

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

July 5, 2024

Via eFiling

Ms. Debbie-Anne Reese, Acting Secretary Federal Energy Regulatory Commission 888 First Street, N.E. Washington, D.C. 20426

Re: OEP/DG2E/Gas Branch 1

Northern Natural Gas Company

Northern Lights 2025 Expansion Project

Docket No. CP24-60-000

§ 375.308(x)

Dear Ms. Reese:

Northern Natural Gas Company (Northern) hereby submits for filing with the Federal Energy Regulatory Commission (FERC) in the above-referenced docket Northern's responses to the data request issued by FERC staff June 25, 2024. FERC's requests and Northern's responses are attached.

Northern also has attached (1) its response to data request 30 (DR-30) issued May 15, 2024, by FERC staff regarding the single-family residence located within 10 feet of project activities at milepost 2.51 of the Tomah branch line loop, and (2) correspondence with the Wisconsin Department of Natural Resources (WDNR) and the Minnesota Department of Natural Resources (MDNR), which have not yet been filed with FERC. These attachments are more fully described below.

<u>Supplement for Response to DR-30 (issued May 15, 2024):</u> A copy of the landowner concurrence is attached (DR-30a); no site-specific landowner requests have been received (DR-30b).

Agency Correspondence Not Previously Filed With FERC:

The WDNR responded to Northern's project introduction letter on March 22, 2024. Northern is aware of the permit requirements described in the WDNR's letter and has the following responses:

- Waters of the state Northern will complete permitting as required in Section 30 of the Wisconsin State Statutes for water crossings and potential temporary bridges.
- U.S. Army Corps of Engineers (USACE) Section 404 permitting Northern will not impact wetlands on the Tomah branch line loop extension; the USACE confirmed that no applications or permits are

required on February 21, 2024. Northern does not believe a WDNR water quality certification will be required; however, wetland impact information will be submitted to the WDNR.

- Northern will obtain the required coverage under the Wisconsin Pollutant Discharge Elimination System (WPDES) Construction Stormwater general permit. Pit trench dewatering is covered under the construction stormwater general permit.
- An Endangered Resource Review (ER Log #24-232) was completed March 4, 2024; a copy was filed with FERC June 5, 2024, in response to FERC's DR-3 issued May 15, 2024.
- The project does not cross WDNR-owned, managed or funded property nor any trails.
- The project will not require approval from the Public Service Commission of Wisconsin.

On June 14, 2024, the MDNR completed its state-level threatened and endangered (T&E) species review for the Lake Mills to Albert Lea E-line. The MDNR agreed there does not appear to be habitat for the common gallinule or trumpeter swan, which were the species listed in the initial consultation. The consultation regarding state-listed species for the Lake Mills to Albert Lea E-line is complete.

The attached landowner concurrence and MDNR correspondence contains confidential information providing the landowner's name and address and/or information regarding T&E species/habitat and have therefore been segregated and labeled "CUI//PRIV --- DO NOT RELEASE (PRIVILEGED)." Pursuant to 18 CFR section 388.112, Northern requests confidential and privileged treatment of these documents due to the confidential nature of the contents. 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

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

VERIFICATION

STATE OF NEBRASKA COUNTY OF DOUGLAS)
)

Brian Mundt, being duly sworn, on oath, states that he is Vice President, Operations, for Northern Natural Gas and is duly authorized to make this affidavit; that he has read the foregoing Data Responses of such Company and is familiar with the contents thereof; that all the facts therein are true and correct to the best of his knowledge, information and belief.

Signed:

Brian Mundt

Vice President, Operations

SUBSCRIBED AND SWORN TO, before me, this 5 day of July 2024.

Barbua 5. Bischoff
Notary Public in and for
Douglas County, Nebraska

My commission expires:

GENERAL NOTARY - State of Nebraska BARBARA D. BISCHOFF My Comm. Exp. December 30, 2027

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 5 day of July 2024.

Donna Martens

Sr. Regulatory Analyst

Northern Natural Gas

P.O. Box 3330

Omaha, Nebraska 68103-0330

Telephone: (402) 398-7138

Requesting Party:
Reference No:
Requester's Name:
Subject:
Subject:
FERC
FERC-DR5-01
Jessica Miller
Impact to Rusty Patch Bumble Bee

Data Request 1 (Resource Report 3):

Provide an analysis of impacts on the rusty patch bumble bee that includes the following:

a. an estimate of potential rusty patched bumble bee habitat that would be impacted by the Northern Lights 2025 Expansion Project;

b. an estimate of the available habitat adjacent to the project area; and

c. the amount of habitat that would be restored to pre-construction condition following construction.

