



1250 West Century Avenue  
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Bismarck, ND 58506-5601  
(701) 530-1600

November 18, 2020

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, D.C. 20426

Re: WBI Energy Transmission, Inc.  
North Bakken Expansion Project, Supplemental Filing  
Docket No. CP20-52-000  
Docket No. CP20-52-001

Dear Ms. Bose:

WBI Energy Transmission, Inc. (WBI Energy), herewith submits supplemental information in the above referenced dockets to assist Federal Energy Regulatory Commission (Commission) staff in the preparation of the environmental assessment for the North Bakken Expansion Project.

This filing includes the U.S. Fish and Wildlife Service's concurrence of determination of effects regarding federal listed species and was based upon the information contained within the Revised Biological Assessment for the North Bakken Expansion Project, as amended.

Pursuant to the Commission's guidelines for eFiling,<sup>1</sup> WBI Energy is hereby eFiling the supplemental information and will provide two complete copies of the information to the Office of Energy Projects (OEP) Room 62-46 and one complete copy to the Office of General Council – Energy Projects (OGC-EP) Room 101-56.

Pursuant to 18 CFR § 385.2010 of the Commission's regulations, copies of the responses are being served to each person whose name appears on the official service list for this proceeding.

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<sup>1</sup> Federal Energy Regulatory Commission Filing Guide/Qualified Documents List (February 14, 2017).

Any questions regarding this filing should be addressed to the undersigned at (701) 530-1563.

Sincerely,

/s/ Lori Myerchin

Lori Myerchin  
Director, Regulatory Affairs and  
Transportation Services

Attachments

Courtesy Copies:

Dawn Ramsey, FERC Environmental Project Manager  
Shannon Crosley, FERC Environmental Deputy Project Manager  
Official Service List  
OEP Room 61-46 (2 copies)  
OGC-EP Room 101-56 (1 copy)

**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 18th day of November 2020.

By /s/ Lori Myerchin

Lori Myerchin  
Director, Regulatory Affairs  
and Transportation Services  
WBI Energy Transmission, Inc.  
1250 West Century Avenue  
Bismarck, ND 58503  
Telephone: (701) 530-1563



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

North Dakota Ecological Services  
3425 Miriam Avenue  
Bismarck, North Dakota 58501

IN REPLY REFER TO:  
06E14000-2021-I-0083  
WBI Energy  
North Bakken Expansion  
Revised Pipeline BA

November 17, 2020

Ms. Jill Linn  
Environmental Manager  
WBI Energy Transmission, Inc.  
1250 West Century Avenue  
Bismarck, North Dakota 58506-5601

Dear Ms. Linn:

This is response to your email on September 11, 2020, requesting concurrence of determination of effects regarding federal listed species for the proposed Revised Biological Assessment for 93.5 miles of natural gas pipeline for WBI Energy Transmission's North Bakken Expansion Project in McKenzie and Williams Counties, North Dakota submitted by Environmental Resources Management (ERM) the non-federal designated representative for FERC.

In accordance with section 7(c) of the Endangered Species Act (ESA), as amended, 16 U.S.C. 1531 et seq., ERM has requested Service concurrence with the determinations that the Project "may affect, but is not likely to adversely affect", the endangered interior least tern (*Sterna antillarum*), pallid sturgeon (*Scaphirhynchus albus*), whooping crane (*Gus americana*), threatened Dakota skipper (*Hesperia dacotae*), piping plover (*Charadrius melodus*) and northern long-eared bat (*Myotis septentrionalis*). The Service concurs with your determinations for the Project.

In the event of inadvertent returns during any directional drilling operations as part of the Project or changes to the Project plan, all construction will cease and the USFWS will be contacted immediately.

The ERM has also determined that there will be "no effect" to the threatened rufa red knot (*Calidris cantus rufa*) and designated critical habitat for Dakota skipper.

There is no requirement under the implementing regulations of the Act (50 CFR Part 402) for action agencies to receive Service concurrence with "no effect" determinations, therefore the responsibility for "no effect" determinations remains with FERC. We recommend you document your "no effect" determinations and retain the documentation in your decisional record.

The Service's concurrence is based on the information contained within the Revised Biological Assessment for the Project. Pursuant to the implementing regulations of the Act (50 CFR 402.13), this letter concludes informal consultation on this portion of the Project. This action should be re-analyzed if (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; (2) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or (3) a new species is listed or critical habitat is designated that may be affected by this Project.

The Service appreciates the opportunity to work with ERM and WBI Energy to ensure the conservation of federally-listed species as part of our joint responsibilities under ESA to conserve threatened and endangered species and their habitats. If you have any questions on these comments, please contact Jerry Reinisch of this office at (701) 333-0267 or me at (701) 355-8512.

Sincerely,

Drew Becker  
ND Ecological Services Supervisor

cc: Greg Link, North Dakota Game and Fish Department, Bismarck, North Dakota  
Justin Moffett, ERM, Portland, Oregon

