



**FEDERAL ENERGY REGULATORY COMMISSION  
ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM  
WEEKLY SUMMARY REPORT NO. 3  
NORTH BAKKEN EXPANSION PROJECT  
DOCKET NOS.: CP 20-52-000 AND CP 20-52-001  
FOR THE PERIOD: AUGUST 15 THROUGH AUGUST 21, 2021**

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On June 1, 2021, the Federal Energy Regulatory Commission (FERC) published an Order Issuing Certificate (Certificate) to WBI Energy Transmission, Inc. (WBI) to construct and operate pipeline and ancillary facilities in Burke, McKenzie, Mountrail, and Williams Counties, North Dakota for the North Bakken Expansion Project (Project).

WBI agreed to fund an Environmental Compliance Monitoring Program during construction of the Project. This report provides a summary of the FERC Compliance Monitor's construction review for this reporting period. The Compliance Monitors are responsible for reviewing WBI's construction activities and documenting compliance with the FERC Certificate.

During this reporting period, the Compliance Monitors issued eleven (11) Daily Monitoring Reports consisting of six (6) Acceptable Reports and five (5) Communication Reports. No Noncompliance or Problem Area Reports were issued during this reporting period. No Level 1 and three (3) Level 2 variance requests were approved for the Project during this reporting period. A tabular summary of the daily compliance reports and approved variances are presented below.

<b>SUMMARY OF COMPLIANCE MONITOR REPORTS AND APPROVED VARIANCES FOR THE NORTH BAKKEN EXPANSION PROJECT</b>		
Compliance Level	Number of Reports and Variances for this Reporting Period	Cumulative Number of Reports and Variances
Acceptable	6	30
Communication	5	19
Problem Area	0	0
Noncompliance	0	0
Serious Violation	0	0
Approved Level 1 Variances	0	1
Approved Level 2 Variances	3	20
<b>Total Reports and Variances</b>	<b>14</b>	<b>70</b>

During this reporting period, two full-time Compliance Monitors conducted inspections documenting compliance with the Project's environmental requirements along the Project's right-of-way. The Compliance Monitors coordinated with WBI's Environmental Inspectors (EIs) this week to inspect and discuss issues, planned and ongoing construction activities, review areas subject to variance requests, and clarify interpretations of the Project requirements. The activities of the Compliance Monitors were directed by the Compliance Manager, who coordinated with FERC staff as well as with WBI's field management and support staff.



## SUMMARY OF ACTIVITIES

The Compliance Monitors inspected various activities in progress along the Project, including:

- *Elkhorn Creek Compressor Station – no activity;*
- *Line Section 25 Loop (MP 0 – 20.3) – completion of topsoil stripping and grading; stringing; bending and assembling of sections of pipeline; maintenance of construction entrances and temporary erosion controls; variance request review;*
- *Line Section 30 Loop (MP 0 – 9.6) – installation of the pipeline under waterbody S-WM-EA-002; restoration of streambanks to natural contours; variance request review;*
- *Tioga Compressor Lateral (MP 0 – 0.5) – no activity;*
- *Tioga Compressor Station – no activity;*
- *Tioga to Elkhorn Creek Pipeline Spread 1 (MP 0 – 23.0) – grading; topsoil stripping and segregation; set up of the horizontal directional drill (HDD); installation of sound-limiting wall; unanticipated cultural discovery; variance request review;*
- *Tioga to Elkhorn Creek Pipeline Spread 2 (MP 23.0 – 62.8) – addressing lease holder concern; grading; erosion control device installation;*
- *Tioga Plant Receipt Station – no activity;*
- *Section 25 Uprates Pipeline (MP 0.0 to 0.5)- no activity;*
- *Norse Transfer Station – no activity;*
- *Robinson Station – no activity;*
- *Springbrook Station – no activity;*
- *Lignite Plant and Border Stations – no activity;*
- *Elkhorn to Northern Border Interconnect Pipeline (MP 0 – 0.3) – no activity; and*
- *Williston-Tioga-Minot Re-route (MP 0 – 0.2) – no activity.*



**COMMUNICATION REPORTS**

Communication reports provide documentation of relevant meetings between the FERC Compliance Monitor and landowners, agency staff, Project representatives, EIs, and others. The two (2) communication reports below present compliance-related information for keeping this weekly summary report relevant to current Project activities. Three (3) communication report detailing two (2) variance requests and one (1) rain-out report are not included.

