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P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

July 8, 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

Dear Ms. Bose:

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

The filing includes the following volumes:

Volume I – contains above ground facility plot plans, non-jurisdictional facility information, noise mitigation information for the proposed Elkhorn Creek Compressor Station and agency correspondence. WBI Energy continues to finalize the plot plan for the Northern Border Interconnect and it will be provided in a subsequent supplemental filing. The information contained in Volume I is public.

Volume II – contains certain agency correspondence for which, pursuant to 18 CFR § 388.112, and consistent with the Commission’s precedent and other applicable regulations with respect to sensitive information, WBI Energy requests privileged and confidential treatment of, and is labeled as “CUI//PRIV – DO NOT RELEASE.”

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

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:

- 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 8th day of July 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

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

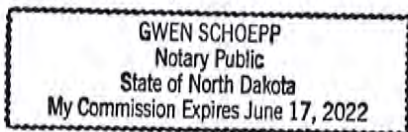
I, Lori Myerchin, being first duly sworn, do hereby depose and say that I am the Director, Regulatory Affairs and Transportation Services for WBI Energy Transmission, Inc.; that I have read the foregoing document; that I know the contents thereof; that I am authorized to execute such document; and that all such statements and matters set forth therein are true and correct to the best of my knowledge, information and belief.

Dated this 8th day of July, 2020.

By *Lori Myerchin*
Lori Myerchin
Director, Regulatory Affairs
and Transportation Services

Subscribed and sworn to before me this 8th day of July, 2020.

Gwen Schoepp
Gwen Schoepp, Notary Public
Burleigh County, North Dakota
My Commission Expires: 6/17/2022



WBI Energy Transmission, Inc.
North Bakken Expansion Project
Docket No. CP20-52-000

Supplemental Filing – Miscellaneous Facility Updates and Agency Correspondence

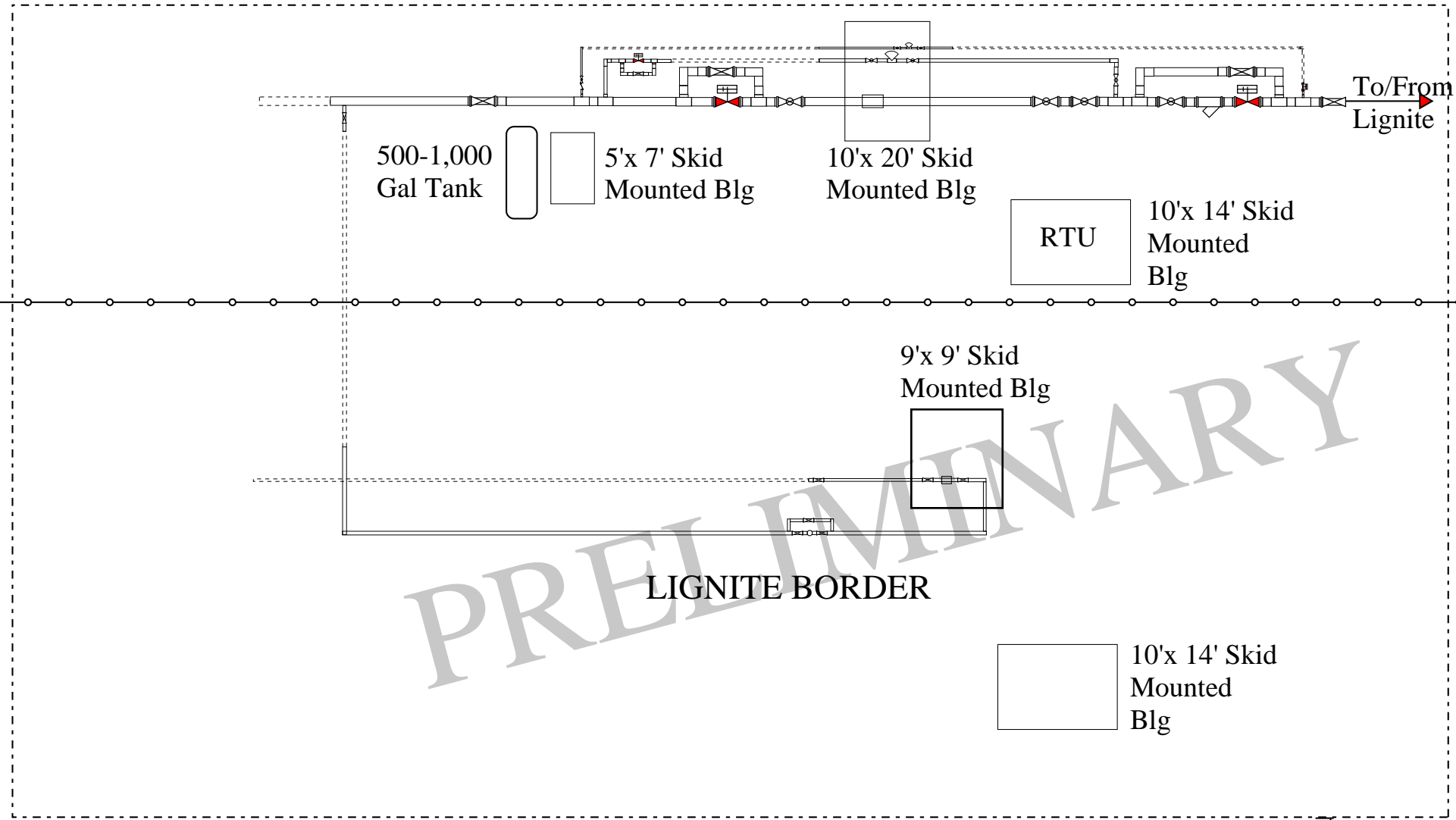
Update No. 1 – Aboveground Facility Plot Plans

As noted in the Minimum Filing Requirements table provided in Resource Report 1 filed on February 14, 2020, WBI Energy is providing the plot/site plans for all other aboveground facilities that are not completely within the right-of-way of the Project. See Attachment - A for these plot plans.

Attachment A:

Aboveground Facility Plot Plans

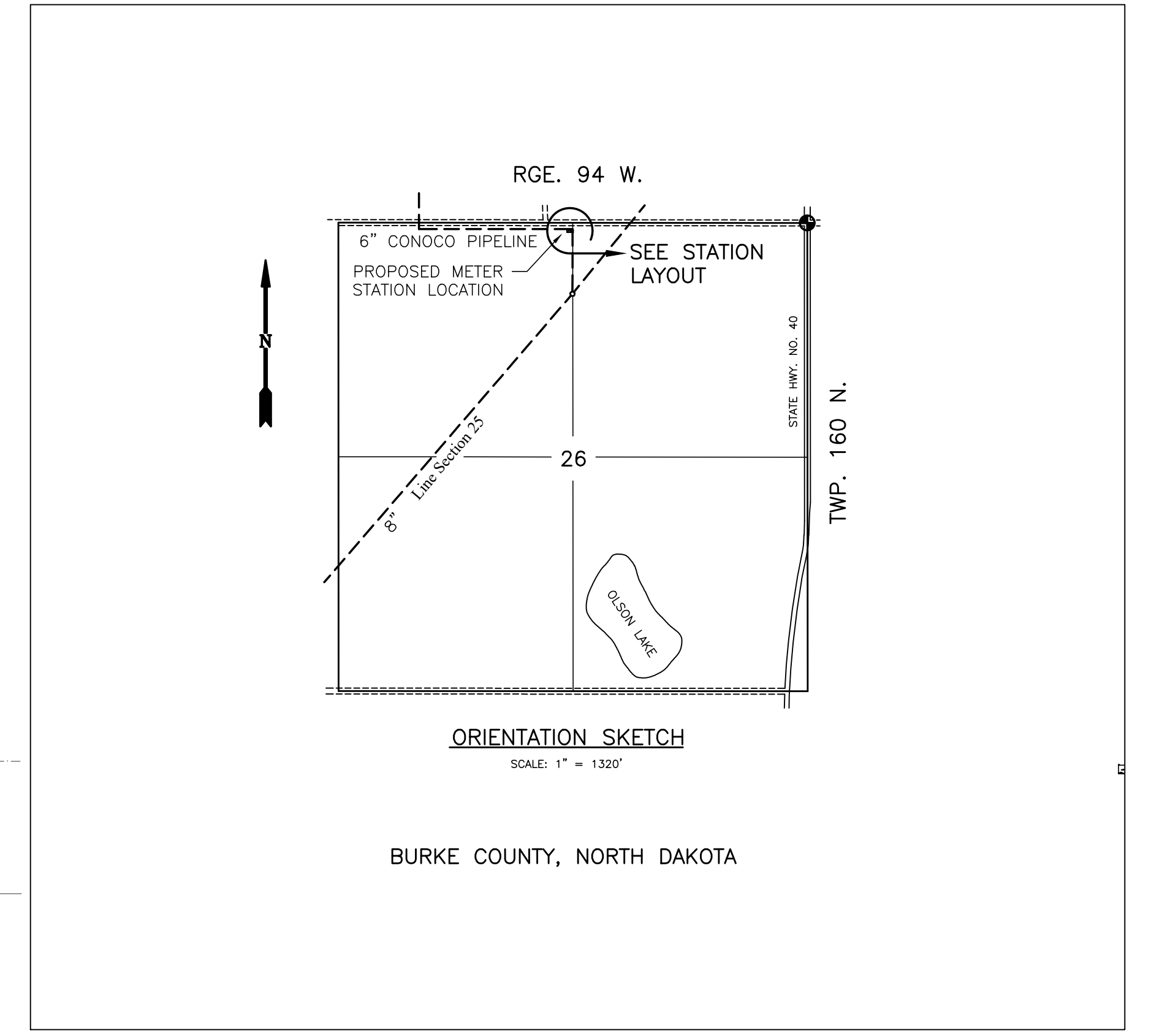
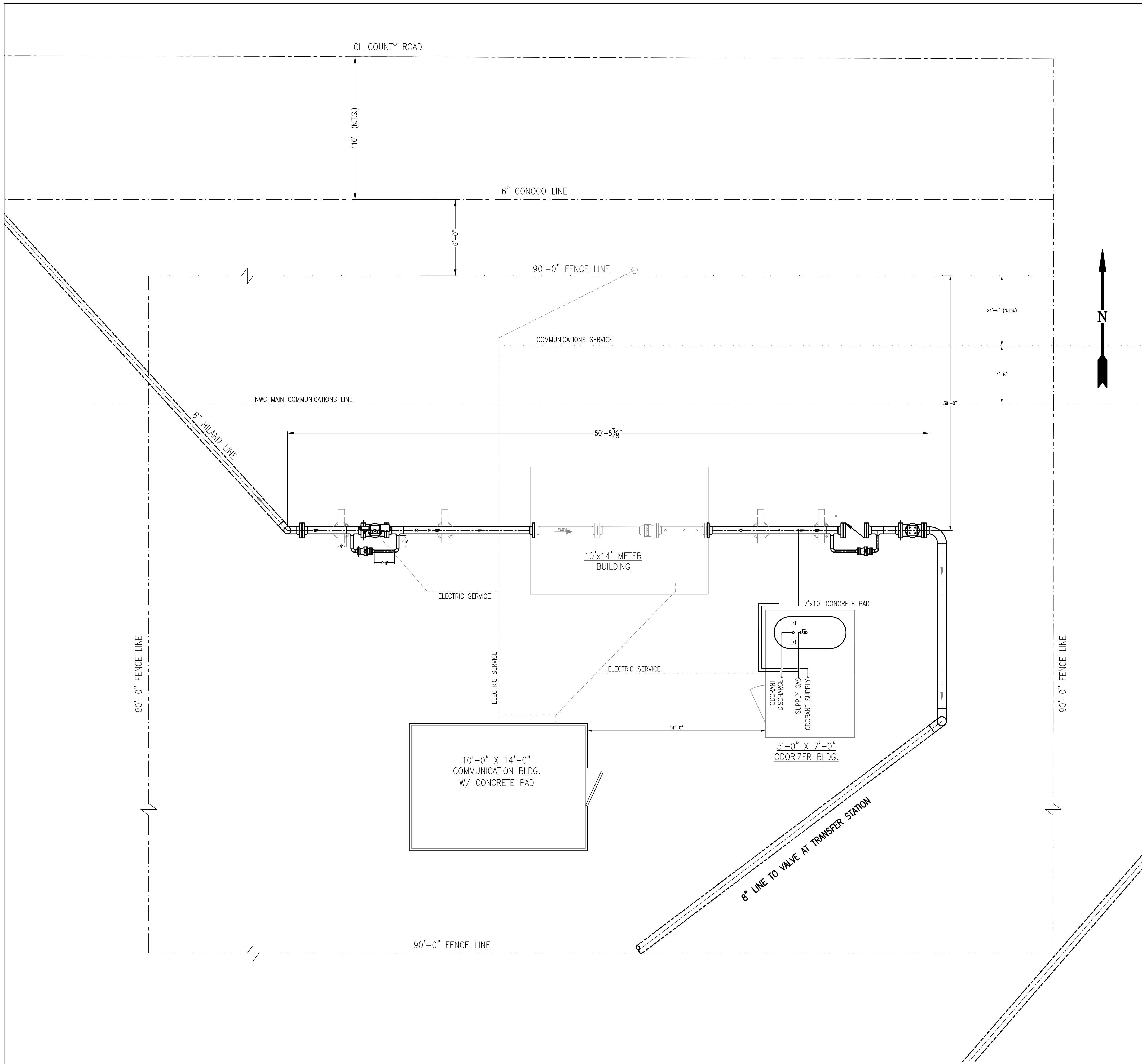
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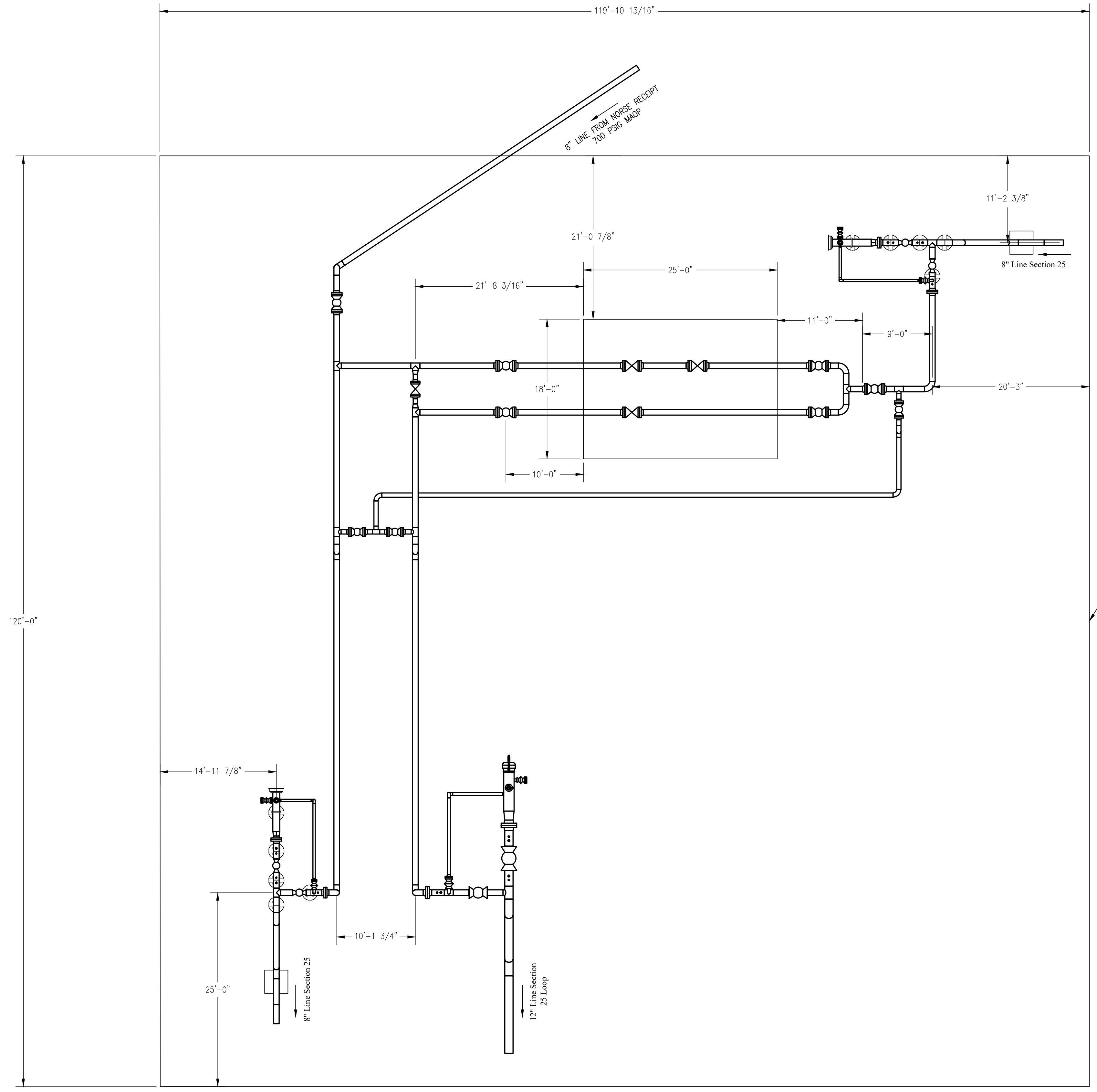
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LAST REVISED		XX/XX/XX		Lignite Plant Receipt Station and Lignite Town Border Station		
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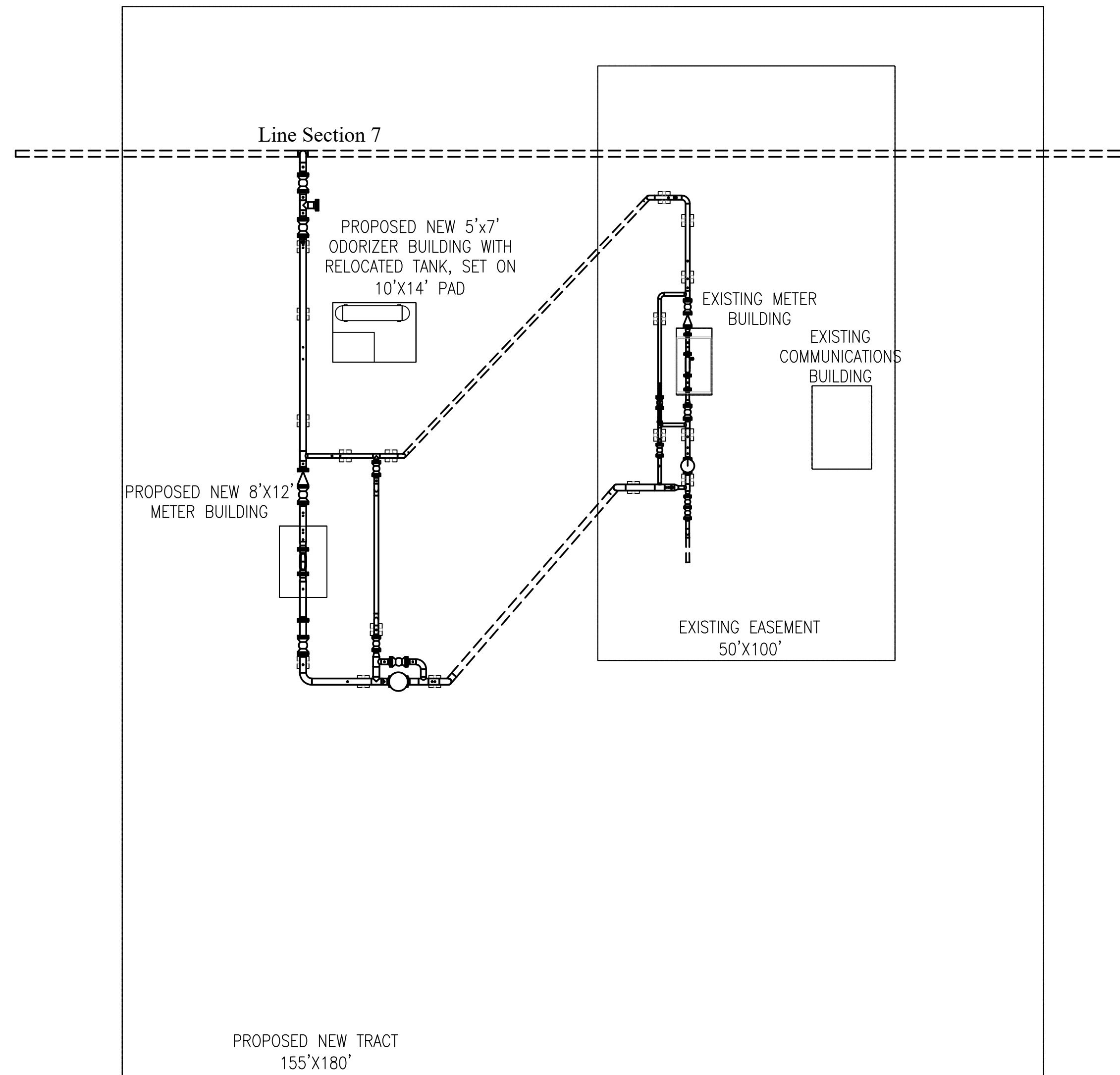
NW 1/4, NE 1/4, SECTION 26, T160N, R94W,
BURKE COUNTY, NORTH DAKOTA

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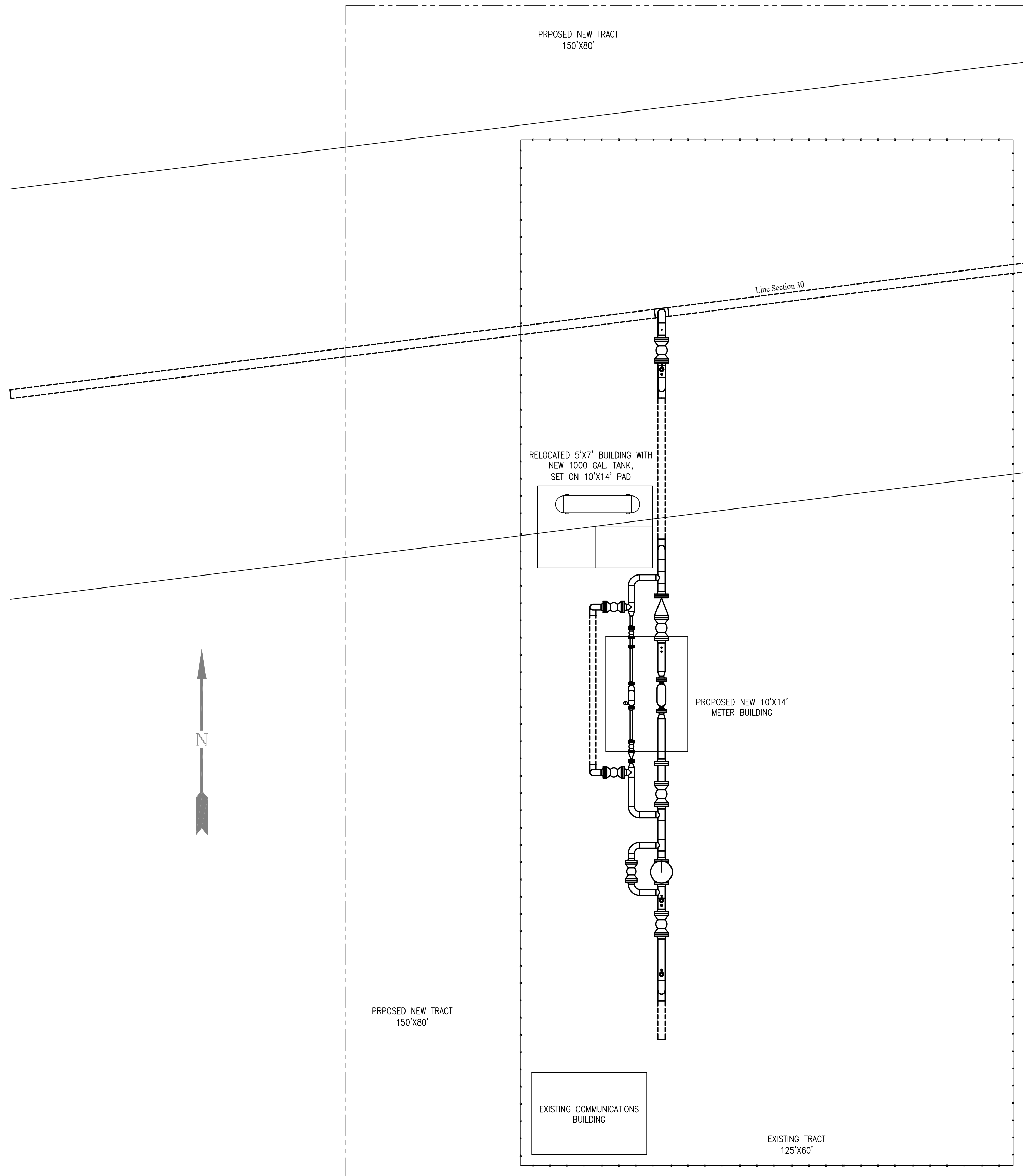


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NORSE TRANSFER STATION PLOT PLAN					
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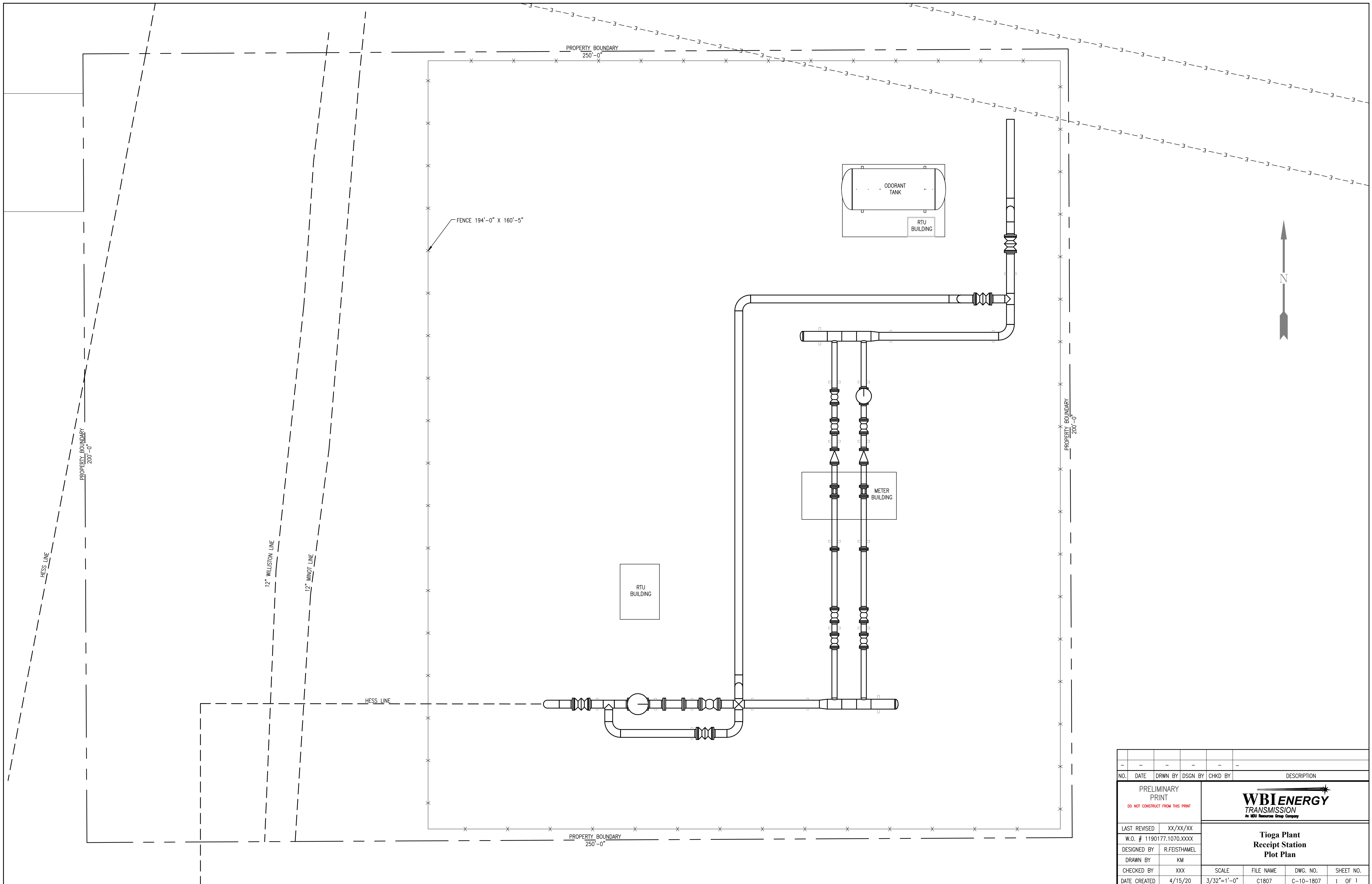


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<p>W.O. # XXXXXXXX.XXXX.XXXX</p> <p>DESIGNED BY MR</p> <p>DRAWN BY GWH</p> <p>CHECKED BY MR</p> <p>DATE CREATED 06/29/20</p>					
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NO.	DATE	DRWN BY	DSGN BY	CHKD BY	DESCRIPTION
PRELIMINARY PRINT DO NOT CONSTRUCT FROM THIS PRINT					 Tioga Plant Receipt Station Plot Plan
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WBI Energy Transmission, Inc.
North Bakken Expansion Project
Docket No. CP20-52-000

Supplemental Filing – Miscellaneous Facility Updates and Agency Correspondence

Update No. 2 – Non-Jurisdictional Facilities

As noted in Section 1.7 of Resource Report 1 filed on February 14, 2020, and Section A.8 of the Draft Applicant Prepared Environmental Assessment filed on March 5, 2020, because facility interconnect agreements were not yet final, WBI Energy did not have specific information regarding non-jurisdictional interconnecting pipelines or facilities between customer processing plants and the Project. Additionally, as noted in those Sections, third-party power and communication services would be required at the delivery, receipt, and transfer stations; however, these details were not yet final. WBI Energy indicated the information would be provided in a supplemental filing when available. See below for updates to non-jurisdictional facilities.

