



Northern Natural Gas Company
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402 398-7200

November 15, 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
Northern Lights 2023 Expansion
Docket No. CP22-138-000
Implementation Plan (Response to Conditions of Order) and Request for
Notice to Proceed with Construction**

Dear Ms. Bose:

Northern Natural Gas (Northern) hereby submits for filing with the Federal Energy Regulatory Commission (FERC or Commission) in the above-referenced docket its responses to the environmental conditions included in the Appendix of the Order Issuing Certificate issued September 25, 2023. In accordance with Ordering Paragraph B(4), Northern also is affirming that firm contracts for capacity levels and terms of service have been executed with Northern's customers.

The filing consists of the following:

Responses/Implementation Plan (Public Information)

- This transmittal letter
- Responses to conditions 1 through 14

Map Book (11 x 17) – (Public Information)

- Figure 1-4 (alignment sheets)
- Figure 1-8 (conventional bore plan and profiles)
- Horizontal directional drill (HDD) plan and profile drawings/ Site-specific plans

Map Book (11 x 17) (Privileged Information)

- Figure 1-5 (alignment sheets)

Critical Energy Infrastructure Information (CEII)

- Figure 1-6 (plot plan)

The privileged alignment sheets (Figure 1-5) contain confidential information regarding landowner names and have therefore been segregated and labeled **CUI//PRIV ---DO NOT RELEASE**. Figure 1-6 provides operational and engineering details and has been segregated and labeled **CUI//CEII – DO NOT RELEASE**. Pursuant to 18 CFR § 388.112, Northern requests confidential and privileged treatment of the privileged and CEII data.

The person to be contacted regarding the request for privileged and confidential treatment is as follows:

Donna Martens
Senior Regulatory Analyst
Northern Natural Gas Company
1111 South 103rd Street
Omaha, NE 68124-1000
Telephone: 402-398-7138
Email: donna.martens@nngco.com

Based upon the information provided in the attached, Northern is requesting the Director of the Office of Energy Project (OEP) issue written: (1) approval of the modifications described in Condition 5; (2) approval of Northern's Implementation Plan provided in Condition 6; (3) approval to file quarterly reports in lieu of weekly reports until the commencement of construction as described in Condition 8; (4) notification that FERC has completed its Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service and that Northern can commence construction and/or use of mitigation measures as described in Condition 13; (5) approval of the updated HDD mitigation plan described in Condition 14; (6) approval for the variance request to conduct HDD pullback activities for one night at HDD P4-3 and one night at P4-2 on the Elk River branch line loop even if the noise level exceeds 55 dBA Ldn as described in Condition 14; and (7) approval to commence construction and/or abandonment activities. Northern also requests the commission issue approval of Northern's responses to Condition 1, 2, 3, 4, 7, 8, 9, 10, 11, and 12.

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

Respectfully Submitted,

/s/ Donna Martens

Donna Martens
Senior Regulatory Analyst

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-01
Requester's Name:	Paul Friedman
Subject:	Construction Procedures and Mitigation Measures

Condition 1:

Northern shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the EIS, unless modified by the Order. Northern must:

- a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
- b. justify each modification relative to site-specific conditions;
- c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
- d. receive approval in writing from the Director of the Office of Energy Projects (OEP), or the Director's designee, before using that modification.

Northern Response:

Northern will follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the environmental impact statement, unless modified by the Order. Northern will:

- a. request any modification to these procedures, measures, or conditions in a filing with the Secretary;
- b. justify each modification relative to site-specific conditions;
- c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
- d. receive approval in writing from the Director of OEP, or the Director's designee, before using that modification.

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-02
Requester's Name:	Paul Friedman
Subject:	Director of OEP Authority

Condition 2:

The Director of OEP, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the Northern Lights 2023 Expansion Project. This authority shall allow:

- a. the modification of conditions of the Order;
- b. stop-work authority; and
- c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental impact resulting from project construction and operation.

Northern Response:

Northern understands the Director of the Office of Energy Projects (OEP), or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the Project.

Northern further understands this authority allows:

- a. the modification of conditions of the Order;
- b. stop-work authority; and
- c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental impact resulting from project construction and operation.

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-03
Requester's Name:	Paul Friedman
Subject:	Affirmative Statement - Training

Condition 3:

Prior to any construction, Northern shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EIs), and contractor personnel would be informed of the EI's authority and have been or would be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities.

Northern Response:

Attached is Northern's affirmative statement, certified by Brian J. Mundt, Vice President, Operations, stating that all company personnel, EIs, and contractor personnel will be informed of the EIs' authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities.

AFFIRMATIVE STATEMENT

The undersigned, Brian J. Mundt, vice president, operations, hereby certifies that all company personnel, environmental inspectors (EIs), and contractor personnel will be informed of the EIs' authority and will be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities as specified in the Order issued in Docket No. CP22-138-000.

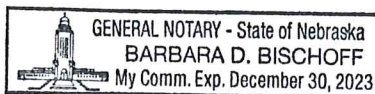
State of Nebraska §
 § SS.
County of Douglas §


Brian J. Mundt, vice president, operations, being duly sworn, hereby attests that he has read the attached Affirmative Statement submitted on behalf of Northern Natural Gas Company in the matter Northern Natural Gas Company at Docket No. CP22-138-000 and hereby certifies that the affirmative statement is true to the best of his knowledge, information and belief.



Brian J. Mundt
Vice President, Operations

Subscribed and sworn to before me, a Notary Public in and for the state of Nebraska, the 13 day of November 2023.





Notary Public

(Seal)

My Commission Expires: Dec. 30, 2023.

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-04
Requester's Name:	Paul Friedman
Subject:	Authorized Facility Locations

Condition 4:

The authorized facility locations shall be as shown in the EIS. As soon as they are available, and before the start of construction, Northern shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order. All requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

Northern's exercise of eminent domain authority granted under Natural Gas Act Section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. Northern's right of eminent domain granted under Natural Gas Act Section 7(h) does not authorize it to increase the size of its natural gas facilities to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

Northern Response:

At this time, Northern is proposing no changes to the authorized facility locations depicted in the final environmental impact statement. Should any of these locations change, Northern will file with the Secretary revised detailed survey alignment maps/sheets or aerial photographs depicting the change and request written approval from the Director of OEP for the revised location. Northern understands all requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

Northern understands its exercise of eminent domain authority granted under Natural Gas Act (NGA) Section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. Northern further understands its right of eminent domain granted under NGA Section 7(h) does not authorize it to increase the size of its natural gas facilities to accommodate future needs or to acquire a right of way for a pipeline to transport a commodity other than natural gas. Northern has, in fact, acquired all property interest required for the construction and operation of the project facilities. No landowners filed in opposition to the project. Further, Northern states for the record it will not, and has no need to, initiate any eminent domain proceedings to acquire property for this project.

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-05
Requester's Name:	Paul Friedman
Subject:	Alignment Sheets – Disturbed or To Be Used Areas Not Previously Identified

Condition 5:

Northern shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP, or the Director's designee, before construction in or near that area.

This requirement does not apply to extra workspace allowed by the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and/or minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
- b. implementation of endangered, threatened, or special concern species mitigation measures;
- c. recommendations by state regulatory authorities; and
- d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

Northern Response:

Northern understands extra workspace allowed by the Upland Erosion Control, Revegetation, and Maintenance Plan as well as minor field realignments per landowner needs and requirements that do not affect other landowners or sensitive environmental areas such as wetlands does not require written approval from the Director of the Office of Energy Projects (OEP), or the Director's designee, prior to using such workspace.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- 1) Implementation of cultural resources mitigation measures;
- 2) Implementation of endangered, threatened, or special concern species mitigation measures;
- 3) Recommendations by state regulatory authorities; and
- 4) Agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

At this time, Northern is submitting the following proposals as revisions to Project components. Alignment sheets, and aerial photographs depicting the proposed revisions are indicated by a delta (F3) symbol on the revised alignment sheets; a complete set of alignment sheets is attached. Revised horizontal directional drill (HDD) plan and profile drawings and site specific plans (SSP), a revised site specific bore plan (Figure 1-8), and a revised facility plot plan (Figure 1-6) reflecting these changes also are attached. A separate version of the alignment sheets, which provides landowner names and the location of environmental sensitive areas (Figure 1-5), is segregated and labeled “CUI//PRIV - DO NOT RELEASE.” The facility plot plan provides specific engineering and/or operational information and is segregated and labeled “CUI/CEII – DO NOT RELEASE.”

All proposed revisions fall within the environmentally surveyed and cleared areas and will not result in any additional impacts to cultural resources, threatened and endangered species or their habitats, or wetlands and waterbodies. There are no environmentally sensitive areas located on or abutting the proposed changes. No additional agency consultations are required. The land use for the revisions is the same as the originally proposed alignment. No new landowners not previously identified as part of the project are affected by the proposed revisions. As indicated in the descriptions provided below, Northern has received written approval from the existing landowner for the proposed revisions, where applicable.

Northern respectfully requests the Director of OEP issue written approval for the revisions described below.

Paynesville 2nd Branch Line

Alignment Sheet PBL P3-3/Aerial AR-02: Northern was unable to obtain a permit for access off State Highway 23 and therefore removed access road (AR04) at approximate mile post (MP) 0.98. As a result, Aerial AR-02 was removed from the set of alignment sheets.

Alignment Sheet PBL P3-4: Northern made a minor adjustment to the temporary workspace (TWS) located at approximate MP 1.19. The TWS crossed over onto the southwest corner of Tract ST-006 Northern shifted the TWS at this location to avoid any disturbance to Tract ST-006, which is no longer directly affected by the project.

Elk River 3rd Branch Line

Alignment Sheet ERT P3-1: As follow-up to Northern’s response filed August 15, 2022, to FERC data request Resource Report 8 – 008 dated August 3, 2022, regarding a residential site-specific plan for a residence to be built on tract WA-004 (approximate MP 0.27), the residence is located 58 feet from the edge of the TWS. Therefore, no residential site-specific plan is required. The attached alignment sheet ERT P3-1 depicts the location of the new residence. As noted in Northern’s August 15 response, Northern and the landowner have worked out a plan managing access to the residence during construction.

Northern's contractor will provide access to the residence at all times during construction of the project. Northern's right of way department will make notification to the landowner at least 24 hours in advance to determine and plan for any impacts to access. Northern's contractor will likely use a steel plate to maintain access and work around the landowner's schedule to work only when the landowner is away, when possible, to have the least impact.