Response:

- a. Northern estimates that 2.8 acres of rusty patched bumble bee (RPBB) habitat will be impacted by construction on the Tomah branch line loop extension and 11.2 acres of RPBB habitat will be impacted by construction on the Elk River 3rd branch line extension.
- b. Northern estimates approximately 6.6 acres of RPBB habitat is located adjacent to the Tomah branch line loop extension and approximately 29.2 acres of potential habitat is adjacent to the Elk River 3rd branch line extension. On the Tomah branch line loop extension, the adjacent habitat is located between Mileposts 2.6 and 2.9 and are extensions of the RPBB habitat crossed by Project workspaces. The adjacent habitat areas are predominantly native grasses with a mix of native and non-native forbs. Flowering plants currently cover approximately 5% of the habitat, but the percentage should increase as additional summer blooming forbs mature. For the Elk River 3rd branch line extension, the adjacent habitat areas are located between Mileposts 2.11-2.15, 2.20-2.43, 2.94-3.05, and 3.11-3.15 and are extensions of the same RPBB habitat crossed by the Project workspaces. The areas are dominated by native and non-native grasses with 1-2% forbs and represent low-quality potential RPBB habitat.
- c. Northern will restore the entire 2.8 acres of impacted RPBB habitat on the Tomah branch line loop extension and the entire 11.2 acres of RPBB habitat on the Elk River 3rd branch line extension to pre-construction conditions following construction.

Northern is providing the following additional information regarding the RPBB. Northern conducted the first presence/absence survey on the Elk River 3rd branch line extension June 24, 2024, and on the Tomah branch line loop extension June 26, 2024. No RPBB were observed at either location. On the Elk River 3rd branch line extension, the overall floristic habitat is generally poor quality for the RPBB. On the Tomah branch line loop extension, the overall floristic habitat is slightly better with more native plants expected to flower July 2024.

The remaining survey schedule for the RPBB is as follows:

Tomah branch line loop extension

- First floristic survey: completed May 29, 2024
- Second floristic and first RPBB survey: completed June 26, 2024
- Third floristic and second RPBB survey: planned for week of July 8
- Fourth floristic and third RPBB survey: planned for week of July 29
- Fourth RPBB survey: planned for week of August 12

Elk River third branch line extension

- First floristic survey: completed May 20, 2024
- Second floristic survey: completed June 14, 2024
- First RPBB survey: completed June 24, 2024
- Third floristic survey: planned for July 2 or 3, 2024
- Second RPBB survey: planned for week of July 8
- Third RPBB survey: planned for week of July 29
- Fourth floristic survey: planned for week of August 5
- Fourth RPBB survey: planned for week of August 12

Requesting Party: FERC

Reference No: FERC-DR5-02

Requester's Name: Jessica Miller

Subject: Consultation with USFWS-additional

guidance

Data Request 2 (Resource Report 3):

In your response to Data Request 12 of EIR 1, you noted that Northern will consult with the US Fish and Wildlife Service for guidance on additional avoidance and mitigation measures if surveys reveal the presence of the rusty patched bumble bee. List the additional avoidance and mitigation measures that Northern would take to reduce impacts to the rusty patched bumble bee.

Response:

Northern will consult with the U.S. Fish and Wildlife Service (USFWS) after the rusty patched bumble bee (RPBB) surveys are completed the week of August 12, 2024. If the RPBB is present on the Elk River 3rd branch line and/or the Tomah branch line loop, Northern will propose the following mitigation measures:

- Temporary access roads will follow existing trails, gravel roads, or two-track roads, where possible, as they do not provide suitable habitat.
- Where approved by landowners, restoration will use a seed mix that includes a diverse mix of flowering native species, including species that bloom in spring, summer, and fall.
- Periodic vegetation maintenance activities will be implemented to control invasive shrubs that can reduce potential RPBB habitat.

Northern will provide the outcome of the follow-up consultation and subsequent correspondence with the USFWS to FERC.

Requesting Party: FERC

Requester's Name: FERC-DR5-03

Requester's Name: Jessica Miller

Subject: Updated USFWS correspondence

Data Request 3 (Resource Report 3):

Provide any updated correspondence with the U.S. Fish and Wildlife Service.

Response: Northern has not completed any additional consultation with the U.S. Fish and Wildlife Service (USFWS) since the previous data request. Northern will request concurrence from the USFWS once all floristic and species-specific surveys are completed; anticipated the week of August 12, 2024. Northern will compile its results of the field surveys and submit the results to the USFWS; anticipated September 2024. Northern will provide a copy of the reports and all subsequent correspondence with the USFWS to FERC upon receipt.