Only one aboveground facility has planned interconnecting facilities that could be considered non-jurisdictional. In order for the customer to connect to the proposed Tioga Plant Receipt Station, an approximately 900 foot, 20-inch-diameter lateral from the customer's existing plant in Tioga, across 68th Street NW, to the Tioga Plant Receipt Station will need to be built.

Existing third-party utility services will be used at the existing delivery, receipt, and transfer stations. At the new Norse Transfer Station and Northern Border Interconnect, the necessary equipment will be installed to connect to the existing utilities. No new non-jurisdictional service lines will be required to bring utilities to these areas.

WBI Energy Transmission, Inc.
North Bakken Expansion Project
Docket No. CP20-52-000

Supplemental Filing – Miscellaneous Facility Updates and Agency Correspondence

Update No. 3 –Elkhorn Creek Compressor Station Noise Mitigation

As noted in section 9.2.6.2 of Resource Report 9 filed on February 14, 2020, potential mitigation measures for blowdown events at the Elkhorn Creek Compressor Station were still under consideration. Please see the supplemental information below on noise mitigation.

Blowdown events are not a part of normal daily operations and most blowdowns occur during the commissioning or decommissioning of a station, during maintenance, or for emergencies. After commissioning, it is anticipated that blowdowns will occur approximately two to three times per month, lasting 1 to 5 minutes. Scheduled blowdowns will take place during daytime hours, and nearby residents will be notified prior to the blowdown occurring. Noise generated during a blowdown event can vary and while the noise levels presented in table 9.2.6-2 of Resource Report 9 are above 55 dBA at two of the noise sensitive areas, these events are infrequent and of short duration, therefore no noise mitigation is proposed.

WBI Energy Transmission, Inc.
North Bakken Expansion Project
Docket No. CP20-52-000

Supplemental Filing – Miscellaneous Facility Updates and Agency Correspondence

Update No. 4 – Agency and Tribal Correspondence

Appendix G to Resource Report 1 filed on February 14, 2020 included a record of agency correspondence for the Project. Additionally, the response to data request Nos. 5 and 6 for Resource Report 4 filed on April 20, 2020 provided an update of all tribal and State Historic Preservation Office correspondence through April 15, 2020.

In May 2020, WBI Energy retained Beaver Creek Archaeology (BCA) to coordinate tribal participation in site testing and field surveys. A communications log and copies of phone logs and select emails for BCA's outreach to tribes and agencies to date is provided as Attachment B-4.

See the attachments for a summary of communications with agencies and tribes and copies of previously unfiled correspondence.

Attachment B:

B-1 - Summary of Previously Unfiled Agency Correspondence through June 12, 2020 (Public).

B-2 - Summary of Previously Unfiled Agency Correspondence through June 12, 2020, filed under separate cover as Controlled Unclassified Information/ Privileged and Confidential (CUI//PRIV) in Volume II.

B-3- An updated summary of communications with federally-recognized tribes and copies of previously unfiled correspondence through June 12, 2020.

B-4- Summary of Beaver Creek Archaeology communications through June 12, 2020.

**North Bakken Expansion Project
Summary of Previously Unfiled Agency Correspondence through June 12, 2020 (Public)**

Agency	Contact Name(s)	Date of Correspondence	Format	Summary
Multiple Agencies				
NDSWC, FERC	Ashley Persinger, Dawn Ramsey	02/12/2020	Email	Email discussing the cooperating agency status of the Water Commission.
FWS, USACE	Jerry Reinisch, Michael Morris	05/11/2020	Email	Email chain discussing a Piping Plover observation protocol near Lake Sakakawea.
U.S. Bureau of Land Management (BLM)				
BLM	Seth Jackson	02/19/2020	Email	Email discussing the Project POD.
BLM	Seth Jackson	02/21/2020	Email	Email providing revisions to the draft BLM Cost Reimbursement Agreement.
BLM	Seth Jackson	03/06/2020	Email	Email requesting Resource Report 4 appendices.
BLM	Seth Jackson	03/13/2020	Email	Email distributing cultural resource comments on the Project.
BLM	Seth Jackson	03/17/2020	Email	Email checking in on Project status.
BLM	Seth Jackson	05/12/2020	Email	Email discussing tribal surveys and new BLM Contact.
BLM	Seth Jackson, Lisa Scheirer	05/12/2020	Email	Email introducing new project contacts.
U.S. Army Corps of Engineers (USACE)				
USACE	Jason Renschler	02/14/2020	Email	Email chain discussing the NWP 12 PCN.
USACE	Mike Morris	02/20/2020	Phone Log	Phone call discussing USACE monitor requirements for least tern and piping plover monitoring and surface water elevations at Lake Sakakawea.
USACE	Shenille Lillejord	02/21/2020	Email	Email chain discussing WBI mitigation payment to Tobacco Gardens.
USACE	Mike Morris, Jeremy Thury, Scott Sterling, Alfred Stonesifer	02/24/2020	Email	Email discussing USACE monitor requirements for least tern and piping plover monitoring.
USACE	Reece Nelson	02/25/2020	Email	Email discussing the status of cost recovery for the project.

**North Bakken Expansion Project
Summary of Previously Unfiled Agency Correspondence through June 12, 2020 (Public)**

Agency	Contact Name(s)	Date of Correspondence	Format	Summary
U.S. Army Corps of Engineers (USACE) (con't)				
USACE	Jeremy Thury, Mike Morris, Alfred Stonesifer	02/25/2020	Email	Email discussing water levels at Spring Lake.
USACE	Reece Nelson, Patrick Atwell	02/26/2020	Email	Email confirming access to ProjNet.
USACE	Reece Nelson	02/27/2020	Email	Email discussing the cooperating agency status of the USACE.
USACE	Reece Nelson	03/09/2020	Email	Email chain discussing USACE guidance on the Emergency Response Plan and O&M Plan.
USACE	Taryn Kjelstrup, Shenille Lillejord, Reece Nelson	03/12/2020	Email	Email chain discussing the status of the Regulatory Permit.
USACE	Shenille Lillejord	03/17/2020	Email	Email chain confirming receipt of the Regulatory Permit and confirming contact information for the WBI mitigation payment to Tobacco Gardens.
USACE	Reece Nelson	03/26/2020	Email	Email chain scheduling a call and discussing the O&M Plan, ProjNet, and timeline for comment review.
USACE	Michael Morris, Scott Sterling	03/26/2020	Email	Email discussing status of proposed piping plover and least tern surveys.
USACE	Reese Nelson	03/26/2020	Email	Email chain scheduling a call and discussing the Section 408 permit submittal.
USACE	Reese Nelson	04/03/2020	Email	Email chain checking on the status of the call to be scheduled and discussing the Section 408 permit process.
USACE	Reese Nelson	04/07/2020	Email	Email chain sharing files for the O&M Plan and the Emergency Response Plan.
USACE	Reese Nelson	04/07/2020	Email	Email invitation for a call to discuss the Section 408 permit review and additional questions.
USACE	Jeremy Thury, Reese Nelson	04/13/2020	Email	Email chain discussing the operation of a drone and if a special use permit is necessary.
USACE	Reece Nelson, Jonas Grundman, Jeremy Thury, Jason Renschler, Luke Wallace, Sandy Barnum, Dan Pridal, Rick Rogers, Bradley Hoefler, Kody Green	04/16/2020	Phone Log/ Meeting Notes	Conference call to discuss the status of the Section 408 review and additional topics, including NW 12 permit and project schedules.

**North Bakken Expansion Project
Summary of Previously Unfiled Agency Correspondence through June 12, 2020 (Public)**

Agency	Contact Name(s)	Date of Correspondence	Format	Summary
USACE	Michael Morris, Scott Sterling, Alfred Stonesifer, Jeremy Thury, Taryn Kjelstrup	04/17/2020	Email	Email chain discussing the Piping Plover and Interior Least Tern survey timeframe.
USACE	Michael Morris, Scott Sterling, Alfred Stonesifer, Jeremy Thury, Taryn Kjelstrup	04/20/2020	Email	Email chain discussing the Piping Plover and Interior Least Tern survey process.
USACE	Taryn Kjelstrup, Jeremy Thury	04/21/2020	Email	Email chain discussing the Geotech permit and a pre-survey meeting.
USACE	Reese Nelson	04/22/2020	Email	Email sharing the meeting notes from the previous conference call and discussing setting up monthly calls.
USACE	Reese Nelson	04/27/2020	Email	Email discussing the end of the comment period for the Section 408 permit submission.
USACE	Jason Renschler	04/30/2020	Email	Email chain discussion the NW 12 permit changes.
USACE	Rick Rogers	04/30/2020	Phone Log/ Meeting Notes	Phone call to discuss the Class III Archaeological Inventory Report and upcoming Project surveys and work on USFS lands.
USACE	Jeremy Thury, Shenille Lillejord	05/01/2020	Email	Email chain sharing the Geotech permit letter.
USACE	Jason Renschler, Patricia McQueary	05/05/2020	Email	Email chain coordinating a time for a phone call to discuss the Section 408 permit and other project updates.
USACE	Reece Nelson	05/06/2020	Email	Email chain discussing the comments and responses for the Section 408 documents.
USACE	Michael Morris, Jeremy Thury	05/06/2020	Email	Email chain discussing the Piping Plover surveys and geotech work.
USACE	Michael Morris, Jeremy Thury	05/14/2020	Email	Email chain discussing the Piping Plover surveys and potential project changes.
USACE	Jeremy Thury, Michael Morrish, Jerry Reinisch	05/18/2020	Email	Email discussing the progress of the geotech work.
USACE	Jeremy Thury, Taryn Kjelstrup	05/20/2020	Email	Email discussing the geotech work and sharing photos.
USACE	Reece Nelson, Jonas Grundman, Kody Green, Jeremy Thury, Jason Wagner, Richard Rogers, Luke Wallace, Brad Hoefer, Dan Pridal	05/21/2020	Phone Log/Meeting Notes	Conference call to discuss the Section 408 permit and review process.

**North Bakken Expansion Project
Summary of Previously Unfiled Agency Correspondence through June 12, 2020 (Public)**

Agency	Contact Name(s)	Date of Correspondence	Format	Summary
USACE	Jason Renschler	05/21/2020	Email	Email coordinating a meeting to discuss NW 12 permits.
USACE	Jason Renschler	05/22/2020	Email	Email invitation for a call to discuss the NW 12 permits.
USACE	Jason Renschler	05/27/2020	Phone Log/Meeting Notes	Conference call to discuss the status of the NW 12 permit process and the appropriate permit for the Project.
USACE	Jason Renschler	05/28/2020	Email	Email invitation for bi-weekly calls to discuss the Project permits.
USACE	Jason Renschler	06/05/2020	Phone Log	Phone call to discuss NW 12 permit updates and a regional general permit and alternative 404 permit.
USACE	Jason Renschler	06/10/2020	Phone Log	Phone call to further discuss NW 12 permit updates and a regional general permit and alternative 404 permit.
U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS)				
NRCS	Jill Howard, Todd Hagel	03/17/2020	Email	Email discussing the review of the Project shapefiles.
U.S. Fish and Wildlife Service (FWS)				
FWS	Jerry Reinisch	02/05/2020	Email	Email providing USFWS with ERM's responses to comments on the EA.
FWS	Jerry Reinisch	02/12/2020	Phone Log	Phone call discussing FWS comments on the EA.
FWS	Jerry Reinisch	02/20/2020	Phone Log	Phone call discussing piping plover surveys for the geotech drilling.
FWS	Jerry Reinisch	02/20/2020	Phone Log	Phone call discussing FWS expectations for inadvertent returns in Lake Sakakawea.
FWS	Scott Larson, Jessica Johnson, Jerry Reinisch	02/24/2020	Email	Email discussing Dakota skipper survey requirements.
FWS	Drew Becker, Jessica Johnson, Jerry Reinisch	02/25/2020	Email	Email discussing Dakota skipper survey requirements and scheduling a phone call.
FWS	Jerry Reinisch	03/09/2020	Email	Email discussing the cooperating agency status of the FWS.
FWS	Jerry Reinisch	03/12/2020	Email	Email chain providing the FWS online access to the BA.
FWS	Jerry Reinisch, Jessica Johnson	03/12/2020	Email	Email providing the FWS online access to the BA.
FWS	Jacob Krebsbach	03/17/2020	Email	Email chain discussing wetland easement crossings.
FWS	Jerry Reinisch, Drew Becker	04/01/2020	Email	Email chain to coordinate a time for a conference call.
FWS	Jerry Reinisch, Drew Becker	04/08/2020	Email	Email chain discussing the construction buffer needed for Project surveys for Dakota Skipper habitat.
FWS	Jerry Reinisch, Drew Becker	04/28/2020	Email	Email confirming the Dakota Skipper habitat buffer review was received and the review status.

**North Bakken Expansion Project
Summary of Previously Unfiled Agency Correspondence through June 12, 2020 (Public)**

Agency	Contact Name(s)	Date of Correspondence	Format	Summary
FWS	Jerry Reinisch	04/29/2020	Phone Log	Phone call discussing the FWS comments on the Dakota Skipper habitat buffer.
FWS	Jerry Reinisch	04/30/2020	Email	Email submitting the phone log from a call to discuss FWS comments on the Dakota Skipper habitat buffer.
FWS	Jerry Reinisch	05/06/2020	Phone Log	Phone call discussing Piping Plover and Interior Least Tern surveys for geotechnical drilling.
FWS	Jerry Reinisch	06/01/2020	Phone Log	Phone call discussing Dakota Skipper habitat surveys and the locations to conduct these surveys.
U.S. Forest Service (USFS)				
USFS	Cale Bickerdyke, Jack Dahl	02/17/2020	Email	Email chain providing transmittal of the BA and shapefiles of survey coverage on USFS land.
USFS	Jack Dahl	02/18/2020	Email	Email chain discussing the concurrence letter and providing a shapefile for the WEST/ERM 2019 Hooker's Townsendia observation.
USFS	Cale Bickerdyke	02/18/2020	Email	Email inquiring about coal seam fires near the USFS lands crossed by the project.
USFS	Shannon Crosley, Debbie Riely, Dawn Ramsey	03/02/2020	Email	Email chain discussing USFS review of the EA.
USFS	Cale Bickerdyke	03/06/2020	Email	Email providing information about fire strips.
USFS	Sarah Bickerdyke	03/16/2020	Email	Email discussing status of the USFS BE review.
USFS	Liv Fetterman	04/23/2020	Email	Email discussing the archaeological survey permit application.
USFS	Liv Fetterman, Sandra IronRoad	04/27/2020	Email	Email discussing the archaeological survey permit application.
USFS	Liv Fetterman	05/01/2020	Phone Log/ Meeting Notes	Phone call to discuss the Class III Archaeological Inventory Report and upcoming Project surveys and work on USFS lands.
USFS	Cale Bickerdyke, Sarah Bickerdyke	05/11/2020	Email	Email discussing the upcoming field surveys for Dakota Skipper habitat.
USFS	Kim Grotte	05/12/2020	Email	Email chain discussing the field surveys for Dakota Skipper habitat.
USFS	Liv Fetterman	05/12/2020	Email	Email discussing the upcoming cultural surveys.
USFS	Liv Fetterman	05/12/2020	Email	Email further discussing the upcoming cultural surveys.
USFS	Liv Fetterman	05/15/2020	Email	Email sharing a status update and necessary paperwork on the archaeological survey permit application.

**North Bakken Expansion Project
Summary of Previously Unfiled Agency Correspondence through June 12, 2020 (Public)**

Agency	Contact Name(s)	Date of Correspondence	Format	Summary
USFS	Cale Bickerdyke, Kim Grotte	05/27/2020	Phone Log	Conference call to discuss potential project reroutes on USFS land.
USFS	Cale Bickerdyke	06/01/2020	Email	Email discussing potential reroutes for the Project on USFS land.
USFS	Cale Bickerdyke	06/02/2020	Email	Email scheduling a meeting to discuss the Project.
USFS	Sandra IronRoad, Liv Fetterman	06/02/2020	Email	Email checking on the status of the archaeological survey permit application.
USFS	Sandra IronRoad, Liv Fetterman	06/02/2020	Email	Email discussing the status of the archaeological survey permit application.
USFS	Cale Bickerdyke, Sarah Bickerdyke	06/11/2020	Email	Email chain discussing surveys for Dakota Skipper habitat.
North Dakota Department of Environmental Quality (NDDEQ) and North Dakota Department of Health (NDDOH)				
NDDEQ	Rheanna Kautzman, Craig Thorstenson	02/19/2020	Email	Email correspondence discussing the Air Quality permit for the Project.
NDDEQ	Rheanna Kautzman, Craig Thorstenson	02/20/2020	Email	Email correspondence discussing the Air Quality permit for the Project.
NDDEQ	Rheanna Kautzman, Craig Thorstenson	02/26/2020	Email	Email correspondence discussing additional questions regarding the Air Quality permit for the Project.
NDDEQ	Rheanna Kautzman, Craig Thorstenson	02/26/2020	Email	Email correspondence discussing further questions regarding the Air Quality permit for the Project.
NDDEQ	Rheanna Kautzman, Craig Thorstenson	02/26/2020	Email	Email correspondence discussing further questions regarding the Air Quality permit for the Project.
NDDEQ	Rheanna Kautzman, Craig Thorstenson	02/26/2020	Email	Email correspondence discussing additional questions regarding the Air Quality permit for the Project.
NDDEQ	Rheanna Kautzman	04/28/2020	Email	Email discussing air quality models for the Project and submitting wind roses.
NDDEQ	Craig Thorstenson	05/29/2020	Email	Email chain discussing air quality associated with the Elkhorn Creek Compressor station.
NDDEQ	Rheanna Kautzman	06/11/2020	Email	Email chain discussing the Air Permit materials for the Project.
North Dakota Game and Fish Department (NDGFD)				
NDGFD	Steve Dyke	03/26/2020	Phone Log	Phone call to discuss inadvertent return responses best management practices and procedures for Lake Sakakawea.
State Historical Society of North Dakota (SHSND)				
SHSND	Claudia Berg	03/16/2020	Letter	Letter from SHPO indicating their receipt and review of the landowner notification.
SHSND	Claudia Berg	04/15/2020	Letter	Letter providing comments on the Class III Archaeological Survey.
SHSND	Lisa Steckler	04/16/2020	Email	Email providing comments on the Class III Archaeological Survey.

**North Bakken Expansion Project
Summary of Previously Unfiled Agency Correspondence through June 12, 2020 (Public)**

Agency	Contact Name(s)	Date of Correspondence	Format	Summary
SHSND	Andrew Clark	04/28/2020	Phone Log/ Meeting Notes	Conference call to discuss the comments received on the Class III Archaeological Survey.
SHSND	Andrew Clark	04/28/2020	Email	Email sharing the process for the Project Geomorphological Testing.
SHSND	Andrew Clark	04/30/3030	Email	Email sharing meeting notes compiled from conference call.
SHSND	Andrew Clark, Lisa Steckler	05/04/2020	Email	Email discussing the status of the site testing plan.
SHSND	Andrew Clark, Lisa Steckler	05/06/2020	Email	Email confirming receipt of the site testing plan.
SHSND	Andrew Clark, Lisa Steckler	05/06/2020	Email	Email chain discussing revisions to comments received.
SHSND	Andrew Clark	05/22/2020	Email	Email sharing the scope of work for the tribal surveys for the Project.
SHSND	Andrew Clark	06/02/2020	Email	Email to check the status of the site testing plan.
SHSND	Andrew Clark	06/03/2020	Email	Email following up on the status of the site testing plan and providing updates and comments.
SHSND	Andrew Clark, Lisa Steckler	06/09/2020	Email	Email confirming the incorporation of comments into the site testing plan.
North Dakota State Water Commission (SWC)				
NDSWC	Ashley Persinger	03/27/2020	Email	Email discussing the Sovereign Land Application.
NDSWC	Sovereign Lands Permit Reviewer	03/27/2020	Email	Email submitting the Project Sovereign Lands Permit.
NDSWC	Laura Horner	04/01/2020	Email	Email chain discussing floodplain permitting requirements.
NDSWC	Ashley Persinger, Gerald Heiser	05/12/2020	Email	Email introducing new Project contact.
NDSWC	Gerald Heiser	06/08/2020	Email	Email discussing the need for a scour analysis for the Project.
Local Agencies				
North Dakota Public Service Commission	Matthew Fischer	02/13/2020	Phone Log	Phone call discussing the location of abandoned mines near the Project.
Watford City Planning and Zoning Department	LaRissa Bertram	03/05/2020	Email	Email discussing floodplain development permitting within McKenzie County.
Watford City Planning and Zoning Department	LaRissa Bertram	03/05/2020	Phone Log	Phone call discussing floodplain development permitting within McKenzie County.
McKenzie County Planning and Zoning Department	Dana Roff	03/06/2020	Phone Log	Phone call to discuss floodplain development permitting within McKenzie County.
McKenzie County Planning and Zoning Department	Dana Roff	03/12/2020	Phone Log	Phone call to follow up on inquiry regarding floodplain development permitting within McKenzie County.

**North Bakken Expansion Project
Summary of Previously Unfiled Agency Correspondence through June 12, 2020 (Public)**

Agency	Contact Name(s)	Date of Correspondence	Format	Summary
Williams County Planning Department	Beth Innis, Kameron Hymer	03/31/2020	Email	Email chain discussing floodplain development permitting within Williams County.
McKenzie County Planning and Zoning Department	Curt Huus	04/01/2020	Email	Email chain discussing floodplain development permitting within McKenzie County.
City of Tioga	Dan Larson	04/02/2020	Email	Email chain discussing floodplain development permitting within the city of Tioga.
Williams County Planning Department	Kameron Hymer	04/02/2020	Email	Email chain discussing floodplain development permitting within Williams County.

NORTH BAKKEN EXPANSION PROJECT

Agency Correspondence – Multiple Agencies

Lisa DiNicolantonio

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Wednesday, February 12, 2020 9:32 AM
To: Dawn Ramsey
Cc: Andrea Thornton
Subject: Re: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

Hi Dawn,

Thanks for the presentation today. The slides will be helpful for future reference as I have done lots of pipelines in state but never crossing state lines. Just confirming that the Water Commission does not need to be a cooperating agency. Our sovereign land permit process and application will give us all the information we need on the crossing of Lake Sakakawea. Andrea and I have been working towards submittal of the sovereign land application for the pipeline crossing. We will be kicking off that process in March which takes average about 90 days.

Andrea thanks for the message yesterday I did receive it this morning before the call. All sounds like we are on track. Discussions happening internally here about the scour analysis policy. Everyone will be in the loop when your application arrives here.

[Ashley C. Persinger](#)

Sovereign Land Specialist

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NORTH
Dakota | Water Commission & State Engineer
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701.328.2750 • swc@nd.gov • mapservice.swc.nd.gov • 900 East Boulevard Avenue • Bismarck, ND 58505



From: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Date: Wednesday, February 12, 2020 at 8:49 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>, "Renschler, Jason J CIV USARMY CENWO (USA)" <Jason.J.Renschler@usace.army.mil>, "Thury, Jeremy J CIV USARMY CENWO (USA)" <Jeremy.J.Thury@usace.army.mil>, "jessica_n_johnson@fws.gov" <jessica_n_johnson@fws.gov>, "jerry_reinisch@fws.gov" <jerry_reinisch@fws.gov>, "Jackson, Seth" <sajackson@blm.gov>, "Bickerdyke, Cale E -FS" <cale.bickerdyke@usda.gov>, "Grotte, Kim -FS" <kim.grotte@usda.gov>, "Wax, Peter N." <pwax@nd.gov>, Tina Lyons <Tina.Lyons@erm.com>, "Linn, Dave" <Dave.Linn@WBIEnergy.com>, "Linn, Jill" <Jill.Linn@wbienenergy.com>, "Huncovsky, Greg" <Greg.Huncovsky@WBIEnergy.com>, "Myerchin, Lori" <Lori.Myerchin@WBIEnergy.com>, "Lueder, Gay Lynn" <GayLynn.Lueder@WBIEnergy.com>, "Stennes, David" <David.Stennes@WBIEnergy.com>, "Stefka, Kyle" <Kyle.Stefka@WBIEnergy.com>, Ashley Persinger <apersinger@nd.gov>

Cc: "Morris, Michael P CIV USARMY CENWO (USA)" <Michael.P.Morris@usace.army.mil>, "Wallace, Arthur L Jr CIV USARMY CENWO (US)" <A.Luke.Wallace@usace.army.mil>, "Rogers, Richard R II CIV USARMY CENWO (US)" <Richard.R.Rogers@usace.army.mil>, "ekraft@blm.gov" <ekraft@blm.gov>, Shannon Crosley <Shannon.Crosley@ferc.gov>, "Riely, Debbie - FS" <debbie.riely@usda.gov>, "Kenninger, Kate - FS" <Kate.Kenninger@usda.gov>

Subject: RE: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Good morning everyone,

Attached is the FERC process presentation we will be going over during the call today, along with some guidance for federal and state agencies involved in FERC natural gas projects.

Thanks,
Dawn

Dawn Ramsey

Federal Energy Regulatory Commission
Dawn.Ramsey@ferc.gov
202-502-6856

-----Original Appointment-----

From: Andrea Thornton <Andrea.Thornton@erm.com>

Sent: Wednesday, August 14, 2019 10:04 AM

To: Andrea Thornton; Renschler, Jason J CIV USARMY CENWO (USA); Thury, Jeremy J CIV USARMY CENWO (USA); jessica_n_johnson@fws.gov; jerry_reinisch@fws.gov; Jackson, Seth; Bickerdyke, Cale E -FS; Grotte, Kim -FS; Wax, Peter N.; Tina Lyons; Linn, Dave; Linn, Jill; Huncovsky, Greg; Myerchin, Lori; Lueder, Gay Lynn; Stennes, David; Stefka, Kyle; Persinger, Ashley C.

Cc: Dawn Ramsey; Morris, Michael P CIV USARMY CENWO (USA); Wallace, Arthur L Jr CIV USARMY CENWO (US); Rogers, Richard R II CIV USARMY CENWO (US); ekraft@blm.gov; Shannon Crosley; Riely, Debbie - FS; Kenninger, Kate - FS

Subject: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

When: Wednesday, February 12, 2020 8:00 AM-9:30 AM (UTC-08:00) Pacific Time (US & Canada).

Where: Microsoft Teams Meeting

Importance: High

Hello Everyone –

As we discussed on our January 29, 2020 bi-weekly call, the last North Bakken Expansion Project pre-filing call will be on February 12th. In addition to the standard information we have been providing on these calls, FERC will be providing an overview of the FERC process moving forward once WBI Energy's application is filed. Additionally we will be doing an overview of agency comments on the preliminary draft of the applicant prepared EA. We have extended the duration of the call from 1 hour to 1.5 hours to include this additional information.

We encourage all agencies to attend this call! Please let us know if there are any questions.