<b>SUMMARY OF COMMUNICATION REPORTS FOR THE NORTH BAKKEN EXPANSION PROJECT</b>				
<b>Compliance Level/Report Number</b>	<b>Date Issued</b>	<b>Location (Spread/Facility/Milepost [MP]/County/State)</b>	<b>Follow-up Required (Yes or No)</b>	<b>Description</b>
TiogaElkhorn Cr PL Spread 2_19Aug2021_VH1	8/19/2021	Tioga Elkhorn Cr PL Spread 2 MP 53.4	No	The Compliance Monitor responded to a landowner issue near MP 53.4 at access road 34B, after the landowner voiced concern that crews were traveling onto a section of the private road that was not approved for construction access. The Compliance Monitor met with the Lead EI at this area. It was determined that survey teams did not survey or mark the access road in a way that the beginning of the access road could be clearly identified. Crews drove past the permanent fencing that was installed and then drove across a small segment of the unapproved private road. A survey crew later came to the location and properly marked the access road. The fence gap was installed at the proper location and access road 34B was now clearly marked for access. The Lead EI stated that an Applicant Problem Area report would be issued for the use of the small segment of the unauthorized private road. The new signage should prevent future issues.
TiogaElkhornCr PL Spread 1_20Aug2021_HT2	8/20/2021	Tioga-Elkhorn Cr PL Spread 1 MP (redacted)	No	The Spread 1 Lead EI informed the Compliance Monitor of a cultural resources discovery in an upland grassy area adjacent to and off the right-of-way by a Cultural Resources Monitor from the Northern Cheyenne Tribe. The discovery occurred during the week ending August 13, 2021. The site was approximately 30 feet from the right-of-way, on the west side of the right-of-way. Orange safety fence was installed by the Cultural Resources Monitor along the edge of the right-of-way to protect the site. Staking, mowing, topsoil stripping, grading, and stringing phases of construction have been completed through the area. The Lead EI stated that activities were consistent with the Unanticipated Discovery Plan. The construction activities continued since they did not affect or damage the site.



## **PROBLEM AREA AND NONCOMPLIANCE REPORTS**

Problem area reports record an observation where an area or activity does not meet the definition of acceptable, but is not considered a noncompliance.

Noncompliance reports record an observation where an area or activity that violates (is not in compliance with) the Project specifications, results in damage to resources, or places sensitive resources at unnecessary risk.

The Compliance Monitors issued no problem area or noncompliance reports during this period.



**SUMMARY OF LEVEL 1 AND LEVEL 2 VARIANCE REQUESTS**

Three (3) Level 2 variance requests were approved for the Project during this reporting period.

<b>SUMMARY OF APPROVED VARIANCES FOR THE NORTH BAKKEN EXPANSION PROJECT</b>					
<b>Variance Number</b>	<b>Variance Level <sup>a</sup></b>	<b>Date Received</b>	<b>Location (Spread or Facility/ Milepost [MP]/ County/State)</b>	<b>Description</b>	<b>Status (Approval Date)</b>
L2-V27-DM	2	8/17/2021	Tioga to Elkhorn Creep - North Spread MP 0.15 to MP 0.45	<p>WBI requested 1.94 acres of additional temporary workspace (ATWS) for a lay-flat water line in order to divert the water from the Aux Sable Yard to the Tioga Compressor Station. The ATWS remained within the surveyed area for biological resources. However, WBI conducted additional cultural surveys and the results were filed on the FERC docket along with the North Dakota State Historic Preservation Officer concurrence.</p> <p>The lay-flat lines will be laid on the ground and periodically staked to prevent movement. No ground-disturbing activities will be needed. Minimal vegetation disturbance will be needed. Sensitive resources will not be affected.</p>	8/18/2021
L2-V24-DM	2	8/17/2021	Line Section 25 Loop - North Spread MP 13.2 to MP 13.4	<p>WBI requested the use of a new approximately 20-foot-wide by 2,500-foot-long temporary access road off 100th Avenue NW per landowner request. The proposed access road will replace the existing access road off 100th Avenue NW, which is within 360 feet of the landowner's residence. The proposed access road would avoid the need for Project travel in close proximity to the landowner's residence. The variance would result in a net change of -0.09 acre.</p> <p>New wetland/waterbody, endangered species, and cultural resources surveys were performed. No sensitive resources were identified in the surveys. The North Dakota State Historic Preservation Officer concurred on August 16, 2021 that there would not be effects on historic properties, and the surveys and concurrence were filed on the FERC docket.</p>	8/18/2021