Alignment Sheet ERT P3-2: The northern corner of the TWS from approximate MP 0.72 to 0.75 has been reduced to end at the wetland (ERT-W22) boundary. The alignment sheet filed with the section 7 application correctly depicted the TWS ending at the wetland boundary; however, the TWS was inadvertently extended beyond the wetland boundary on alignment sheet ERT P3-2 filed August 16, 2022, with Northern's responses to data requests. No written response describing or seeking approval of the revised TWS was included with the August 16 filing. With this filing, Northern is correcting the TWS back to what was depicted on the original alignment sheet filed with the section 7 application. HDD plan and profile ERT P4-3 also has been revised to reflect the correct TWS.

Per landowner request, ETWS07 (extra temporary workspace) has been reduced to avoid a septic system. The ETWS has been removed east of the section line from approximate MP 0.48 to MP 0.52 for a reduction of 0.28 acres. HDD Plan and Profile ERT P4-2 has been revised to reflect the reduced ETWS.

Alignment Sheet ERT P3-3: Northern has reduced ETWS09 and removed the associated road approach at approximate MP 1.06 to avoid a recently discovered fox den for a reduction of 0.11 acres. HDD plan and profile ERT P4-3 and site-specific plan SSP-003 have been revised to reflect the reduced ETWS and removal of the road approach.

The Stantec Consulting (Stantec) sound engineer ran additional sound models for all the drills to address the September 9, 2022, FERC data request 11; Northern's response was filed September 22, 2022. HDD site-specific plans SSP-002, and -003 have been revised to reflect applicable sound barrier requirements during all drilling activities based on the sound models.

Princeton Tie-over Loop

Alignment Sheet PRB P3-1: Northern proposes to expand the existing 20-foot by 20-foot tie-over valve setting site and install a remote monitoring valve (RMV) at approximate MP 8.78 (north side of 281st Avenue). Northern originally planned to remove the facilities at this location and return the land to original grade. However, in accordance with the Pipeline and Hazardous Materials Safety Administration (PHMSA) Mega Rule, Northern plans to remove the existing facilities (above-ground valve setting, tie-over piping and guard rail) and install a RMV at this location. The expanded site will include a block valve setting and an 8 foot by 10 foot electronic flow measurement building. The expanded site will measure 75 feet by 60 feet, which will be covered by rock. A 55-foot by 40-foot security fence will be installed to provide a 10-foot rocked buffer between the facility site and the adjacent property boundary. The existing 48-foot by 20-foot driveway will provide access to the site off 281st Avenue. Northern received written approval from the landowner for the expanded site March 19, 2023. HDD Plan and Profile P4-1 has been revised to reflect the expanded site. A facility plot plan (Figure 1-6) showing the expanded site also is attached; the plot plan is segregated and labeled **"CUI//CEII (Critical Energy Infrastructure Information) – DO NOT RELEASE"**.

Alignment Sheets PRB P3-6 and P3-7: Per landowner request, ETWS25 has been removed from Tract SH-030 for a reduction of 0.35 acres; the section of ETWS25 on Tract SH-031 has not been modified. In

addition, in order to avoid septic systems, Northern is proposing revisions to HDD PRB P4-7. The HDD has been extended from 1,227 feet to 1,382 feet, the entry and exit points have been switched to accommodate a one-segment pullback, there is a slight shift in the centerline five feet east from MP 10.73 to MP 11.02, and ETWS26 has been shifted to the south and reduced by 0.02 acre. The attached HDD plan and profile PRB P4-7 and site-specific plan PRB SSP-007 have been revised to reflect the revised HDD and ETWS. Northern received written approval December 5, 2022, from the landowner for the revised location of ETWS26.

The Stantec Consulting (Stantec) sound engineer ran additional sound models for all the drills to address the September 9, 2022, FERC data request 11; Northern's response was filed September 22, 2022. Site-specific plans SSP-001, -002, -005, -006 and -007 have been revised to reflect applicable sound barrier requirements during all drilling activities based on the sound models.

Wilmar D Branch Line

Alignment Sheet WIL P3-1: Northern removed ETWS07 (approximate MP 2.53 to 2.55) and access road AR04 (approximate MP 2.55 to 2.58). The workspace and access road were originally proposed to expose two of Northern's existing pipelines (MNB75601 and MNB75602); the new pipeline crosses over these two existing pipelines. Following a review of Northern's records, it was determined there is enough clearance between the existing and new pipelines that the existing pipelines do not need to be exposed prior to installation of the new branch line; therefore, ETWS07 and AR04 are no longer required.

The HDD plan and profile (P4-2) and site-specific plan (SSP-002) have been revised to reflect the removal of ETWS07 and AR04 discussed above as well as a modified drilling profile to reduce the likelihood of an inadvertent release of drilling fluid. The revised profile increases the length of the HDD from 646 feet to 654 feet with a slight shift in the location of the HDD entry and exit pits; there will be no change in workspace.

The Stantec Consulting (Stantec) sound engineer ran additional sound models for all the drills to address the September 9, 2022, FERC data request 11; Northern's response was filed September 22, 2022. HDD site-specific plans SSP-001 and SSP-002 have been revised to reflect applicable sound barrier requirements during all drilling activities based on the sound models.

Tomah Branch Line Loop

No modifications were made to the workspace or facility sites depicted on alignment sheet TBL P3-1.

The labels on the TBL P4-1 HDD Site-specific Plan (TBL SSP-001) stating sound barriers will be installed only during nighttime drilling was removed. The HDD contractor determined that nighttime drilling will not be required to complete this HDD.

Ventura North E-line

Alignment Sheet VBL P3-4: The P3-4 conventional bore at MP 29.9 was shorten in length from 327 feet to 234 feet. Northern determined there was no railroad property at this location allowing the conventional bore to be moved closer to the east side of Highway 69. No revisions to workspace is required at a result of

the shortened bore. The attached Plan and Profile VBL P4-1 (Figure 1-8) has been revised to reflect the shortened bore.

Condition 5

Figure 1-4

Public Alignment Sheets

SEE PUBLIC MAP BOOK

Condition 5

Figure 1-8

CONVENTIONAL BORE PLAN AND PROFILES

SEE PUBLIC MAP BOOK

Condition 5

HDD PLAN AND PROFILES/SITE-SPECIFIC PLANS

SEE PUBLIC MAP BOOK

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-06
Requester's Name:	Paul Friedman
Subject:	Implementation Plan

Condition 6:

Within 60 days of the acceptance of the authorization and before construction begins, Northern shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP, or the Director's designee. Northern must file revisions to the plan as schedules change. The plan shall identify:

- a. how Northern would implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EIS, and required by the Order;
- b. how Northern would incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
- c. the number of EIs assigned, and how the company would ensure that sufficient personnel are available to implement the environmental mitigation;
- d. company personnel, including EIs and contractors, who would receive copies of the appropriate material;
- e. the location and dates of the environmental compliance training and instructions Northern would give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change), with the opportunity for OEP staff to participate in the training session(s);
- f. the company personnel (if known) and specific portion of Northern's organization having responsibility for compliance;
- g. the procedures (including use of contract penalties) Northern would follow if noncompliance occurs; and
- h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
 - i. the completion of all required surveys and reports;

- ii. the environmental compliance training of on-site personnel;
- iii. the start of construction; and
- iv. the start and completion of restoration.

Northern Response:

Attached is Northern's Implementation Plan for the Project. Northern requests the Director of the Office of Energy Projects (OEP) issue written approval of the plan and authorization to proceed with construction. Northern will file revisions to the plan as schedules change. The plan identifies:

- a. how Northern will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EIS, and required by the Order;
- b. how Northern will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
- c. the number of EIs assigned, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
- d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;
- e. the location and dates of the environmental compliance training and instructions Northern will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change); with the opportunity for OEP staff to participate in the training session(s);
- f. the company personnel and specific portion of Northern's organization having responsibility for compliance; and
- g. the procedures (including use of contract penalties) Northern will follow if noncompliance occurs.

Also attached is a Gantt chart for the project components, which identifies estimated dates for:

- (1) completion of all required surveys and reports;
- (2) environmental compliance training of onsite personnel;
- (3) start of construction; and
- (4) start and completion of restoration.

Northern notes that the start of construction date is tentative and is dependent upon receipt of a Notice to Proceed from the Director of OEP.

NORTHERN NATURAL GAS COMPANY

IMPLEMENTATION PLAN

Northern Lights 2023

Docket Number CP22-138-000

- 6a&b. Northern included the Federal Energy Regulatory Commission's (FERC) Upland Erosion Control, Revegetation, and Maintenance Plan and the Wetland and Waterbody Construction and Mitigation Procedures¹ as part of the contract documents required to be followed by the facility construction contractors. Northern's contracts require contractors to comply with all valid applicable federal and state laws and any applicable local law, ordinance, or regulations thereunder, issued or promulgated by units of government and regulatory bodies with jurisdiction over any aspect of the work. The contract documents include the construction procedures and mitigation measures described in Northern's filings with FERC and any additional requirements identified in the Final Environmental Impact State (FEIS) and in the Order; these will be discussed in detail at the environmental training sessions required for all inspection and construction personnel conducted prior to commencing project construction. Environmental training will be provided to all new construction personnel assigned to each project after the start of project construction. The contract documents contain work stoppage and/or termination rights in the event of noncompliance with any of the requirements described above or for substandard workmanship by the contractor or subcontractors. The contract documents require the contractor to complete any corrective work necessary to comply with all federal and state laws and any applicable local government permits and any applicable statute, ordinance, order, rule, or regulation. If unacceptable work is not corrected in a responsive manner, Northern retains the right to terminate the contract with the contractor responsible for the noncompliance or unacceptable work and to award the work to an acceptable replacement contractor.
- 6c. Northern will employ full-time Environmental Inspectors (EIs) for each construction spread. The EIs' responsibility will be to monitor and ensure environmental compliance for the project. As currently planned, the six pipeline components will be constructed in parallel; therefore, separate EIs are planned for each component. As a result, Northern plans to employ a minimum of six full-time EIs for the Project. Northern also will employ additional EIs for the pipeline project components, as necessary, to ensure all HDDs are monitored during construction. The EIs will be responsible for the compilation of the data for the environmental status reports, monitoring environmental aspects of construction areas related to the projects and administering project environmental training.