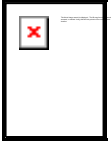
-Andrea

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Lisa DiNicolantonio

From: Andrea Thornton
Sent: Monday, May 11, 2020 12:01 PM
To: Reinisch, Jerry D
Cc: Morris, Michael P CIV USARMY CENWO (USA); Justin Moffett
Subject: RE: [EXTERNAL] Piping Plover Sighting North Shore Lake Sakakawea

Thanks Jerry –

Yes we will continue to notify you and Mike if any plovers or terns are observed each day and will provide a summary of the north shore surveys on Wednesday May 13th which is the 7th day of survey. GeoArc is schedule to start the northernmost bore on Thursday May 14th. If their schedule is delayed we will continue to survey up until the day prior to their work commencing.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Sent: Monday, May 11, 2020 11:57 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: [EXTERNAL] Piping Plover Sighting North Shore Lake Sakakawea

Andrea
Please continue the surveys as planned and let us know what the results are.
Thanks
Jerry

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Monday, May 11, 2020 9:24 AM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Cc: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>; Justin Moffett <Justin.Moffett@erm.com>
Subject: RE: [EXTERNAL] Piping Plover Sighting North Shore Lake Sakakawea

You're welcome Jerry. To confirm, is our survey crew able to continue with the same survey methodology for the remaining few days of survey?

Mike – please reach out if you have any questions

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Sent: Monday, May 11, 2020 7:20 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: [EXTERNAL] Piping Plover Sighting North Shore Lake Sakakawea

Thank you for the update Andrea.

Jerry

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Sunday, May 10, 2020 9:33 AM
To: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>; Reinisch, Jerry D <jerry_reinisch@fws.gov>
Cc: Justin Moffett <Justin.Moffett@erm.com>
Subject: [EXTERNAL] Piping Plover Sighting North Shore Lake Sakakawea
Importance: High

Good Morning Mike and Jerry –

Today was day four of our crews survey along the north shore of Lake Sakakawea for the North Bakken Expansion Project geotechnical survey work. The crew observed a pair of piping plover approximately 40 yards from survey point three in the attached screenshot. I chatted with the biologists this morning and they provided me with the following information.

- A pair was observed at the end of surveys last night (Saturday 5/9/20) however they were outside of the survey area to the east.
- A pair was observed this morning at 4:45 am at the location described above (photos attached as well). The pair left the area at 5:00 am.
- No nests have been observed in the survey area.
- The first two days of survey on the north shore there was a lot of human activity. Due to the inclement weather that has occurred the past two days there has been minimal human activity on the beach.
- The surveyors professional opinion is that this pair of piping plover is not nesting in the survey area and that given the drop in human activity they have been coming to the area to feed.

Please let us know if any changes need to occur to our survey protocol moving forward for the next three days. Assuming no nesting behavior, nests, or chicks are observed in the next three days of survey (as outlined in our BA for the geotech work [attached]), we are under the assumption that the work will be able to commence at the northern most bore location on Thursday May 14th.

Please reach out to myself or Justin Moffett if you would like to discuss.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

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NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – Bureau of Land Management
(BLM)**

Lisa DiNicolantonio

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Wednesday, February 19, 2020 8:52 AM
To: Andrea Thornton
Cc: Linn, Jill; Huncovsky, Greg; Linn, Dave
Subject: Re: North Bakken Expansion Project - Plan of Development Submittal

Thank you. We have marked this data as not for public release.

Seth A. Jackson

Realty Specialist
Bureau of Land Management | Billings Field Office
(also temporarily handling North Dakota Field Office realty matters)
5001 Southgate Drive | Billings, Montana 59101
406-896-5052 (direct) | 406-896-5281 (fax)
sajackson@blm.gov

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Wednesday, February 19, 2020 8:38 AM
To: Jackson, Seth A <sajackson@blm.gov>
Cc: Linn, Jill <Jill.Linn@wbienergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; Linn, Dave <Dave.Linn@WBIEnergy.com>
Subject: [EXTERNAL] RE: North Bakken Expansion Project - Plan of Development Submittal

Hi Seth –

Attached are the current shapefiles for the project. As we discussed these are for internal BLM use and not for the public record.

Let us know if you have any questions.

-Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

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E andrea.thornton@erm.com | **W** www.erm.com

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Friday, February 14, 2020 4:10 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Linn, Jill <Jill.Linn@wbienergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; Linn, Dave

<Dave.Linn@WBIEnergy.com>

Subject: Re: North Bakken Expansion Project - Plan of Development Submittal

Hi Andrea,

Thank you for transmitting the POD. I was able to successfully download all the One Drive documents. I will circulate the POD internally for review, and follow up with the USFS and COE on any comments they may have. We will segregate the two Confidential appendices from public inspection.

May I get a shapefile of the entire planned route?

Thank you.

Seth A. Jackson

Realty Specialist

Bureau of Land Management | Billings Field Office

(also temporarily handling North Dakota Field Office realty matters)

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sajackson@blm.gov

From: Andrea Thornton <Andrea.Thornton@erm.com>

Sent: Friday, February 14, 2020 10:10 AM

To: Jackson, Seth A <sajackson@blm.gov>

Cc: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Grotte, Kim -FS <kim.grotte@usda.gov>; Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA)

<Jeremy.J.Thury@usace.army.mil>; Mark Cline <Mark.Cline@erm.com>; Linn, Jill <Jill.Linn@wbienergy.com>;

Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; Linn, Dave <Dave.Linn@WBIEnergy.com>

Subject: [EXTERNAL] North Bakken Expansion Project - Plan of Development Submittal

Hi Seth –

Attached is our transmittal letter for submitting the Plan of Development for the North Bakken Expansion Project. Due to the size of the files we have created a One Drive folder for you to access the document. Please note that the link to this page will only work for one week so please pull the documents onto your computer and server for storage. Please also note that appendices L and M of the document are being submitted as CUI/PRIV and should not be shared with the public.

https://theermgroup-my.sharepoint.com/:f:/g/personal/andrea_thornton_erm_com/Ejb7ng8Ang9JiDhS7KDdfh8BZCV-2W60Mbm_FMr01rHc3w?e=bccEhY

Please let me know if you have any questions or issues accessing the file.

Thank you,
Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

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Lisa DiNicolantonio

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Friday, February 21, 2020 6:48 AM
To: Linn, Jill; Huncovsky, Greg; Linn, Dave
Cc: Andrea Thornton; Kraft, Edward A
Subject: Re: Draft BLM Cost Reimbursement Agreement

Hi Jill,

Thank you for your edits. I accepted the changes to the draft. The Processing Fee Decision Letter and the Cost Reimbursement Agreement are going out in today's mail.

Seth A. Jackson

Realty Specialist
Bureau of Land Management | Billings Field Office
(also temporarily handling North Dakota Field Office realty matters)
5001 Southgate Drive | Billings, Montana 59101
406-896-5052 (direct) | 406-896-5281 (fax)
sajackson@blm.gov

From: Linn, Jill <Jill.Linn@wbienergy.com>
Sent: Wednesday, February 19, 2020 3:52 PM
To: Jackson, Seth A <sajackson@blm.gov>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; Linn, Dave <Dave.Linn@WBIEnergy.com>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>; Kraft, Edward A <ekraft@blm.gov>
Subject: [EXTERNAL] RE: Draft BLM Cost Reimbursement Agreement

Good afternoon Seth,

We have reviewed the draft CRA and only had minor edits on the second page. Please review and let us know if the edits are acceptable and if there is anything else you need from us in order to issue the final CRA and formal request for initial funds.

Thank you,

Jill Linn

Environmental Manager

WBIENERGY
TRANSMISSION

Office: 406-359-7332
Mobile: 406-939-5437

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Wednesday, February 12, 2020 3:06 PM
To: Linn, Jill <Jill.Linn@wbienergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; Linn, Dave

<Dave.Linn@WBIEnergy.com>

Cc: Andrea Thornton <Andrea.Thornton@erm.com>; Kraft, Edward A <ekraft@blm.gov>

Subject: Draft BLM Cost Reimbursement Agreement

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Good afternoon,

Attached is a draft Cost Reimbursement Agreement (CRA) to cover the anticipated costs that the BLM will incur in processing your right-of-way application for the North Bakken Expansion Project that would cross COE and USFS lands in McKenzie and Williams Counties, North Dakota. It is anticipated the number of staff hours to process your application will exceed 50 hours, making this a Category 6 application. The processing fee for Category 6 applications is equal to the actual costs incurred by the BLM. The CRA identifies the projected salary and labor costs to be incurred. The BLM will only request a portion of this amount up front. All charges against the project would be tracked, and any unused funds at the end of the project will be returned to WBI Energy.

The total anticipated cost is nearly \$100,000. I strongly doubt we will exceed that amount, or even use that entire amount. If the project continues to run smoothly without any significant disruptions, the actual expended amount may be a good bit less than the \$100,000. We would request \$30,000 up front, and only request additional funds once that amount drops to \$5,000 and it is anticipated additional funds are necessary to carry the project to completion.

Please review the draft and let me know if you have any questions. If you are good with it, then I will send a letter with the CRA attached for your signature, and the formal request for the \$30,000 initial deposit.

Thank you.

Seth A. Jackson

Realty Specialist

Bureau of Land Management | Billings Field Office

(also temporarily handling North Dakota Field Office realty matters)

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406-896-5052 (direct) | 406-896-5281 (fax)

sajackson@blm.gov

Lisa DiNicolantonio

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Friday, March 6, 2020 9:56 AM
To: Andrea Thornton
Cc: West, Katherine J
Subject: Re: Request for Cultural Information

Thank you!

Katie, I saved the files to our share location.

Thank you.

Seth A. Jackson
Realty Specialist
Bureau of Land Management | Billings Field Office
(also temporarily handling North Dakota Field Office realty matters)
5001 Southgate Drive | Billings, Montana 59101
406-896-5052 (direct) | 406-896-5281 (fax)
sajackson@blm.gov

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Friday, March 6, 2020 10:09 AM
To: Jackson, Seth A <sajackson@blm.gov>
Cc: West, Katherine J <kwest@blm.gov>
Subject: [EXTERNAL] RE: Request for Cultural Information

Hi Seth –

I've uploaded those three files to the OneDrive file location for you to download. Let me know if you have any issues with accessing the files.

https://theermgroup-my.sharepoint.com/:f/g/person/andrea_thornton_erm_com/Ejb7ng8Ang9JiDhS7KDdfh8BZCV-2W60Mbm_FMr01rHc3w?e=570JNT

Thanks and I hope you have a nice weekend!

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Friday, March 6, 2020 9:04 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: West, Katherine J <kwest@blm.gov>
Subject: Request for Cultural Information

Hi Andrea,

We are reviewing the Final Resource Reports submitted to FERC. For Report 4, Cultural Resources, it references Appendices 4A-1, 4A-2, and 4C. Those were not publicly available on FERC's website. Can you send them to me? Katie West, copied to this message, is our Archaeologist that will be reviewing them. Thank you.

Seth A. Jackson
Realty Specialist
Bureau of Land Management | Billings Field Office
(also temporarily handling North Dakota Field Office realty matters)
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sajackson@blm.gov

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Lisa DiNicolantonio

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Friday, March 13, 2020 6:27 AM
To: Andrea Thornton
Subject: Fw: WBI Northern Bakken Expansion Cultural Resource Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Blue Category

Good morning,

I have received the below comments to pass on to you. I also sent these to Dawn and Shannon at FERC.

Thank you.

Seth A. Jackson
Realty Specialist
Bureau of Land Management | Billings Field Office
(also temporarily handling North Dakota Field Office realty matters)
5001 Southgate Drive | Billings, Montana 59101
406-896-5052 (direct) | 406-896-5281 (fax)
sajackson@blm.gov

From: West, Katherine J <kwest@blm.gov>
Sent: Thursday, March 12, 2020 4:04 PM
To: Jackson, Seth A <sajackson@blm.gov>
Cc: Kraft, Edward A <ekraft@blm.gov>
Subject: WBI Northern Bakken Expansion Cultural Resource Comments

Hi Seth,

My biggest concern is that the recommended protection/avoidance measures for unevaluated and eligible sites in the Class III report by ERM are inadequate, particularly regarding stone feature sites. The usual avoidance distance requested/required by the BLM is 100'. More than 100' is preferred for stone feature sites. In addition, a cultural resource monitoring plan for construction needs to be established.

Additional questions/comments:

- Why were indirect effects to archaeological sites not considered? Setting is an important aspect of integrity for stone feature sites. There are numerous archaeological sites within and near the survey corridor that should be analyzed for indirect effects.
- Why were site form updates not done for all sites, site leads, and isolated finds regardless of whether or not they were relocated? Even if a cultural resource could not be relocated, that is still valuable information for the next project/site visit.
- Additional efforts should be made to involve THPOs in upcoming fieldwork and field reviews.

Best,
Katie West
Archaeologist

Bureau of Land Management
North Dakota Field Office
99 23rd Ave. W., Suite A
Dickinson, ND 58601
O: (701) 227-7781

Lisa DiNicolantonio

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Tuesday, March 17, 2020 9:19 AM
To: Andrea Thornton
Subject: Re: [EXTERNAL] Checking In

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Andrea,

Thanks for your note. These are interesting times we are living in, and I hope you and yours keep safe. I am working from home now too, but for now I can still go into the office to pick up mail and papers. We received the \$30,000 initial deposit for the processing fee from WBI yesterday and we signed the Cost Recovery Agreement and we mailed a copy back to WBI for their records.

My resource team completed reviews of the final resource reports available from FERC, and we only have comments on the cultural inventories, that I previously sent. No comments from the biological evaluation or assessment.

My resource team is also reviewing the Plan of Development, with comments due to me by April 1st.

I continue to be the project manager for this, although we are having interviews this week for my replacement. Even when they are onboarded, I will continue to shepherd this project to what hopefully amounts to a neat and tidy execution.

Thank you, and stay safe!

Seth Jackson
Realty Specialist
Bureau of Land Management, Billings Field Office
(also temporarily handling North Dakota Field Office realty matters)
5001 Southgate Drive, Billings, Montana 59101
(406) 896-5052
sajackson@blm.gov

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Tuesday, March 17, 2020 10:08 AM
To: Jackson, Seth A <sajackson@blm.gov>
Subject: [EXTERNAL] Checking In

Hi Seth –

I hope all is well with you and your family. I wanted to let you know that ERM is temporarily closing offices and asking employees to work from home. I will still be working full time from home and will let you know if my schedule changes at all. I'm not foreseeing any hard copy correspondences being mailed to my office, but if anything is being sent out please give me a heads up so I can either provide you with my home address or make sure someone is able to grab documents from the office.

Would you be able to provide me with an update of any changes at your office?

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

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Lisa DiNicolantonio

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Tuesday, May 12, 2020 9:11 AM
To: Andrea Thornton
Cc: Scheirer, Lisa L
Subject: Re: [EXTERNAL] North Bakken Expansion Project - Tribal Surveys

Thanks for the reminder -- I just sent Dawn a note.

Seth Jackson
Realty Specialist
Bureau of Land Management, Billings Field Office
(also temporarily handling North Dakota Field Office realty matters)
5001 Southgate Drive, Billings, Montana 59101
(406) 896-5052
sajackson@blm.gov

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Tuesday, May 12, 2020 10:05 AM
To: Jackson, Seth A <sajackson@blm.gov>
Cc: Scheirer, Lisa L <lscheirer@blm.gov>
Subject: RE: [EXTERNAL] North Bakken Expansion Project - Tribal Surveys

Thanks for the update Seth, we will make sure to include Lisa on all communications moving forward. Have you informed Dawn Ramsey at FERC of Lisa's new position?

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Tuesday, May 12, 2020 7:59 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Scheirer, Lisa L <lscheirer@blm.gov>
Subject: Re: [EXTERNAL] North Bakken Expansion Project - Tribal Surveys

Hi Andrea,

Learning new trades during these times are fun! While not as cool as being a barber, I have taken gardening more seriously this year and am learning how to grow seeds for the first time.

Thank you for this update on Beaver Creek Archaeology. I will pass this along to Katie West.

Also, I am pleased to announce that Lisa Scheirer has accepted the position of Realty Specialist for the BLM North Dakota Field Office, and will be officially starting in her new role on May 24th. Her email address is lscheirer@blm.gov, and is copied to this email. You will be in good hands!

Thank you!

Seth Jackson

Realty Specialist

Bureau of Land Management, Billings Field Office

(also temporarily handling North Dakota Field Office realty matters)

5001 Southgate Drive, Billings, Montana 59101

(406) 896-5052

sajackson@blm.gov

From: Andrea Thornton <Andrea.Thornton@erm.com>

Sent: Tuesday, May 12, 2020 8:21 AM

To: Jackson, Seth A <sajackson@blm.gov>

Subject: [EXTERNAL] North Bakken Expansion Project - Tribal Surveys

Hi Seth –

I hope all is still well with you and your family. We are still staying at home here in Portland, and as of yesterday I can officially add “barber” to my resume 😊

I wanted to inform you that WBI Energy has brought on Beaver Creek Archaeology to assist with tribal survey coordination for the upcoming survey season. They will be reaching out to agencies later this week that provided comments on tribal involvement in surveys (including BLM). I know it was Katherine West who provided the comments on cultural resources, however since I have not had any direct communication with her I was hoping you could pass this information along to her.

Thank you,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

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E andrea.thornton@erm.com | **W** www.erm.com

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Lisa DiNicolantonio

From: Scheirer, Lisa L <lscheirer@blm.gov>
Sent: Tuesday, May 12, 2020 10:56 AM
To: Dawn Ramsey; Jackson, Seth A
Cc: Andrea Thornton
Subject: Re: [EXTERNAL] RE: New BLM Contact for CP20-52-000

Thank you Dawn! I'm looking forward to working with you and with Andrea!

From: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Sent: Tuesday, May 12, 2020 10:18 AM
To: Jackson, Seth A <sajackson@blm.gov>
Cc: Scheirer, Lisa L <lscheirer@blm.gov>; Andrea Thornton <Andrea.Thornton@erm.com>
Subject: [EXTERNAL] RE: New BLM Contact for CP20-52-000

Thanks Seth for all of your help on the project. Welcome Lisa!

Dawn

Dawn Ramsey
Federal Energy Regulatory Commission
Dawn.Ramsey@ferc.gov
202-502-6856

From: Jackson, Seth A <sajackson@blm.gov>
Sent: Tuesday, May 12, 2020 12:11 PM
To: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Cc: Scheirer, Lisa L <lscheirer@blm.gov>; Andrea Thornton <Andrea.Thornton@erm.com>
Subject: New BLM Contact for CP20-52-000

Hi Dawn,

I would like to introduce you to Lisa Scheirer, who has accepted the position of the BLM Realty Specialist for the North Dakota Field Office. She officially starts on May 24th, and will be the BLM's project lead for CP20-52-000, WBI Energy's North Bakken Expansion Project. You will be in capable hands. I will be available for any backup support if needed. Her email address is lscheirer@blm.gov.

Thank you.

Seth Jackson
Realty Specialist
Bureau of Land Management, Billings Field Office
(also temporarily handling North Dakota Field Office realty matters)
5001 Southgate Drive, Billings, Montana 59101
(406) 896-5052
sajackson@blm.gov

NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – U.S. Army Corps of Engineers
(USACE)**

Ashley Bromberg

From: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Sent: Friday, February 14, 2020 11:03 AM
To: Andrea Thornton
Subject: RE: WBI Energy North Bakken Expansion Project - Nationwide Permit 12 PCN

Follow Up Flag: Follow up
Flag Status: Flagged

Afternoon Andrea – as discussed and as with other Corps projects that have a Section 408 permission action, we (Regulatory) will consider this as a draft version until such time that the 408 permission process is complete. I'll review the information and let you know if I have any questions. Thanks, Jason.

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Friday, February 14, 2020 10:14 AM
To: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Cc: Wade Hammer <Wade.Hammer@erm.com>; Linn, Dave <Dave.Linn@WBIEnergy.com>; Linn, Jill <Jill.Linn@wbienenergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>
Subject: [Non-DoD Source] WBI Energy North Bakken Expansion Project - Nationwide Permit 12 PCN

Hi Jason –

Attached is our transmittal letter for submitting the Nationwide Permit 12 – Pre-Construction Notification for the North Bakken Expansion Project. Due to the size of the files we have created a One Drive folder for you to access the document. Please note that the link to this page will only work for one week so please pull the document onto your computer and server for storage.

[Blockedhttps://theermgroup-my.sharepoint.com/:f:/g/personal/andrea_thornton_erm_com/EhbUM3AWcOBAPLEaUqpmUSsBzUrSNmT134L0IZRGNqVg9w?e=Vz8X9W](https://theermgroup-my.sharepoint.com/:f:/g/personal/andrea_thornton_erm_com/EhbUM3AWcOBAPLEaUqpmUSsBzUrSNmT134L0IZRGNqVg9w?e=Vz8X9W)

Please let me know if you have any questions or issues accessing the file.

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** [Blockedwww.erm.com](http://www.erm.com)



LOG

LOG OF TELEPHONE CONVERSATION

CALL TO/FROM WHOM: Mike Morris	PHONE NO.: 701-654-7759
COMPANY: U.S. Fish and Wildlife Service	
ERM CONTACT: Justin Moffett	PHONE NO.: 971-645-9941
DATE: February 20, 2020	TIME OF CONVERSATION: 11:15 am
RE: North Bakken Expansion: Geotech Drilling	

SIGNATURE:

LOG OF CONVERSATION:

The purpose of this call was to discuss the upcoming geotech drilling as it relates to piping plover surveys, access to USACE lands, and anticipated lake levels.

- Mike did not think there was any need to have USACE staff accompany ERM or its subcontractors when accessing USACE land and shoreline areas for the purpose of conducting pre-construction surveys for piping plover.
- Mike recommended we review the "Basic Condition" scenario on the following website <http://www.nwd-mr.usace.army.mil/rcc/reports/ResFcst.pdf> to estimate the surface water elevations in Lake Sakakawea in the coming months. The Basic Condition represents the highest probability scenario based on historic records. The project surface water elevations are for Garrison Dam. Mike would check with the USACE hydro staff to see if they have a water surface profile curve that shows the corresponding water surface elevation at the North Bakken crossing location so we might estimate what the water surface elevation is relative to potential shoreline breeding areas for plovers and terns.
- Mike said the March & April forecasts will be more accurate than the current forecast. Quite possible 2020 will be another high water year given current snow pack in MT.

Ashley Bromberg

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Friday, February 21, 2020 9:35 AM
To: Andrea Thornton
Subject: RE: WBI Mitigation to Tobacco Gardens

Perfect, I will add that to the license. Thanks again for the help!

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Friday, February 21, 2020 11:32 AM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Linn, Dave <Dave.Linn@WBIEnergy.com>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Hi Shenille,

The check will be made out to " Hellandsaas Ent Inc."

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Friday, February 21, 2020 8:46 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: WBI Mitigation to Tobacco Gardens

Hi Andrea,

Can you tell me who the mitigation check will be made out to? I see on the W-9 that it shows, "P.S. Hellandsaas Ent Inc, DBA Tobacco Gardens Resort and Marina," and I am needing to know who exactly the check will be made payable to so I can include it in the license.

Please let me know if you have any questions.

Thank you,

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Thursday, February 20, 2020 3:47 PM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>; Tobacco Gardens <tobaccogardens@ruggedwest.com>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>; Jill.Linn@wbienergy.com; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>; Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Linn, Dave <Dave.Linn@WBIEnergy.com>; Nielsen, Wade <Wade.Nielsen@WBIEnergy.com>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Good Afternoon Shenille -

WBI representatives met with Ms. Hellandsaas today. Attached are signed W-9 and Land and Land Rights Receipt and Release of Damages forms from the meeting showing concurrence with the commitment from WBI Energy.

Please let us know if you need any additional information from WBI on this.

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Wednesday, February 19, 2020 7:35 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Tobacco Gardens <tobaccogardens@ruggedwest.com>

Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>; Jill.Linn@wbienergy.com; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>; Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Linn, Dave <Dave.Linn@WBIEnergy.com>; Nielsen, Wade <Wade.Nielsen@WBIEnergy.com>
Subject: RE: WBI Mitigation to Tobacco Gardens

Good Morning Andrea,

The USACE has reviewed the commitment letter and has determined that it's acceptable to make the payment directly to the Tobacco Gardens Recreation Area, as long as Peggy Hellandsaas also concurs with this commitment. Please collaborate with Ms. Hellandsaas to find out details regarding which entity the check should be made out to.

We will continue to process WBI Energy's temporary construction license and include this in-lieu mitigation payment in the license once Ms. Hellandsaas provides her concurrence.

Please let me know if you have any additional questions.

Thank you,

Shenille

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]

Sent: Wednesday, February 19, 2020 9:12 AM

To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>; Tobacco Gardens <tobaccogardens@ruggedwest.com>

Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>; Jill.Linn@wbienergy.com; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>; Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Linn, Dave <Dave.Linn@WBIEnergy.com>; Nielsen, Wade <Wade.Nielsen@WBIEnergy.com>

Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Good Morning -

I wanted to follow-up on the email that I had sent last week regarding WBI Energy's commitment letter for mitigation at Tobacco Gardens. Please let us know if this letter will suffice to be able to move forward with issuing the license for geotech survey activities for the North Bakken Expansion Project.

Thank you,
Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Andrea Thornton

Sent: Tuesday, February 11, 2020 10:34 AM

To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>; Tobacco Gardens
<tobaccogardens@ruggedwest.com>

Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY
CENWO (USA) <Jeremy.J.Thury@usace.army.mil>; Jill.Linn@wbienergy.com; Atwell, Patrick C CIV USARMY CENWO
(USA) <Patrick.C.Atwell@usace.army.mil>; Nelson, Reece E CIV USARMY CENWO (USA)
<Reece.E.Nelson@usace.army.mil>; Linn, Dave <Dave.Linn@WBIEnergy.com>; Nielsen, Wade
<Wade.Nielsen@WBIEnergy.com>

Subject: RE: WBI Mitigation to Tobacco Gardens

Ms. Lillejord and Ms. Hellandsaas,

Attached is a commitment letter from WBI Energy in response to Ms. Lillejord's email below. WBI Energy has attempted to reach out to Ms. Hellandsaas and recently learned that she is on vacation. Please let us know if this commitment letter will suffice for you to be able to move forward with issuing the license for geotech survey activities for the North Bakken Expansion Project.

Thank you and please let us know if there are any questions.

-Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
BlockedBlockedBlockedwww.erm.com

-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>

Sent: Thursday, January 30, 2020 6:57 AM

To: Jill.Linn@wbienergy.com; Andrea Thornton <Andrea.Thornton@erm.com>

Cc: Tobacco Gardens <tobaccogardens@ruggedwest.com>; Kjelstrup, Taryn L CIV USARMY CENWO (US)
<Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>

Subject: WBI Mitigation to Tobacco Gardens

Ms. Linn and Ms. Thornton,

I am contacting you regarding WBI's proposed geotech boring project near Tobacco Gardens on Lake Sakakawea. I am currently drafting the proposed license for this activity.

WBI's request for the geotech activity includes the use of Tobacco Gardens Recreation Area. As you are aware, this area is designated for public recreation. As the proposed use of the recreation area is not a benefit to the recreating public or to the recreation lessee(s), WBI will be requested to provide mitigation for the use of Tobacco Gardens Recreation Area for industrial purposes. The 3rd party lessee of the recreation area, Peggy Hellandsaas, has requested that WBI provide an in-lieu mitigation payment of \$85,000.00 to ABC BOAT DOCKS for the purchase of a floating walkway to be installed within the recreation area for safety purposes during the recreation season. The quote provided by ABC BOAT DOCKS is attached. Once WBI and Ms. Hellandsaas have agreed on a mitigation payment, the Corps of Engineers will incorporate this mitigation into the license for the geotech survey activities. Ms. Hellandsaas (tobaccogardens@ruggedwest.com) is included on this email to facilitate communication regarding mitigation.

Thank you,

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

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Ashley Bromberg

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>
Sent: Monday, February 24, 2020 2:18 PM
To: Justin Moffett
Cc: Thury, Jeremy J CIV USARMY CENWO (USA); Sterling, Scott T CIV USARMY CENWO (USA); Andrea Thornton; Stonesifer, Alfred C CIV USARMY CENWO (US)
Subject: Monitoring

Afternoon Justin, et al,

We will not require a USACE employee be with the monitor for the work associated with the proposed WBI project for the least tern and piping plover monitoring. As we discussed these are presence and absence surveys. Please note we are still looking into your request for water surface profile curves for Lake Sakakawea? If you have any additional questions, please contact our office. Thank-you...

Mike

Mike Morris
Natural Resource Specialist
US Army Corps of Engineers
Garrison Project Office/Lake Sakakawea
201 1st Street
Riverdale ND 58565
(701) 654-7759

Ashley Bromberg

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Tuesday, February 25, 2020 7:26 PM
To: Andrea Thornton
Subject: WBI Energy North Bakken Expansion 1156 funds transfer status (UNCLASSIFIED)

Follow Up Flag: Follow up
Flag Status: Completed

Any idea on the status of the funds transfer for the 1156 agreement? I have the draft 408 application uploaded and ready for review along with the draft BA, I appreciate you getting those to us. Everything that is in there so far looks good, now I just need to get \$ setup for my team to put it on the schedule.