Requesting Party:
Reference No:
Requester's Name:
Subject:
Subject:
FERC
FERC-DR5-04
Jessica Miller
Updated USFWS correspondence

Data Request 4 (Resource Report 5):

Update all pages of Environmental Justice figure 5-1 as follows:

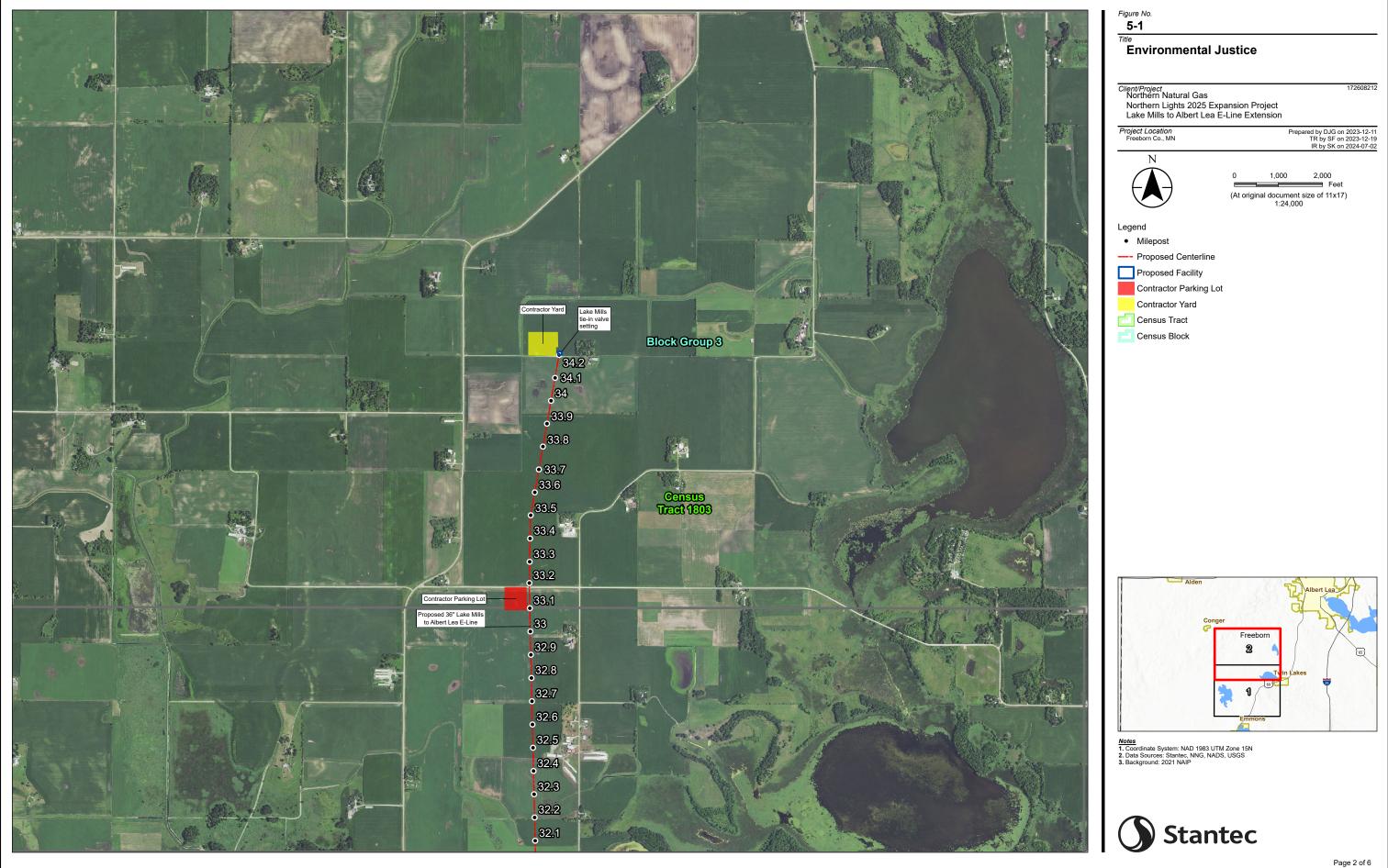
- a. include the census tract, block group numbers on the figures;
- b. remove the "Environmental Survey Boundary" from figures;
- c. include a 1-mile radius around the La Crescent and Hugo compressor stations and include radius in legend;
- d. indicate location of contractor parking lots and contractor yards on the figures (Alignment sheets do not show if the parking lots and contractor yards are within an Environmental Justice community); and
- e. remove "% Non-English Speaking" from figure and legend.