¹ Northern adopted FERC's Plan and Procedures, including modifications, as its own for this project. Northern identified locations where the requirements of the Procedures cannot be met due to site-specific conditions or construction requirements. These locations are summarized in Tables 1.3-2 and 1.3-3 of Resource Report 1.

The lead EI will communicate daily with the contractors' environmental point personnel to address any environmental concerns and ensure that sufficient personnel are available to implement any required environmental mitigation or remediation. The EIs will have stop-work authority for any noncompliant work activity. Any activity found to be performed contrary to the environmental requirements will be immediately stopped. The EIs will direct corrective action as needed to bring the activity into compliance. All individuals responsible for non-compliant activities will be required to attend a supplemental environmental training course. Based on the circumstances of the non-compliant activity, the responsible person(s) also may be subject to reassignment of duties or removal from the project. At its discretion, Northern will stop work and conduct environmental stand downs to effectively address noncompliant behavior and activities.

- 6d. Company personnel receiving access to the environmental and other appropriate documents, discussed in section 6a and 6b above, include:

- Vice President, Operations
- Vice President of Engineering
- Director Gas Transmission Certificates
- Manager of Construction Environmental Compliance
- Project Director
- Project Managers
- Construction Coordinators

In addition, a complete set of environmental and contract documents will be kept on-site for use by the on-site inspectors, contractor superintendent, on-site staff, and all subcontractors.

Third-party contract personnel receiving copies of the environmental and other appropriate documents include the following:

- Chief Inspector
- Lead Environmental Inspector
- The construction company project manager and principal/office staff

- 6e. All on site project personnel will be required to attend an environmental training course before participating in project construction activities. The initial Project component specific environmental training will be schedule at a later time as construction is scheduled to commence May 2024. The lead EI or designee will conduct the environmental training, which will include instructions regarding non-compliance prevention, reporting and remediation; spill prevention, reporting and clean-up; adherence to the unanticipated discoveries plan; and compliance with all environmental requirements.

Supplemental environmental training will be conducted as needed, to accommodate company, contractor, and inspection personnel staff additions and to deter noncompliant activities and to address non-compliance situations.

- 6f. Company personnel having responsibility for compliance are as follows:

Vice president, operations	Brian Mundt
Vice president, engineering	Nick Marquardt
Director, gas transmission certificates	Matthew Bley
Director, environmental	Greg Ammon
Manager, construction environmental compliance	Terry Plucker
Project director, pipeline expansions	Chase Schelhaas
Project manager	Matt Nelson
Project manager	Matt Kraft
Construction coordinator	Ken Addink
Construction coordinator	Kathryn Lynch

- 6g. Northern will use the enforcement measures in the contract documents, described in 6a and 6b above, for occurrences of non-compliance. These documents allow for work termination if substandard workmanship or permit violations occur, or are suspected, and the contractor fails to take necessary corrective action. If a contract is terminated, a contractor approved by Northern management will be selected to complete the remaining work. Any replacement contractor will be subject to the same compliance conditions as the replaced contractor.
- 6h. Attached is a Gantt chart for each of the project components, which provides the following dates for the project: (1) the completion of all required surveys and reports; (2) the environmental compliance training of onsite personnel; (3) the start of construction; and (4) the start and completion of restoration. The dates shown in the Gantt chart are indicative of all surveys and reports completed for the section 7 filing. Additional pre-construction surveys will be completed in accordance with FERC's FEIS and conditions of the Order prior to the start of construction dates identified in the charts.

ID	Task Name	Start	Finish	1, 2021 Feb	Qtr 2, 2021 Mar	Qtr 3, 2021 Apr	Qtr 4, 2021 May	Qtr 1, 2022 Jun	Qtr 2, 2022 Jul	Qtr 3, 2022 Aug	Qtr 4, 2022 Sep	Qtr 1, 2023 Oct	Qtr 2, 2023 Nov	Qtr 3, 2023 Dec	Qtr 4, 2023 Jan	Qtr 1, 2024 Feb	Qtr 2, 2024 Mar	Qtr 3, 2024 Apr	Qtr 4, 2024 May	Qtr 1, 2025 Jun	Qtr 2, 2025 Jul	Qtr 3, 2025 Aug	Qtr 4, 2025 Sep	Qtr 1, 2026 Oct	Qtr 2, 2026 Nov	Qtr 3, 2026 Dec	Qtr 4, 2026 Jan	Qtr 1, 2027 Feb	Qtr 2, 2027 Mar	Qtr 3, 2027 Apr	Qtr 4, 2027 May	Qtr 1, 2028 Jun	Qtr 2, 2028 Jul	Qtr 3, 2028 Aug	Qtr 4, 2028 Sep	Qtr 1, 2029 Oct	Qtr 2, 2029 Nov	Qtr 3, 2029 Dec	Qtr 4, 2029 Jan	Qtr 1, 2030 Feb	Qtr 2, 2030 Mar	Qtr 3, 2030 Apr	Qtr 4, 2030 May	Qtr 1, 2031 Jun	Qtr 2, 2031 Jul	Qtr 3, 2031 Aug	Qtr 4, 2031 Sep	Qtr 1, 2032 Oct	Qtr 2, 2032 Nov	Qtr 3, 2032 Dec	Qtr 4, 2032 Jan	Qtr 1, 2033 Feb	Qtr 2, 2033 Mar	Qtr 3, 2033 Apr	Qtr 4, 2033 May	Qtr 1, 2034 Jun	Qtr 2, 2034 Jul	Qtr 3, 2034 Aug	Qtr 4, 2034 Sep	Qtr 1, 2035 Oct	Qtr 2, 2035 Nov	Qtr 3, 2035 Dec	Qtr 4, 2035 Jan	Qtr 1, 2036 Feb	Qtr 2, 2036 Mar	Qtr 3, 2036 Apr	Qtr 4, 2036 May	Qtr 1, 2037 Jun	Qtr 2, 2037 Jul	Qtr 3, 2037 Aug	Qtr 4, 2037 Sep	Qtr 1, 2038 Oct	Qtr 2, 2038 Nov	Qtr 3, 2038 Dec	Qtr 4, 2038 Jan	Qtr 1, 2039 Feb	Qtr 2, 2039 Mar	Qtr 3, 2039 Apr	Qtr 4, 2039 May	Qtr 1, 2040 Jun	Qtr 2, 2040 Jul	Qtr 3, 2040 Aug	Qtr 4, 2040 Sep	Qtr 1, 2041 Oct	Qtr 2, 2041 Nov	Qtr 3, 2041 Dec	Qtr 4, 2041 Jan	Qtr 1, 2042 Feb	Qtr 2, 2042 Mar	Qtr 3, 2042 Apr	Qtr 4, 2042 May	Qtr 1, 2043 Jun	Qtr 2, 2043 Jul	Qtr 3, 2043 Aug	Qtr 4, 2043 Sep	Qtr 1, 2044 Oct	Qtr 2, 2044 Nov	Qtr 3, 2044 Dec	Qtr 4, 2044 Jan	Qtr 1, 2045 Feb	Qtr 2, 2045 Mar	Qtr 3, 2045 Apr	Qtr 4, 2045 May	Qtr 1, 2046 Jun	Qtr 2, 2046 Jul	Qtr 3, 2046 Aug	Qtr 4, 2046 Sep	Qtr 1, 2047 Oct	Qtr 2, 2047 Nov	Qtr 3, 2047 Dec	Qtr 4, 2047 Jan	Qtr 1, 2048 Feb	Qtr 2, 2048 Mar	Qtr 3, 2048 Apr	Qtr 4, 2048 May	Qtr 1, 2049 Jun	Qtr 2, 2049 Jul	Qtr 3, 2049 Aug	Qtr 4, 2049 Sep	Qtr 1, 2050 Oct	Qtr 2, 2050 Nov	Qtr 3, 2050 Dec	Qtr 4, 2050 Jan	Qtr 1, 2051 Feb	Qtr 2, 2051 Mar	Qtr 3, 2051 Apr	Qtr 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Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-07
Requester's Name:	Paul Friedman
Subject:	EI Duties

Condition 7:

Northern shall employ at least one EI per construction spread. The EI shall be:

- a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;
- b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;
- c. empowered to order correction of acts that violate the environmental conditions of the Order, and any other authorizing document;
- d. a full-time position, separate from all other activity inspectors;
- e. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
- f. responsible for maintaining status reports.

Northern Response:

As stated in Northern's Implementation Plan (see condition 6), Northern plans to employ at least one EI per construction spread. Northern also will employ additional EIs for the pipeline project components, as necessary, to ensure all horizontal directional drill activities are monitored during construction. The EIs will be:

- a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;
- b. responsible for evaluating the construction contractors' implementation of the environmental mitigation measures required in the contract (see condition 6) and any other authorizing document;
- c. empowered to order correction of acts that violate the environmental conditions of the Order, and any other authorizing document;
- d. a full-time position, separate from all other activity inspectors;

- e. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
- f. responsible for maintaining status reports.

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party: FERC
Reference No: NL2023 COND-08
Requester's Name: Paul Friedman
Subject: Weekly Reports

Condition 8:

Beginning with the filing of its Implementation Plan, Northern shall file updated status reports with the Secretary on a weekly basis until all construction and restoration activities are complete. On request, these status reports would also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

- a. an update on Northern's efforts to obtain the necessary federal authorizations;
- b. the construction status of the Project, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
- c. a listing of all problems encountered and each instance of noncompliance observed by the EI during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
- d. a description of the corrective actions implemented in response to all instances of noncompliance;
- e. the effectiveness of all corrective actions implemented;
- f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and
- g. copies of any correspondence received by Northern from other federal, state, or local permitting agencies concerning instances of noncompliance, and Northern's response.

Northern Response:

Attached is Northern's first status report, which will be filed weekly until all construction and restoration activities are complete. On request, these status reports will be provided to other federal and state agencies with permitting responsibilities. The ongoing status reports will include:

- a. an update on Northern's efforts to obtain the necessary federal authorizations;
- b. the construction status of the Project, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
- c. a listing of all problems encountered and each instance of noncompliance observed by the EI during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);

- d. a description of the corrective actions implemented in response to all instances of noncompliance;
- e. the effectiveness of all corrective actions implemented;
- f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns;
- g. copies of any correspondence received by Northern from other federal, state, or local permitting agencies concerning instances of noncompliance, and Northern's response;
- h. a summary of fugitive dust control activities as described in Northern's Fugitive Dust Mitigation Plan; and
- i. a copy of the horizontal directional drill noise readings and the drilling mud additives used during the respective reporting period.