Thanks, and feel free to give me a call or email with any questions you may have as we are going through the review process.

Reece Nelson
Natural Resource Specialist
Natural Resource Management Section
US Army Corps of Engineers
Omaha District Office
1616 Capitol Ave, Omaha NE 68102
Desk number: 402-995-2505
Cell number: 785-213-1507

Ashley Bromberg

From: Andrea Thornton
Sent: Tuesday, February 25, 2020 11:17 AM
To: Thury, Jeremy J CIV USARMY CENWO (USA); Justin Moffett
Cc: Morris, Michael P CIV USARMY CENWO (USA); Stonesifer, Alfred C CIV USARMY CENWO (US)
Subject: RE: Spring Lake Levels

Hi Jeremy -

Thank you for providing this information!

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | www.erm.com

-----Original Message-----

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Sent: Tuesday, February 25, 2020 6:12 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Justin Moffett <Justin.Moffett@erm.com>
Cc: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>; Stonesifer, Alfred C CIV USARMY CENWO (US) <Alfred.C.Stonesifer@usace.army.mil>
Subject: RE: Spring Lake Levels

Andrea,

We reached out to our hydrology team and I received the following response:

For the reservoir pool levels in the forecast (all above 1837 in the monthly), we would not expect a large difference at RM 1510 from the pool level. Wind / wave could be several feet different than what the pool gage is reading.

<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nwd-mr.usace.army.mil%2Ffcc%2Freports%2FResFcst.pdf&data=02%7C01%7CAndrea.Thornton%40erm.com%7C37e04fb3470343b664c808d7b9fcc56d%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637182368141055736&data=0yq9YVOxrP1v1gjkK0F02LEaSTbeDD3g1GoymbCk5Ms%3D&reserved=0>

If they have surveyed elevations for concern features, they should evaluate potential risk using the monthly forecast pool elevations. They should also continue to monitor the webpage forecast as it is updated. Conditions can change rapidly.

Please let me know if you have any further questions.

Jeremy J. Thury
Natural Resources Specialist
US Army Corps of Engineers
Garrison Dam/ Lake Sakakawea Project
Riverdale, North Dakota Office
(701) 654-7761

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Thursday, February 20, 2020 2:52 PM
To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Subject: [Non-DoD Source] RE: Spring Lake Levels

Thank you Jeremy -

Do you know if the water elevations depicted in the forecasts are at the dam itself? Does your office have water surface profile curve showing what the corresponding water surface elevations are at various points along the reservoir upstream of the dam?

Thanks again,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com <mailto:andrea.thornton@erm.com> | W Blocked www.erm.com
<Blocked<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.erm.com%2F&data=02%7C01%7CAndrea.Thornton%40erm.com%7C9e181b8f851349c1ab4908d721a5aac4%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637014867736039651&sdata=Ucf8UWMabe3uu9VEj%2ByuuC2I54mWjGONr1GEhqz9AD0%3D&reserved=0>>

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Sent: Wednesday, February 19, 2020 11:40 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: Spring Lake Levels

Andrea,

I think you can access the forecast at Blocked<http://www.nwd-mr.usace.army.mil/rcc/reports/forecast.html>
<Blocked<http://www.nwd-mr.usace.army.mil/rcc/reports/forecast.html>> , please let me know if you cannot.

You will want to click on the main stem reservoir forecast- monthly study and the most recent forecast will be found on the top tab with monthly study.

Please let me know if you have any further questions.

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Wednesday, February 19, 2020 1:25 PM
To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil
<mailto:Jeremy.J.Thury@usace.army.mil> >
Subject: [Non-DoD Source] Spring Lake Levels

Hi Jeremy -

As WBI is gearing up for completing geotech survey work this spring we were wondering if there were an ideas of what the pool levels are expected to be based on flow forecasts/current ice levels. Any information you would be able to provide on the timing of lowering lake levels in past years would be helpful for our planning of tern/plover surveys.

Thanks,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com <<mailto:andrea.thornton@erm.com>> <<mailto:andrea.thornton@erm.com>> | W

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Ashley Bromberg

From: Andrea Thornton
Sent: Wednesday, February 26, 2020 7:42 AM
To: Nelson, Reece E CIV USARMY CENWO (USA); Atwell, Patrick C CIV USARMY CENWO (USA)
Subject: RE: ProjNet Access (UNCLASSIFIED)

Yes both Dave Linn and I are already in the system for the geotech permit application.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
www.erm.com

-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Tuesday, February 25, 2020 7:16 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>
Subject: RE: ProjNet Access (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Great, will forward on. You are already in the system though correct? I will make sure our Projnet admin checks your assignment.

-Reece

-----Original Message-----

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Tuesday, February 25, 2020 2:34 PM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>
Subject: [Non-DoD Source] RE: ProjNet Access (UNCLASSIFIED)

Thank you Reece. Below is the information that you asked for. We have one lead from WBI and one from ERM.

1. Company Name: WBI Energy
2. City: Glendive
3. State: Montana

4. Point of Contact (first and last name): Dave Linn
 5. POC email address: dave.linn@wbienergy.com
 6. POC phone number: 406-359-7333
-
1. Company Name: ERM (Environmental Resources Management)
 2. City: Portland
 3. State: Oregon
 4. Point of Contact (first and last name): Andrea Thornton
 5. POC email address: andrea.thornton@erm.com
 6. POC phone number: 503-459-6864

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
Blockedwww.erm.com

-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Friday, February 21, 2020 9:56 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>
Subject: RE: ProjNet Access (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Andrea,

Following info is needed for the company:

1. Company Name:
2. City:
3. State:
4. Point of Contact (first and last name):
5. POC email address:
6. POC phone number:

-Reece

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Friday, February 21, 2020 10:03 AM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>
Subject: [Non-DoD Source] ProjNet Access

Hi Reece and Patrick -

Please let us know what information you need from WBI to get ProjNet access in place for the 408 permit documents.

Thanks,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com <<mailto:andrea.thornton@erm.com>> | W [BlockedBlockedwww.erm.com](http://www.erm.com)
<[BlockedBlockedhttps://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.erm.com%2F&data=02%7C01%7CAndrea.Thornton%40erm.com%7C9e181b8f851349c1ab4908d721a5aac4%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637014867736039651&sdata=Ucf8UWMabe3uu9VEj%2ByuuC2I54mWjGONr1GEhqz9AD0%3D&reserved=0](https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.erm.com%2F&data=02%7C01%7CAndrea.Thornton%40erm.com%7C9e181b8f851349c1ab4908d721a5aac4%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637014867736039651&sdata=Ucf8UWMabe3uu9VEj%2ByuuC2I54mWjGONr1GEhqz9AD0%3D&reserved=0)>

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Ashley Bromberg

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Thursday, February 27, 2020 4:00 PM
To: Andrea Thornton
Subject: RE: [Non-DoD Source] Cooperating Agency Status - North Bakken Expansion

Follow Up Flag: Follow up
Flag Status: Flagged

Hey Andrea,

Yes, we are a cooperating agency.

Reece Nelson
Natural Resource Specialist
USACE-Omaha District Office
785-213-1507

----- Original message -----

From: Andrea Thornton <Andrea.Thornton@erm.com>
Date: 2/27/20 16:41 (GMT-06:00)
To: "Nelson, Reece E CIV USARMY CENWO (USA)" <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] Cooperating Agency Status - North Bakken Expansion

Hi Reece –

Would you be able to let me know if the USACE has opted to be a cooperating agency on the project?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** Blockedwww.erm.com

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Ashley Bromberg

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Monday, March 9, 2020 7:44 PM
To: Andrea Thornton
Subject: RE: North Bakken Expansion Project Check-In (UNCLASSIFIED)

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CLASSIFICATION: UNCLASSIFIED

Hi Andrea,

Sorry about that. I reached out to the team, will pull that guidance for you about what we look for on ERP's. And will get clarification on the kickoffs as to what they were looking for in an O&M plan. Usually we ask for a development plan, which provides a narrative on the project (specific to the Corps action), facilities, access, etc... Will make sure that is what they are looking for prior to sending it to you.

-Reece

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Monday, March 09, 2020 10:27 AM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] North Bakken Expansion Project Check-In

Hi Reece –

When we spoke on February 26th I mentioned that WBI was looking for any guidance that the COE may have for them to update their overall Emergency Response and O&M Plans. You mentioned that your office does have guidance on Emergency Response Plans and would forward that on to me. Additionally you mentioned checking in on the O&M Plan Guidance.

In your absence is there someone else I should be checking in with on these topics?

Thanks!
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** Blockedwww.erm.com

Ashley Bromberg

From: Andrea Thornton
Sent: Thursday, March 12, 2020 7:24 AM
To: Kjelstrup, Taryn L CIV USARMY CENWO (US); Lillejord, Shenille A CIV USARMY CENWO (USA)
Cc: Nelson, Reece E CIV USARMY CENWO (USA)
Subject: RE: WBI Mitigation to Tobacco Gardens

Thank you for sending this along Taryn. I will forward it on to WBI and will let them know the update of the status of the Regulatory Permit as well.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | [W www.erm.com](http://www.erm.com)

-----Original Message-----

From: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Sent: Wednesday, March 11, 2020 3:12 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: RE: WBI Mitigation to Tobacco Gardens

Hi Andrea,

Attached is a pdf of the license without map exhibits. Hopefully this is helpful as it contains the environmental stipulations.

The Regulatory Office in Bismarck called today and said they put the Regulatory Permit in the mail today to my office. So I will watch for it.

Taryn

-----Original Message-----

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Tuesday, March 10, 2020 5:18 PM
To: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Thanks Taryn!

WBI did ask if there was the potential to share an unofficial advance draft of the permit (or list of permit requirements) with them this week. They are wanting to make sure they have ample time to review any environmental stipulations, Tobacco Garden requirements, etc. to ensure that they have all of their pre-mobilization requirements and stakeholder coordination worked out to support their target start date.

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Sent: Tuesday, March 10, 2020 3:14 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Subject: RE: WBI Mitigation to Tobacco Gardens

Hi Andrea,

Shenille has left the office, but I will watch for the Regulatory Permit. We will likely get it all in the mail to you the beginning of next week. Hopefully Monday, but we can play it by ear in case we get the Regulatory Permit sooner!

Taryn Kjelstrup
USACE Real Estate

-----Original Message-----

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Tuesday, March 10, 2020 3:33 PM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Hi Shenille -

Thank you for the update. Is there something that is holding up the regulatory permit? If it does come through yet this week while you are out is there the potential for it to be mailed out before you get back next week?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Tuesday, March 10, 2020 1:07 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: WBI Mitigation to Tobacco Gardens

Hi Andrea,

Just a heads up, I will be out of the office for the next three days and returning on Monday. The license has been reviewed by legal and I am hoping that our office will receive the regulatory permit in the next day or two. If so, I should be sending the license to WBI early next week for their signature.

Please let me know if you have any questions. If anything urgent comes up in the next couple days, please contact Taryn Kjelstrup at (701) 654-7709.

Thank you,

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Thursday, March 5, 2020 11:14 AM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Hi Shenille -

Thank you for the update. Can you please let me know next week when you receive the permit from Regulatory? Regarding your question on the timeline of the geotech work, assuming the weather cooperates, WBI is planning to start to work in April and finish before Memorial Day weekend. Please let us know if there is anything else you need from WBI to keep the legal review moving forward.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Thursday, March 5, 2020 8:53 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: RE: WBI Mitigation to Tobacco Gardens

Good Morning Andrea,

I touched base with Regulatory and they are now planning on having the permit in our hands early next week. The legal review is pending some needed feedback from Peggy. Can you provide me with the ideal duration that WBI plans to be doing this geotech project? For example, are they planning on starting in April and ending in August. This will be helpful information for Peggy to determine any dates she may need restrict work access, such as holidays where the recreation area is extremely busy.

Please let me know if you have any questions.

Thank you,

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Tuesday, March 3, 2020 4:54 PM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Good Afternoon Shenille -

Are things still looking to be on track for receiving the regulatory permit and having the legal review completed by the end of the week this week?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Tuesday, February 25, 2020 2:10 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: RE: WBI Mitigation to Tobacco Gardens

Good Afternoon Andrea,

I was able to touch base with the Regulatory Office today and am hopeful that we will receive the regulatory permit by the end of next week. I am also hoping to have the legal review of the license completed by the end of next week.

When we receive the regulatory permit and have legal review the license we will be able to send it to WBI for signature. Once WBI provides their signature it will be sent back to our Real Estate department and passed down to Omaha to obtain the District Commander's signature. When both signatures are obtained and the license is fully executed we will send a copy back to WBI.

All in all, this should take roughly 4-5 weeks. Possibly sooner, depending on how quickly we receive the regulatory permit and legal's time to review.

Please let me know if you have any other questions.

Thank you,

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Monday, February 24, 2020 5:39 PM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Hi Shenille -

Do you have an estimate as to when the permit will be issued? Any information you could provide on the remaining internal steps would be helpful for me to pass on to WBI for planning purposes.

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Friday, February 21, 2020 6:49 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: WBI Mitigation to Tobacco Gardens

Thanks for the help, Andrea!

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Thursday, February 20, 2020 3:47 PM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>; Tobacco Gardens <tobaccogardens@ruggedwest.com>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>; Jill.Linn@wbienenergy.com; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>; Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Linn, Dave <Dave.Linn@WBIEnergy.com>; Nielsen, Wade <Wade.Nielsen@WBIEnergy.com>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Good Afternoon Shenille -

WBI representatives met with Ms. Hellandsaas today. Attached are signed W-9 and Land and Land Rights Receipt and Release of Damages forms from the meeting showing concurrence with the commitment from WBI Energy.

Please let us know if you need any additional information from WBI on this.

Thank you,

Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Wednesday, February 19, 2020 7:35 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Tobacco Gardens <tobaccogardens@ruggedwest.com>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>; Jill.Linn@wbienenergy.com; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>; Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Linn, Dave <Dave.Linn@WBIEnergy.com>; Nielsen, Wade <Wade.Nielsen@WBIEnergy.com>
Subject: RE: WBI Mitigation to Tobacco Gardens

Good Morning Andrea,

The USACE has reviewed the commitment letter and has determined that it's acceptable to make the payment directly to the Tobacco Gardens Recreation Area, as long as Peggy Hellandsaas also concurs with this commitment. Please collaborate with Ms. Hellandsaas to find out details regarding which entity the check should be made out to.

We will continue to process WBI Energy's temporary construction license and include this in-lieu mitigation payment in the license once Ms. Hellandsaas provides her concurrence.

Please let me know if you have any additional questions.

Thank you,

Shenille

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Wednesday, February 19, 2020 9:12 AM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>; Tobacco Gardens <tobaccogardens@ruggedwest.com>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>; Jill.Linn@wbienenergy.com; Atwell, Patrick C CIV USARMY CENWO

(USA) <Patrick.C.Atwell@usace.army.mil>; Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Linn, Dave <Dave.Linn@WBIEnergy.com>; Nielsen, Wade <Wade.Nielsen@WBIEnergy.com>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Good Morning -

I wanted to follow-up on the email that I had sent last week regarding WBI Energy's commitment letter for mitigation at Tobacco Gardens. Please let us know if this letter will suffice to be able to move forward with issuing the license for geotech survey activities for the North Bakken Expansion Project.

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Andrea Thornton
Sent: Tuesday, February 11, 2020 10:34 AM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>; Tobacco Gardens <tobaccogardens@ruggedwest.com>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>; Jill.Linn@wbienenergy.com; Atwell, Patrick C CIV USARMY CENWO (USA) <Patrick.C.Atwell@usace.army.mil>; Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Linn, Dave <Dave.Linn@WBIEnergy.com>; Nielsen, Wade <Wade.Nielsen@WBIEnergy.com>
Subject: RE: WBI Mitigation to Tobacco Gardens

Ms. Lillejord and Ms. Hellandsaas,

Attached is a commitment letter from WBI Energy in response to Ms. Lillejord's email below. WBI Energy has attempted to reach out to Ms. Hellandsaas and recently learned that she is on vacation. Please let us know if this commitment letter will suffice for you to be able to move forward with issuing the license for geotech survey activities for the North Bakken Expansion Project.

Thank you and please let us know if there are any questions.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Thursday, January 30, 2020 6:57 AM
To: Jill.Linn@wbienergy.com; Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Tobacco Gardens <tobaccogardens@ruggedwest.com>; Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Subject: WBI Mitigation to Tobacco Gardens

Ms. Linn and Ms. Thornton,

I am contacting you regarding WBI's proposed geotech boring project near Tobacco Gardens on Lake Sakakawea. I am currently drafting the proposed license for this activity.

WBI's request for the geotech activity includes the use of Tobacco Gardens Recreation Area. As you are aware, this area is designated for public recreation. As the proposed use of the recreation area is not a benefit to the recreating public or to the recreation lessee(s), WBI will be requested to provide mitigation for the use of Tobacco Gardens Recreation Area for industrial purposes. The 3rd party lessee of the recreation area, Peggy Hellandsaas, has requested that WBI provide an in-lieu mitigation payment of \$85,000.00 to ABC BOAT DOCKS for the purchase of a floating walkway to be installed within the recreation area for safety purposes during the recreation season. The quote provided by ABC BOAT DOCKS is attached. Once WBI and Ms. Hellandsaas have agreed on a mitigation payment, the Corps of Engineers will incorporate this mitigation into the license for the geotech survey activities. Ms. Hellandsaas (tobaccogardens@ruggedwest.com) is included on this email to facilitate communication regarding mitigation.

Thank you,

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

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Ashley Bromberg

From: Andrea Thornton
Sent: Tuesday, March 17, 2020 8:53 AM
To: 'Lillejord, Shenille A CIV USARMY CENWO (USA)'
Subject: RE: WBI Mitigation to Tobacco Gardens

Hi Shenille -

I confirmed with WBI that the check was made out to P.S. Hellandsaas Enterprises, Inc.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | www.erm.com

-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Tuesday, March 17, 2020 8:18 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: WBI Mitigation to Tobacco Gardens

Thank you, Andrea. Two more quick questions for you.

First, would you mind providing me with Dave Linn's title? We typically add their work title when addressing a WBI letter to an employee.

Second, I just wanted to double check one more time with you. Is WBI making the mitigation check out to "P.S. Hellandsaas Enterprises, Inc."?

Thank you,

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Tuesday, March 17, 2020 9:57 AM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>; Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>; Linn, Dave <Dave.Linn@WBIEnergy.com>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Hi Shenille -

Thank you for the update! Please send the permit to Dave Linn at the following address:

Dave Linn
WBI Energy
2010 Montana Ave
Glendive Montana 59330

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Sent: Tuesday, March 17, 2020 7:45 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: RE: WBI Mitigation to Tobacco Gardens

Good Morning Andrea,

I just received the regulatory permit yesterday. The license should be mailed to WBI in the next day or two. Can you please provide me with the point-of-contact name and address of where I should be sending this license for signature.

Thank you,

Shenille Lillejord
Real Estate Specialist
Omaha District
U.S. Army Corps of Engineers
(701) 654-7752
Shenille.A.Lillejord@USACE.Army.Mil

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Tuesday, March 17, 2020 8:58 AM
To: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Hi Taryn and Shenille -

Did the regulatory permit come through on your end last week? When do you expect getting the package in the mail over to WBI for their signature?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Sent: Wednesday, March 11, 2020 3:12 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: RE: WBI Mitigation to Tobacco Gardens

Hi Andrea,

Attached is a pdf of the license without map exhibits. Hopefully this is helpful as it contains the environmental stipulations.
The Regulatory Office in Bismarck called today and said they put the Regulatory Permit in the mail today to my office. So I will watch for it.

Taryn

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Tuesday, March 10, 2020 5:18 PM
To: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>; Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Thanks Taryn!

WBI did ask if there was the potential to share an unofficial advance draft of the permit (or list of permit requirements) with them this week. They are wanting to make sure they have ample time to review any environmental stipulations, Tobacco Garden requirements, etc. to ensure that they have all of their pre-mobilization requirements and stakeholder coordination worked out to support their target start date.

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

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-----Original Message-----

From: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Sent: Tuesday, March 10, 2020 3:14 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Subject: RE: WBI Mitigation to Tobacco Gardens

Hi Andrea,

Shenille has left the office, but I will watch for the Regulatory Permit. We will likely get it all in the mail to you the beginning of next week. Hopefully Monday, but we can play it by ear in case we get the Regulatory Permit sooner!

Taryn Kjelstrup
USACE Real Estate

-----Original Message-----

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Tuesday, March 10, 2020 3:33 PM
To: Lillejord, Shenille A CIV USARMY CENWO (USA) <Shenille.A.Lillejord@usace.army.mil>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Subject: [Non-DoD Source] RE: WBI Mitigation to Tobacco Gardens

Hi Shenille -

Thank you for the update. Is there something that is holding up the regulatory permit? If it does come through yet this week while you are out is there the potential for it to be mailed out before you get back next week?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

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1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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Ashley Bromberg

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Thursday, March 26, 2020 7:25 AM
To: Andrea Thornton
Subject: RE: Checking In (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Yeah, I run into the office from time to time to keep signatures routing if they are hard copy, other than that we are all remote working.

April 27th, I'll put a tentative placeholder.

I'll send out to the large team on April 15th or 16th, 1030-1200. Will let you know soon which one most can make it to.

I have sent out the draft 408 submittal to the review team, gave them a date for comments to be in of 24-Apr-2020, so either the 15th or 16th will be a good in progress review discussion.

Go in and look to see if you are able to review the comments so far on the draft 408 submittal. I looked at the permissions and it has you and Dave as Comment evaluators.

-Reece

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Wednesday, March 25, 2020 4:02 PM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: Checking In (UNCLASSIFIED)

Hi Reece -

I'm glad to hear that you guys are hanging in there! Is everyone working remotely from the Omaha office?

I let WBI know that we should be seeing information on the plan guidance shortly.

Yes we received the draft permit yesterday and WBI is working on signatures to get everything sent back to Omaha as soon as possible. The current plan is for the geotech work to start April 27th with the necessary surveys to least tern and piping plover occurring the week prior. We will keep you and the Garrison office folks in the loop if there are any changes to that schedule.

After speaking with WBI it looks the following day/times would work. Let me know if there are any that are better for your team, all times are presented in central time. I'm in the processing of reaching out to General Crear to see if he will also be able to join.

Wednesday April 15th
-10 am to 11:30 am
-10:30 am to 12 pm
-1:30 pm to 3 pm

-2 pm to 3:30 pm

Thursday April 16th

-10 am to 11:30 am

-10:30 am to 12 pm

-1:30 pm to 3 pm

-2 pm to 3:30 pm

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)

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-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>

Sent: Monday, March 23, 2020 7:17 PM

To: Andrea Thornton <Andrea.Thornton@erm.com>

Subject: RE: Checking In (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Andrea,

My sincere apologies for not getting back to you. I've been trying to keep up with emails while on leave, but my work phone went kaput, and I have been having computer issues as well, so it's been a chore trying to get online, then let's not get started on COVID-19 happenings! Hopefully you and yours are safe and healthy.

I'm rifling through emails, and think I have all I need, just need to get you a outline together. I was mainly waiting for clarification on the O&M Plan, and it is what I would refer to as a development plan, whereby is spells out what the project is, location, ingress/egress plans to area, etc...

I saw the email traffic that the Geotech RE permit should be sent out soon. Do you all have an idea when you are wanting to get the onshore?

The one good thing on COVID-19 is it really cleared the schedule! I have meetings but will move around to accommodate you all. So if you could give me 2-3 times to send out to the team, let's get something scheduled soon.

-Reece

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]

Sent: Monday, March 23, 2020 12:11 PM

To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>

Subject: [Non-DoD Source] RE: Checking In

Hi Reece -

I wanted to check in again as I did not hear back from you last week. Have you heard from your team regarding the guidance for the ERPs and O&M plans? Additionally, I have not seen any email traffic on ProjNet and when I logged in this morning I still only have access to the geotech files. Is our access getting added? WBI is also wondering if the USACE schedule (that we saw a draft of in our January meeting) will be available on ProjNet.

Lastly I was hoping we could get a call set up with the WBI team. Would you be able to let me know your availability for a 1 hour conference call?

Thanks again,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

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From: Andrea Thornton

Sent: Tuesday, March 17, 2020 9:09 AM

To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>

Subject: Checking In

Hi Reece -

I hope all is well with you and your family. I wanted to let you know that ERM is temporarily closing offices and asking employees to work from home. I will still be working full time from home and will let you know if my schedule changes at all. I'm not foreseeing any hard copy correspondences being mailed to my office, but if anything is being sent out please give me a heads up so I can either provide you with my home address or make sure someone is able to grab documents from the office.

Would you be able to provide me with an update of the USACE offices in Omaha?

Thank you,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

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<[BlockedBlockedhttps://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.erm.com%2F&data=02%7C01%7CAndrea.Thornton%40erm.com%7C9e181b8f851349c1ab4908d721a5aac4%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637014867736039651&sdata=Ucf8UWMabe3uu9VEj%2ByuuC2I54mWjGONr1GEhqz9AD0%3D&reserved=0](https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.erm.com%2F&data=02%7C01%7CAndrea.Thornton%40erm.com%7C9e181b8f851349c1ab4908d721a5aac4%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637014867736039651&sdata=Ucf8UWMabe3uu9VEj%2ByuuC2I54mWjGONr1GEhqz9AD0%3D&reserved=0)>

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CLASSIFICATION: UNCLASSIFIED

Ashley Bromberg

From: Justin Moffett
Sent: Thursday, March 26, 2020 4:55 PM
To: Morris, Michael P CIV USARMY CENWO (USA)
Cc: Sterling, Scott T CIV USARMY CENWO (USA); Andrea Thornton
Subject: RE: Proposed Tern and Plover Surveys

Hi Mike,

Thanks for checking in. Yes we're all adjusting to our new circumstance now that work & home have merged for the foreseeable future.

WEST initially planned to call Scott to discuss site conditions and access, but I they said they were able to glean what they needed for their scope and budget from Google Earth. I need to touch base with them but they may not contact Scott until they get closer to the survey effort, which is tentatively scheduled for the end of April pending status of ice melt, water levels, COVID-19 etc.

We'll make sure to keep you apprised of our plans.

Thanks.

Justin T. Moffett, PWS
Principal Consultant

Environmental Resources Management (ERM) O 971-279-6922 M 971-645-9941 E Justin.Moffett@erm.com | W
<https://eur01.safelinks.protection.outlook.com/?url=www.erm.com&data=02%7C01%7CAndrea.Thornton%40erm.com%7Ceee290d8a43c4064eb9408d7d1e125ba%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637208637248656712&sdata=2Wb3imaFdSBay%2Fs3xcmh3qfARIYpnJrwgbB7bFxs%2Buc%3D&reserved=0>

-----Original Message-----

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>
Sent: Thursday, March 26, 2020 2:02 PM
To: Justin Moffett <Justin.Moffett@erm.com>
Cc: Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil>; Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: Proposed Tern and Plover Surveys

Justin,

There have been significant changes in the way all of us are conducting our business and personal lives since we last corresponded. We can only hope everything is going as well as can be expected for all of you. Please note we were not sure if you were sending our contact information to the consultant? To date we have not heard from anyone with WEST. Thank-you...

Mike

-----Original Message-----

From: Justin Moffett [mailto:Justin.Moffett@erm.com]
Sent: Thursday, March 12, 2020 3:48 PM
To: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>
Cc: Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil>; Andrea Thornton <Andrea.Thornton@erm.com>
Subject: [Non-DoD Source] RE: Proposed Tern and Plover Surveys

Mike,

The contractor is Western EcoSystems Technology (WEST). Luke Martinson is my contact w/ WEST in Cheyenne, WY, but he mentioned he has a biologist in Bismarck, ND who would do the surveys.

Thanks.

Justin T. Moffett, PWS
Principal Consultant

Environmental Resources Management (ERM) O 971-279-6922 M 971-645-9941 E Justin.Moffett@erm.com | W
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-----Original Message-----

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>

Sent: Thursday, March 12, 2020 1:39 PM

To: Justin Moffett <Justin.Moffett@erm.com>

Cc: Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil>

Subject: Proposed Tern and Plover Surveys

Afternoon Justin,

Scott Sterling and I would be the appropriate people for your contractor to talk to. Scott heads up our tern and plover monitoring program. Our availability is somewhat limited the remainder of this week however. Tomorrow we are moving everything out of our offices and we will be going off line at some point, until sometime Monday. Do you have more than one prospective contractor? Thanks and have a good night.

Mike

Mike Morris
US Army Corps of Engineers
Natural Resource Specialist
Garrison Project Office/Lake Sakakawea
(701) 654-7759

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Lisa DiNicolantonio

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Thursday, March 26, 2020 7:25 AM
To: Andrea Thornton
Subject: RE: Checking In (UNCLASSIFIED)

Follow Up Flag: Follow up
Flag Status: Completed

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April 27th, I'll put a tentative placeholder.