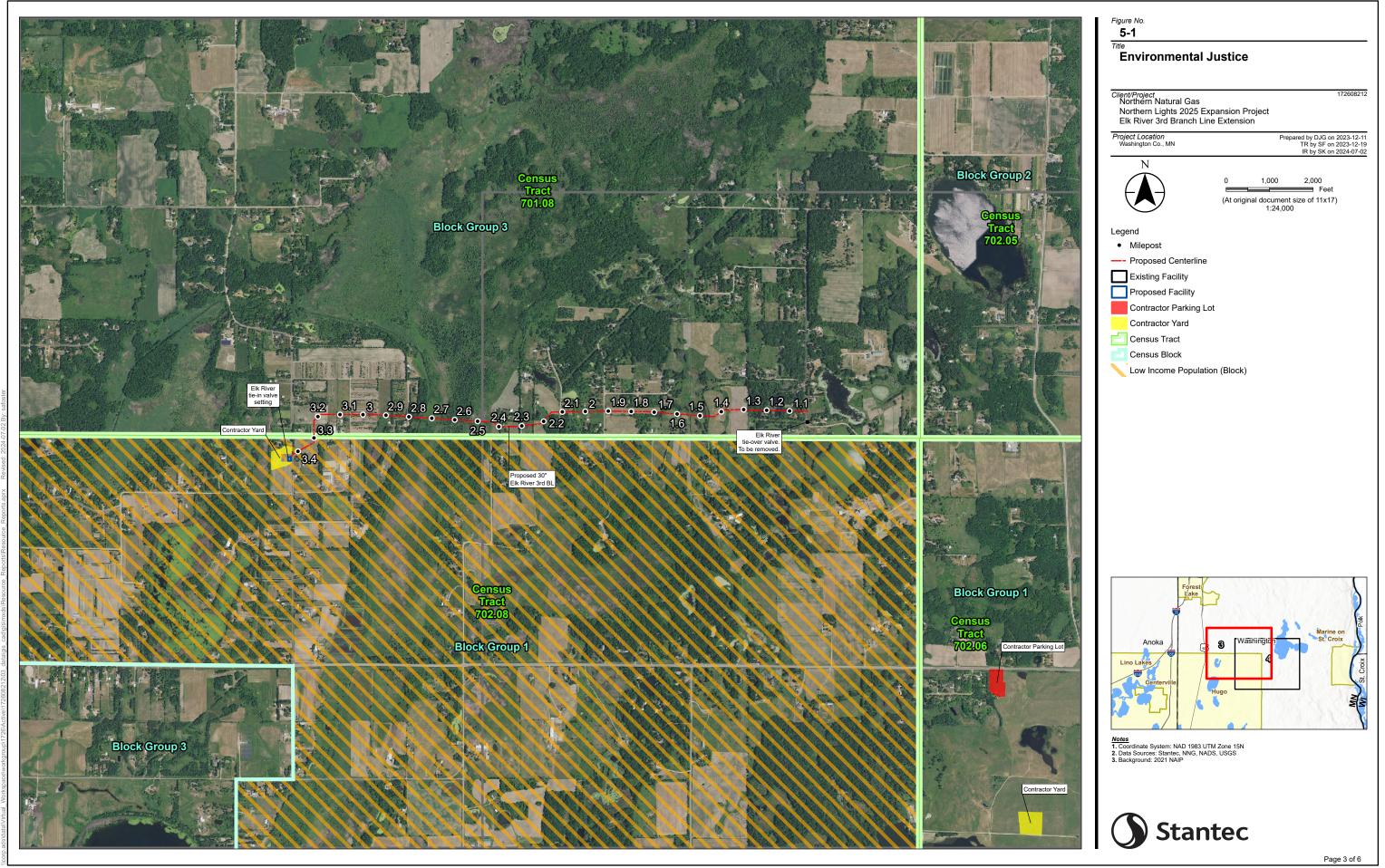
Response:

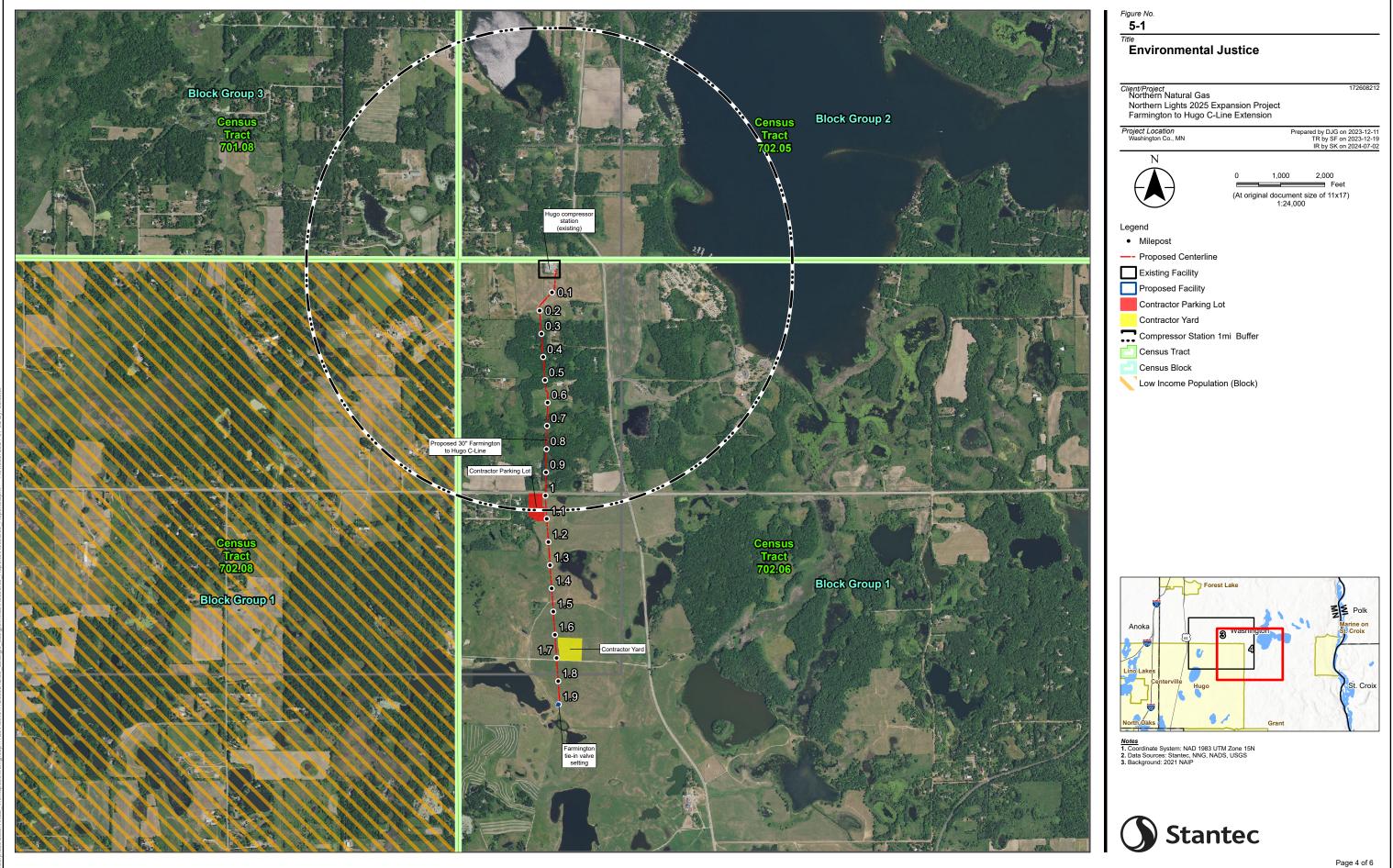
The following updates have been made to environmental justice figure 5-1:

