

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas 3
Northern Natural Gas Company
Northern Lights 2023 Expansion
Project
Docket No. CP22-138-000

June 15, 2023

VIA Electronic Mail

Mr. Darin Simpkins
Minnesota-Wisconsin Field Office
U.S. Fish and Wildlife Service
darin_simpkins@fws.gov

**Re: Request for Informal Consultation for the Northern Lights 2023
Expansion Project**

Dear Mr. Simpkins:

The environmental staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final environmental impact statement (EIS) for the Northern Lights 2023 Expansion Project (Project). As required by Section 7 of the Endangered Species Act (ESA), as amended, we are requesting informal ESA consultation and U.S. Fish and Wildlife Service (FWS) concurrence with our determination for the Karner blue butterfly, as discussed in our final EIS for the Project. The EIS can be downloaded at the following link: [Final Environmental Impact Statement](#). Specifically, we request that you consider the following sections of the EIS during your review:

- section 2.0 (Description of the Proposed Action);
- section 4.5.3.1 (Federally Listed Species);
- section 4.12.2.4 (Cumulative Impacts on Special Status Species); and
- appendix I (Federal and State-Listed Threatened and Endangered Species Potentially Occurring within the Project area).

Please also consider the biological survey reports and other supplemental material sent by Northern Natural Gas Company (Northern) to your offices as part of our analysis.

The Project facilities listed below would require ground disturbance during construction and are fully described in the EIS.

- Ventura Extension – Construction of an approximately 2.8-mile-long, 36-inch-diameter natural gas transmission pipeline extension of the Ventura North E-Line, abandonment and removal of an existing tie-over valve setting, and installation of a new tie-over valve setting in Freeborn County, Minnesota.
- Elk River Loop – Construction of an approximately 1.1-mile-long, 30-inch-diameter natural gas transmission pipeline loop, addition of a new pig launcher and new valves at the existing Hugo Compressor Station, and installation of a new valve setting in Washington County, Minnesota.
- Willmar Extension – Construction of an approximately 1.1-mile-long, 24-inch-diameter natural gas transmission pipeline extension, abandonment and removal of an existing tie-over valve setting, and installation of a new tie-over valve setting in Scott County, Minnesota.
- Princeton Extension – Construction of an approximately 2.5-mile-long, 8-inch-diameter natural gas transmission pipeline loop extension, installation of a rupture-mitigation valve (RMV), associated with piping, and building at existing tie-over valve setting, and installation of new valves, and RMV, piping, and building at an existing pig launcher facility in Sherburne County, Minnesota.
- Paynesville Loop – Construction of an approximately 2.0-mile-long, 4-inch-diameter natural gas transmission pipeline loop, installation of new valves at Dooley’s Minnesota#2 Town Border Station (TBS), and installation of new valves at the existing Roscoe Branch Line take-off facility in Stearns County, Minnesota.
- Tomah Extension – Construction of an approximately 0.3-mile-long, 8-inch-diameter natural gas transmission pipeline extension, below ground modifications at the Tomah Branch Line Loop receiver facility, and installation of a new valve setting in Monroe County, Wisconsin.

On the basis of the information in Northern’s biological survey reports, subsequent filings received from Northern, our analysis of the potential effects of the proposed action and recommendations as reported in the Final EIS,¹ we have determined that the Project *may affect, but is not likely to adversely affect* the Karner blue butterfly based on a lack of known or observed habitat within applicable

¹ Pages 4-46 to 4-51 of the EIS.

portions of the Project. As noted above, we herein request concurrence with our determination for the Karner blue butterfly.

We have also determined that the Project *may affect, but is not likely to adversely affect* the rusty patched bumble bee based on the presence of potentially suitable habitat, but lack of species observations during presence/absence surveys. On October 31, 2022, the FWS responded to Northern's submittal of the species' survey report and indicated that it concurred with the results of the survey report and that the Project *may affect, but is not likely to adversely affect* the rusty patched bumble bee. As noted in the final EIS, we concur with this determination and therefore ESA consultation for the rusty patched bumble bee is complete.

Because no tree clearing is currently proposed for Project construction or operation, we determined in the final EIS that the proposed Project would have *no effect* on the northern long-eared bat. However, after issuance of the final EIS, the FWS released a Determination Key (Dkey) for the northern long-eared bat that indicated that the Project *may affect, but is not likely to adversely affect* the northern long-eared bat, due in part to the presence of suitable summer habitat within 1,000 feet of Project activities. Northern provided Project-specific Dkeys to the FWS on April 3, 2023.² FWS concurred with the *may affect, not likely to adversely affect* determination on April 26, 2023;³ we agree and therefore ESA consultation for the northern long-eared bat is complete.

The April 2023 Dkeys also indicated the potential presence of the federally proposed endangered tricolored bat, which was not identified during early Project coordination. Because the tricolored bat is only proposed for listing at this time and no trees would be cleared for the Project, in accordance with Section 7(a)(4) of the ESA, we have determined that the Project is *not likely to jeopardize* the continued existence of the tricolored. We request informal conference with the FWS, including any comments or concerns the FWS has regarding the Project's potential impacts on the tricolored bat.

We have determined that the Project would have *no effect* on the whooping crane, northern wild monkshood, or four species of federally listed mussels (Higgins eye pearlymussel, snuffbox, spectaclecase, and winged mapleleaf), based on lack of suitable habitat. We have also determined that the Project is unlikely to result in a trend towards federal listing for the monarch butterfly (a candidate species) based on the type of habitat cleared, the available adjacent habitat, and Northern's proposed revegetation methods.

² Applicable IPaC Record Locator numbers include: 786-124336495, 166-124381151, 476-124379631, 828-124355132, 476-124415600, and 853-124417910.

³ Available on eLibrary under accession no. 20230608-5127.

Please provide your concurrence and any comments using the Commission's eFiling system. Instructions for eFiling are found at <https://www.ferc.gov/ferc-online/overview>. For assistance with the Commission's eFiling system, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). If you have any questions regarding our request for formal consultation, please call Jennifer Fink, project biologist, at (202) 502-6259.

Sincerely,

James Martin
Chief, Gas Branch 3
Division of Gas – Environment
and Engineering