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Go in and look to see if you are able to review the comments so far on the draft 408 submittal. I looked at the permissions and it has you and Dave as Comment evaluators.

-Reece

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From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Wednesday, March 25, 2020 4:02 PM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: Checking In (UNCLASSIFIED)

Hi Reece -

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I let WBI know that we should be seeing information on the plan guidance shortly.

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Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Monday, March 23, 2020 7:17 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: Checking In (UNCLASSIFIED)

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Hey Andrea,

My sincere apologies for not getting back to you. I've been trying to keep up with emails while on leave, but my work phone went kaput, and I have been having computer issues as well, so it's been a chore trying to get online, then let's not get started on COVID-19 happenings! Hopefully you and yours are safe and healthy.

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To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
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Lastly I was hoping we could get a call set up with the WBI team. Would you be able to let me know your availability for a 1 hour conference call?

Thanks again,

Andrea

Andrea Thornton

Principal Consultant

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From: Andrea Thornton

Sent: Tuesday, March 17, 2020 9:09 AM

To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>

Subject: Checking In

Hi Reece -

I hope all is well with you and your family. I wanted to let you know that ERM is temporarily closing offices and asking employees to work from home. I will still be working full time from home and will let you know if my schedule changes at all. I'm not foreseeing any hard copy correspondences being mailed to my office, but if anything is being sent out please give me a heads up so I can either provide you with my home address or make sure someone is able to grab documents from the office.

Would you be able to provide me with an update of the USACE offices in Omaha?

Thank you,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

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CLASSIFICATION: UNCLASSIFIED

Lisa DiNicolantonio

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Friday, April 3, 2020 8:27 AM
To: Andrea Thornton
Subject: RE: Checking In (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Good morning Andrea,

Haven't heard back from many of them, so let's do the 16th.

Can you try to take a look again for me on Projnet when you get a chance. It shouldn't make a difference, but I refreshed the evaluator roles, and also added in ERM & WBI as evaluator offices. On the Project List screen, instead of clicking on WBI Energy, click on North Bakken Expansion under the Project Name Column, then click on (Docs), and there should be a Biological Assessment with a Description of POD, Appendix M, Biological Assessment. And a Draft 408 Submittal with a Description of all the Docs submitted within that. All the other documents & comments I will pull off and save for admin record, just haven't gotten to that yet. But it looks like there are 4 comments on the Draft 408 at this point.

If you still can't find it, let me know, it might be easier to give you a call.

-Reece

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Friday, April 03, 2020 9:51 AM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: Checking In (UNCLASSIFIED)

Hi Reece -

Are there any updates on a day/time that works better for your team for a call? Additionally, is there information on the guidance documents you will be providing for the two project plans that we have discussed?

I logged into ProjNet again this morning and am seeing to Project IDs
- WBI Energy
-CEHNC COVID-19

When I click on the WBI Energy Project it is still all related to the geotech work. All 28 of the comments have been closed out. Is there someone with ProjNet that I should reach out to?

Thanks again and I hope you and your family are staying safe and healthy.

-Andrea

Andrea Thornton

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CLASSIFICATION: UNCLASSIFIED

Lisa DiNicolantonio

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Tuesday, April 7, 2020 8:30 AM
To: Andrea Thornton
Subject: RE: Checking In (UNCLASSIFIED)
Attachments: ERP.DOCX; OM PJan.docx

Follow Up Flag: Follow up
Flag Status: Flagged

CLASSIFICATION: UNCLASSIFIED

And sorry these took so long. Outlines for what we look for in Emergency Response Plan and O&M Plan. The emphasis on the OM is explaining the SCADA process. Let me know what questions you have after looking over.

-Reece

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To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: Checking In (UNCLASSIFIED)

Hi Reece -

Was one of the proposed times on the 16th better for you? If not I can pick one and get the meeting invite out.

When I click on North Bakken Expansion this is what I see, there isn't an option to select "Documents". I do see that there are 4 comments that have not been evaluated yet. Two of them appear to be cultural resource documents uploaded for the geotech permit (BIA PA response letter and SHSND PA response letter). The other two do look to be related to the overall HDD 408 documents.

If these are the same comments that you are referring to we should be good :)

Thanks,

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1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com | W

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-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>

Sent: Friday, April 3, 2020 8:27 AM

To: Andrea Thornton <Andrea.Thornton@erm.com>

Subject: RE: Checking In (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Good morning Andrea,

Haven't heard back from many of them, so let's do the 16th.

Can you try to take a look again for me on Projnet when you get a chance. It shouldn't make a difference, but I refreshed the evaluator roles, and also added in ERM & WBI as evaluator offices. On the Project List screen, instead of clicking on WBI Energy, click on North Bakken Expansion under the Project Name Column, then click on (Docs), and there should be a Biological Assessment with a Description of POD, Appendix M, Biological Assessment. And a Draft 408 Submittal with a Description off all the Docs submitted within that. All the other documents & comments I will pull off and save for admin record, just haven't gotten to that yet. But it looks like there are 4 comments on the Draft 408 at this point.

If you still can't find it, let me know, it might be easier to give you a call.

-Reece

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com <mailto:Andrea.Thornton@erm.com>]

Sent: Friday, April 03, 2020 9:51 AM

To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil
<mailto:Reece.E.Nelson@usace.army.mil> >

Subject: [Non-DoD Source] RE: Checking In (UNCLASSIFIED)

Hi Reece -

Are there any updates on a day/time that works better for your team for a call? Additionally, is there information on the guidance documents you will be providing for the two project plans that we have discussed?

I logged into ProjNet again this morning and am seeing to Project IDs

- WBI Energy

-CEHNC COVID-19

When I click on the WBI Energy Project it is still all related to the geotech work. All 28 of the comments have been closed out. Is there someone with ProjNet that I should reach out to?

Thanks again and I hope you and your family are staying safe and healthy.

-Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com
<<mailto:andrea.thornton@erm.com>> | W

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-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
<<mailto:Reece.E.Nelson@usace.army.mil>> >

Sent: Thursday, March 26, 2020 7:25 AM

To: Andrea Thornton <Andrea.Thornton@erm.com <<mailto:Andrea.Thornton@erm.com>> >

Subject: RE: Checking In (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Yeah, I run into the office from time to time to keep signatures routing if they are hard copy, other than that we are all remote working.

April 27th, I'll put a tentative placeholder.

I'll send out to the large team on April 15th or 16th, 1030-1200. Will let you know soon which one most can make it to.

I have sent out the draft 408 submittal to the review team, gave them a date for comments to be in of 24-Apr-2020, so either the 15th or 16th will be a good in progress review discussion.

Go in and look to see if you are able to review the comments so far on the draft 408 submittal. I looked at the permissions and it has you and Dave as Comment evaluators.

-Reece

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com <mailto:Andrea.Thornton@erm.com>]

Sent: Wednesday, March 25, 2020 4:02 PM

To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil
<mailto:Reece.E.Nelson@usace.army.mil> >

Subject: [Non-DoD Source] RE: Checking In (UNCLASSIFIED)

Hi Reece -

I'm glad to hear that you guys are hanging in there! Is everyone working remotely from the Omaha office?

I let WBI know that we should be seeing information on the plan guidance shortly.

Yes we received the draft permit yesterday and WBI is working on signatures to get everything sent back to Omaha as soon as possible. The current plan is for the geotech work to start April 27th with the necessary surveys to least tern and piping plover occurring the week prior. We will keep you and the Garrison office folks in the loop if there are any changes to that schedule.

After speaking with WBI it looks the following day/times would work. Let me know if there are any that are better for your team, all times are presented in central time. I'm in the processing of reaching out to General Crear to see if he will also be able to join.

Wednesday April 15th

-10 am to 11:30 am

-10:30 am to 12 pm

-1:30 pm to 3 pm

-2 pm to 3:30 pm

Thursday April 16th

-10 am to 11:30 am

-10:30 am to 12 pm

-1:30 pm to 3 pm

-2 pm to 3:30 pm

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com
<<mailto:andrea.thornton@erm.com>> | W

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-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil
<mailto:Reece.E.Nelson@usace.army.mil> >

Sent: Monday, March 23, 2020 7:17 PM

To: Andrea Thornton <Andrea.Thornton@erm.com <mailto:Andrea.Thornton@erm.com> >

Subject: RE: Checking In (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Andrea,

My sincere apologies for not getting back to you. I've been trying to keep up with emails while on leave, but my work phone went kaput, and I have been having computer issues as well, so it's been a chore trying to get online, then let's not get started on COVID-19 happenings! Hopefully you and yours are safe and healthy.

I'm rifling through emails, and think I have all I need, just need to get you a outline together. I was mainly waiting for clarification on the O&M Plan, and it is what I would refer to as a development plan, whereby is spells out what the project is, location, ingress/egress plans to area, etc...

I saw the email traffic that the Geotech RE permit should be sent out soon. Do you all have an idea when you are wanting to get the onshore?

The one good thing on COVID-19 is it really cleared the schedule! I have meetings but will move around to accommodate you all. So if you could give me 2-3 times to send out to the team, let's get something scheduled soon.

-Reece

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com <mailto:Andrea.Thornton@erm.com>]

Sent: Monday, March 23, 2020 12:11 PM

To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil
<mailto:Reece.E.Nelson@usace.army.mil> >

Subject: [Non-DoD Source] RE: Checking In

Hi Reece -

I wanted to check in again as I did not hear back from you last week. Have you heard from your team regarding the guidance for the ERPs and O&M plans? Additionally, I have not seen any email traffic on ProjNet and when I logged in this morning I still only have access to the geotech files. Is our access getting added? WBI is also wondering if the USACE schedule (that we saw a draft of in our January meeting) will be available on ProjNet.

Lastly I was hoping we could get a call set up with the WBI team. Would you be able to let me know your availability for a 1 hour conference call?

Thanks again,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com <<mailto:andrea.thornton@erm.com>> <<mailto:andrea.thornton@erm.com>>
<<mailto:andrea.thornton@erm.com>> > | W

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From: Andrea Thornton

Sent: Tuesday, March 17, 2020 9:09 AM

To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil
<mailto:Reece.E.Nelson@usace.army.mil> >

Subject: Checking In

Hi Reece -

I hope all is well with you and your family. I wanted to let you know that ERM is temporarily closing offices and asking employees to work from home. I will still be working full time from home and will let you know if my schedule changes at all. I'm not foreseeing any hard copy correspondences being mailed to my office, but if anything is being sent out please give me a heads up so I can either provide you with my home address or make sure someone is able to grab documents from the office.

Would you be able to provide me with an update of the USACE offices in Omaha?

Thank you,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

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E andrea.thornton@erm.com <<mailto:andrea.thornton@erm.com>> <<mailto:andrea.thornton@erm.com>>
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Applicant shall submit a detailed Emergency Response Plan. Each [response plan](#) must include:

- (1) A core plan consisting of -
 - (i) An information summary as required in 49 CFR § 194.113,
 - (ii) Immediate notification procedures,
 - (iii) Spill detection and mitigation procedures,
 - (iv) The name, address, and telephone number of the [oil](#) spill response organization, if appropriate,
 - (v) [Response activities](#) and [response resources](#),
 - (vi) Names and telephone numbers of Federal, [State](#) and local agencies which the [operator](#) expects to have pollution control responsibilities or support,
 - (vii) Training procedures,
 - (viii) Equipment testing,
 - (ix) Drill program - an [operator](#) will satisfy the requirement for a drill program by following the National Preparedness for Response Exercise Program (PREP) guidelines. An [operator](#) choosing not to follow PREP guidelines must have a drill program that is equivalent to PREP. The [operator](#) must describe the drill program in the [response plan](#) and OPS will determine if the program is equivalent to PREP.
 - (x) Plan review and update procedures;
 - (xi) Emergency Response Action Plan, which serves as both a planning and action document, should be maintained as an easily accessible, stand-alone section of the overall plan
 - (xii) Facility information, including its name, type, location, owner, operator information
 - (xiii) Evacuation information
 - (xiv) Identification and analysis of potential spill hazards and previous spills
 - (xv) Discussion of small, medium, and worst-case discharge scenarios and response actions
 - (xvi) Detailed implementation plan for response, containment, and disposal
 - (xvii) Description and records of self-inspections, drills and exercises, and response training
 - (xviii) Diagrams of facility site plan, drainage, and evacuation plan
 - (xix) Security (e.g., fences, lighting, alarms, guards, emergency cut-off valves and locks, etc.)
 - (xx) Response plan coversheet

O&M Plan. Discussion within is relative to monitoring of pipeline, integrity, and narrative of SCADA that is in place.

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SECTION 2: PIPELINE SAFETY

2.1 SAFETY STANDARDS

2.2 EMERGENCY RESPONSE STANDARDS

2.3 LEAK DETECTION AND RESPONSE

SECTION 3: TACTICAL OPERATIONS, INTEGRITY AND MAINTENANCE

Andrea Thornton

Subject: North Bakken Expansion Project 408 Meeting
Location: Microsoft Teams Meeting

Start: Thu 4/16/2020 8:30 AM
End: Thu 4/16/2020 10:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Andrea Thornton
Required Attendees: Nelson, Reece E CIV USARMY CENWO (USA); Linn, Dave; Linn, Jill; Huncovsky, Greg; Stefka, Kyle; Robertcrear; Wade Hammer

OnlineMeetingConfLink: [conf:sip:Andrea.Thornton@erm.com;gruu;opaque=app:conf:focus:id:teams:2:0!19:meeting_ZTQ5Yzc3NmUtZjU4NS00M2FjLWEwYmEtNDIkZTlwZGVmODEy-thread.v2!a469a6e44ee74096ae664c925db5696f!f2fe6bd3-9c4a-485b-ae69-e18820a88130](https://teams.microsoft.com/join/19:meeting_ZTQ5Yzc3NmUtZjU4NS00M2FjLWEwYmEtNDIkZTlwZGVmODEy-thread.v2!a469a6e44ee74096ae664c925db5696f!f2fe6bd3-9c4a-485b-ae69-e18820a88130)

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Good Morning Reece–

As we have discussed, WBI would like to have a follow-up call to our January meeting in Omaha to discuss the 408 permit review along with some additional questions that have come up since January. We will follow-up with a meeting agenda by early next week. Please forward this invite as appropriate to the USACE team.

Thank you and we look forward to speaking with you next week.

Thanks again,
Andrea

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Lisa DiNicolantonio

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Sent: Monday, April 13, 2020 11:30 AM
To: Wade Hammer; Nelson, Reece E CIV USARMY CENWO (USA)
Cc: Andrea Thornton
Subject: RE: WBI - North Bakken Expansion Project - Comments on 408 Permit (Special Use Permit) (UNCLASSIFIED)
Attachments: Fillable UAS SPECIAL USE PERMIT APPLICATION.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Blue Category

Wade,

Thanks for taking my call, as we discussed the operation of a UAS from private lands over Lake Sakakawea or Corps lands would not require a Special Use Permit. However, if WBI wishes to access Corps property or operate a UAS from the waters of Lake Sakakawea, the attached Permit application and project information would need to be submitted by WBI and submitted to the Corps for review and processing. Once a complete application is received it has taken approximately 3-6 months to obtain a permit.

Please let me know if WBI wishes to apply for a special use permit for the operation of a UAS from Corps lands, and I will help coordinate a complete application.

Thanks

Jeremy J. Thury
Natural Resources Specialist
US Army Corps of Engineers
Garrison Dam/ Lake Sakakawea Project
Riverdale, North Dakota Office
(701) 654-7761

-----Original Message-----

From: Wade Hammer [mailto:Wade.Hammer@erm.com]
Sent: Monday, April 13, 2020 12:02 PM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Subject: [Non-DoD Source] RE: WBI - North Bakken Expansion Project - Comments on 408 Permit (Special Use Permit) (UNCLASSIFIED)

Thanks Reece.

Jeremy, since you are on the email, this question came about due to a comment received during review of the Section 408 permit for the WBI Energy Project (North Bakken Expansion Project). The comment was raised in regards to

potential use of drones to monitor the HDD of Lake Sakakawea during the drilling operations. Mike Key noted that a special use permit may be needed from the USACE to fly over the USACE project or lands.

Andrea and I are trying to gather information that would help us advise WBI Energy of what the requirements would be for submittal (general contents list, or better yet if there is an application form), and what sort of review timeline would be involved with this sort of Special Use Permit.

If you are able to help us and provide a summary of information via email, that would be very helpful. If you'd like to connect via phone, you can try my cell number below, and we can discuss this further.

Thanks for any time you can give us in trying to figure out next steps, or if a SUP would be required by your project office.

Stay well,
Wade

Wade Hammer
wade.hammer@erm.com
(612) 359-5684 Direct
(612) 554-1970 Cell
(612) 347-6780 Fax

-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Monday, April 13, 2020 11:48 AM
To: Wade Hammer <Wade.Hammer@erm.com>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Subject: RE: WBI - North Bakken Expansion Project - Comments on 408 Permit (Special Use Permit) (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Wade,

Sorry, meant to send you an email on Fri. You all can actually work through the project office, i.e. Mr. Thury, for all your special use permit needs.

-Reece

-----Original Message-----

From: Wade Hammer [mailto:Wade.Hammer@erm.com]
Sent: Monday, April 13, 2020 11:44 AM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: [Non-DoD Source] RE: WBI - North Bakken Expansion Project - Comments on 408 Permit (Special Use Permit) (UNCLASSIFIED)

Reece,

I wanted to reach out to see if you have been able to connect with Mike Key so that he can reach out to Andrea or me. We'd like to get a level of understanding of what might be involved with a Special Use Permit from the USACE. If it's appropriate, I could reach out to him directly. Please let me know what you think the best approach for contacting Mike would be.

Thank you. I hope you are well and staying safe.
Wade

Wade Hammer
wade.hammer@erm.com
(612) 359-5684 Direct
(612) 554-1970 Cell
(612) 347-6780 Fax

-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Monday, April 06, 2020 8:46 AM
To: Wade Hammer <Wade.Hammer@erm.com>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: WBI - North Bakken Expansion Project - Comments on 408 Permit (Special Use Permit) (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Wade,

The gentleman that made the comment, Mike Key, will be the POC for that. I'll have him reach out to you.

-Reece

-----Original Message-----

From: Wade Hammer [mailto:Wade.Hammer@erm.com]
Sent: Friday, April 03, 2020 2:03 PM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: [Non-DoD Source] WBI - North Bakken Expansion Project - Comments on 408 Permit (Special Use Permit)

Reece,

We've been reviewing a few comments that have been submitted in the ProjNet system related to the Section 408 permit submittal for the WBI North Bakken Expansion Project (Project) crossing of Lake Sakakawea. One of the comments related to acquisition of a special use permit (SUP) if drone technology would be utilized to monitor the activities associated with the proposed HDD intercept crossing of the lake. Presumably the SUP may be needed for use of drones over Corps lands.

I've done a little looking on the Omaha District website for information regarding SUP application forms, SUP review processes, etc. and have not had any initial success finding information. I was hoping you might be able to point us to some overall information that would help advise WBI, such as:

- *requirements/regulations,
- *application contents required,
- *points of contact, and
- *schedule/timeline of the process for SUP submittals to the Omaha District.

I'll continue to look into this comment that was left in ProjNet, but if you have initial guidance or suggestions to point us in the right direction, your assistance would be appreciated, as you have time.

I hope you and those around you are well and stay well.

Sincerely,
Wade

Wade Hammer
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NORTH BAKKEN EXPANSION PROJECT

CONFERENCE CALL NOTES

MEETING TOPIC:

408 Permit Application for Crossing of Lake Sakakawea via HDD - Review Status

DATE OF MEETING:

April 16, 2020 at 10:30 a.m. CST (8:30 a.m. PST) – Project Conference Call

ATTENDEES:

WBI Energy Transmission, Inc. (WBI)

Dave Linn

Jill Linn

Greg Huncovsky

Kyle Stefka

General Robert Crear (The CREAR Group, LLC)

Environmental Resources Management (ERM)

Andrea Thornton

Wade Hammer

U.S. Army Corps of Engineers (USACE)

Reece Nelson

Jonas Grundman

Jeremy Thury

Jason Renschler

Luke Wallace

Sandy Barnum

Dan Pridal

Rick Rogers

Bradley Hofer

Kody Green

MEETING NOTES:

- The meeting opened with a brief roll call of folks attending the call (list of attendees above)
- The meeting followed an agenda that was sent out prior to the call. The first topic discussed was the status of the 408 review for the geotechnical work planned for the Lake Sakakawea HDD.
 - Andrea Thornton stated that a recent update had been provided by the U.S. Army Corps of Engineers – Omaha District (USACE) Real Estate office that permit had been signed/executed and a copy should be sent to WBI Energy Transmission, Inc. (WBI) soon.
 - Kyle Stefka provided a brief schedule update, stating that the geotechnical drill team would be mobilizing the week of April 27, 2020, a minor work to stabilize the boat landing would be completed in preparation for the crane to arrive the first week of May. Minor work at the boat landing would include placing mats for the crane to safely position at the landing. Work would begin the first week in May with setting barges and push boat and starting drilling, which would continue

- 24 hours a day, seven days a week for three weeks until the borings were complete.
- Piping plover and least tern surveys would also start the first week of May, with mobilization of the geotechnical work.
 - Dave Linn asked the USACE staff if there was any guidance or requirements for placing buoys in the lake to mark placement of the borings. Reece Nelson and Jeremy Thury indicated they would work to provide guidance regarding placement of buoys. Exhibit B2 shows approximate boring locations where buoys would be placed.
 - Jason Renschler indicated that the work plan fits into Nationwide Permit 33 (Temporary Construction Access) and he has what is needed to issue this prior to mobilization.
 - USACE staff also noted that there may be need for a letter of permission to go along with the 408 permit authorization. Dave requested that Reece/Jeremy provide guidance if there was a need to have the letter of permission prior to starting the geotechnical work.
- Next the group discussed the status of review of the 408 permit application for the overall project crossing of Lake Sakakawea that was submitted February 14, 2020.
 - Andrea requested confirmation that the internal deadline for comments from the USACE review staff was still April 24, 2020. Reece stated he was planning to send a reminder email this week, but that there had been no comments received suggesting additional time would be needed.
 - Reece noted that there are a number of gaps in the application, which was acknowledged. Andrea asked that despite the gaps, the project team respectfully requested that comments on the submitted information and plans, even if they were small plans, please be provided so when the remaining materials are submitted after the geotechnical work is complete, that WBI can submit all the final materials at once. Reece stated that comments would be passed along on the materials provided to date.
 - Andrea and Wade Hammer provided a summary of comments received via ProjeNet to date, and steps being taken to address these comments.
 - One comment was received regarding a potential need for a Special Use Permit (SUP) to use a drone to monitor HDD activities during construction. Wade noted that Reece and Jeremy had provided timely response and support regarding an inquiry about a potential SUP. Jeremy confirmed that as long as the drone is operated from private land and not on USACE land or from a boat on the lake, then no SUP is needed. Andrea noted that the project team would confirm details for drone operations with the Michels (HDD contractor) and provide response via ProjNet once additional information was available regarding the drone monitoring.

- Andrea noted that another comment was received from Harold Key regarding receipt of mitigation payment for the use of the Tobacco Garden Boat Ramp for staging. It was agreed that this comment was referring to the geotechnical work and not the 408 permit for HDD construction, since there is currently no plan to use the boat ramp during construction. Reece acknowledged that he also noted that this comment was likely based on the geotechnical work plan and not the 408 permit for the HDD crossing. Reece will follow-up the comment to document this inadvertent confusion.
- Dave provided an update regarding example documents provided by the USACE for both an Emergency Response Plan and Operations and Maintenance Plan
 - Dave noted that the Emergency Response Plan example was specific to the HDD activities, so WBI will work with Michels to verify that details are included in the HDD Plan to address these items.
 - Dave also noted that the Operation and Maintenance Plan example was general overall, so WBI planned to provide their existing Operations and Maintenance Plan for the pipeline system, since this would be similar to the example provided. However, Dave stated that WBI would want the Operations and Maintenance Plan to remain privileged and confidential since there would be sensitive infrastructure information in the plan that WBI would not want released to the general public. Reece acknowledged that there would be an ability to keep the plans submitted as privileged and confidential.
- Wade provided a brief summary of some outreach that had been done to resource agency staff regarding best management practices (BMPs) that could be implemented or have been implemented on past projects in response to inadvertent returns of drilling mud. The goal was stated as a way to plan ahead and be prepared if such an event occurred, so WBI could have schedule, cost, or logistics plans in place if necessary.
 - Wade summarized the following agencies had been contacted and responded as noted:
 - U.S. Fish and Wildlife Service (FWS) – did not have specific BMPs from past projects, but they stated that they would prefer that the HDD would occur outside April 1 – July 31 window for pallid sturgeon. The FWS in previous consultations regarding the geotechnical work had stated they were not overly concerned with the sturgeon being present in the Lake Sakakawea during the in-water geotechnical drilling. The FWS mentioned that they would like to be consulted regarding additives used for HDD drilling mud, (e.g., provide MSDS, etc.).
 - North Dakota Game and Fish (NDGF) – did not have specific BMPs regarding inadvertent returns, but planned to review the

permit application for Section 10/408 for the HDD crossing of the lake from USACE and may recommend some general BMPs for erosion control around workspace in the upland areas. NDGF does not plan to comment on the lake crossing since no in-water work planned.

- Outreach to the USACE initially through Patricia McQueary and she forwarded the request to Jason Renschler. Jason is coordinating the NWP 12 PCN review for the USACE noted that inadvertent returns are addressed in NWP 12, but other conditions may be developed as necessary as the project is reviewed.
- Andrea asked if the USACE staff on the call might have additional thoughts regarding advance planning in the event of inadvertent returns. USACE staff noted that past projects have used turbidity curtains, although with limited success, and remote water analysis buoys both upstream and downstream of the crossing. The USACE indicated that the buoys had provided helpful data and could be an option. Andrea commented that during the January meeting the USACE had noted that implementation of the turbidity curtain may be tied to the factor of safety. Reece acknowledged that this was discussed during the January meeting, and further review of the WBI HDD Plan would help determine what the USACE might request.
- The call was opened for other questions. Luke Wallace mentioned that he had received notification that a stay had been placed on NWP 12 through a district court ruling. Dave noted that he had receive similar notifications and he was interested to know how USACE staff thought it would impact the project. Andrea noted that ERM had received notification and the action was taken against a crude oil project and since the WBI project was a FERC regulated project whereby NEPA review and Endangered Species Consultations were completed between FERC and FWS, there may be a different application. Jason indicated that without NWP 12 the longer form/regulatory letter of permission would be required for Section 10 waters. Ultimately the USACE staff indicated it was new information and they would likely be receiving guidance in the near future, but they could not comment further.
- Reece offered to initiate a monthly project call. He noted that as the project moved along he may move the call to bi-weekly, but for now he felt monthly was sufficient. All agreed this was a good idea and Reece said he would set this up.
- Andrea requested that the USACE project schedule be shared if it is available. Reece commented that he would attempt to make it available on ProjNet, and if that did not work he would provide the schedule. Dave noted this would be very helpful for project management scheduling.
- A brief review of points of contact and best means to connect given most if not all folks are working from home due to COVID-19 resulted in everyone agreeing that work is carrying on as usual, although schedules may vary slightly and response times may lag a little bit on a day to day basis.
- The meeting concluded just after 11 a.m. Central.

Lisa DiNicolantonio

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>
Sent: Friday, April 17, 2020 3:01 PM
To: Justin Moffett; Sterling, Scott T CIV USARMY CENWO (USA)
Cc: Andrea Thornton; Stonesifer, Alfred C CIV USARMY CENWO (US); Thury, Jeremy J CIV USARMY CENWO (USA); bholen@nd.gov; Kjelstrup, Taryn L CIV USARMY CENWO (US)
Subject: RE: Proposed Tern and Plover Surveys

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Categories: Blue Category

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Mike

Mike Morris
US Army Corps of Engineers
Natural Resource Specialist
Garrison Project Office/Lake Sakakawea
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Thanks and I hope you and your team are doing well.

Justin T. Moffett, PWS

Principal Consultant

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Sent: Monday, April 20, 2020 9:16 AM
To: Morris, Michael P CIV USARMY CENWO (USA); Justin Moffett; Sterling, Scott T CIV USARMY CENWO (USA)
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Hi Mike -

Thank you for providing this information. At the end of the 7 days of surveys, if no birds are observed, we will send your office a summary of what the biologists observed during their surveys.

Yes WBI is aware of the on-site preconstruction meeting. I will check in with them on that today to see where they are with getting a day/time for the meeting to occur. And yes, WBI's drilling contractor has been in contact with Ben Holen regarding the ANS inspections.