Northern Natural Gas Company
P.O. Box 3330
Omaha, NE 68103-0330
402 398-7200

November 15, 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
Docket No. CP22-138-000
Weekly Environmental Inspector Report #1

Dear Ms. Bose:

Pursuant to Condition 8 of the Order Issuing Certificate issued by the Federal Energy Regulatory Commission September 25, 2023, Northern Natural Gas hereby submits for filing in the above-referenced docket its weekly environmental inspector report for the period ending November 12, 2023.

Northern respectfully requests to reduce the filing frequency to quarterly until the start of construction anticipated in second quarter of 2024.

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

Respectfully submitted,

/s/ Donna Martens

Donna Martens
Senior Regulatory Analyst

Northern Natural Gas Company
Northern Lights 2023 (CP22-138-000)
Weekly Status Report No. 1
Period Ending November 12, 2023

PROJECT DESCRIPTION

Northern Natural Gas (Northern) will construct the Project, which will consist of (1) a 2.79-mile extension of its 36-inch-diameter Ventura North E-line; (2) a 1.07-mile loop of its 20-inch-diameter Elk River 1st and 2nd branch lines; (3) a 1.14-mile extension of its 24-inch-diameter Willmar D branch line; (4) a 2.48-mile extension of its 8-inch-diameter Princeton tie-over loop; (5) a 2.01-mile 4-inch-diameter loop of its 3-inch-diameter Paynesville 2nd branch line; (6) a 0.34-mile extension of its 8-inch-diameter Tomah branch line loop; and (7) aboveground facilities including a launcher and tie-over valve settings. The facilities are located in various counties in Minnesota and Wisconsin.

FEDERAL AUTHORIZATION STATUS

Northern has received all federal and state permits required under federal law for the project.

Ventura North E-line

Northern will construct and operate an approximately 2.79-mile extension of its 36-inch-diameter MNM80105 Ventura North E-line (E-line) in Freeborn County, Minnesota. Northern will remove the existing aboveground valve setting on the north side of 110th Street, located in Section 27, T101N, R22W, Freeborn County, Minnesota. Northern will construct and operate an aboveground valve setting at the terminus of the proposed extension, on the north side of County Highway 9, in Section 16, T101N, Range 22W, Freeborn County, Minnesota.

Environmental Training

One contractor will construct the Ventura North E-line and associated aboveground facilities. The environmental training totals listed below reflect all training conducted for this component.

On-site Contractor: Otis Minnesota Services, LLC (Otis)

Overall Construction Start Date: Anticipated second quarter 2024

Environmental Training Conducted: This reporting period: 0 Total to date: 0

Construction Status: No construction occurred during this reporting period.

Construction Modifications: No construction modifications occurred during this reporting period.

Stream Crossings and Environmentally Sensitive Areas

No stream crossings or other environmentally sensitive areas have been impacted to date.

Rain Events

No rain event of 0.5 inch or greater occurred during this reporting period; no rain occurred during this reporting period. To date, the project has received 0 inches of precipitation.

Ventura North E-line Construction Progress			
Activity	Start Date	Completed	Notes
Survey			
Clearing			
Grading			
Stringing			
Welding			
Ditching			
Lower-in			
Backfill			
Existing E-line tie-over valve setting			
New E-line tie-over valve setting			
Tie-ins			
Clean-up			
Seeding			
*Completed totals include either percentage completed or date all completed. All totals are approximate.			

Two-Week Projection

1. A pre-construction meeting is tentatively scheduled for second quarter 2024, and the contractor will commence construction after that meeting pending receipt of the notice to proceed with construction.

Ventura North E-line Related Spill Totals

All project derived waste will be properly managed and every effort will be made to eliminate spills. No spills occurred within this reporting period.

Willmar D Branch Line

Northern will construct and operate an approximately 1.14-mile extension of its 24-inch-diameter MNB75603 Willmar D branch line in Scott County, Minnesota. Northern will remove the existing aboveground valve setting located on the east side of Huntington Way in Section 27, T114N, R21W, Scott County, Minnesota. Northern will 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.

Environmental Training

One contractor will construct the Willmar D branch line. The environmental training totals listed below reflect all training conducted for this component.

On-site Contractor: Charps, LLC (Charps)

Overall Construction Start Date: Second quarter 2024

Environmental Training Conducted: This reporting period: 0 Total to date: 0

Construction Status: No construction occurred during this reporting period.

Construction Modifications: No construction modifications occurred during this reporting period.

Stream Crossings and Environmentally Sensitive Areas

No stream crossings or other environmentally sensitive areas have been impacted to date.

Rain Events

No rain event of 0.5 inch or greater occurred during this reporting period; no rain occurred during this reporting period. To date, the project has received 0 inches of precipitation.

Willmar D Branch Line Construction Progress			
Activity	Start Date	Completed	Notes
Survey			
Clearing			
Grading			
Stringing			
Welding			
Ditching			
HDD WIL P4-2			
HDD WIL P4-3			
Lower-in			
Backfill			
Existing Willmar tie-over valve setting			
New Willmar tie-over valve setting			
Tie-ins			
Clean-up			
Seeding			
*Completed totals include either percentage completed, or date all completed. All totals are approximate.			

Two-Week Projection

1. A pre-construction meeting is tentatively scheduled for second quarter 2024, and the contractor will commence construction after that meeting pending receipt of the notice to proceed.

Willmar D Branch Line Related Spill Totals

All project derived waste will be properly managed and every effort will be made to eliminate spills. No spills occurred within this reporting period.

Elk River 3rd Branch Line

Northern will construct and operate an approximately 1.07-mile 30-inch-diameter loop of its 20-inch-diameter MNB87701 and 20-inch-diameter MNB87702 branch lines in Washington County, Minnesota. Northern plans to construct and operate a launcher, located in Section 6, T31N, R20W, Washington County, Minnesota, within its Hugo compressor station. Northern will construct and operate an aboveground valve setting at the terminus of the proposed Elk River 3rd branch line, located at the northeast corner of 180th Street North and July Avenue North, in Section 36, T32N, Range 21W, Washington County, Minnesota.

Environmental Training

One contractor will construct the Elk River 3rd branch line and associated aboveground facilities. The environmental training totals listed below reflect all training conducted for this component.

On-site Contractor: Michels Pipeline, Inc. (Michels)

Overall Construction Start Date: Anticipated second quarter 2024

Environmental Training Conducted: This reporting period: 0 Total to date: 0

Construction Status: No construction occurred during this reporting period.

Construction Modifications: No construction modifications occurred during this reporting period.

Stream Crossings and Environmentally Sensitive Areas

No stream crossings or other environmentally sensitive areas have been impacted to date.

Rain Events

No rain event of 0.5 inch or greater occurred during this reporting period; no rain occurred during this reporting period. To date, the project has received 0 inches of precipitation.

Elk River 3rd Branch Line Construction Progress			
Activity	Start Date	Completed	Notes
Survey			
Clearing			
Grading			
Stringing			

Welding			
Ditching			
HDD ERT P4-2			
HDD ERT P4-3			
Lower-in			
Backfill			
Hugo compressor station launcher and valves			
Elk River tie-over valve setting			
Tie-ins			
Clean-up			
Seeding			
*Completed totals include either percentage completed or date all completed. All totals are approximate.			

Two-Week Projection

1. A pre-construction meeting is tentatively scheduled for completion by second quarter 2024, and the contractor will commence construction after that meeting pending issuance of the notice to proceed with construction.

Elk River 3rd Branch Line Related Spill Totals

All project derived waste will be properly managed, and every effort will be made to eliminate spills. No spills occurred during this reporting period.

2

Princeton Tie-Over Loop Extension

Northern will construct and operate an approximately 2.48-mile extension of its eight-inch-diameter MNB91902 Princeton tie-over loop in Sherburne County, Minnesota. Northern will construct and operate rupture mitigation valve (RMV) settings at the beginning and end of the extension.

Environmental Training

One contractor will construct the Princeton tie-over loop extension. The environmental training totals listed below reflect all training conducted for this component.

On-site Contractor: Michels Pipeline, Inc. (Michels)

Overall Construction Start Date: Anticipated second quarter 2024

Environmental Training Conducted: This reporting period: 0 Total to date: 0

Construction Status: No construction occurred during this reporting period.

Construction Modifications: No construction modifications occurred during this reporting period.

Stream Crossings and Environmentally Sensitive Areas

No stream crossings or other environmentally sensitive areas have been impacted to date.

Rain Events

No rain event of 0.5 inch or greater occurred during this reporting period; no rain occurred during this reporting period. To date, the project has received 0 inches of

precipitation.

Princeton Tie-Over Loop Construction Progress			
Activity	Start Date	Completed	Notes
Survey			
Clearing			
Grading			
Stringing			
Welding			
Ditching			
HDD PRB P4-1			
HDD PRB P4-2			
HDD PRB P4-5			
HDD PRB P4-6			
HDD PRB P4-7			
Lower-in			
Backfill			
Princeton RMV Setting (North)			
Princeton RMV Setting (South)			
Tie-ins			
Clean-up			
Seeding			
*Completed totals include either percentage completed, or date all completed. All totals are approximate.			

Two-Week Projection

1. A pre-construction meeting is tentatively scheduled for completion for second quarter 2024, and the contractor will commence construction after that meeting pending receipt of the notice to proceed.

Princeton Tie-Over Loop Related Spill Totals

All project derived waste will be properly managed and every effort will be made to eliminate spills. No spills occurred within this reporting period.

Paynesville 2nd Branch Line

Northern will construct and operate an approximately 2.01-mile four-inch-diameter loop of its 3-inch-diameter MNB59201 branch line in Stearns County, Minnesota. Northern will construct and operate an aboveground valve along with a two-inch-diameter blowdown valve inside the Dooley's MN No. 2 TBS located on the east side of County Road 123 in Section 29, T123N, R31W, Stearns County, Minnesota. Northern will expand its existing Roscoe branch line take-off facility located on the north side of 210th Street in Section 30, T123N, R31W, Stearns County, Minnesota.

Environmental Training

One contractor will construct the Paynesville 2nd branch line. The environmental training totals listed below reflect all training conducted for this component.

On-site Contractor: Michels Pipeline, Inc. (Michels)

Overall Construction Start Date: Anticipated second quarter 2024

Environmental Training Conducted: This reporting period: 0 Total to date: 0

Construction Status: No construction occurred during this reporting period.

