulatory Commission

Subject: Technical assistance for 'Wilmar D Branch Line (NLEB)'

Dear Timothy Paquin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 30, 2023, for 'Wilmar D Branch Line (NLEB)' (here forward, Project). This project has been assigned Project Code 2023-0062766 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

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

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

- Monarch Butterfly *Danaus plexippus* Candidate
- Rusty Patched Bumble Bee *Bombus affinis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Steps

Consultation with the Service is necessary. The project has a federal nexus (e.g., funds, permit), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects, and the Service concurs with the federal action agency's determination. Please provide this technical assistance letter to the lead federal action agency or its designated non-federal representative with a request for its review.

As the federal agency deems appropriate, they should submit their determination of effects to the appropriate Ecological Services Field Office. The lead federal action agency or designated non-federal representative can log into IPaC system using their agency email account and click "Search by record locator" to find this Project using **853-124417910**.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2023-0062766 associated with this Project.

Action Description

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

1. Name

Wilmar D Branch Line (NLEB)

2. Description

The following description was provided for the project 'Wilmar D Branch Line (NLEB)':

Northern proposes to construct and operate an approximately 1.14-mile extension of its 24-inch diameter MNB75603 Willmar D-line. The proposed extension will be located between the east side of Huntington Way in Section 27, T114N, R21W and Section 21, T114N, R21W, Scott County, Minnesota. Northern will remove the existing aboveground valve setting on the east side of Huntington Way in Section 27, T114N, R21W, Scott County, Minnesota. Additionally, Northern plans to construct and operate an aboveground valve setting at the terminus of the proposed Willmar D branch line, on the east side of Vernon Avenue, Section 21, T114N, R21W, Scott County, Minnesota.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.6562781,-93.33872122848365,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

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

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

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) present in the action area? Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections.

No

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

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

No

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

Yes

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

No

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

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

Yes

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

No

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

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

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

No

9. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

10. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

12. Will the action cause effects to a bridge?

No

13. Will the action result in effects to a culvert or tunnel?

No

14. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

15. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

16. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

17. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

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

No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

20. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

21. Will the action include drilling or blasting?

Yes

22. Will the drilling or blasting affect known or potentially suitable hibernacula, summer habitat, or active year-round habitat (where applicable) for the northern long-eared bat?

Note: In addition to direct impacts to hibernacula, consider impacts to hydrology or air flow that may impact the suitability of hibernacula. Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

23. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

24. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

25. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

26. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

27. Will the action use only downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) when installing new or replacing existing permanent lights? Or for those transportation agencies using the Backlight, Uplight, Glare (BUG) system developed by the Illuminating Engineering Society, will all three ratings (backlight, uplight, and glare) be as close to zero as is possible, with a priority of "uplight" of 0?

Yes

28. Will the action direct any temporary lighting away from suitable northern long-eared bat roosting habitat during the active season?

Note: Active season dates for northern long-eared bat can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

29. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

30. Will the action result in the use of prescribed fire?

No

31. Will the action cause noises that are louder than ambient baseline noises within the action area?

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32. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?

Answer 'no' if the noises will occur only during the inactive period.

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Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

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Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

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

Yes

IPAC USER CONTACT INFORMATION

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State: MN
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Email: tim.paquin@stantec.com
Phone: 9523340820

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Energy Regulatory Commission