I will let you know of any potential schedule changes or other updates as soon as I hear about them.

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
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Garrison Project Office/Lake Sakakawea

(701) 654-7759

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Lisa DiNicolantonio

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Sent: Tuesday, April 21, 2020 1:42 PM
To: Andrea Thornton
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US)
Subject: RE: [Non-DoD Source] In Person Meeting - Geotech Surveys

Yes we will mail a copy to WBI and I'll try to get copies made and cc'd to you when recieved.

Thanks let me know what Peggy prefers.

Sent with BlackBerry Work
(www.blackberry.com)

From: Andrea Thornton <Andrea.Thornton@erm.com>
Date: Tuesday, Apr 21, 2020, 3:31 PM
To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Subject: RE: [Non-DoD Source] In Person Meeting - Geotech Surveys

Great thank you for the update Jeremy. Will you be sending a copy of the permit to WBI's office once it is received?

We will reach out to Peggy to see if she has a day/time that is preferable and will get back to you as soon as I know more.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** Blockedwww.erm.com

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Sent: Tuesday, April 21, 2020 12:51 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Subject: RE: [Non-DoD Source] In Person Meeting - Geotech Surveys

Andrea

I can be available either of those days and received notice from Jason the permit is complete and has been mailed to the Garrison office Monday. That permit is the final piece for the crane pad so everything should be good to go once we receive it.

Please let me know what date is decided and what time and I will make arrangements to be there.

Sent with BlackBerry Work
([Blockedwww.blackberry.com](#))

From: Andrea Thornton <Andrea.Thornton@erm.com>
Date: Tuesday, Apr 21, 2020, 11:56 AM
To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Subject: [Non-DoD Source] In Person Meeting - Geotech Surveys

Hi Jeremy -

After speaking with WBI and CCI this morning it looks like they would like to have the onsite meeting the week prior to mobilization (April 28th or the 29th). This way they can run through everything with Peggy there and answer any questions. Are you available either of those days?

Additionally, WBI inquired about the status of the potential NW33 Permit that you and Jason brought up on our call last week, and if any additional notification is going to be required or if they are all set with the geotech permit received in the mail today. If you are able to provide any updates it would be greatly appreciated.

Thanks and I hope you are able to get out and enjoy the nice weather I hear you are having today :)

-Andrea

Andrea Thornton
Principal Consultant

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E andrea.thornton@erm.com | W [BlockedBlockedwww.erm.com](#)

-----Original Message-----

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Sent: Monday, April 20, 2020 1:49 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: Proposed Tern and Plover Surveys

Andrea,

Thanks for reaching out, yes I would still like to have this meeting in person. I appreciate the ability to reduce this to essential people. At this time I am available any of those days preferably early morning/late afternoon to account for travel.

-----Original Message-----

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Monday, April 20, 2020 2:16 PM
To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Cc: Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; 'Linn, Jill' <Jill.Linn@wbienenergy.com>
Subject: [Non-DoD Source] FW: Proposed Tern and Plover Surveys

Hi Jeremy -

I wanted to reach out about the on-site pre-construction meeting that Mike mentioned in his email below. We wanted to confirm that with the COVID-19 restrictions that you still wanted this meeting to be in person. If so, we would like to minimize the number of people present at the meeting to those who are essential to be there. The geotech work is currently slated to begin on May 7th with mobilization and barge assembly occurring May 4th - May 6th.

Is there a day/time that you would be available to meet?

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
BlockedBlockedBlocked<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.erm.com%2F&data=02%7C01%7CAndrea.Thornton%40erm.com%7C81e0a72658554e42996b08d7e56c4639%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637230125526580945&msdata=iYTMSCAdfwgMn%2BzqRcdb%2Fb%2BAJRfhAsk3r%2FB6pNuZLXo%3D&reserved=0>

-----Original Message-----

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>
Sent: Friday, April 17, 2020 3:01 PM
To: Justin Moffett <Justin.Moffett@erm.com>; Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>; Stonesifer, Alfred C CIV USARMY CENWO (US) <Alfred.C.Stonesifer@usace.army.mil>; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>; bholen@nd.gov; Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Subject: RE: Proposed Tern and Plover Surveys

Good Afternoon Andrea & Justin, et al,

Thank-you for the update on the schedule for the proposed geotechnical work and associated surveys. Scott and I discussed and with back to back high water years, specifically being in our exclusive flood control pool the last two years, there is potential for suitable habitat to be located at a wide range of exposed elevations. The reservoir is currently at 1840.2 a.m.s.l. The April 1st forecast shows us peaking at 1845.5 at the end of July. Contrast that with our peak in 2019 at 1852.42 and in 2018 at 1853.29. Please remember those surveys were an environmental commitment in the BA and were further defined by the USFWS concurrence letter, dated October 10, 2019. Thanks again Scott for all your input on the above.

At one point I think it was mentioned WEST had an employee in Bismarck that could perform the surveys? Scott was also kind enough to provide a link with information for anyone traveling from out of state. Please see below.

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orders&data=02%7C01%7CAndrea.Thornton%40erm.com%7C81e0a72658554e42996b08d7e56c4639%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637230125526580945&sdata=oYJ9Nhx5ZBmMGD%2FmTwW5quMcoHJEm3o4Zb6Un2orVG4%3D&reserved=0

Regarding the question about whether any notification procedures are needed at the end of the 7 day surveys, if no birds are observed? Please provide our office with the daily logs or a summary of what the biologist observed for other species of shorebirds, raptors, etc. The Real Estate license requires you to contact our office prior to the start of any construction to schedule a pre-construction on-site meeting. Jeremy Thury is the point of contact. Finally, I am copying Ben Holen from our ND Game & Fish Department. He is the new ANS coordinator and can be reached at (701) 368-9117. It sounds like the contractor may have contacted him? If you have any further updates you can pass along, that would be appreciated. Stay safe and healthy everyone. Have a good weekend. Thanks...

Mike

Mike Morris
US Army Corps of Engineers
Natural Resource Specialist
Garrison Project Office/Lake Sakakawea
(701) 654-7759

-----Original Message-----

From: Justin Moffett [<mailto:Justin.Moffett@erm.com>]

Sent: Friday, April 10, 2020 11:03 AM

To: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>; Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil>

Cc: Andrea Thornton <Andrea.Thornton@erm.com>

Subject: [Non-DoD Source] RE: Proposed Tern and Plover Surveys

Hi Mike & Scott,

I wanted to update you on our current anticipated schedule for tern & plover surveys and subsequent geotechnical drilling. The geotech contractor plans to mobilize to Tobacco Garden on April 27. They need about one week to make improvements to the boat ramp and assemble the barge. Therefore the drilling/overwater work would likely begin on the afternoon of May 5 or morning of May 6 with tern/plover surveys beginning on April 28.

As we've discussed previously if the water levels are too high and the shoreline nesting habitat is inundated the surveys would not proceed. In your experience, is there a base water surface elevation beyond which the nesting habitat tends to be inundated (i.e., if the water elevation is above X, you know the shorelines are inundated)? Right now the April 1 forecasts show the reservoir elevation ranging between 1839.5 and 1843.3 feet on April 30.

We still plan to send out our biologists to survey the shoreline in advance of the drilling, but we're just trying to get a sense what the conditions will be like and whether we need to make contingency plans for our staff if the shorelines are inundated and we cannot conduct the surveys. So we'd appreciate any helpful insights you have that might help us better prepare for our survey effort.

Thanks and I hope you and your team are doing well.

Justin T. Moffett, PWS
Principal Consultant

Environmental Resources Management (ERM) O 971-279-6922 M 971-645-9941 E Justin.Moffett@erm.com | W BlockedBlockedBlockedBlocked<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.erm.com%2F&data=02%7C01%7CAndrea.Thornton%40erm.com%7C81e0a72658554e42996b08d7e56c4639%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637230125526590943&sdata=EGejN9LT8WdAOP4B%2FMxU5yph2t9beCZicn5rzuZLRKI%3D&reserved=0> Read ERM's response to the COVID-19 pandemic

-----Original Message-----

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>

Sent: Thursday, March 26, 2020 2:02 PM

To: Justin Moffett <Justin.Moffett@erm.com>
Cc: Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil>; Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: Proposed Tern and Plover Surveys

Justin,

There have been significant changes in the way all of us are conducting our business and personal lives since we last corresponded. We can only hope everything is going as well as can be expected for all of you. Please note we were not sure if you were sending our contact information to the consultant? To date we have not heard from anyone with WEST. Thank-you...

Mike

-----Original Message-----

From: Justin Moffett [<mailto:Justin.Moffett@erm.com>]
Sent: Thursday, March 12, 2020 3:48 PM
To: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>
Cc: Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil>; Andrea Thornton <Andrea.Thornton@erm.com>
Subject: [Non-DoD Source] RE: Proposed Tern and Plover Surveys

Mike,

The contractor is Western EcoSystems Technology (WEST). Luke Martinson is my contact w/ WEST in Cheyenne, WY, but he mentioned he has a biologist in Bismarck, ND who would do the surveys.
Thanks.

Justin T. Moffett, PWS
Principal Consultant

Environmental Resources Management (ERM) O 971-279-6922 M 971-645-9941 E Justin.Moffett@erm.com | W
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-----Original Message-----

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>
Sent: Thursday, March 12, 2020 1:39 PM
To: Justin Moffett <Justin.Moffett@erm.com>
Cc: Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil>
Subject: Proposed Tern and Plover Surveys

Afternoon Justin,

Scott Sterling and I would be the appropriate people for your contractor to talk to. Scott heads up our tern and plover monitoring program. Our availability is somewhat limited the remainder of this week however. Tomorrow we are moving everything out of our offices and we will be going off line at some point, until sometime Monday. Do you have more than one prospective contractor? Thanks and have a good night.

Mike

Mike Morris
US Army Corps of Engineers
Natural Resource Specialist
Garrison Project Office/Lake Sakakawea
(701) 654-7759

Lisa DiNicolantonio

From: Andrea Thornton
Sent: Wednesday, April 22, 2020 12:06 PM
To: Nelson, Reece E CIV USARMY CENWO (USA)
Cc: Wade Hammer
Subject: RE: Meeting notes from today (UNCLASSIFIED)
Attachments: 041620_USACE_408Status_CallLog.docx

Hi Reece -

Attached are ERM's meeting notes from our call last week. They are in line with the notes that you had provided, with a little more detail flushed out. Let Wade and I know if you have any questions or concerns.

Dave Linn with WBI asked on our weekly call yesterday if you needed any help getting the monthly calls set up. WBI is able to host these and send out the meeting invite if it is helpful.

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

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1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
www.erm.com

-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Thursday, April 16, 2020 8:17 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: Meeting notes from today (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hey Andrea,

Didn't know if you had notes, but I do my best to keep up with the conversation. If you took any, want to compare or review these to see if I missed anything, I would appreciate it. I think I was the only one with specific follow ups from today, which are the purple highlights I will throw on my to-do list. I will then forward out to folks on call.

I will also check on the Projnet issue again with you all not being able to see the documents. I could add reviewer permissions, I just don't know if that will mess with the evaluator permissions. Usually the Projnet support team is fairly fast at getting back, will ping them again.

Reece Nelson
Natural Resource Specialist

Natural Resource Management Section
US Army Corps of Engineers
Omaha District Office
1616 Capitol Ave, Omaha NE 68102
Desk number: 402-995-2505
Cell number: 785-213-1507

CLASSIFICATION: UNCLASSIFIED

NORTH BAKKEN EXPANSION PROJECT

CONFERENCE CALL NOTES

MEETING TOPIC:

408 Permit Application for Crossing of Lake Sakakawea via HDD - Review Status

DATE OF MEETING:

April 16, 2020 at 10:30 a.m. CST (8:30 a.m. PST) – Project Conference Call

ATTENDEES:

WBI Energy Transmission, Inc. (WBI)

Dave Linn

Jill Linn

Greg Huncovsky

Kyle Stefka

General Robert Crear (The CREAR Group, LLC)

Environmental Resources Management (ERM)

Andrea Thornton

Wade Hammer

U.S. Army Corps of Engineers (USACE)

Reece Nelson

Jonas Grundman

Jeremy Thury

Jason Renschler

Luke Wallace

Sandy Barnum

Dan Pridal

Rick Rogers

Bradley Hofer

Kody Green

MEETING NOTES:

- The meeting opened with a brief roll call of folks attending the call (list of attendees above)
- The meeting followed an agenda that was sent out prior to the call. The first topic discussed was the status of the 408 review for the geotechnical work planned for the Lake Sakakawea HDD.
 - Andrea Thornton stated that a recent update had been provided by the U.S. Army Corps of Engineers – Omaha District (USACE) Real Estate office that permit had been signed/executed and a copy should be sent to WBI Energy Transmission, Inc. (WBI) soon.
 - Kyle Stefka provided a brief schedule update, stating that the geotechnical drill team would be mobilizing the week of April 27, 2020, a minor work to stabilize the boat landing would be completed in preparation for the crane to arrive the first week of May. Minor work at the boat landing would include placing mats for the crane to safely position at the landing. Work would begin the first week in May with setting barges and push boat and starting drilling, which would continue

- 24 hours a day, seven days a week for three weeks until the borings were complete.
- Piping plover and least tern surveys would also start the first week of May, with mobilization of the geotechnical work.
 - Dave Linn asked the USACE staff if there was any guidance or requirements for placing buoys in the lake to mark placement of the borings. Reece Nelson and Jeremy Thury indicated they would work to provide guidance regarding placement of buoys. Exhibit B2 shows approximate boring locations where buoys would be placed.
 - Jason Renschler indicated that the work plan fits into Nationwide Permit 33 (Temporary Construction Access) and he has what is needed to issue this prior to mobilization.
 - USACE staff also noted that there may be need for a letter of permission to go along with the 408 permit authorization. Dave requested that Reece/Jeremy provide guidance if there was a need to have the letter of permission prior to starting the geotechnical work.
- Next the group discussed the status of review of the 408 permit application for the overall project crossing of Lake Sakakawea that was submitted February 14, 2020.
 - Andrea requested confirmation that the internal deadline for comments from the USACE review staff was still April 24, 2020. Reece stated he was planning to send a reminder email this week, but that there had been no comments received suggesting additional time would be needed.
 - Reece noted that there are a number of gaps in the application, which was acknowledged. Andrea asked that despite the gaps, the project team respectfully requested that comments on the submitted information and plans, even if they were small plans, please be provided so when the remaining materials are submitted after the geotechnical work is complete, that WBI can submit all the final materials at once. Reece stated that comments would be passed along on the materials provided to date.
 - Andrea and Wade Hammer provided a summary of comments received via ProjeNet to date, and steps being taken to address these comments.
 - One comment was received regarding a potential need for a Special Use Permit (SUP) to use a drone to monitor HDD activities during construction. Wade noted that Reece and Jeremy had provided timely response and support regarding an inquiry about a potential SUP. Jeremy confirmed that as long as the drone is operated from private land and not on USACE land or from a boat on the lake, then no SUP is needed. Andrea noted that the project team would confirm details for drone operations with the Michels (HDD contractor) and provide response via ProjNet once additional information was available regarding the drone monitoring.

- Andrea noted that another comment was received from Harold Key regarding receipt of mitigation payment for the use of the Tobacco Garden Boat Ramp for staging. It was agreed that this comment was referring to the geotechnical work and not the 408 permit for HDD construction, since there is currently no plan to use the boat ramp during construction. Reece acknowledged that he also noted that this comment was likely based on the geotechnical work plan and not the 408 permit for the HDD crossing. Reece will follow-up the comment to document this inadvertent confusion.
- Dave provided an update regarding example documents provided by the USACE for both an Emergency Response Plan and Operations and Maintenance Plan
 - Dave noted that the Emergency Response Plan example was specific to the HDD activities, so WBI will work with Michels to verify that details are included in the HDD Plan to address these items.
 - Dave also noted that the Operation and Maintenance Plan example was general overall, so WBI planned to provide their existing Operations and Maintenance Plan for the pipeline system, since this would be similar to the example provided. However, Dave stated that WBI would want the Operations and Maintenance Plan to remain privileged and confidential since there would be sensitive infrastructure information in the plan that WBI would not want released to the general public. Reece acknowledged that there would be an ability to keep the plans submitted as privileged and confidential.
- Wade provided a brief summary of some outreach that had been done to resource agency staff regarding best management practices (BMPs) that could be implemented or have been implemented on past projects in response to inadvertent returns of drilling mud. The goal was stated as a way to plan ahead and be prepared if such an event occurred, so WBI could have schedule, cost, or logistics plans in place if necessary.
 - Wade summarized the following agencies had been contacted and responded as noted:
 - U.S. Fish and Wildlife Service (FWS) – did not have specific BMPs from past projects, but they stated that they would prefer that the HDD would occur outside April 1 – July 31 window for pallid sturgeon. The FWS in previous consultations regarding the geotechnical work had stated they were not overly concerned with the sturgeon being present in the Lake Sakakawea during the in-water geotechnical drilling. The FWS mentioned that they would like to be consulted regarding additives used for HDD drilling mud, (e.g., provide MSDS, etc.).
 - North Dakota Game and Fish (NDGF) – did not have specific BMPs regarding inadvertent returns, but planned to review the

permit application for Section 10/408 for the HDD crossing of the lake from USACE and may recommend some general BMPs for erosion control around workspace in the upland areas. NDGF does not plan to comment on the lake crossing since no in-water work planned.

- Outreach to the USACE initially through Patricia McQueary and she forwarded the request to Jason Renschler. Jason is coordinating the NWP 12 PCN review for the USACE noted that inadvertent returns are addressed in NWP 12, but other conditions may be developed as necessary as the project is reviewed.
- Andrea asked if the USACE staff on the call might have additional thoughts regarding advance planning in the event of inadvertent returns. USACE staff noted that past projects have used turbidity curtains, although with limited success, and remote water analysis buoys both upstream and downstream of the crossing. The USACE indicated that the buoys had provided helpful data and could be an option. Andrea commented that during the January meeting the USACE had noted that implementation of the turbidity curtain may be tied to the factor of safety. Reece acknowledged that this was discussed during the January meeting, and further review of the WBI HDD Plan would help determine what the USACE might request.
- The call was opened for other questions. Luke Wallace mentioned that he had received notification that a stay had been placed on NWP 12 through a district court ruling. Dave noted that he had receive similar notifications and he was interested to know how USACE staff thought it would impact the project. Andrea noted that ERM had received notification and the action was taken against a crude oil project and since the WBI project was a FERC regulated project whereby NEPA review and Endangered Species Consultations were completed between FERC and FWS, there may be a different application. Jason indicated that without NWP 12 the longer form/regulatory letter of permission would be required for Section 10 waters. Ultimately the USACE staff indicated it was new information and they would likely be receiving guidance in the near future, but they could not comment further.
- Reece offered to initiate a monthly project call. He noted that as the project moved along he may move the call to bi-weekly, but for now he felt monthly was sufficient. All agreed this was a good idea and Reece said he would set this up.
- Andrea requested that the USACE project schedule be shared if it is available. Reece commented that he would attempt to make it available on ProjNet, and if that did not work he would provide the schedule. Dave noted this would be very helpful for project management scheduling.
- A brief review of points of contact and best means to connect given most if not all folks are working from home due to COVID-19 resulted in everyone agreeing that work is carrying on as usual, although schedules may vary slightly and response times may lag a little bit on a day to day basis.
- The meeting concluded just after 11 a.m. Central.

Lisa DiNicolantonio

From: Andrea Thornton
Sent: Monday, April 27, 2020 8:35 AM
To: Nelson, Reece E CIV USARMY CENWO (USA)
Subject: RE: Comment period over in Projnet (UNCLASSIFIED)

Thanks Reece -

Yes I took a look at the comments this morning and everything appears to be straight forward. Let me know if you end up entering any of the additional comments that you mentioned in your email below. I will work with WBI to get the comments addressed.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | www.erm.com

-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Monday, April 27, 2020 7:35 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: Comment period over in Projnet (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Good morning Andrea,

Hope the weekend was well. I'm sure you are aware, but comment period for draft 408 submission deadline was last Fri. I have a couple that submitted them to me, will work on reviewing and seeing if they need to go into Projnet, but no one expressed to me that they were not able to get comments in. I also added an evaluation to Comment ID:8469275 on the use agreement with Tobacco Gardens. It was in reference to the over water Geotech work. I will see if Mike can follow-up and close out comment.

Need anything else, give me a shout.

Reece
Desk number: 402-995-2505
Cell number: 785-213-1507

CLASSIFICATION: UNCLASSIFIED

From: [Wade Hammer](#)
To: [Renschler, Jason J CIV USARMY CENWO \(USA\)](#); [Andrea Thornton](#)
Subject: RE: URGENT: Pending Nationwide Permit 12 Pre-Construction Notifications posted on the ORM Home Page today (UNCLASSIFIED)
Date: Thursday, April 30, 2020 2:36:16 PM

Thank you Jason. We know you're busy, so we appreciate the response and follow-up!

Take care,
Wade

Wade Hammer
wade.hammer@erm.com
(612) 359-5684 Direct
(612) 554-1970 Cell
(612) 347-6780 Fax

-----Original Message-----

From: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Sent: Thursday, April 30, 2020 4:23 PM
To: Wade Hammer <Wade.Hammer@erm.com>; Andrea Thornton <Andrea.Thornton@erm.com>
Subject: FW: URGENT: Pending Nationwide Permit 12 Pre-Construction Notifications posted on the ORM Home Page today (UNCLASSIFIED)
Importance: High

Afternoon Wade/Andrea - got your voice mail, however there has not been any further guidance on the issue from HQ/DOJ other than what was provided below. I've been forwarding this email out to folks that I have pending projects in various levels of review. One possible option, we think is an option but maybe not, is a Letter of Permission (LOP) for structures in Section 10 waterways (Missouri River). I'll keep you posted as things develop on this issue. Take care, talk with you soon. Jason.

Jennifer Moyer is with Corps HQ in D.C. So this went out across the country to all Corps. ORM is our data-base for tracking/reporting to HQ/Congress.

-----Original Message-----

From: Easdale, John D CIV USARMY CENWO (US)
Sent: Friday, April 17, 2020 11:19 AM
To: DLL-CENWO-OD-R <DLL-CENWO-OD-R@usace.army.mil>
Subject: URGENT: Pending Nationwide Permit 12 Pre-Construction Notifications posted on the ORM Home Page today (UNCLASSIFIED)
Importance: High

CLASSIFICATION: UNCLASSIFIED

Good morning Team,

Late Wednesday, the Corps received a decision from the federal district court for the District of Montana vacating the 2017 Nationwide Permit 12. We are still reviewing the order to inform our next steps.

Out of an abundance of caution, effective immediately, Corps Districts should not verify any pending PCNs for compliance with NWP12 under 33 C.F.R. 330.6 until further direction from this office is issued. All media inquiries

should be directed to Wyn Hornbuckle, (202) 514-2007, at the Department of Justice pending further guidance from the HQ-PAO.

To assist in complying with this direction, ORM2 will not allow any NWP12 to be finalized using a closure method of Verified, Verified with Special Conditions, or Provisional Verification with end-date on or after 15 Apr 2020.
Jennifer Moyer

CLASSIFICATION: UNCLASSIFIED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

NORTHERN PLAINS RESOURCE COUNCIL, et al.,

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS, et al.,

Defendants,

TC ENERGY CORPORATION, et al.,

Intervenor-Defendants,

STATE OF MONTANA,

Intervenor-Defendant,

AMERICAN GAS ASSOCIATION, et al.,

Intervenor-Defendants.

CV-19-44-GF-BMM

ORDER

Northern Plains Resource Council, et al. (“Plaintiffs”) filed this action to challenge the decision of the United States Army Corps of Engineers (“Corps”) to reissue Nationwide Permit 12 (“NWP 12”) in 2017. (Doc. 36.) Plaintiffs allege five claims in their Amended Complaint. (*Id.*) Claims Three and Five relate to the Corps’ verification of the Keystone XL Pipeline crossings of the Yellowstone River and the Cheyenne River. (Doc. 36 at 78-81, 85-87.) The Court stayed

Plaintiffs' Claims Three and Five pending further action by the Corps. (Doc. 56 at 1.)

Plaintiffs' Claims One, Two, and Four relate to the Corps' reissuance of NWP 12 in 2017. Plaintiffs allege that the Corps' reissuance of NWP 12 violated the Endangered Species Act ("ESA"), the National Environmental Policy Act ("NEPA"), and the Clean Water Act ("CWA"). (Doc. 36 at 73-77, 81-84.)

Plaintiffs, Defendants the Corps, et al. ("Federal Defendants"), and Intervenor-Defendants TC Energy Corporation, et al. ("TC Energy") filed cross-motions for partial summary judgment regarding Plaintiffs' Claims One, Two, and Four.

(Docs. 72, 87, 90.) Intervenor-Defendants the State of Montana and American Gas Association, et al., filed briefs in support of Defendants. (Docs. 92 & 93.) Amici Curiae Edison Electric Institute, et al., and Montana Petroleum Association, et al., also filed briefs in support of Defendants. (Docs. 106 & 122.)

BACKGROUND

Congress enacted the CWA to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). To that end, the Corps regulates the discharge of any pollutant, including dredged or fill material, into jurisdictional waters. *See* 33 U.S.C. §§ 1311, 1362(6), (7), (12). Section 404 of the CWA requires any party seeking to construct a project that will

discharge dredged or fill material into jurisdictional waters to obtain a permit. *See* 33 U.S.C. § 1344(a), (e).

The Corps oversees the permitting process. The Corps issues individual permits on a case-by-case basis. 33 U.S.C. § 1344(a). The Corps also issues general nationwide permits to streamline the permitting process for certain categories of activities. 33 U.S.C. § 1344(e). The Corps issues nationwide permits for categories of activities that are “similar in nature, will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment.” 33 U.S.C. § 1344(e)(1). Nationwide permits may last up to five years, at which point they must be reissued or left to expire. 33 U.S.C. § 1344(e)(2).

The Corps issued NWP 12 for the first time in 1977 and reissued it most recently in 2017. 82 Fed. Reg. 1860, 1860, 1985-86 (January 6, 2017). NWP 12 authorizes discharges of dredged or fill material into jurisdictional waters as required for the construction, maintenance, repair, and removal of utility lines and associated facilities. 82 Fed. Reg. at 1985-86. Utility lines include electric, telephone, internet, radio, and television cables, lines, and wires, as well as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, including oil and gas pipelines. 82 Fed. Reg. at 1985. The discharge may not result in the loss of greater than one-half acre of jurisdictional waters for

each single and complete project. 82 Fed. Reg. at 1985. For linear projects like pipelines that cross a single waterbody several times at separate and distant locations, or cross multiple waterbodies several times, each crossing represents a single and complete project. 82 Fed. Reg. at 2007. Activities meeting NWP 12's conditions may proceed without further interaction with the Corps. *See Nat'l Wildlife Fed'n v. Brownlee*, 402 F. Supp. 2d 1, 3 (D.D.C. 2005).

A permittee must submit a preconstruction notification ("PCN") to the Corps' district engineer before beginning a proposed activity if the activity will result in the loss of greater than one-tenth acre of jurisdictional waters. 82 Fed. Reg. at 1986. Additional circumstances exist under which a permittee must submit a PCN to a district engineer. *See* 82 Fed. Reg. at 1986. The PCN for a linear utility line must address the water crossing that triggered the need for a PCN as well as the other separate and distant crossings that did not themselves require a PCN. 82 Fed. Reg. at 1986. The district engineer will evaluate the individual crossings to determine whether each crossing satisfies NWP 12. 82 Fed. Reg. at 2004-05. The district engineer also will evaluate the cumulative effects of the proposed activity caused by all of the crossings authorized by NWP 12. *Id.*

All nationwide permits, including NWP 12, remain subject to 32 General Conditions contained in the Federal Regulations. 82 Fed. Reg. 1998-2005. General Condition 18 prohibits the use of any nationwide permit for activities that are

likely to directly or indirectly jeopardize threatened or endangered species under the ESA or destroy or adversely modify designated critical habitat for such species. 82 Fed. Reg. at 1999-2000.

The ESA and NEPA require the Corps to consider the environmental impacts of its actions. Section 7(a)(2) of the ESA requires the Corps to determine “at the earliest possible time” whether any action it takes “may affect” listed species and critical habitat. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a). If the Corps’ action “may affect” listed species or critical habitat, the Corps must consult with U.S. Fish and Wildlife Service (“FWS”) and/or National Marine Fisheries Service (“NMFS”) (collectively, “the Services”). 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a). Under NEPA, the Corps must produce an environmental impact statement unless it issues a finding of no significant impact (FONSI). 42 U.S.C. § 4332(C); 40 C.F.R. § 1508.9.