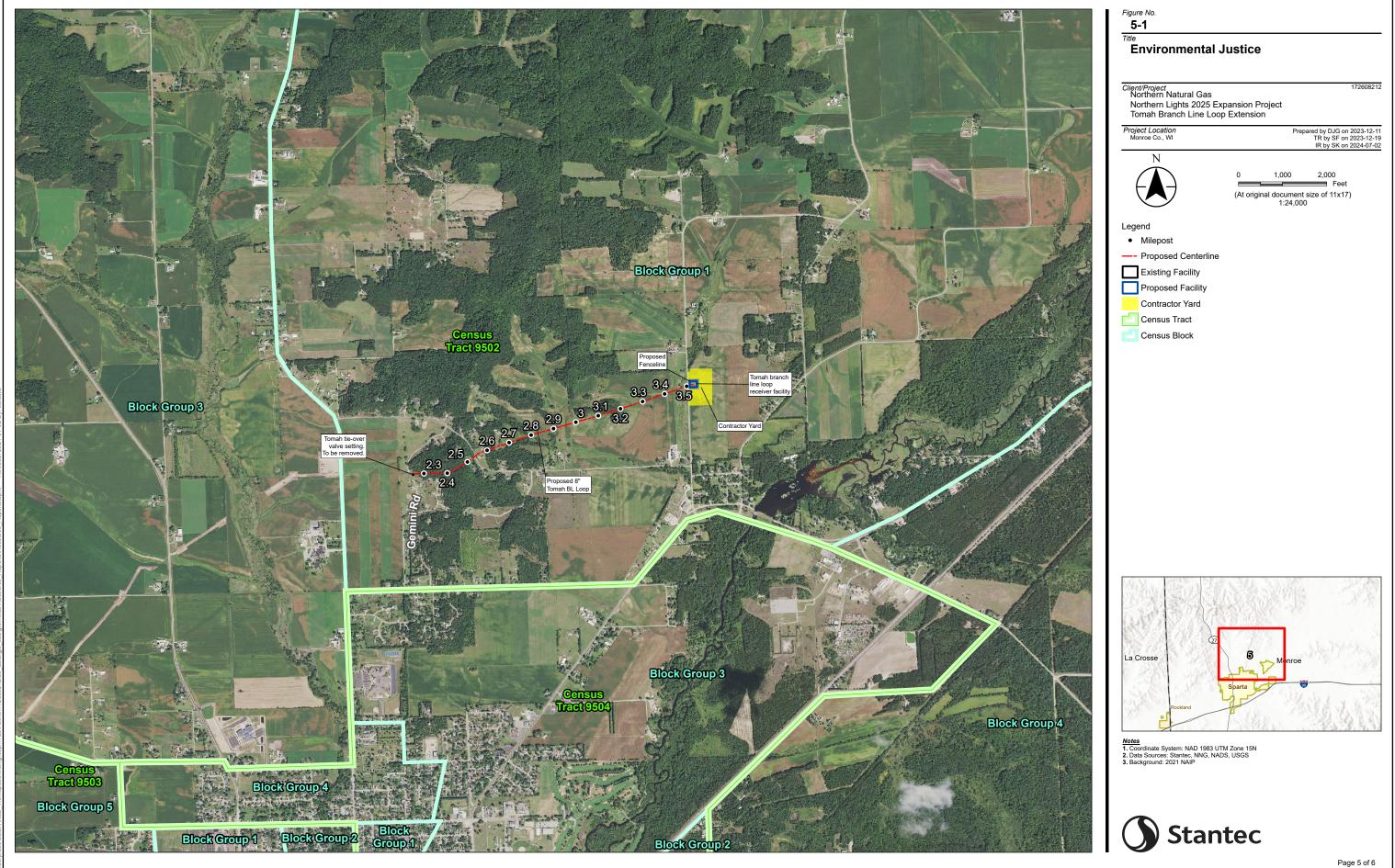
- a. Northern updated the figure to include the census tract and block group numbers.
- b. Northern removed the environmental survey boundary.
- c. Northern included a one-mile radius around the La Crescent and Hugo compressor stations and included the radius in the legend.
- d. Northern indicated the location of contractor yards and contractor parking lots.
- e. Northern removed the "% non-English Speaking" from the legend and figure.