Construction Modifications: No construction modifications occurred during this reporting period.

Stream Crossings and Environmentally Sensitive Areas

No stream crossings or other environmentally sensitive areas have been impacted to date.

Rain Events

No rain event of 0.5 inch or greater occurred during this reporting period; no rain occurred during this reporting period. To date, the project has received 0 inches of precipitation.

Paynesville 2nd Branch Line Construction Progress			
Activity	Start Date	Completed	Notes
Survey			
Clearing			
Grading			
Stringing			
Welding			
Ditching			
Lower-in			
Backfill			
Dooley's MN #2 TBS takeoff valve setting (East)			
Roscoe tie-in valve setting (West)			
Tie-ins			
Clean-up			
Seeding			
*Completed totals include either percentage completed, or date all completed. All totals are approximate.			

Two-Week Projection

1. A pre-construction meeting is tentatively scheduled for completion by second quarter 2024 and the contractor will commence construction after that meeting pending receipt of the notice to proceed with construction.

Paynesville 2nd Branch Line Related Spill Totals

All project derived waste will be properly managed, and every effort will be made to eliminate spills. No spills occurred during this reporting period.

Tomah Branch Line Loop

Northern will construct and operate an approximately 0.34-mile extension of its 8-inch-diameter WIB11902 Tomah branch line loop in Monroe County, Wisconsin. Northern will construct a belowground tie-in within the existing Tomah branch line loop receiver facility. Northern will construct and operate an aboveground tie-in valve setting that includes a three-inch-diameter blowdown valve at the terminus of the proposed Tomah branch line loop, on the southeast side of Gemini Road, Sections 1 and 12, T17N, R4W, Monroe County, Wisconsin.

Environmental Training

One contractor will construct the Tomah branch line loop. The environmental training totals listed below reflect all training conducted for this component.

On-site Contractor: Michels Pipeline, Inc. (Michels)

Overall Construction Start Date: Anticipated second quarter 2024

Environmental Training Conducted: This reporting period: 0 Total to date: 0

Construction Status: No construction occurred during this reporting period.

Construction Modifications: No construction modifications occurred during this reporting period.

Stream Crossings and Environmentally Sensitive Areas

No stream crossings or other environmentally sensitive areas have been impacted to date.

Rain Events

No rain event of 0.5 inch or greater occurred during this reporting period; no rain occurred during this reporting period. To date, the project has received 0 inches of precipitation.

Tomah Branch Line Loop Construction Progress			
Activity	Start Date	Completed	Notes
Survey			
Clearing			
Grading			
Stringing			
Welding			
Ditching			
HDD TBL P4-1			
Lower-in			
Backfill			
Existing Tomah branch line loop receiver			
Tomah tie-over valve setting			
Tie-ins			
Clean-up			
Seeding			
*Completed totals include either percentage completed, or date all completed. All totals are approximate.			

Two-Week Projection

1. A pre-construction meeting is tentatively scheduled for completion by second quarter 2024, and the contractor will commence construction after that meeting pending receipt of the notice to proceed with construction.

Tomah Branch Line Loop Related Spill Totals

All project derived waste will be properly managed, and every effort will be made to eliminate spills. No spills occurred within this reporting period.

PROJECT-WIDE AGENCY COMMUNICATIONS AND SITE VISITS

There were no agency communications or site visits during this reporting period.

PROJECT-WIDE LANDOWNER CONCERNS

There were no landowner concerns during this reporting period.

PROJECT-WIDE NON-COMPLIANCE CONCERNS

No project non-compliance concerns were identified during this reporting period.

Photos of this week's activities

Ventura North E-line

Willmar D Branch Line

Elk River 3rd Branch Line

Princeton Tie-Over Loop

Paynesville 2nd Branch Line

Tomah Branch Line Loop

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	<u>FERC</u>
Reference No:	<u>NL2023 COND-09</u>
Requester's Name:	<u>Paul Friedman</u>
Subject:	<u>Federal Permits - Approval Required Prior to Construction and/or Abandonment</u>

Condition 9:

Northern must receive written authorization from the Director of OEP, or the Director's designee, **before commencing construction or abandonment by removal of any project facilities.** To obtain such authorization, Northern must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).

Northern Response:

Attached is the revised Exhibit J table listing authorizations and permits required by federal law for the project. Northern has obtained all permits required under federal law. Northern requests written authorization from the Director of OEP to commence construction and abandonment activities

Federal Permits, Approvals, and Consultations for the Project		
Administering Agency	Permit or Approval	Status
Federal		
FERC	Certificate for construction and operation of interstate natural gas transmission pipeline facilities	Order Issuing Certificate issued September 25, 2023
USACE, St. Paul District	CWA Section 404 – Dredge and Fill Utility Regional General Permit 3	Wetland impacts qualify under Regional General Permit 3 – non-reporting. USACE confirmed that impacts qualify under RGP and no application or notifications are required – responses received between March 2022 and September 2022. Consultation complete.
USFWS, Twin Cities Field Office	Section 7 ESA, BGEPA, and MBTA – consultation clearance request for Minnesota	USFWS stated the project may affect but is not likely to adversely affect the RPBB, received October 31, 2022. February 1, 2023, USFWS stated the project is likely to have no effect on the NLEB. Consultation complete.
Native American Tribes	NHPA, Section 106 Consultation to determine impacts on Traditional Cultural Properties	Submission of cultural reports and Unanticipated Discovery Plan (UDP) completed February 22 and 24, 2022. UDPs resubmitted July 2022. No additional comments received. Consultation complete.
State – Minnesota		
MPCA	Section 401 Water Quality Certification	March 15, 2023, submitted project documentation to MPCA. Authorization received June 6, 2023.
	NPDES Stormwater Permit MNR100001	May 10, 2023 – permits received for Ventura North E-line, Elk River 3rd branch line, Princeton tie-over loop, Paynesville 2nd branch line, and the Willmar D branch line loop. Consultation complete.
	NPDES Trench Water Discharge Permit	Authorization is included in NPDES stormwater permit. Consultation complete.
MDNR	MPARS Water Appropriation Permit for Pit Trench Water	All authorizations received April/May 2023; consultation complete.
	State Protected Species Consultation	Final consultation completed September 15, 2022.
	Utility Crossing License for public waters	Permit received October 31, 2022. Consultation complete.
State Historical Society of Minnesota	Section 106 Consultation, NHPA	No effect concurrence received February 15, 2022. Consultation complete.
State - Wisconsin		
WDNR	WPDES Construction Site Stormwater Runoff General Permit No. WI-S067831-06	Permit received April 6, 2023. Consultation complete.
	WPDES Pit Trench Water Discharge Permit No. WI-0049344-5	Authorization is included in WPDES construction site stormwater runoff general permit – consultation complete.
	State Protected Species Consultation	Consultation complete January 7, 2022, under the WDNR Broad Incidental Take Permit/Authorization for no to low impact projects. February 2, 2023, WDNR issued additional response stating not sufficient suitable habitat present for the Karner blue butterfly.
Wisconsin State Historical Society	Section 106 Consultation, NHPA	No effect concurrence received January 31, 2022. Consultation complete.

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	<u>FERC</u>
Reference No:	<u>NL2023 COND-10</u>
Requester's Name:	<u>Paul Friedman</u>
Subject:	<u>Approval Required Prior In-service</u>

Condition 10:

Northern must receive written authorization from the Director of OEP, or the Director's designee, before placing the project into service. Such authorization would only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the project are proceeding satisfactorily.

Northern Response:

Northern will request written authorization from the Director of OEP, or the Director's designee, before placing each project component into service; the project will not be placed into service until such authorization is received. Northern understands that authorization only will be granted following a determination that rehabilitation and restoration of the right of way and other areas affected by the project are proceeding satisfactorily.

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-11
Requester's Name:	Paul Friedman
Subject:	Affirmative Statement - Compliance with Conditions

Condition 11:

Within 30 days of placing the authorized facilities in service, Northern shall file an affirmative statement with the Secretary, certified by a senior company official:

- a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities would be consistent with all applicable conditions; or
- b. identifying which of the conditions in the Order Northern has complied with or would comply with. This statement shall also identify any areas affected by the project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.

Northern Response:

Within 30 days of placing the authorized facilities in service, Northern will file an affirmative statement with the Secretary (a) stating that the facilities were constructed in compliance with all applicable conditions of the order and that continuing activities will be consistent with all applicable conditions of the order, or (b) identifying which of the conditions in the order Northern has complied with and, if applicable, any remaining conditions that Northern will comply with. Northern also will identify any areas affected by the project where compliance measures were not properly implemented and the reason for noncompliance, if not previously identified in the weekly status reports filed with FERC. The affirmative statement will be certified by a senior company official.

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-12
Requester's Name:	Paul Friedman
Subject:	Water Quality Certification

Condition 12:

All conditions attached to the water quality certification issued by the Minnesota Pollution Control Agency, except those that the Director of OEP, or the Director's designee, identify as waived pursuant to 40 C.F.R. § 121.9, constitute mandatory conditions of this Certificate Order. Prior to construction, Northern shall file, for review and written approval of the Director of OEP, or the Director's designee, any revisions to its project design necessary to comply with the water quality certification conditions

Northern Response:

On June 8, 2023, Northern submitted to FERC a concurrence email from William Wilde, MPCA, that the attached January 13, 2023, 401 Water Quality Certification for the Minnesota Regional General Permit applied to the project. For your convenience, Northern has attached a copy of Mr. Wilde's June 8 email. Also attached is an email string dated November 14, 2023, from Mr. Wilde confirming that the concurrence still stands.

Northern has made no changes to the project scope that would alter compliance with the 401 Water Quality Certification. Northern will comply with all requirements of the attached certification.