The Corps issued a final Decision Document explaining NWP 12’s environmental impacts when it reissued NWP 12 in 2017. NWP005262-5349. The Corps determined that NWP 12 would result in “no more than minimal individual and cumulative adverse effects on the aquatic environment” under the CWA. NWP005340. The Corps also concluded that NWP 12 complied with both the ESA and NEPA. NWP005324, 5340. The Decision Document comprised a FONSI under NEPA. NWP005340.

The Corps explained that its 2017 reissuance of NWP 12 complied with the ESA because NWP 12 would not affect listed species or critical habitat. NWP005324. The Corps did not consult with the Services based on its “no effect” determination. NWP005324-25. A federal district court in 2005 concluded that the Corps should have consulted with FWS when it reissued NWP 12 in 2002. *Brownlee*, 402 F. Supp. 2d at 9-11. The Corps initiated formal programmatic consultation with the Services when it reissued NWP 12 in 2007. NWP031044. The Corps continued the programmatic consultation when it reissued NWP 12 in 2012. *Id.*

LEGAL STANDARD

A court should grant summary judgment where the movant demonstrates that no genuine dispute exists “as to any material fact” and the movant is “entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Summary judgment remains appropriate for resolving a challenge to a federal agency’s actions when review will be based primarily on the administrative record. *Pit River Tribe v. U.S. Forest Serv.*, 469 F.3d 768, 778 (9th Cir. 2006).

The Administrative Procedure Act’s (“APA”) standard of review governs Plaintiffs’ claims. *See W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 481 (9th Cir. 2011). The APA instructs a reviewing court to “hold unlawful and set

aside” agency action deemed “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

DISCUSSION

I. ENDANGERED SPECIES ACT

A. ESA Section 7(a)(2) Consultation

Section 7(a)(2) of the ESA requires the Corps to ensure any action that it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or destroy or adversely modify designated critical habitat. 16 U.S.C. § 1536(a)(2). The Corps must review its actions “at the earliest possible time” to determine whether an action “may affect” listed species or critical habitat. 50 C.F.R. § 402.14(a). The Corps must initiate formal consultation with the Services if the Corps determines that an action “may affect” listed species or critical habitat. 50 C.F.R. § 402.14; 16 U.S.C. § 1536(a)(2). The ESA does not require Section 7(a)(2) consultation if the Corps determines that a proposed action is not likely to adversely affect any listed species or critical habitat. 50 C.F.R. § 402.14(b)(1).

Formal consultation is a process that occurs between the Services and the Corps. 50 C.F.R. § 402.02. The process begins with the Corps’ written request for consultation under ESA Section 7(a)(2) and concludes with the Services’ issuance of a biological opinion. 50 C.F.R. § 402.02. A biological opinion states the

Services' opinion as to whether the Corps' action likely would jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. *Id.*

Programmatic consultation involves a type of consultation that addresses multiple agency actions on a programmatic basis. 50 C.F.R. § 402.02.

Programmatic consultations allow the Services to consult on the effects of a programmatic action such as a "proposed program, plan, policy, or regulation" that provides a framework for future proposed actions. *Id.*

B. The Corps' Reissuance of NWP 12 in 2017

The Corps concluded that its reissuance of NWP 12 in 2017 would have no effect on listed species or critical habitat. 82 Fed. Reg. at 1873-74; *see also* 81 Fed. Reg. 35186, 35193 (June 1, 2016). General Condition 18 provides that a nationwide permit does not authorize an activity that is "likely to directly or indirectly jeopardize the continued existence of a" listed species or that "will directly or indirectly destroy or adversely modify the critical habitat of such species." 82 Fed. Reg. at 1999.

A non-federal permittee must submit a PCN to the district engineer if a proposed activity "might" affect any listed species or critical habitat. 82 Fed. Reg. at 1999. The permittee may not begin work on the proposed activity until the district engineer notifies the permittee that the activity complies with the ESA and

that the activity is authorized. *Id.* The Corps determined that General Condition 18 ensures that NWP 12 will have no effect on listed species or critical habitat. NWP005324-26. The Corps declined to initiate Section 7(a)(2) consultation based on that determination. *Id.*

C. The Corps Acted Arbitrarily and Capriciously

Plaintiffs argue that the Corps' failure to initiate Section 7(a)(2) consultation violates the ESA. (Doc. 36 at 6.) Plaintiffs assert that the Corps should have initiated programmatic consultation when it reissued NWP 12 in 2017. (Doc. 36 at 6.) Defendants argue that the Corps properly assessed NWP 12's potential effects and did not need to initiate Section 7(a)(2) consultation. (Doc. 88 at 43.) Defendants assert that the Corps did not need to conduct programmatic consultation because project-level review and General Condition 18 ensure that NWP 12 will not affect listed species or critical habitat. (Doc. 88 at 46.)

To determine whether the Corps' "no effect" determination and resulting failure to initiate programmatic consultation proves arbitrary and capricious, the Court must decide whether the Corps "considered the relevant factors and articulated a rational connection between the facts found and the choice made." *See Nat'l Ass'n of Home Builders v. Norton*, 340 F.3d 835, 841 (9th Cir. 2003) (quoting *Baltimore Gas & Elec. Co. v. Natural Res. Def. Council*, 462 U.S. 87, 105 (1983)). The Corps' decisions are entitled to deference. *See Kisor v. Wilkie*, 139 S.

Ct. 2400, 2417-18 (2019); *Chevron, U.S.A. v. Nat. Res. Def. Council*, 467 U.S. 837, 844 (1984).

Programmatic consultation proves appropriate when an agency's proposed action provides a framework for future proposed actions. 50 C.F.R. § 402.02. Federal actions subject to programmatic consultation include federal agency programs. *See* 80 Fed. Reg. 26832, 26835 (May 11, 2015); 50 C.F.R. 402.02. A federal agency may develop those programs at the national scale. *Id.* The Services specifically have listed the Corps' nationwide permit program as an example of the type of federal program that provides a national-scale framework and that would be subject to programmatic consultation. *See* 80 Fed. Reg. at 26835.

Programmatic consultation considers the effect of an agency's proposed activity as a whole. A biological opinion analyzes whether an agency action likely would jeopardize a listed species or adversely modify designated critical habitat. 50 C.F.R. §§ 402.02, 402.14(h). This type of analysis allows for a broad-scale examination of a nationwide program's potential impacts on listed species and critical habitat. *See* 80 Fed. Reg. at 26836. A biological opinion may rely on qualitative analysis to determine whether a nationwide program and the program's set of measures intended to minimize impacts or conserve listed species adequately protect listed species and critical habitat. *Id.* Programmatic-level biological opinions examine how the overall parameters of a nationwide program align with

the survival and recovery of listed species. *Id.* An agency should analyze those types of potential impacts in the context of the overall framework of a programmatic action. A broad examination may not be conducted as readily at a later date when the subsequent activity would occur. *Id.*

The Ninth Circuit in *Western Watersheds Project v. Kraayenbrink*, 632 F.3d at 472, evaluated amendments that the Bureau of Land Management (“BLM”) made to national grazing regulations. BLM viewed the amendments as purely administrative and determined that they had “no effect” on listed species or critical habitat. *Id.* at 496. The Ninth Circuit rejected BLM’s position based on “resounding evidence” from experts that the amendments “‘may affect’ listed species and their habitat.” *Id.* at 498. The amendments did not qualify as purely administrative. The amendments altered ownership rights to water on public lands, increased barriers to public involvement in grazing management, and substantially delayed enforcement of failing allotments. *Id.* The amendments would have a substantive effect on listed species. *Id.*

There similarly exists “resounding evidence” in this case that the Corps’ reissuance of NWP 12 “may affect” listed species and their habitat. NWP 12 authorizes limited discharges of dredged or fill material into jurisdictional waters. 82 Fed. Reg. at 1985. The Corps itself acknowledged the many risks associated

with the discharges authorized by NWP 12 when it reissued NWP 12 in 2017. NWP005306.

The Corps noted that activities authorized by past versions of NWP 12 “have resulted in direct and indirect impacts to wetlands, streams, and other aquatic resources.” NWP005306. Discharges of dredged or fill material can have both permanent and temporary consequences. *Id.* The discharges permanently may convert wetlands, streams, and other aquatic resources to upland areas, resulting in permanent losses of aquatic resource functions and services. The discharges also temporarily may fill certain areas, causing short-term or partial losses of aquatic resource functions and services. *Id.*

The Corps examined the effect of human activity on the Earth’s ecosystems. NWP005307. Human activities affect all marine ecosystems. *Id.* Human activities alter ecosystem structure and function by changing the ecosystem’s interaction with other ecosystems, the ecosystem’s biogeochemical cycles, and the ecosystem’s species composition. *Id.* “Changes in land use reduce the ability of ecosystems to produce ecosystem services, such as food production, reducing infectious diseases, and regulating climate and air quality.” *Id.* Water flow changes, land use changes, and chemical additions alter freshwater ecosystems such as lakes, rivers, and streams. NWP005308. The construction of utility lines “*will* fragment terrestrial and aquatic ecosystems.” *Id.* (emphasis added).

The Corps more specifically discussed that land use changes affect rivers and streams through increased sedimentation, larger inputs of nutrients and pollutants, altered stream hydrology, the alteration or removal of riparian vegetation, and the reduction or elimination of inputs of large woody debris. NWP005310. Increased inputs of sediments, nutrients, and pollutants adversely affect stream water quality. *Id.* Fill and excavation activities cause wetland degradation and losses. NWP005310-11. The Corps emphasized that, although “activities regulated by the Corps under Section 404 of the [CWA]” are “common causes of impairment for rivers and streams, habitat alterations and flow alterations,” a wide variety of causes and sources impair the Nation’s rivers and streams. NWP005311.

The ESA provides a low threshold for Section 7(a)(2) consultation: An agency must initiate formal consultation for any activity that “may affect” listed species and critical habitat. 50 C.F.R. § 402.14; 16 U.S.C. § 1536(a)(2). The Corps itself has stated that discharges authorized by NWP 12 “*will* result in a minor incremental contribution to the cumulative effects to wetlands, streams, and other aquatic resources in the United States.” NWP005313. The types of discharges that NWP 12 authorizes “may affect” listed species and critical habitat, as evidenced in the Corps’ own Decision Document. The Corps should have initiated Section 7(a)(2) consultation before it reissued NWP 12 in 2017.

Plaintiffs' experts' declarations further support the Court's conclusion that the Corps should have initiated Section 7(a)(2) consultation. These expert declarants state that the Corps' issuance of NWP 12 authorizes discharges that may affect endangered species and their habitats. The ESA's citizen suit provision allows the Court to consider evidence outside the administrative record in its review of Plaintiffs' ESA claim. *See* 16 U.S.C. § 1540(g); *W. Watersheds*, 632 F.3d at 497.

Martin J. Hamel, Ph.D., an assistant professor at the University of Georgia who studies anthropogenic and invasive species' impacts on native riverine species, submitted a declaration stating that the discharges authorized by NWP 12 may affect adversely pallid sturgeon, an endangered species. (Doc. 73-4 at 2, 4, 6.) Pallid sturgeon remain susceptible to harm from pollution and sedimentation in rivers and streams because pollution and sedimentation can bury the substrates on which sturgeon rely for feeding and breeding. (*Id.* at 4.) Fine sediments can lodge between coarse grains of substrate to form a hardpan layer, thereby reducing interstitial flow rates and ultimately reducing available food sources. Construction activities that increase sediment loading pose a significant threat to the pallid sturgeon populations in Nebraska and Montana. (*Id.*)

Dr. Hamel also stated his understanding that the horizontal directional drilling method ("HDD") for crossing waterways may result in less sedimentation

of the waterway than other construction methods, such as open trench cuts. (Doc. 73-4 at 5.) HDD can result, however, in an inadvertent return of drilling fluid. An inadvertent return of drilling fluid would result in increased sedimentation and turbidity, which would affect aquatic biota such as pallid sturgeon and the species sturgeon rely on as food sources. (*Id.*)

Jon C. Bedick, Ph.D., a professor of biology at Shawnee State University who has worked extensively with the endangered American burying beetle, submitted a declaration detailing his concerns regarding the Corps' failure to analyze NWP 12's threat to the American burying beetle. (Doc. 73-1 at 2-3, 5.) Certain construction activities, including those approved by NWP 12, can cause harm to species such as the American burying beetle. (*Id.* at 5.) Dr. Bedick relayed his concern that the Corps failed to undertake a programmatic consultation with FWS regarding its reissuance of NWP 12. (*Id.*)

NWP 12 authorizes actual discharges of dredged or fill material into jurisdictional waters. 82 Fed. Reg. at 1985. Two experts have declared that the discharges authorized by NWP 12 will affect endangered species. (Docs. 71-1 & 71-3.) The Corps itself has acknowledged that the discharges *will* contribute to the cumulative effects to wetlands, streams, and other aquatic resources. NWP005313. There exists "resounding evidence" from experts and from the Corps that the

discharges authorized by NWP 12 may affect listed species and critical habitat. *See W. Watersheds*, 632 F.3d at 498.

The Corps cannot circumvent ESA Section 7(a)(2) consultation requirements by relying on project-level review or General Condition 18. *See* 82 Fed. Reg. 1999; *Conner v. Burford*, 848 F.2d 1441, 1457-58 (9th Cir. 1988). Project-level review does not relieve the Corps of its duty to consult on the issuance of nationwide permits at the programmatic level. The Corps must consider the effect of the entire agency action. *See Conner*, 848 F.2d at 1453-58 (concluding that biological opinions must be coextensive with an agency's action and rejecting the Services' deferral of an impacts analysis to a project-specific stage). The Federal Regulations make clear that "[a]ny request for formal consultation may encompass . . . a number of similar individual actions within a given geographical area, a programmatic consultation, or a segment of a comprehensive plan." 50 C.F.R. § 402.14(c)(4). The regulations do "not relieve the Federal agency of the requirements for considering the effects of the action or actions as a whole." *Id.*; *see also Cottonwood Envtl. Law Center v. U.S. Forest Serv.*, 789 F.3d 1075, 1085 (9th Cir. 2015) (concluding that the Forest Service needed to reinitiate consultation at programmatic level); *Pac. Coast Fed'n of Fishermen's Ass'ns v. Nat'l Marine Fisheries Serv.*, 482 F. Supp. 2d 1248, 1266-

67 (W.D. Wash. 2007) (holding that deferral of analysis to the project level “improperly curtails the discussion of cumulative effects”).

The Ninth Circuit in *Lane County Audubon Soc’y v. Jamison*, 958 F.2d 290 (9th Cir. 1992), analyzed what had become commonly known as the “Jamison Strategy.” Under the Jamison Strategy, BLM would select land for logging consistent with the protection of the spotted owl. *Id.* at 291. BLM would submit individual timber sales for ESA consultation with FWS, but would not submit the overall logging strategy itself. *Id.* at 292. The Ninth Circuit determined that the Jamison Strategy constituted an action that may affect the spotted owl, because the strategy set forth criteria for harvesting owl habitat. *Id.* at 294. BLM needed to submit the Jamison Strategy to FWS for consultation before BLM implemented the strategy through the adoption of individual sale programs. BLM violated the ESA by not consulting with FWS before it implemented the Jamison Strategy. *Id.*

The district court in *National Wildlife Federation v. Brownlee*, 402 F. Supp. 2d at 10, relied, in part, on the Ninth Circuit’s holding in *Lane County* when it determined that the Corps’ reissuance of NWP 12 in 2002 violated the ESA. In *Brownlee*, the Corps had failed to consult with FWS when it reissued NWP 12 and three other nationwide permits in 2002. *Id.* at 2, 10. Two environmental groups challenged the Corps’ failure to consult. *Id.* at 2. The environmental groups argued

that the nationwide permits, including NWP 12, authorized development that threatened the endangered Florida panther. *Id.*

The Corps asserted that NWP 12 complied with the ESA because project-level review would ensure that no harm befell Florida panthers and their habitats. *Id.* at 10. The court disagreed. *Id.* NWP 12 and the other nationwide permits authorized development projects that posed a potential threat to the panther. *Id.* at 3. Large portions of panther habitat existed on lands that could not be developed without a permit from the Corps. *Id.* at 3. Project-level review did not relieve the Corps from considering the effects of NWP 12 as a whole. *Id.* at 10 (citing 50 C.F.R. § 402.14(c)). The Corps needed to initiate overall consultation for the nationwide permits “to avoid piece-meal destruction of panther habitat through failure to make a cumulative analysis of the program as a whole.” *Id.*

The same holds true here. Programmatic review of NWP 12 in its entirety, as required by the ESA for any project that “may affect” listed species or critical habitat, provides the only way to avoid piecemeal destruction of species and habitat. *See Brownlee*, 402 F. Supp. 2d at 10; 50 C.F.R. § 402.14(c). Project-level review, by itself, cannot ensure that the discharges authorized by NWP 12 will not jeopardize listed species or adversely modify critical habitat. The Corps has an ongoing duty under ESA Section 7(a)(2) to ensure that its actions are not likely to jeopardize the continued existence of endangered and threatened species or result

in the destruction or adverse modification of critical habitat. 16 U.S.C.

§ 1536(a)(2). The Corps failed to fulfill that duty when it reissued NWP 12 in 2017.

The Court certainly presumes that the Corps, the Services, and permittees will comply with all applicable statutes and regulations. *See, e.g., United States v. Norton*, 97 U.S. 164, 168 (1887) (“It is a presumption of law that officials and citizens obey the law and do their duty.”); *Brownlee*, 402 F. Supp. 2d at 5 n.7 (presuming that permittees will comply with the law and seek the Corps’ approval before proceeding with activities affecting endangered species). That presumption does not allow the Corps to delegate its duties under the ESA to permittees.

General Condition 18 fails to ensure that the Corps fulfills *its* obligations under ESA Section 7(a)(2) because it delegates the Corps’ initial effect determination to non-federal permittees. The Corps must determine “at the earliest possible time” whether its actions “may affect listed species or critical habitat.” *See* 50 C.F.R. § 402.14(a). The Corps decided that NWP 12 does not affect listed species or critical habitat because General Condition 18 ensures adequate protection. NWP005324-26. General Condition 18 instructs a non-federal permittee to submit a PCN to the district engineer if the permittee believes that its activity “might” affect listed species or critical habitat. 82 Fed. Reg. at 1999-2000. In that sense, General Condition 18 turns the ESA’s initial effect determination

over to non-federal permittees, even though the Corps must make that initial determination. *See* 50 C.F.R. § 402.14(a). The Corps' attempt to delegate its duty to determine whether NWP 12-authorized activities will affect listed species or critical habitat fails.

The Corps remains well aware that its reauthorization of NWP 12 required Section 7(a)(2) consultation given the fact that it initiated formal consultation when it reissued NWP 12 in 2007 and continued that consultation during the 2012 reissuance. NWP031044. NMFS released a biological opinion, which concluded that the Corps' implementation of the nationwide permit program has had "more than minimal adverse environmental effects on the aquatic environment when performed separately or cumulatively." (Doc. 75-9 at 222-23.) The Corps reinitiated consultation to address NMFS's concerns, and NMFS issued a new biological opinion in 2014. NWP030590. The Corps' prior consultations underscore the need for programmatic consultation when the Corps reissued NWP 12 in 2017.

Substantial evidence exists that the Corps' reissuance of NWP 12 "may affect" listed species and critical habitat. This substantial evidence requires the Corps to initiate consultation under ESA Section 7(a)(2) to ensure that the discharge activities authorized under NWP 12 comply with the ESA. *See* 16 U.S.C. § 1536(a)(2); 50 C.F.R. §§ 402.02, 402.14. The Corps failed to consider relevant

expert analysis and failed to articulate a rational connection between the facts it found and the choice it made. *See W. Watersheds*, 632 F.3d at 498. The Corps’ “no effect” determination and resulting decision to forego programmatic consultation proves arbitrary and capricious in violation of the Corps’ obligations under the ESA. The Corps should have initiated ESA Section 7(a)(2) consultation before it reissued NWP 12 in 2017. The Corps’ failure to do so violated the ESA.

These failures by the Corps entitle the Plaintiffs to summary judgment regarding their ESA Claim. The Court will remand NWP 12 to the Corps for compliance with the ESA. The Court vacates NWP 12 pending completion of the consultation process. The Court further enjoins the Corps from authorizing any dredge or fill activities under NWP 12.

II. PLAINTIFFS’ REMAINING CLAIMS

Plaintiffs further allege that NWP 12 violates both NEPA and the CWA. (Doc. 36 at 73-77, 81-84.) Plaintiffs, the Corps, and TC Energy each have moved for summary judgment regarding Plaintiffs’ NEPA and CWA Claims. (Doc. 72 at 2; Doc. 87 at 2; Doc. 90 at 2.) The Court already has determined that the Corps’ reissuance of NWP 12 violated the ESA, remanded NWP 12 to the Corps for compliance with the ESA, and vacated NWP 12 pending completion of the consultation process.

The Court anticipates that the Corps may need to modify its NEPA and CWA determinations based on the Corps' ESA Section 7(a)(2) consultation with the Services, as briefly discussed below. The Court will deny without prejudice all parties' motions for summary judgment regarding Plaintiffs' NEPA and CWA claims pending ESA Section 7(a)(2) consultation and any further action by the Corps.

A. The National Environmental Policy Act

Plaintiffs allege that NWP 12 violates NEPA because the Corps failed to evaluate adequately NWP 12's environmental impacts. (Doc. 36 at 4.) Congress enacted NEPA to ensure that the federal government considers the environmental consequences of its actions. *See* 42 U.S.C. 4331(b)(1). NEPA proves, in essence, to be a procedural statute designed to ensure that federal agencies make fully informed and well-considered decisions. *Sierra Club v. U.S. Army Corps of Eng'rs*, 990 F. Supp. 2d 9, 18 (D.D.C. 2013). NEPA does not mandate particular results, but instead prescribes a process to ensure that agencies consider, and that the public is informed about, potential environmental consequences. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).

NEPA requires a federal agency to evaluate the environmental consequences of any major federal action "significantly affecting the quality of the human environment" before undertaking the proposed action. 42 U.S.C. § 4332(C). A

federal agency evaluates the environmental consequences of a major federal action through the preparation of a detailed environmental impact statement (“EIS”). 40 C.F.R. § 1501.4. An agency may opt first to prepare a less-detailed environmental assessment (“EA”) to determine whether a proposed action qualifies as a “major federal action significantly affecting the quality of the human environment” that requires an EIS. *Id.* The agency need not provide any further environmental report if the EA shows that the proposed action will not have a significant effect on the quality of the human environment. 40 C.F.R. § 1501.4(e); *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 757-58 (2004).

The Corps conducted an EA in the process of reissuing NWP 12. NWP005289. The Corps determined that the issuance of NWP 12 would not have a significant impact on the quality of the human environment. NWP005340. The Corps accordingly concluded that it did not need to prepare an EIS. *Id.* Plaintiffs argue that the EA proves insufficient under NEPA for various reasons. (Doc. 73 at 17-34.)

The Decision Document detailed NWP 12’s environmental consequences. NWP005303-5317. The Court anticipates that the ESA Section 7(a)(2) consultation will further inform the Corps’ NEPA assessment of NWP 12’s environmental consequences. Armed with more information, the Corps may decide to prepare an EIS because NWP 12 represents a major federal action that

significantly affects the quality of the human environment. *See* 42 U.S.C.

§ 4332(C); 40 C.F.R. § 1501.4.

B. The Clean Water Act

Section 404(e) of the CWA allows the Corps to issue nationwide permits for categories of activities that “will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment.” 33 U.S.C. § 1344(e)(1). The Decision Document evaluated NWP 12’s compliance with CWA Section 404 permitting guidelines. NWP005340. The Corps concluded that the discharges authorized by NWP 12 comply with the CWA. *Id.* The Corps specifically noted that the activities authorized by NWP 12 “will result in no more than minimal individual and cumulative adverse effects on the aquatic environment.” *Id.*

Plaintiffs allege that NWP 12 violates the CWA because NWP 12 authorizes activities that will cause more than minimal adverse environmental effects. (Doc. 36 at 5.) Plaintiffs note that, although NWP 12 authorizes projects that would result in no more than one-half acre of water loss, linear utility lines may use NWP 12 repeatedly for many water crossings along a project’s length. Plaintiffs argue that this repeated use causes more than minimal adverse environmental effects. (*Id.*)

The Court similarly anticipates that the ESA Section 7(a)(2) consultation will inform the Corps’ CWA assessment of NWP 12’s environmental effects. The

Corps' adverse effects analyses and resulting CWA compliance determination may change after ESA Section 7(a)(2) consultation brings more information to light.

At this point in the litigation, the Court does not need to determine whether the Corps made a fully informed and well-considered decision under NEPA and the CWA when it reissued NWP 12 in 2017. The Court has remanded NWP 12 to the Corps for ESA Section 7(a)(2) consultation. The Court anticipates that the Corps will conduct additional environmental analyzes based on the findings of the consultation.

ORDER

It is hereby **ORDERED** that:

1. Plaintiffs' Motion for Partial Summary Judgment (Doc. 72) is **GRANTED, IN PART, and DENIED WITHOUT PREJUDICE, IN PART**. The Court grants Plaintiffs' motion for summary judgment regarding Plaintiffs' ESA Claim, Claim Four. The Court denies without prejudice Plaintiffs' motions for summary judgment regarding Plaintiffs' NEPA and CWA Claims, Claims One and Two.

2. Federal Defendants' Motion for Partial Summary Judgment (Doc. 87) is **DENIED, IN PART, and DENIED WITHOUT PREJUDICE, IN PART**. The Court denies Federal Defendants' motion for summary judgment regarding Plaintiffs' ESA Claim, Claim Four. The Court denies without prejudice Federal

Defendants' motions for summary judgment regarding Plaintiffs' NEPA and CWA Claims, Claims One and Two.

3. TC Energy's Motion for Partial Summary Judgment (Doc. 90) is **DENIED, IN PART, and DENIED WITHOUT PREJUDICE, IN PART.** The Court denies TC Energy's motion for summary judgment regarding Plaintiffs' ESA Claim, Claim Four. The Court denies without prejudice TC Energy's motions for summary judgment regarding Plaintiffs' NEPA and CWA Claims, Claims One and Two.

4. NWP 12 is remanded to the Corps for compliance with the ESA.

5. NWP 12 is vacated pending completion of the consultation process and compliance with all environmental statutes and regulations.

6. The Corps is enjoined from authoring any dredge or fill activities under NWP 12 pending completion of the consultation process and compliance with all environmental statutes and regulations.

DATED this 15th day of April, 2020.



Brian Morris, Chief District Judge
United States District Court



MEETING NOTES

LOG OF IN PERSON MEETING

MEETING ATTENDEES:

Pat Robblee (ERM), Kevin Malloy (ERM), Rick Rogers (U.S. Army Corps. of Engineers (COE))

DATE:

04/30/2020

TIME OF CONVERSATION:

11:00 cst

RE:

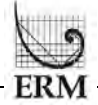
WBI North Bakken Expansion Project 2020 Archaeological Surveys, Upcoming Work on COE Lands and Class III Archaeological Inventory Report Comments

PREPARED BY:

Kevin Malloy

LOG OF CONVERSATION:

- Kevin Malloy welcomed the meeting attendees to the call.
- Pat Robblee described the planned site testing methods for 32WI976 (excavation of at least 3 additional 1 x 1 m test units at the site).
- Pat discussed a recent conversation with Andrew Clark of the SHSND regarding the use of HDD for site avoidance, including for 32WI976. Pat noted that the SHSND does not consider HDD to be a method of site avoidance due to the potential for future impacts associated with pipeline repairs or leaks. Pat said that in the case of 32WI976, the pipeline would be installed by HDD at a depth of 160 to 180 ft below grade where it crosses beneath the site. The depth of the installation would preclude future surface-disturbing maintenance activities at the site (i.e., the depth of the pipeline would not allow for daylighting of the pipe). Pat also noted that the pipeline would carry gas, not a liquid, and that the gas would dissipate into the atmosphere in the event of a release from the pipeline. Pat said that Andy agreed to review an avoidance plan based on HDD, but made no commitments to concurring with such a plan. (Note: An avoidance plan for 32WI976 would not be necessary if the site is not eligible.)
- Rick elaborated on his previous comment to conduct a gradiometer or conductivity survey at 32WI976 prior to unit excavation. Rick said the survey results could provide evidence regarding the likely presence or absence of features at the site and inform the positioning of test units. Rick said a gradiometer survey would be appropriate for the site.
- Pat asked if a gradiometer survey would be covered by ERM's ARPA permit, even if the work is completed by a subcontractor. Rick confirmed.
- Pat provided an overview to date of ERM's outreach to tribes and plans to involve tribes in the 2020 fieldwork. Rick offered to contact two tribes - Rosebud Sioux Tribe and the Three Affiliated Tribes - who have expressed interest in the surveys but ERM has been unable to reach possibly due to office closures associated with the ongoing Covid pandemic.