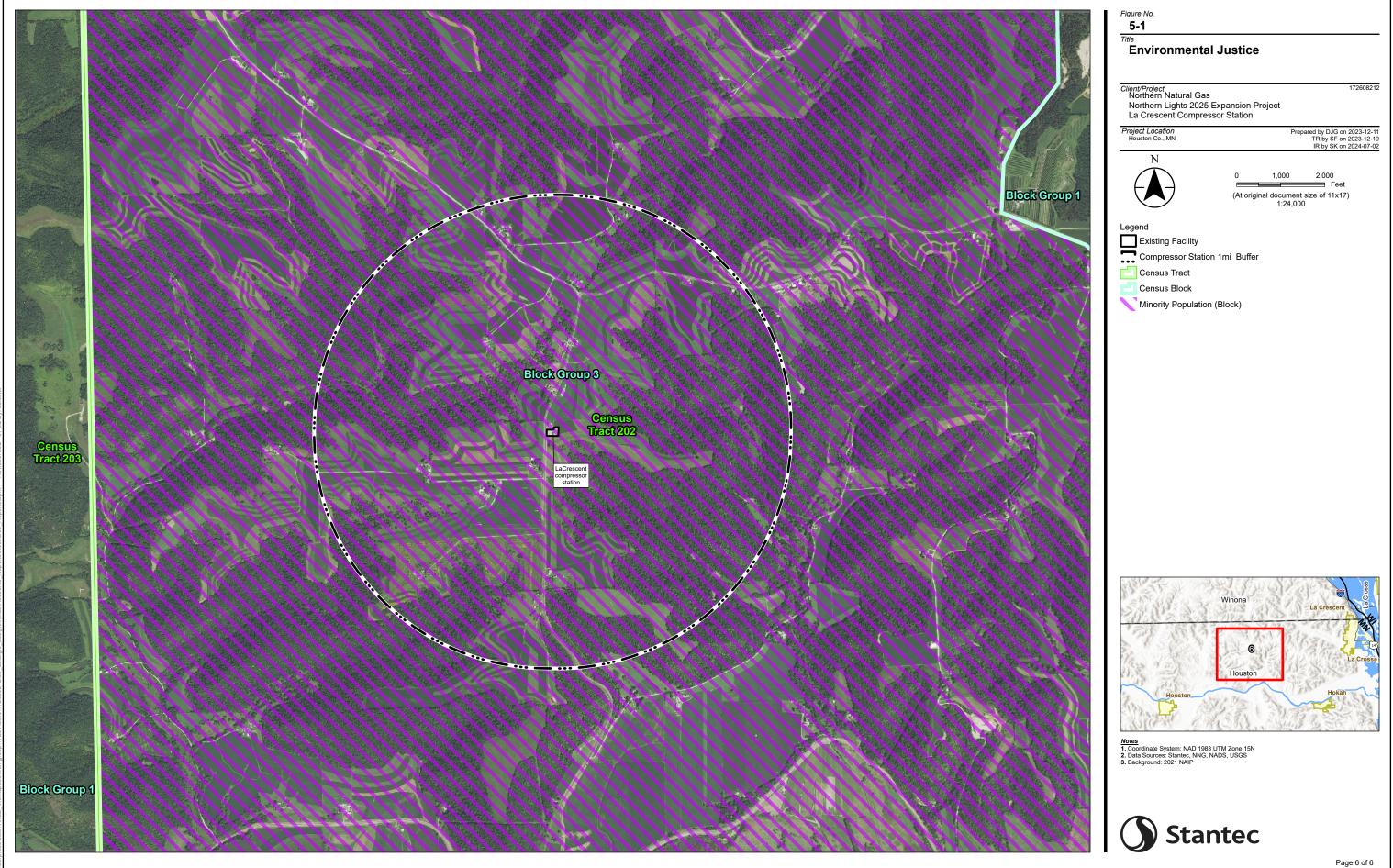












Agency Correspondence Not Yet Filed With FERC

Martens, Donna (Northern Natural Gas)