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



Northern Natural Gas
P.O. Box 3330
Omaha, NE 68103-0330
402 398-7200

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

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



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
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State: MN
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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
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
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: 2023-0062229
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

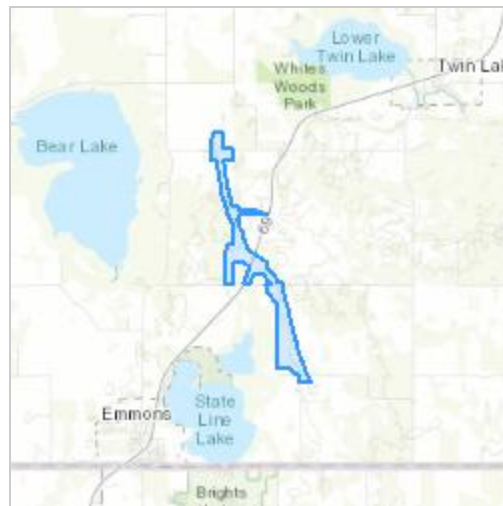
Ventura North E-Line (NLEB)

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
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: 2023-0062766
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

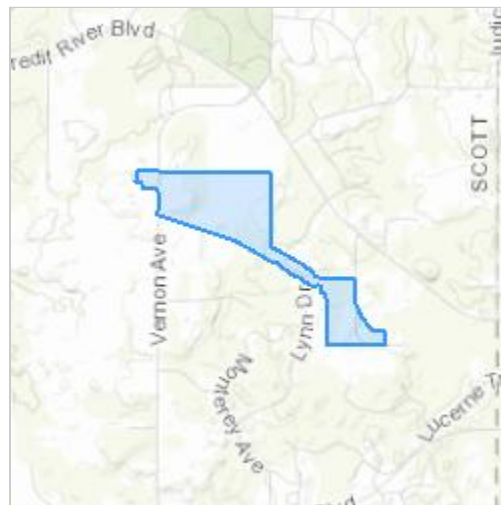
Wilmar D Branch Line (NLEB)

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?

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

Plucker, Terry (Northern Natural Gas)

From: Wilde, William (MPCA) <william.wilde@state.mn.us>
Sent: Tuesday, November 14, 2023 9:36 AM
To: Plucker, Terry (Northern Natural Gas)
Cc: Wenger, Maggie (MPCA); Martens, Donna (Northern Natural Gas)
Subject: [INTERNET] RE: 401 Water Quality Certification

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Terry,

As mentioned, no additional comments. Thanks for the follow-up.

---Bill

From: Plucker, Terry (Northern Natural Gas) <Terry.Plucker@nngco.com>
Sent: Tuesday, November 14, 2023 9:07 AM
To: Wilde, William (MPCA) <william.wilde@state.mn.us>
Cc: Wenger, Maggie (MPCA) <Maggie.Wenger@state.mn.us>; Martens, Donna (Northern Natural Gas) <Donna.Martens@nngco.com>
Subject: 401 Water Quality Certification

Bill,

I apologize that must have been pasted in the subject line by mistake. My request is just on the 401 Water Quality Certification.

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

From: Wilde, William (MPCA) <william.wilde@state.mn.us>
Sent: Tuesday, November 14, 2023 8:59 AM
To: Plucker, Terry (Northern Natural Gas) <Terry.Plucker@nngco.com>
Cc: Wenger, Maggie (MPCA) <Maggie.Wenger@state.mn.us>; Martens, Donna (Northern Natural Gas) <Donna.Martens@nngco.com>

Subject: [INTERNET] RE: Northern is executing plans to increase flare utilization to further reduce venting. In 2021, Northern achieved 94.4% methane reduction savings through flaring; 89.75% methane savings through capped blowdowns; 65.0% methane savings throu...

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Good morning Terry,

After reviewing the MPCA 401 water quality authorization letter from June 2023 and as mentioned below, the final order did not have any changes to the water quality provisions and findings in the EIS, the MPCA 401 water quality program has no additional comments to add.

However, the subject line focuses on air quality. If not already completed, the Northern Natural Gas Company should contact the MPCA air quality folks. As you know the 401 program protects the water quality in Minnesota and does handle and is not familiar with air quality requirements.

Please let me know if I can be of further assistance or you need additional project related information.

Thank you for keeping the 401-program in the loop as the NL 2023 Expansion project progresses.

---Bill

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

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From: Plucker, Terry (Northern Natural Gas) <Terry.Plucker@nngco.com>

Sent: Tuesday, November 14, 2023 7:42 AM

To: Wilde, William (MPCA) <william.wilde@state.mn.us>

Cc: Wenger, Maggie (MPCA) <Maggie.Wenger@state.mn.us>; Martens, Donna (Northern Natural Gas) <Donna.Martens@nngco.com>

Subject: RE: Northern is executing plans to increase flare utilization to further reduce venting. In 2021, Northern achieved 94.4% methane reduction savings through flaring; 89.75% methane savings through capped blowdowns; 65.0% methane savings through pipeline op

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Bill,

I am following up on my previous request. Northern has accepted the order, and will be filing our implementation plan with the intent of constructing the project in 2024.

Terry Plucker
Environmental Compliance Manager
Northern Natural Gas Company

402-398-7226 –Office

402-332-7081–Cell

From: Plucker, Terry (Northern Natural Gas)

Sent: Wednesday, September 27, 2023 10:47 AM

To: william.wilde@state.mn.us

Cc: Wenger, Maggie (MPCA) <Maggie.Wenger@state.mn.us>; Martens, Donna (Northern Natural Gas) <Donna.Martens@nngco.com>

Subject: Northern is executing plans to increase flare utilization to further reduce venting. In 2021, Northern achieved 94.4% methane reduction savings through flaring; 89.75% methane savings through capped blowdowns; 65.0% methane savings through pipeline operat

Bill,

On September 25, 2023, FERC issued an order authorizing construction of the Northern Lights 2023 project (FERC Docket CP22-138-000) as attached. The final order did not have any changes to the water quality provisions and findings in the Environmental Impact Statement. I am requesting your concurrence that the previous authorization (via email dated June 6, 2023) under the January 13, 2023 Regional General Permits Minnesota Pollution Control Agency 401 Certification is still valid for 2024 construction.

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

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Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	FERC
Reference No:	NL2023 COND-13
Requester's Name:	Paul Friedman
Subject:	FWS Consultation

Condition 13:

Northern shall not begin construction of the project until:

- a. FERC staff completes Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service; and
- b. Northern has received written notification from the Director of OEP, or the Director's designee, that construction and/or use of mitigation (including implementation of any conservation measures) may begin.

Northern Response:

Northern requests the Director of OEP, or the Director's designee issue written notification that it has completed its Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service and that Northern can commence construction and/or use of mitigation measures.

Northern Natural Gas Company
Northern Lights 2023 Expansion
Implementation Plan For Docket No. CP22-138-000

Requesting Party:	<u>FERC</u>
Reference No:	<u>NL2023 COND-14</u>
Requester's Name:	<u>Paul Friedman</u>
Subject:	<u>Final HDD Noise Mitigation Plans</u>

Condition 14:

Prior to any horizontal directional drill (HDD) construction on the Elk River Loop, Willmar Extension, and Princeton Extension, Northern shall file with the Secretary, for review and written approval by the Director of OEP, or the Director's designee, the final HDD noise mitigation plans that employ additional engineering controls and/or site designs to limit drilling noise at NSAs to, or below, a day-night sound level of 55 decibels on the A-weighted scale. During drilling operations, Northern shall implement the approved plan, monitor noise levels, and document the noise levels in the **weekly** status reports. If Northern is unable to mitigate HDD noise to meet the day-night sound level of 55 decibel limit at any of the six HDDs proposed for nighttime construction, Northern shall limit the HDD construction to the hours of 7:00 a.m. to 7:00 p.m.

Northern Response:

Attached is a update to Northern's HDD noise mitigation plan prepared by Stantec Consulting (Stantec). As indicated in the report, the Project includes ten HDDs, nine of which had the potential to exceed the FERC 55 dBA L_{dn} nighttime threshold with mitigation measures implemented during 24-hour drilling. Northern has received information from the awarded construction contractors and was able to reduce the number of drills that will operate during nighttime hours (7:00 p.m. – 7:00 a.m.) to three. The three HDDs listed below are expected to require work during nighttime hours:

- **WIL P4-3** (Part of the Willmar D Branch Line Extension – Willmar Extension – MP 3.02)
- **ERT P4-2** (Part of the Elk River 3rd Branch Line Loop – Elk River Loop – MP 0.52)
- **ERT P4-3** (Part of the Elk River 3rd Branch Line Loop – Elk River Loop – MP 0.98)

Northern and Stantec remodeled potential noise impacts on noise sensitive areas (NSAs) based on proposed construction contractor equipment provided as part of the construction bidding process for WIL P4-3, ERT P4-2 and ERT P4-2 HDD locations. After discussions with the contractors Northern hired to complete the three HDDs, the following noise mitigation measures will be implemented to further reduce the noise levels at surrounding NSAs.

The mitigation measures have been incorporated into the noise modeling provided on the attached document.

- Modelled excavator operation reduced from 60 minutes to 15 minutes during a worst-case nighttime hour at the exit pit of the three HDDs. Excavators have been modelled at idle for the remaining 45 minutes of a worst-case hour.
- Smaller drilling equipment, with additional noise mitigation measures including engine enclosures have been included at both the entry and exit pit.
- WIL P4-3 exit pit walls increased from 20 feet to 30 feet in height.

Northern completed discussions with the WIL P4-3 contractor to ensure that all reasonable noise mitigation will be employed as necessary to reduce HDD noise. Northern is anticipating the only nighttime HDD activity will be related to pullback which is scheduled through one nighttime period. The additional noise mitigation measures that will be implemented reduce the modeled noise level below the 55 dBA Ldn threshold for all NSAs for the WIL P4-3 nighttime activities.

Northern completed discussions with the Elk River (ERT) P4-2 and P4-3 contractor to ensure that all reasonable noise mitigation will be employed to reduce noise on both HDDs. Northern and the contractor are anticipating the only nighttime HDD activities to be related to ERT P4-2 and P4-3 are associated with pullback activities, which are scheduled through one separate nighttime period at each location. The additional noise mitigation measures that will be implemented on the Project reduced the modeled noise level for ERT P4-2 and P4-3 nighttime activities; however, the sound levels still exceeded the 55 dBA Ldn at two NSAs at each HDD location (See attached Stantec report).

As discussed in the attached document, Northern further investigated additional mitigation measures in the form of different noise barriers. Northern has instructed that its contractor utilize noise barriers with a minimum sound transmission class (STC) rating of 32. Northern evaluated noise barrier walls with an STC rating of 43; however, in the context of the FERC A-weighted criteria, they do not provide substantial improvement over the STC 32 walls. The STC 43 walls are substantially heavier than the STC 32-rated walls and would require additional trucks to transport material to the site along with a larger crane to erect the wall. Additionally, Northern evaluated the constructability of the STC 43 walls and determined that additional temporary workspace would be required for the larger STC 43 anchors to maintain adequate spacing for HDD equipment, and wall erection duration would increase impact to the nearby landowners.