**SUMMARY OF APPROVED VARIANCES FOR THE NORTH BAKKEN EXPANSION PROJECT**

Variance Number	Variance Level <sup>a</sup>	Date Received	Location (Spread or Facility/ Milepost [MP]/ County/State)	Description	Status (Approval Date)
L2-V1-DM	2	8/17/2021	Tioga to Elkhorn Creek North Spread MP 5.0 to MP 5.1	<p>WBI requested a change in construction method from an open-cut crossing to a cradle bore to cross two tree lines and a private driveway from MPs 5.0 to 5.1. This change will require the use of ATWS on both sides of the right-of-way and on both sides of the private driveway. A 1,654-foot-long portion of the private driveway (for a project temporary access road) will be removed from the Project. Two new temporary access roads on both sides of the tree lines will be required to provide access for the bore, including a 30-foot-wide by 1,893-foot-long temporary access road to the north and a 30-foot-wide by 1,810-foot-long temporary access road to the south. This variance will result in a net increase of 2.12 acres for temporary use.</p> <p>WBI conducted new surveys for cultural resources. The North Dakota State Historic Preservation Officer concurred that there would not be effects on historic properties, and the surveys and concurrence were filed on the FERC docket. New surveys were not needed for biological resources.</p>	8/18/2021

<sup>a</sup> Variance Level Definitions

Level 1 Variance – reviewed and approved or denied by the Compliance Monitors. These requests must be within the approved workspace or of like use and are for site-specific, minor, performance-based changes to Project specifications or mitigation measures that provide equal or better protection to environmental resources.

Level 2 Variance – reviewed and approved or denied by the Compliance Manager. These requests involve Project changes that would affect an area outside of the previously approved work area, but within the corridor previously surveyed for cultural resources, sensitive species, sensitive resources, etc.

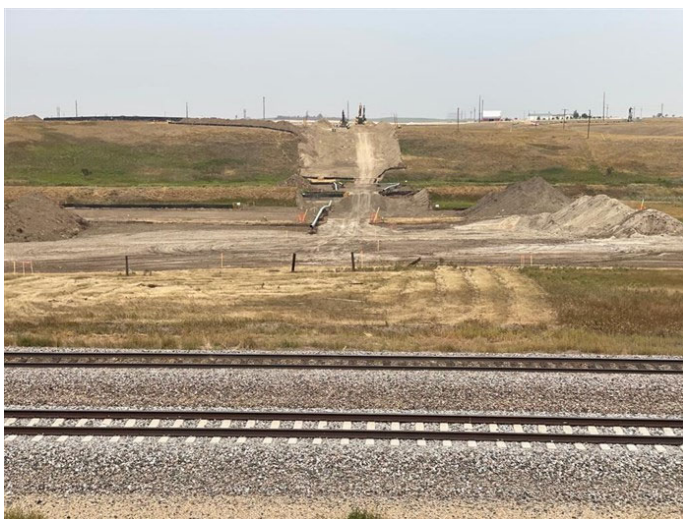


**SELECTED PHOTOGRAPHS OF OBSERVED ACTIVITIES**



Tioga Elkhorn Creek Pipeline Spread 1 – Grading activities north and south of Highway 1806 (August 16, 2021) – Acceptable – MP 19.3

Tioga Elkhorn Creek Pipeline Spread 1 – Temporary sound-limiting wall (August 16, 2021) – Acceptable – MP 23.0



Line Section 30 Loop – BNSF Railroad, Wetland W-WM-EA-006, and waterbody S-WM-EA-001P prepared for pipeline installation (August 17, 2021) – Acceptable – MP 8.7



Line Section 25 Loop – Topsoil segregated and adequately stored within the approved work areas (August 17, 2021) – Acceptable – MP 14.0



Tioga Elkhorn Creek Pipeline Spread 2 – Unauthorized use of this portion of private road after crews drove past permanently fenced area and cattle gap (August 19, 2021) – Communication – MP 51.6

Tioga Elkhorn Creek Pipeline Spread 2 – The initial entrance onto access road 34B looking north (August 19, 2021) – Communication – MP 51.6



Tioga Elkhorn Creek Pipeline Spread 1 – Fence installed along the right-of-way near the unanticipated discovery site (August 20, 2021) – Communication – MP (redacted)

Tioga Elkhorn Creek Pipeline Spread 2 – Project-approved signage visible at the entrance of access road 24B. Truck mats installed onto the access road (August 20, 2021) – Acceptable – MP 27.7





Tioga Elkhorn Creek Pipeline Spread 2 – Right-of-way has been graded and topsoil stored in the limits of disturbance. Erosion control devices were installed for stormwater run-off protection and filtration (August 21, 2021) – Acceptable – MP 27.7

Tioga Elkhorn Creek Pipeline Spread 2 – Right-of-way graded from Station No. 1464+10 to Station No. 1470+00. Equipment properly parked overnight, 100 feet from any resource (August 21, 2021) – Acceptable – MP 27.7