From: McLaughlin, Kyle L - DNR < Kyle.McLaughlin@wisconsin.gov>

Sent: Friday, March 22, 2024 1:56 PM

To: Martens, Donna (Northern Natural Gas)

Cc: Ingwell, Adam - PSC; Schoen, Jill M - DNR; Haller, Macaulay G - DNR; Radermacher, Geri

M - DNR; Rowe, Stacy A - DNR; Whitens, Samantha M - DNR

Subject: [INTERNET] Northern Natural Gas Northern Lights 2025 Expansion Project Regulatory

Requirements

Attachments: NNG Northern Lights 2025 Expansion Introduction WDNR response letter.pdf; 03.07.24

Nothern Natural Gas.pdf

You don't often get email from kyle.mclaughlin@wisconsin.gov. Learn why this is important

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. <u>Learn to spot a phishing message</u>

Good afternoon,

Please see the attached correspondence outlining Wisconsin Department of Natural Resources regulatory considerations intended as a response to the introductory letter dated March 4, 2024 (also attached) introducing the NNG Northern Lights 2025 Expansion Project.

Please let me know if you have any questions.

Sincerely, Kyle McLaughlin

We are committed to service excellence.

Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Kyle McLaughlin

Section Manager – Integration Services
Bureau of Environmental Analysis and Sustainability/Division of External Services
Wisconsin Department of Natural Resources
107 Sutilff Ave. Rhinelander, WI 54501
Phone: (715) 360-6148

1 110110: (713) 300 0140

Kyle.McLaughlin@Wisconsin.gov



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor

Telephone 608-266-2621 Toll Free 1-888-936-7463 TTY Access via relay - 711



March 22, 2024

Northern Natural Gas Attn: Donna Martens, Senior Regulatory Analyst 1111 South 103rd St. Omaha, NE 68124-1000

RE: Northern Natural Gas Northern Lights 2025 Expansion Project

Dear Ms. Martens,

The Wisconsin Department of Natural Resources (DNR) staff have received your letter introducing the Northern Natural Gas Northern Lights 2025 Expansion Project (Project). Based on the information provided in your email, received on March 7, 2024, we have determined that this project may require certain DNR permits and/or approvals prior to construction or operation of certain components of the project.

Should any element or segment of the proposed Project cross waters of the state, as defined in s. 281.01 (18), Wis. Stats., permits from the DNR may be required under the authority of s. 30, Wis. Stats. Subject activities may include, but is not limited to, the following: placement of structures below the ordinary high water mark within navigable waters, disturbances of the banks of navigable waters, removal of bed material from navigable waters, and placement of permanent or temporary bridges over navigable waters.

For any activities subject to U.S. Army Corps of Engineers (Corps) Section 404 permitting, the DNR must issue Water Quality Certification under Section 401 of the Federal Clean Water Act, and pursuant to NR 103 and NR 299, Wis. Adm. Code. Should any element or segment of the proposed Project create a discharge of fill into wetlands, as defined in s. 23.32 (1), Wis. Stats., permits from the DNR may be required under the authority of s. 281.36, Wis. Stats. Subject temporary and/or permanent wetland fill may include, but is not limited to, the following: placement of temporary or permanent structures in wetland, such as construction matting, backfilling a trench, and road fill placement.

If the associated land disturbance for the Project is expected to exceed one acre, coverage under the Wisconsin Pollutant Discharge Elimination System (WPDES) Construction Stormwater general permit, under s. 283, Wis. Stats., and NR 216, Wis. Adm. Code would be required. Discharge of water due to pit or trench dewatering associated with construction may require a determination of the applicability of a WPDES general permit under s. 283, Wis. Stats.

Should the construction of this Project affect protected species, an Endangered Resources Review and/or an Incidental Take Review and Permit may be required under s. 29.604, Wis. Stats.

Should any element or segment of the proposed Project cross DNR-owned, managed, or funded property, including trails, additional coordination with DNR Real Estate Staff may be required.

Although this project is not expected to require approval from the Public Service Commission of Wisconsin (PSC), pipeline application information available on their website outlines how to prepare a thorough application for DNR review: https://psc.wi.gov/Pages/ServiceType/Energy/FilingRequirements.aspx. Applications for



waterway, wetland, and WPDES stormwater permits can be submitted using our e-permitting system at https://dnr.wisconsin.gov/permits/water.

Please note that these determinations are based on information provided in your introductory letter and is subject to change based on project updates. Additionally, Northern Natural Gas must obtain any permits and/or approvals necessary for this project, regardless of whether or not they have been identified by this letter.

For any questions or concerns, or to discuss permit application requirements more specifically, please contact DNR's Office of Energy Project Liaisons, Geri Radermacher (Geri.Radermacher@wisconsin.gov) or Macaulay Haller (Macaulay.Haller@wisconsin.gov).