As indicated above, Northern was able to reduce the number of drills that will operate during nighttime hours to three. Northern has limited the noise impact to a total of four NSAs associated with ERT P4-2 and P4-3 and has further limited the impact to only activities associated with pullback planned for one nighttime duration for each HDD. Northern has taken all practical efforts to reduce the noise levels at all NSAs.

Northern is requesting a variance to the nighttime restriction for ERT P4-2 and P4-3 pullback activities; stopping pullback for an extended period (i.e., 12 hours) before pullback is complete runs a risk of the hole collapsing in front of or around the pipe due to soil conditions. This could result in abandoning the pipe in place and reborer a new hole. Northern is requesting approval to continue pullback activities for ERT P4-2 and P4-3 during nighttime hours even if the noise levels

exceed 55 Ldn (as indicated in the attached report, the modeled noise levels are 58 Ldn and 57 Ldn at the NSAs for P4-3 and 63 Ldn and 58 Ldn at the NSAs for P4-2). Northern will monitor noise activities throughout the HDD activities to confirm the modeled noise readings. If the measured noise levels exceed the 55 dBA Ldn, Northern will communicate to the landowners prior to any nighttime activities to minimize the impact.

Based upon the information submitted herein, Northern requests the Director of OEP issue written approval of (1) the attached update to the HDD noise mitigation plan, and (2) Northern conducting pullback activities during nighttime hours for one night at HDD P4-3 and one night at P4-2 on the Elk River branch line loop even if the noise level exceeds 55 dBA Ldn.



Stantec Consulting
1165 Scheuring Rd., De Pere, WI

October 12, 2023
File: Docket No. CP22-138-00

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

**Reference: Northern Natural Gas Company Docket No. CP22-138-00 Northern Lights 2023 –
Condition 14 – Revised HDD Noise Mitigation Plan**

Dear Ms. Bose,

On September 25, 2023, the Federal Energy Regulatory Commission (FERC) issued an Order Issuing Certificate (Order) for the Northern Lights 2023 Expansion Project (Project) submitted by Northern Natural Gas (Northern). As part of the Project, Northern will cross sensitive resources, including wetlands and waterbodies, via horizontal directional drill (HDD). Northern has received information from its contractors and has been able to reduce both the number of drills that will operate during nighttime hours (7:00 p.m. – 7:00 a.m.) and remodel potential noise impacts on noise sensitive areas (NSAs) based on equipment provided by the contractors. The Project includes ten HDDs, nine of which had the potential to exceed the FERC 55 dBA L_{dn} threshold with mitigation measures implemented during 24-hour drilling. However, Northern's contractors have indicated that six of these HDDs will no longer require nighttime work. The three HDDs listed below are the only ones remaining on the Project that are expected to require work during nighttime hours:

- **WIL P4-3** (Part of the Willmar D Branch Line Extension – Willmar Extension – MP 3.02)
- **ERT P4-2** (Part of the Elk River 3rd Branch Line Loop – Elk River Loop – MP 0.52)
- **ERT P4-3** (Part of the Elk River 3rd Branch Line Loop – Elk River Loop – MP 0.98)

After a review of Resource Report 9 and subsequent responses to data requests, FERC issued the following condition as part of the Order.,

Condition 14 (HDD Noise Mitigation Plan) :

“Prior to any horizontal directional drill (HDD) construction on the Elk River Loop, Willmar Extension, and Princeton Extension, Northern shall file with the Secretary, for review and written approval by the Director of OEP, or the Director’s designee, the final HDD noise mitigation plans that employ additional engineering controls and/or site designs to limit drilling noise at NSAs to, or below, a day-night sound level of 55 decibels on the A-weighted scale. During drilling operations, Northern shall implement the approved plan, monitor noise levels, and document the noise levels in the weekly status reports. If Northern is unable to mitigate HDD noise to meet the day-night sound level of 55 decibel limit at any of the six HDDs proposed for nighttime construction, Northern shall limit the HDD construction to the hours of 7:00 a.m. to 7:00 p.m.”

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After discussions with the contractors Northern hired to complete the HDDs, the following noise mitigation measures will be implemented to further reduce the noise levels at surrounding NSAs. The mitigation measures have been incorporated into the noise modeling.

- Modelled excavator operation reduced from 60 minutes to 15 minutes during a worst-case nighttime hour at the exit pit of HDDs. Excavators have been modelled at idle for the remaining 45 minutes of a worst-case hour.
- Smaller drilling equipment, with additional noise mitigation measures including engine enclosures have been included at both the entry and exit pit.
- WIL P4-3 exit pit walls increased from 20 feet to 30 feet.

Northern has remodeled noise from the Willmar Extension and Elk River Loop HDDs. As a result of the additional equipment and operation noise mitigation measures discussed above, the estimated sound power of the entry and exit pits has been reduced. The new modelled sound power levels for the entry and exit pits are summarized in **Table 1**; the estimated modelled sound power at the entry pit has been reduced from 116 dBA to 111 dBA and the estimated sound power of the exit pit has been reduced from 113 dBA to 108 dBA.

Table 1 Mitigated Sound Power Levels

Pit Description	Original Sound Power ¹	Mitigated Sound Power
Entry Pit	116 dBA	111 dBA
Exit Pit	113 dBA	108 dBA

¹ As reported in Resource Report 9 filed with the Section 7 application.

A summary of the updated noise impact for the three HDDs with the potential for 24-hour drilling is provided in **Table 2** for ERT P4-2 and ERT P4-3 and **Table 3** for WIL P4-3. **Table 2** and **Table 3** present mitigated noise impacts which include all noise mitigation measures mentioned above (walls, administrative controls, smaller equipment, and equipment engine enclosures); therefore, a column for specific noise mitigation measures is not included in the table below.

Northern completed discussions with its contractors to ensure that all reasonable noise mitigation is employed to reduce sound on the HDDs. The additional noise mitigation measures that will be implemented on the Project reduce the noise level below the 55 dBA L_{dn} threshold for all NSAs on WIL P4-3. However, two NSAs on ERT P4-3 and two NSAs on ERT P4-2 are above the 55 dBA L_{dn} . Obtaining a noise level below 55 dBA L_{dn} for these four NSAs is not attainable due to the proximity of the NSAs to the HDD locations.

Northern further investigated additional mitigation measures in the form of different noise barriers. Northern has instructed that its contractor utilize noise barriers with a minimum sound transmission class (STC) rating of 32. This may reduce off-site noise impacts at NSAs by 1 to 2 decibels; however, the noise impacts will still be above 55 dBA at the NSAs shown in the Table 2 below. NSA 8 on P4-2 on Elk River has direct line of site to the exit side of the HDD. The three sides of the noise barrier wall for that HDD are oriented to reduce noise impacts to other NSAs.

Northern also evaluated noise barrier walls with an STC rating of 43. These noise barrier walls would further reduce the perceived low frequency noise impact from the HDDs; however, in the context of the FERC A-weighted criteria, they do not provide substantial improvement over the STC 32 walls. The STC 43 walls are

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substantially heavier than the STC 32 rated walls and would require additional trucks to transport material to site along with a larger crane to erect the wall. Additionally, Northern evaluated the constructability of the STC 43 walls and determined that additional temporary workspace would be required for the larger STC 43 anchors to maintain adequate spacing for HDD equipment and wall erection duration would increase impact to the nearby landowners.

Table 2 Elk River Updated Mitigated Construction Noise Impact

HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
					L _{dn}	L _{dn}	L _{dn}	L _{dn}	Day/Night L ₁₀ ³	Day/Night L ₁₀
ERT-P4-3	NSA001	45.20806	-92.9015	1392 feet South	31	47	48	55	44/44	65/55
	NSA002	45.20908	-92.8964	1655 feet Southeast	31	42	43	55	39/39	65/55
	NSA003	45.20969	-92.9018	802 feet South	31	49	49	55	46/46	65/55
	NSA004	45.21005	-92.9124	1820 feet Southwest	31	36	37	55	33/33	65/55
	NSA005	45.21044	-92.903	643 feet South	31	51	51	55	48/48	65/55
	NSA006	45.21073	-92.8984	912 feet Southeast	31	50	50	55	47/47	65/55
	NSA007	45.21093	-92.9086	793 feet Southwest	31	42	42	55	38/38	65/55
	NSA008	45.21104	-92.8928	2264 feet East	31	44	44	55	41/41	65/55
	NSA009	45.21135	-92.901	224 feet South	31	58	58	55	55/55	65/55
	NSA010	45.21146	-92.8952	1626 feet East	31	48	48	55	45/45	65/55

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HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
	NSA011	45.21156	-92.9059	146 feet South	31	57	57	55	54/54	65/55
	NSA012	45.21155	-92.8968	1216 feet East	31	50	50	55	47/47	65/55
	NSA013	45.21176	-92.9083	644 feet West	31	44	44	55	40/40	65/55
	NSA014	45.21218	-92.8899	2984 feet East	31	42	42	55	38/38	65/55
	NSA015	45.21223	-92.8929	2210 feet East	31	44	44	55	41/41	65/55
	NSA016	45.2124	-92.9085	699 feet West	31	44	44	55	40/40	65/55
	NSA017	45.2124	-92.8941	1916 feet East	31	47	47	55	43/43	65/55
	NSA018	45.21244	-92.8963	1365 feet East	31	50	50	55	47/47	65/55
	NSA019	45.21263	-92.9066	306 feet North	31	53	53	55	49/49	65/55
	NSA020	45.21326	-92.9081	755 feet North	31	44	44	55	40/40	65/55
	NSA021	45.2133	-92.9065	517 feet North	31	49	49	55	46/46	65/55

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HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
	NSA022	45.21359	-92.9079	794 feet North	31	45	45	55	41/41	65/55
	NSA023	45.21373	-92.9067	681 feet North	31	48	48	55	44/44	65/55
	NSA024	45.21423	-92.9115	1680 feet Northwest	31	39	39	55	35/35	65/55
	NSA025	45.21421	-92.8883	3513 feet East	31	42	42	55	38/38	65/55
	NSA026	45.21453	-92.9141	2326 feet Northwest	31	35	36	55	32/32	65/55
	NSA027	45.21478	-92.9045	1086 feet Northeast	31	54	54	55	51/51	65/55
	NSA028	45.21507	-92.8945	2147 feet Northeast	31	49	49	55	46/46	65/55
	NSA029	45.21579	-92.9066	1411 feet North	31	44	45	55	41/41	65/55
	NSA030	45.21589	-92.9095	1719 feet North	31	41	41	55	37/37	65/55
	NSA031	45.21619	-92.9079	1634 feet North	31	42	42	55	39/39	65/55
	NSA032	45.21687	-92.8917	3119 feet Northeast	31	44	45	55	41/41	65/55