Sincerely,

Integration Services Section Manager, DNR

Email cc:

Adam Ingwell, Environmental Affairs, PSC
Jill Schoen, Secretary's Director, DNR
Macaulay Haller, Energy Project Liaison, DNR Office of Energy
Geri Radermacher, Energy Project Liaison, DNR Office of Energy
Stacy Rowe, Endangered Resources, DNR Office of Energy
Samantha Whitens, Stormwater Engineer, DNR Office of Energy



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

WI DEPT. OF NATURAL RESOURCES

MAR 0 7 2024

OFFICE OF THE SECRETARY

March 4, 2024

RE:

Northern Natural Gas

Northern Lights 2025 Expansion

Docket No. CP24 -60-000

Dear Sir or Madam:

Northern Natural Gas (Northern) owns, and operates an interstate natural gas pipeline system and is regulated by the Federal Energy Regulatory Commission (FERC). On February 16, 2024, Northern filed an application with FERC in Docket No. CP24-60-000 requesting authorization to construct and operate (1) a 3.00-mile extension of its 36-inch-diameter Lake Mills to Albert Lea Eline in Freeborn County, Minnesota (MN); (2) a 2.43-mile extension of its 30-inch-diameter Elk River 3rd branch line in Washington County, MN; (3) a non-contiguous 1.91-mile extension of its 30-inch-diameter Farmington to Hugo C-line in Washington County, MN; (4) a 1.28-mile extension of its 8-inch-diameter Tomah branch line loop in Monroe County, Wisconsin (WI); and (5) minor modifications to its existing La Crescent compressor station in Houston County, MN. Pipeline installation will include aboveground appurtenant facilities consisting of a launcher, receiver and/or tie-over valve settings.

Northern must obtain FERC approval to construct and operate the proposed facilities. Northern requested issuance of an order approving the project by December 19, 2024. Pending approval of the project, Northern plans to commence construction spring 2025, with an in-service date for all project components by November 1, 2025.

Northern will utilize a 75-, 90-, or 100-foot-wide temporary workspace to accommodate installation of the pipelines. The pipelines will be installed parallel to existing pipelines wherever possible. Various sizes of extra temporary workspace, staging areas, and new or to be improved temporary access roads will be utilized during construction. Northern will utilize existing easements where practicable; Northern will work with landowners to obtain permanent pipeline, facility and access easements as well as temporary workspace.

This letter has been sent to you because you have been identified as a potential stakeholder by virtue of being a public official in the project area or a representative of a permitting or interested agency.

Northern Natural Gas Page 2 of 3

Northern also is providing notification to landowners that are either directly or indirectly affected by the project; FERC regulations require that various attachments be included with the letter sent to the landowners. These attachments have been posted to the project website established by Northern at https://www.northernnaturalgas.com/expansionprojects/Pages/NorthernLights2023.aspx. Click on the "Attachments to February 2024 Landowner Letter" under the Resources tab on the left side of the screen. This information includes:

- (1) General location maps showing the Project areas
- (2) A pamphlet prepared by FERC entitled, An Interstate Natural Gas Facility on My Land? What Do I Need to Know? The pamphlet explains the certificate approval process at FERC, and addresses how the location of a pipeline or other facility is decided and the rights of property owners
- (3) A copy of FERC's notice of Northern's application. This notice provides information on how to intervene or participate in FERC's proceeding. Motions to intervene must be filed in writing to FERC's Secretary, 888 First Street NE, Washington, D.C., 20406
- (4) A summary of landowner rights under Minnesota and Wisconsin eminent domain statutes
- (5) A copy of Northern's Environmental Complaint Resolution Procedures, which provides landowners the process to use to raise concerns

Additional information regarding the proposed project can be found on the project website. Northern will continue to keep affected stakeholders apprised of the project's status through this website. Should you have any questions regarding this letter or the project, please feel free to contact Northern at 1-888-367-6671. If you call, please tell the operator that you are calling about the Northern Lights 2025 expansion project. Alternatively, you may email us at: NorthernLights2025@nngco.com. A copy of Northern's application (public information) has been mailed to the following libraries and is available for viewing:

Hardwood Creek Library 19955 Forest Rd. N. Forest Lake, MN 55025 Elk River Public Library 13020 Orono Parkway Elk River, MN 55330 Northern Natural Gas Page 3 of 3

> Sparta Free Library 124 W. Main Street Sparta, WI 54656

Albert Lea Public Library 211 E. Clark Street Albert Lea, MN 56007

La Cresent Public Library 321 Main Street La Cresent, MN 55947

Northern's application also may be viewed through FERC's website at http://www.ferc.gov using the "eLibrary" link. Enter the docket number CP24-60-000 in the docket number field to access the document. User assistance is available by email at FERCOnlineSupport@ferc.gov or toll free at 866-208-3676 (TTY, call 202-502-8659). Additional information regarding FERC's regulations, policies or procedures is available on FERC's website at http://www.ferc.gov or from FERC's Office of External Affairs at 866-208-3372.

Respectfully yours,

Donna Martens

Senior Regulatory Analyst