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HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
	NSA033	45.21695	-92.908	1903 feet North	31	41	42	55	38/38	65/55
	NSA034	45.21714	-92.8885	3864 feet Northeast	31	41	41	55	38/38	65/55
	NSA035	45.21771	-92.8908	3483 feet Northeast	31	42	42	55	39/39	65/55
ERT-P4-2	NSA001	45.20806	-92.9015	1941 feet Southwest	31	42	42	55	38/38	65/55
	NSA002	45.20908	-92.8964	1180 feet South	31	46	46	55	42/42	65/55
	NSA003	45.20969	-92.9018	802 feet Southwest	31	51	51	55	47/47	65/55
	NSA004	45.21005	-92.9124	2881 feet Southwest	31	40	40	55	36/36	65/55
	NSA005	45.21044	-92.903	643 feet Southwest	31	50	50	55	47/47	65/55
	NSA006	45.21073	-92.8984	912 feet Southwest	31	48	48	55	45/45	65/55
	NSA007	45.21093	-92.9086	1852 feet West	31	45	45	55	42/42	65/55
	NSA008	45.21104	-92.8928	261 feet Southeast	31	63	63	55	60/60	65/55

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HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
	NSA009	45.21135	-92.901	224 feet West	31	55	55	55	51/51	65/55
	NSA010	45.21146	-92.8952	446 feet south	31	50	50	55	47/47	65/55
	NSA011	45.21156	-92.9059	1147 feet West	31	48	48	55	45/45	65/55
	NSA012	45.21155	-92.8968	853 feet South	31	53	53	55	50/50	65/55
	NSA013	45.21176	-92.9083	1763 feet West	31	46	46	55	42/42	65/55
	NSA014	45.21218	-92.8899	946 feet East	31	50	50	55	47/47	65/55
	NSA015	45.21223	-92.8929	282 feet North	31	58	58	55	54/54	65/55
	NSA016	45.2124	-92.9085	1813 feet West	31	46	46	55	42/42	65/55
	NSA017	45.2124	-92.8941	344 feet North	31	54	54	55	51/51	65/55
	NSA018	45.21244	-92.8963	782 feet North	31	55	55	55	51/51	65/55
	NSA019	45.21263	-92.9066	1334 feet West	31	48	48	55	44/44	65/55

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HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
	NSA020	45.21326	-92.9081	1783 feet West	31	46	46	55	43/43	65/55
	NSA021	45.2133	-92.9065	1390 feet West	31	48	48	55	45/45	65/55
	NSA022	45.21359	-92.9079	1763 feet West	31	46	46	55	43/43	65/55
	NSA023	45.21373	-92.9067	1496 feet West	31	48	48	55	44/44	65/55
	NSA024	45.21423	-92.9115	2723 feet Northwest	31	41	41	55	38/38	65/55
	NSA025	45.21421	-92.8883	1655 feet Northeast	31	45	45	55	42/42	65/55
	NSA026	45.21453	-92.9141	3392 feet Northwest	31	39	40	55	36/36	65/55
	NSA027	45.21478	-92.9045	1312 feet Northwest	31	50	50	55	47/47	65/55
	NSA028	45.21507	-92.8945	1307 feet North	31	49	49	55	46/46	65/55
	NSA029	45.21579	-92.9066	1936 feet Northwest	31	47	47	55	43/43	65/55
	NSA030	45.21589	-92.9095	2536 feet Northwest	31	42	42	55	38/38	65/55

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HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
	NSA031	45.21619	-92.9079	2286 feet Northwest	31	45	45	55	42/42	65/55
	NSA032	45.21687	-92.8917	1992 feet North	31	45	45	55	41/41	65/55
	NSA033	45.21695	-92.908	2501 feet Northwest	31	45	45	55	41/41	65/55
	NSA034	45.21714	-92.8885	2408 feet Northeast	31	43	44	55	40/40	65/55
	NSA035	45.21771	-92.8908	2346 feet Northeast	31	44	44	55	40/40	65/55

Reference: Northern Natural Gas Company Docket No. CP22-138-00Northern Lights 2023 – Condition 14 – Revised HDD Noise Mitigation Plan

Table 3 Wilmar P4-3 Updated Mitigated Construction Noise Impact

HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
					L _{dn}	L _{dn}	L _{dn}	L _{dn}	Day/Night L ₁₀ ³	Day/Night L ₁₀
WIL-P4-3	NSA001	44.64779	-93.3327	1844 feet South	31	38	39	55	35/35	65/55
	NSA002	44.64838	-93.3316	1693 feet South	31	38	39	55	35/35	65/55
	NSA003	44.64839	-93.3362	1755 feet Southwest	31	40	40	55	36/36	65/55
	NSA004	44.64918	-93.3311	1471 feet Southeast	31	39	39	55	35/35	65/55
	NSA005	44.64918	-93.3375	1686 feet Southwest	31	41	42	55	38/38	65/55
	NSA006	44.64949	-93.3331	1218 feet South	31	40	40	55	36/36	65/55
	NSA007	44.6496	-93.3354	1269 feet South	31	41	41	55	37/37	65/55
	NSA008	44.64991	-93.337	1392 feet Southwest	31	42	42	55	38/38	65/55
	NSA009	44.64994	-93.3285	1681 feet Southeast	31	38	39	55	35/35	65/55
	NSA010	44.65012	-93.3346	1022 feet South	31	41	41	55	38/38	65/55

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HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
	NSA011	44.65041	-93.3383	1523 feet Southwest	31	43	43	55	39/39	65/55
	NSA012	44.6511	-93.3348	705 feet Southwest	31	42	43	55	39/39	65/55
	NSA013	44.65112	-93.3274	1693 feet Southeast	31	38	39	55	35/35	65/55
	NSA014	44.65132	-93.3365	949 feet Southwest	31	43	44	55	40/40	65/55
	NSA015	44.65171	-93.3383	1315 feet Southwest	31	44	45	55	41/41	65/55
	NSA016	44.65186	-93.3342	387 feet South	31	43	43	55	40/40	65/55
	NSA017	44.65206	-93.3322	429 feet Southeast	31	42	43	55	39/39	65/55
	NSA018	44.65254	-93.3305	787 feet Southeast	31	42	42	55	39/39	65/55
	NSA019	44.65261	-93.3341	162 feet Southwest	31	44	45	55	41/41	65/55
	NSA020	44.65313	-93.3344	269 feet Southwest	31	46	46	55	43/43	65/55
	NSA021	44.65316	-93.3365	801 feet West	31	46	46	55	42/42	65/55
	NSA022	44.65334	-93.3324	345 feet East	31	46	46	55	43/43	65/55
	NSA023	44.65357	-93.3409	1947 feet West	31	49	49	55	45/45	65/55

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HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
	NSA024	44.6538	-93.347	3514 feet West	31	48	48	55	45/45	65/55
	NSA025	44.65386	-93.3448	2951 feet West	31	49	49	55	46/46	65/55
	NSA026	44.65385	-93.3482	3828 feet West	31	47	47	55	44/44	65/55
	NSA027	44.65402	-93.3266	1793 feet East	31	47	47	55	43/43	65/55
	NSA028	44.6542	-93.3344	251 feet Northwest	31	49	49	55	46/46	65/55
	NSA029	44.65463	-93.328	1436 feet East	31	49	49	55	45/45	65/55
	NSA030	44.65467	-93.3439	2721 feet West	31	52	52	55	48/48	65/55
	NSA031	44.65488	-93.3346	402 feet Northwest	31	48	48	55	44/44	65/55
	NSA032	44.65496	-93.3369	927 feet Northwest	31	48	48	55	44/44	65/55
	NSA033	44.65535	-93.3297	1080 feet Northeast	31	51	51	55	48/48	65/55
	NSA034	44.65538	-93.3252	2195 feet East	31	45	45	55	41/41	65/55
	NSA035	44.65552	-93.3356	752 feet Northwest	31	47	47	55	44/44	65/55
	NSA036	44.65566	-93.3329	583 feet North	32	48	49	56	45/45	65/55

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HDD	NSA	Latitude of (NSA)	Longitude of (NSA)	Distance and Direction to NSA	Ambient Sound Levels [dBA]	Construction Noise Impact [dBA]	Cumulative Noise Impact [dBA]	FERC Criteria [dBA]	Construction Noise Impact [dBA]	MPCA Criteria [dBA]
	NSA037	44.65567	-93.3381	1335 feet Northwest	33	50	50	57	47/47	65/55
	NSA038	44.65585	-93.3477	3753 feet West	34	51	51	58	47/47	65/55
	NSA039	44.65631	-93.3274	1776 feet Northeast	35	47	47	59	43/43	65/55
	NSA040	44.65631	-93.3365	1117 feet Northwest	36	48	49	60	45/45	65/55
	NSA041	44.65667	-93.3382	1538 feet Northwest	37	51	51	61	48/48	65/55
	NSA042	44.65729	-93.3319	1223 feet North	38	46	46	62	42/42	65/55
	NSA043	44.65733	-93.3275	1939 feet Northeast	39	46	47	63	43/43	65/55
	NSA044	44.65733	-93.335	1227 feet North	40	47	48	64	44/44	65/55
	NSA045	44.65797	-93.3294	1757 feet Northeast	41	47	48	65	44/44	65/55
	NSA046	44.6594	-93.3496	4607 feet Northwest	42	49	50	66	46/46	65/55
	NSA047	44.66039	-93.337	2452 feet North	43	49	50	67	45/45	65/55
	NSA048	44.66105	-93.3334	2524 feet North	44	44	47	68	41/41	65/55
	NSA049	44.66224	-93.348	4793 feet Northwest	45	48	50	69	45/45	65/55



Stantec Consulting
1165 Scheuring Rd., De Pere, WI

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Regards,

A handwritten signature in blue ink, appearing to read "S.A." with a stylized flourish.

Stantec Consulting

Samuel Arnold MASc.

Phone: 416-904-3651

Email : Samuel.Arnold@Stantec.com