- Rick said he would review the proposed testing plan for 32WI976.
- Pat said ERM would notify Rick prior to conducting the gradiometer survey or starting fieldwork at 32WI976.
- Rick and Pat discussed the current situation with COVID-19 and required 2 week quarantine period in ND mandated by the Gov. They discussed having clearance for essential work to be out in the field.
- Kevin thanked everyone for attending and concluded the meeting.

Lisa DiNicolantonio

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Sent: Friday, May 1, 2020 10:09 AM
To: Andrea Thornton
Cc: Lillejord, Shenille A CIV USARMY CENWO (USA)
Subject: RE: [Non-DoD Source] In Person Meeting - Geotech Surveys
Attachments: WBI_Permit_33_Letter.pdf

Andrea,

Sorry for the late reply I have attached the permit and cover letter that was sent to WBI earlier this week.

Please let me know if you have any questions.

Thanks

Jeremy J. Thury
Natural Resources Specialist
US Army Corps of Engineers
Garrison Dam/ Lake Sakakawea Project
Riverdale, North Dakota Office
O:(701) 654-7761
C:(701) 809-2571

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Wednesday, April 29, 2020 11:38 AM
To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Subject: RE: [Non-DoD Source] In Person Meeting - Geotech Surveys

Hi Jeremy -

I just left you a voicemail and wanted to follow-up with an email as well. Did you receive the permit from Jason and if so is a copy on its way to WBI? We are not sure if there are any environmental stipulations in the permit that we need to be aware of during this final week ahead of the geotech work commencing.

Thanks,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com <<mailto:andrea.thornton@erm.com>> | W

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<Blocked<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.erm.com%2F&data=02%7C01%7C%7C09258eca9637452c5ba608d7edf29c67%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637239498605646255&sd=1j1v1hMSHZhSkXNQuHyv9ID9CuaPD4I4d7sOKMhI%2Fjg%3D&reserved=0>>

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>

Sent: Tuesday, April 21, 2020 1:42 PM

To: Andrea Thornton <Andrea.Thornton@erm.com>

Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>

Subject: RE: [Non-DoD Source] In Person Meeting - Geotech Surveys

Yes we will mail a copy to WBI and I'll try to get copies made and cc'd to you when recieved.

Thanks let me know what Peggy prefers.

Sent with BlackBerry Work

(Blocked<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.blackberry.com%2F&data=02%7C01%7C%7C09258eca9637452c5ba608d7edf29c67%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637239498605646255&sd=%2FOXnPR0uw62E%2FWjsTuWPdoKXcPLOGZpd%2BVX8r6wN5P4%3D&reserved=0>
<Blocked<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.blackberry.com%2F&data=02%7C01%7C%7C09258eca9637452c5ba608d7edf29c67%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637239498605646255&sd=%2FOXnPR0uw62E%2FWjsTuWPdoKXcPLOGZpd%2BVX8r6wN5P4%3D&reserved=0>>

%7C01%7C%7C09258eca9637452c5ba608d7edf29c67%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637239498605646255&data=%2F0XnPR0uw62E%2FWjsTuWPdoKXcPLOGZpd%2BVX8r6wN5P4%3D&reserved=0>)

From: Andrea Thornton <Andrea.Thornton@erm.com <mailto:Andrea.Thornton@erm.com> >

Date: Tuesday, Apr 21, 2020, 3:31 PM

To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil <mailto:Jeremy.J.Thury@usace.army.mil> >

Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil <mailto:Taryn.L.Kjelstrup@usace.army.mil> >

Subject: RE: [Non-DoD Source] In Person Meeting - Geotech Surveys

Great thank you for the update Jeremy. Will you be sending a copy of the permit to WBI's office once it is received?

We will reach out to Peggy to see if she has a day/time that is preferable and will get back to you as soon as I know more.

-Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com <mailto:andrea.thornton@erm.com> | W

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From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil
<mailto:Jeremy.J.Thury@usace.army.mil> >
Sent: Tuesday, April 21, 2020 12:51 PM
To: Andrea Thornton <Andrea.Thornton@erm.com <mailto:Andrea.Thornton@erm.com> >
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil
<mailto:Taryn.L.Kjelstrup@usace.army.mil> >
Subject: RE: [Non-DoD Source] In Person Meeting - Geotech Surveys

Andrea

I can be available either of those days and recieved notice from Jason the permit is complete and has been mailed to the Garrison office Monday. That permit is the final piece for the crane pad so everything should be good to go once we receive it.

Please let me know what date is decided and what time and I will make arrangements to be there.

Sent with BlackBerry Work

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37239498605646255&sdata=%2F0XnPR0uw62E%2FWjsTuWPdoKXcPLOGZpd%2BVX8r6wN5P4%3D&reserved
=0)

From: Andrea Thornton <Andrea.Thornton@erm.com <mailto:Andrea.Thornton@erm.com> >

Date: Tuesday, Apr 21, 2020, 11:56 AM

To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil
<mailto:Jeremy.J.Thury@usace.army.mil> >

Subject: [Non-DoD Source] In Person Meeting - Geotech Surveys

Hi Jeremy -

After speaking with WBI and CCI this morning it looks like they would like to have the onsite meeting the week prior to mobilization (April 28th or the 29th). This way they can run through everything with Peggy there and answer any questions. Are you available either of those days?

Additionally, WBI inquired about the status of the potential NW33 Permit that you and Jason brought up on our call last week, and if any additional notification is going to be required or if they are all set with the geotech permit received in the mail today. If you are able to provide any updates it would be greatly appreciated.

Thanks and I hope you are able to get out and enjoy the nice weather I hear you are having today :)

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com

[<mailto:andrea.thornton@erm.com>](mailto:andrea.thornton@erm.com) | W

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-----Original Message-----

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>

<<mailto:Jeremy.J.Thury@usace.army.mil>> >

Sent: Monday, April 20, 2020 1:49 PM

To: Andrea Thornton <Andrea.Thornton@erm.com> <<mailto:Andrea.Thornton@erm.com>> >

Subject: RE: Proposed Tern and Plover Surveys

Andrea,

Thanks for reaching out, yes I would still like to have this meeting in person. I appreciate the ability to reduce this to essential people. At this time I am available any of those days preferably early morning/late afternoon to account for travel.

-----Original Message-----

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]

Sent: Monday, April 20, 2020 2:16 PM

To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>

<<mailto:Jeremy.J.Thury@usace.army.mil>> >

Cc: Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com> <<mailto:Greg.Huncovsky@WBIEnergy.com>> >; 'Linn, Jill'

<Jill.Linn@wbienergy.com> <<mailto:Jill.Linn@wbienergy.com>> >

Subject: [Non-DoD Source] FW: Proposed Tern and Plover Surveys

Hi Jeremy -

I wanted to teach out about the on-site pre-construction meeting that Mike mentioned in his email below. We wanted to confirm that with the COVID-19 restrictions that you still wanted this meeting to be in person. If so, we would like to

minimize the number of people present at the meeting to those who are essential to be there. The geotech work is currently slated to begin on May 7th with mobilization and barge assembly occurring May 4th - May 6th.

Is there a day/time that you would be available to meet?

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com
<mailto:andrea.thornton@erm.com> | W

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-----Original Message-----

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>
<mailto:Michael.P.Morris@usace.army.mil> >

Sent: Friday, April 17, 2020 3:01 PM

To: Justin Moffett <Justin.Moffett@erm.com <mailto:Justin.Moffett@erm.com> >; Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil <mailto:Scott.T.Sterling@usace.army.mil> >

Cc: Andrea Thornton <Andrea.Thornton@erm.com <mailto:Andrea.Thornton@erm.com> >; Stonesifer, Alfred C CIV USARMY CENWO (US) <Alfred.C.Stonesifer@usace.army.mil <mailto:Alfred.C.Stonesifer@usace.army.mil> >; Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil <mailto:Jeremy.J.Thury@usace.army.mil> >; bholen@nd.gov <mailto:bholen@nd.gov> ; Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil <mailto:Taryn.L.Kjelstrup@usace.army.mil> >

Subject: RE: Proposed Tern and Plover Surveys

Good Afternoon Andrea & Justin, et al,

Thank-you for the update on the schedule for the proposed geotechnical work and associated surveys. Scott and I discussed and with back to back high water years, specifically being in our exclusive flood control pool the last two years, there is potential for suitable habitat to be located at a wide range of exposed elevations. The reservoir is currently at 1840.2 a.m.s.l. The April 1st forecast shows us peaking at 1845.5 at the end of July. Contrast that with our peak in 2019 at 1852.42 and in 2018 at 1853.29. Please remember those surveys were an environmental commitment in the BA and were further defined by the USFWS concurrence letter, dated October 10, 2019. Thanks again Scott for all your input on the above.

At one point I think it was mentioned WEST had an employee in Bismarck that could perform the surveys? Scott was also kind enough to provide a link with information for anyone traveling from out of state. Please see below.

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Regarding the question about whether any notification procedures are needed at the end of the 7 day surveys, if no birds are observed? Please provide our office with the daily logs or a summary of what the biologist observed for other species of shorebirds, raptors, etc. The Real Estate license requires you to contact our office prior to the start of any construction to schedule a pre-construction on-site meeting. Jeremy Thury is the point of contact. Finally, I am copying Ben Holen from our ND Game & Fish Department. He is the new ANS coordinator and can be reached at (701) 368-9117. It sounds like the contractor may have contacted him? If you have any further updates you can pass along, that would be appreciated. Stay safe and healthy everyone. Have a good weekend. Thanks...

Mike

Mike Morris
US Army Corps of Engineers
Natural Resource Specialist
Garrison Project Office/Lake Sakakawea
(701) 654-7759

-----Original Message-----

From: Justin Moffett [mailto:Justin.Moffett@erm.com]
Sent: Friday, April 10, 2020 11:03 AM
To: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil
<mailto:Michael.P.Morris@usace.army.mil> >; Sterling, Scott T CIV USARMY CENWO (USA)
<Scott.T.Sterling@usace.army.mil <mailto:Scott.T.Sterling@usace.army.mil> >
Cc: Andrea Thornton <Andrea.Thornton@erm.com <mailto:Andrea.Thornton@erm.com> >
Subject: [Non-DoD Source] RE: Proposed Tern and Plover Surveys

Hi Mike & Scott,

I wanted to update you on our current anticipated schedule for tern & plover surveys and subsequent geotechnical drilling. The geotech contractor plans to mobilize to Tobacco Garden on April 27. They need about one week to make improvements to the boat ramp and assemble the barge. Therefore the drilling/overwater work would likely begin on the afternoon of May 5 or morning of May 6 with tern/plover surveys beginning on April 28.

As we've discussed previously if the water levels are too high and the shoreline nesting habitat is inundated the surveys would not proceed. In your experience, is there a base water surface elevation beyond which the nesting habitat tends to be inundated (i.e., if the water elevation is above X, you know the shorelines are inundated)? Right now the April 1 forecasts show the reservoir elevation ranging between 1839.5 and 1843.3 feet on April 30.

We still plan to send out our biologists to survey the shoreline in advance of the drilling, but we're just trying to get a sense what the conditions will be like and whether we need to make contingency plans for our staff if the shorelines are inundated and we cannot conduct the surveys. So we'd appreciate any helpful insights you have that might help us better prepare for our survey effort.

Thanks and I hope you and your team are doing well.

Justin T. Moffett, PWS
Principal Consultant

Environmental Resources Management (ERM) O 971-279-6922 M 971-645-9941 E Justin.Moffett@erm.com
<mailto:Justin.Moffett@erm.com> | W

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-----Original Message-----

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil
<mailto:Michael.P.Morris@usace.army.mil> >
Sent: Thursday, March 26, 2020 2:02 PM
To: Justin Moffett <Justin.Moffett@erm.com <mailto:Justin.Moffett@erm.com> >
Cc: Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil
<mailto:Scott.T.Sterling@usace.army.mil> >; Andrea Thornton <Andrea.Thornton@erm.com
<mailto:Andrea.Thornton@erm.com> >
Subject: RE: Proposed Tern and Plover Surveys

Justin,

There have been significant changes in the way all of us are conducting our business and personal lives since we last corresponded. We can only hope everything is going as well as can be expected for all of you. Please note we were not sure if you were sending our contact information to the consultant? To date we have not heard from anyone with WEST. Thank-you...

Mike

-----Original Message-----

From: Justin Moffett [mailto:Justin.Moffett@erm.com]
Sent: Thursday, March 12, 2020 3:48 PM
To: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil
<mailto:Michael.P.Morris@usace.army.mil> >
Cc: Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil
<mailto:Scott.T.Sterling@usace.army.mil> >; Andrea Thornton <Andrea.Thornton@erm.com
<mailto:Andrea.Thornton@erm.com> >
Subject: [Non-DoD Source] RE: Proposed Tern and Plover Surveys

Mike,

The contractor is Western EcoSystems Technology (WEST). Luke Martinson is my contact w/ WEST in Cheyenne, WY, but he mentioned he has a biologist in Bismarck, ND who would do the surveys.

Thanks.

Justin T. Moffett, PWS
Principal Consultant

Environmental Resources Management (ERM) O 971-279-6922 M 971-645-9941 E Justin.Moffett@erm.com
<mailto:Justin.Moffett@erm.com> | W

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-----Original Message-----

From: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil
<mailto:Michael.P.Morris@usace.army.mil> >
Sent: Thursday, March 12, 2020 1:39 PM
To: Justin Moffett <Justin.Moffett@erm.com <mailto:Justin.Moffett@erm.com> >
Cc: Sterling, Scott T CIV USARMY CENWO (USA) <Scott.T.Sterling@usace.army.mil
<mailto:Scott.T.Sterling@usace.army.mil> >
Subject: Proposed Tern and Plover Surveys

Afternoon Justin,

Scott Sterling and I would be the appropriate people for your contractor to talk to. Scott heads up our tern and plover monitoring program. Our availability is somewhat limited the remainder of this week however. Tomorrow we are moving everything out of our offices and we will be going off line at some point, until sometime Monday. Do you have more than one prospective contractor? Thanks and have a good night.

Mike

Mike Morris
US Army Corps of Engineers
Natural Resource Specialist
Garrison Project Office/Lake Sakakawea
(701) 654-7759

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Please visit ERM's web site:

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REPLY TO
ATTENTION OF
REAL ESTATE DIVISION

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

April 29, 2020

Dave Linn, Senior Engineering and Projects Manager
WBI Energy Transmission, Inc.
2010 Montana Ave
Glendive, Montana 59330

Dear Mr. Linn:

Enclosed, for WBI Energy Transmission, Inc.'s information and records, is a verification letter for NWO-2019-525-BIS. This verification letter authorizes work within the Tobacco Gardens Recreation Area. The enclosed Compliance Certification form must be returned to the Bismarck Regulatory Office within 30 days of completion of the authorized activities.

Direct any questions to Realty Specialist, Shenille Lillejord, at (701) 654-7752.

Sincerely,

A handwritten signature in black ink that reads "Taryn Kjelstrup".

Taryn Kjelstrup
Senior Realty Specialist
Civil Branch, Real Estate Division

Enclosure



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK ND 58504

April 20, 2020

NWO-2019-525-BIS

Mr. Greg Huncovsky
WBI Energy Transmission
2010 Montana Avenue
Glendive, Montana 59330

Dear Mr. Huncovsky:

We have reviewed the information that was recently submitted to this office (April 15, 2020) for Department of the Army (DA) authorization associated with the proposed geotechnical investigation survey work in Lake Sakakawea for the North Bakken Expansion Project. The current proposal is for the temporary placement of timber matting on the shoreline of Lake Sakakawea, below elevation 1850msl, in order to allow for placement of a crane. This project is located adjacent to the Tobacco Gardens Recreation Area on Lake Sakakawea, McKenzie County, North Dakota.

Based on the information that was provided to this office, the placement of temporary timber matting, below elevation 1850msl, in Lake Sakakawea in order to allow for crane access at the Tobacco Garden Creek Recreation Area. Once the project is completed, all temporary construction materials associated with the geotechnical survey work shall be removed in their entirety.

We have determined that activities in waters of the U.S. associated with the temporary construction access work is authorized by Nationwide Permit Number 33 Temporary Construction Access, found in the January 6, 2017 Federal Register (82 FR 1860), Reissuance of Nationwide Permits. Enclosed is the fact sheet that fully describes the Nationwide Permit and lists the General, Regional and Water Quality Conditions that must be adhered to for this authorization to remain valid. Please note that deviations from the original plans and specifications of the project could require additional authorization from this office.

This determination is applicable only to the permit program administered by the US Army Corps of Engineers. It does not eliminate the need to obtain other applicable Federal, state, tribal and local approvals as required before beginning work. Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office.

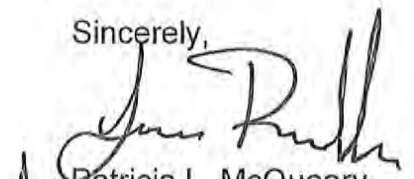
WBI Energy Transmission is responsible for all work accomplished in accordance with the terms and conditions of the Nationwide Permit, including the Regional Conditions specific to projects undertaken in North Dakota. If a contractor or other authorized representative will be accomplishing the work authorized by this Nationwide Permit on their behalf, it is recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable Nationwide Permit. Any activity that fails to comply with all the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

This verification will be valid until **March 18, 2022**. If the nationwide permit is modified, suspended, or revoked prior to this date, but is reissued without modification or the activity complies with any subsequent modification, this authorization remains valid until the expiration date. All of the existing nationwide permits are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice when the nationwide permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions.

The Omaha District, North Dakota Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions concerning this determination, please contact Mr. Jason Renschler of this office by letter or telephone at (701) 255-0015 ext. 2010 and reference project identification number **NWO-2019-525-BIS**.

Sincerely,


Patricia L. McQueary
State Program Manager
North Dakota

Enclosures

- Fact Sheet NWP #33
- Compliance Certification.

COMPLIANCE CERTIFICATION

Permit File Name: WBI Energy Transmission. North Bakken Expansion Project.
Temporary Construction Access. Tobacco Garden Rec. Area.

Action ID: NWO-2019-525-BIS.

Nationwide Permit Number: #33

Permittee: WBI Energy Transmission, Inc.
Attn: Greg Huncovsky
2010 Montana Avenue
Glendive, Montana 59330

County: McKenzie

Date of Verification: April 20, 2020

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Omaha District
North Dakota Regulatory Office
3319 University Drive
Bismarck, North Dakota 58504

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the U.S. Army Corps of Engineers.

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

Lisa DiNicolantonio

From: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Sent: Tuesday, May 5, 2020 3:46 PM
To: Wade Hammer
Cc: Andrea Thornton; McQueary, Patricia L CIV USARMY CENWO (USA)
Subject: RE: North Bakken Expansion Project - May 21st Call

Afternoon Wade - Yes, I do have it on my calendar and plan to attend. I don't have the file(s) with me, but will stop by the office over weekend and get the draft-PCN information that was submitted. We consider them in draft version until the 408 process is completed, as we previously discussed. Nothing to report on NW#12 at this time -hopefully by then there will be some direction/guidance on that issue. Jason.

-----Original Message-----

From: Wade Hammer [mailto:Wade.Hammer@erm.com]
Sent: Tuesday, May 5, 2020 12:26 PM
To: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: [Non-DoD Source] North Bakken Expansion Project - May 21st Call

Jason,

I wanted to connect prior to the meeting the Reece Nelson has planned for 10:30 a.m. CST on 5/21 (two weeks from this Thursday) to see if you will be attending?

If so, would you be able to provide a brief update on the status of the PCN materials submitted, if you've had a chance to review them, to confirm that the materials you have so far look complete? We understand there are pieces that are still yet to be submitted, but we were just hoping that during the call you could speak to the overall status of the materials you've received so far. If you'd rather do that separate from the call on 5/21, that's fine too, it just seemed like a good target and audience to summarize all things project related.

Also, on that call, or even if you hear any updates prior to the call, we were also hoping you could provide any updates on the status of NWP 12. We are aware that the court in MT is hearing briefings this week, but if there are any updates from HQ that you are hearing, or may have heard by 5/21, we're hoping we could touch on that briefly as well.

The call isn't for a couple of weeks, as noted previously, so I wanted to present these topics to you for consideration. If you want to connect prior to the call and discuss any or all of these topics in advance, please let me know.

Thanks for keeping us updated on the developments regarding NWP 12 Jason!

Stay safe and well,
Wade

Wade Hammer
wade.hammer@erm.com
(612) 359-5684 Direct
(612) 554-1970 Cell

(612) 347-6780 Fax

-----Original Message-----

From: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Sent: Thursday, April 30, 2020 4:23 PM
To: Wade Hammer <Wade.Hammer@erm.com>; Andrea Thornton <Andrea.Thornton@erm.com>
Subject: FW: URGENT: Pending Nationwide Permit 12 Pre-Construction Notifications posted on the ORM Home Page today (UNCLASSIFIED)
Importance: High

Afternoon Wade/Andrea - got your voice mail, however there has not been any further guidance on the issue from HQ/DOJ other than what was provided below. I've been forwarding this email out to folks that I have pending projects in various levels of review. One possible option, we think is an option but maybe not, is a Letter of Permission (LOP) for structures in Section 10 waterways (Missouri River). I'll keep you posted as things develop on this issue. Take care, talk with you soon. Jason.

Jennifer Moyer is with Corps HQ in D.C. So this went out across the country to all Corps. ORM is our data-base for tracking/reporting to HQ/Congress.

-----Original Message-----

From: Easdale, John D CIV USARMY CENWO (US)
Sent: Friday, April 17, 2020 11:19 AM
To: DLL-CENWO-OD-R <DLL-CENWO-OD-R@usace.army.mil>
Subject: URGENT: Pending Nationwide Permit 12 Pre-Construction Notifications posted on the ORM Home Page today (UNCLASSIFIED)
Importance: High

CLASSIFICATION: UNCLASSIFIED

Good morning Team,

Late Wednesday, the Corps received a decision from the federal district court for the District of Montana vacating the 2017 Nationwide Permit 12. We are still reviewing the order to inform our next steps.

Out of an abundance of caution, effective immediately, Corps Districts should not verify any pending PCNs for compliance with NWP12 under 33 C.F.R. 330.6 until further direction from this office is issued. All media inquiries should be directed to Wyn Hornbuckle, (202) 514-2007, at the Department of Justice pending further guidance from the HQ-PAO.

To assist in complying with this direction, ORM2 will not allow any NWP12 to be finalized using a closure method of Verified, Verified with Special Conditions, or Provisional Verification with end-date on or after 15 Apr 2020.
Jennifer Moyer

CLASSIFICATION: UNCLASSIFIED

Lisa DiNicolantonio

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Wednesday, May 6, 2020 3:46 PM
To: Andrea Thornton
Subject: RE: [Non-DoD Source] RE: Comment period over in Projnet (UNCLASSIFIED)

Thanks Andrea,

I will let commenters know to do backchecks and close out if appropriate, or let me know if they are keeping it open for more info needed.

Thanks!

Reece Nelson
785-213-1507

----- Original message -----

From: Andrea Thornton <Andrea.Thornton@erm.com>
Date: 5/6/20 5:18 PM (GMT-06:00)
To: "Nelson, Reece E CIV USARMY CENWO (USA)" <Reece.E.Nelson@usace.army.mil>
Subject: [Non-DoD Source] RE: Comment period over in Projnet (UNCLASSIFIED)

Hi Reece -

We have gone through and added responses to all of the comments in ProjNet. We will be working to update the various 408 documents for their next submittal once all of the geotech work is completed and results have been received.

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | W Blockedwww.erm.com

-----Original Message-----

From: Andrea Thornton
Sent: Monday, April 27, 2020 8:35 AM
To: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Subject: RE: Comment period over in Projnet (UNCLASSIFIED)

Thanks Reece -

Yes I took a look at the comments this morning and everything appears to be straight forward. Let me know if you end up entering any of the additional comments that you mentioned in your email below. I will work with WBI to get the comments addressed.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | W
Blockedwww.erm.com

-----Original Message-----

From: Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>
Sent: Monday, April 27, 2020 7:35 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: Comment period over in Projnet (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Good morning Andrea,

Hope the weekend was well. I'm sure you are aware, but comment period for draft 408 submission deadline was last Fri. I have a couple that submitted them to me, will work on reviewing and seeing if they need to go into Projnet, but no one expressed to me that they were not able to get comments in. I also added an evaluation to Comment ID:8469275 on the use agreement with Tobacco Gardens. It was in reference to the over water Geotech work. I will see if Mike can follow-up and close out comment.

Need anything else, give me a shout.

Reece
Desk number: 402-995-2505
Cell number: 785-213-1507

CLASSIFICATION: UNCLASSIFIED

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Lisa DiNicolantonio

From: Andrea Thornton
Sent: Wednesday, May 6, 2020 9:07 AM
To: Morris, Michael P CIV USARMY CENWO (USA); Thury, Jeremy J CIV USARMY CENWO (USA)
Cc: Linn, Dave; Huncovsky, Greg; Stefka, Kyle; Justin Moffett
Subject: WBI Energy Lake Sakakawea South Shore Bird Surveys

Hi Mike and Jeremy –

Our survey crew has completed the seven days of survey on the south shore of Lake Sakakawea required prior to the start of drilling activities within 0.5 mile of the south shore. No target species were identified during these surveys. The geotech work will be commencing tomorrow morning. Our bird survey crew will now be shifting to the northern shore. We will provide you will a similar summary once those surveys are completed and will follow-up with an actual survey report soon thereafter.

Additionally, ND Game & Fish were on site yesterday and inspected the push boat and barge sections for invasive species. ND Game & Fish granted Interstate Drilling Services permission to proceed granted that the barge section and the push boat were power washed.

Southern Shore Survey Summary

- April 30, 2020 - Evening Survey
- May 1, 2020 – Morning Survey
- May 2, 2020 – Evening Survey
- May 3, 2020 – Morning Survey
- May 4, 2020 – Evening Survey
- May 5, 2020 – Morning Survey attempted, visibility poor due to fog. Evening survey completed
- May 6, 2020 – Morning Survey

The survey crew noted that each day there were a lot of human activity along the shoreline. One May 2 this included noted usage of someone on a side by side vehicle on the beach. Below is a list of species observations during surveys.

North Bakken Expansion South Shore species list for surveys conducted April 30 - May 6, 2020.

Species	Date						
	4/30/2020	5/1/2020	5/2/2020	5/3/2020	5/4/2020	5/5/2020	5/6/2020
American Crow	0	0	0	1	0	0	2
Blue-winged Teal	0	0	0	4	0	3	15
Canada Goose	2	10	2	15	0	2	16
Cooper's Hawk	0	1	0	0	0	0	0
Franklin's Gull	3	2	0	0	0	0	0
Golden Eagle	0	0	0	1	0	0	0
Killdeer	0	0	0	2	0	2	0
Mallard	3	6	7	19	25	18	12
Northern Pintail	0	0	2	1	0	0	0
Northern Shoveler	0	0	0	1	0	0	0
Red-tailed Hawk	0	2	0	1	0	0	0
Ring-billed Gull	39	63	49	54	67	46	26
Swainson's Hawk	0	0	0	0	1	0	0
Unidentified Duck	2	25	2	1	0	0	9
Unidentified Raptor	1	0	1	1	0	0	0
Western Grebe	4	2	4	5	2	5	5

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

Lisa DiNicolantonio

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Sent: Thursday, May 14, 2020 12:14 PM
To: Andrea Thornton
Cc: Morris, Michael P CIV USARMY CENWO (USA); Huncovsky, Greg; Linn, Jill; Linn, Dave
Subject: RE: WBI Energy North Bakken Expansion Geotech Work

Andrea,

The proposed alternate location for bore hole #9 will not require an amendment to the license. We consider the proposed location to be within the right-of-way granted by the license.

Thanks

Jeremy J. Thury
Natural Resources Specialist
US Army Corps of Engineers
Garrison Dam/ Lake Sakakawea Project
Riverdale, North Dakota Office
O:(701) 654-7761
C:(701) 809-2571

-----Original Message-----

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Wednesday, May 13, 2020 1:09 PM
To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Cc: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; Linn, Jill <Jill.Linn@wbienenergy.com>; Linn, Dave <Dave.Linn@WBIEnergy.com>
Subject: [Non-DoD Source] WBI Energy North Bakken Expansion Geotech Work
Importance: High

Hi Jeremy -

I just left you a voicemail and wanted to follow-up with an email as well. Our piping plover surveyors found a male plover this morning that was exhibiting courtship behavior to attract a female to nest. The male is set up in the location shown in the snip below. The survey crew observed him for nearly 3 hours this morning trying to attract a mate.

We have contacted FWS (and left a voicemail with Mike Morris) who has told us to come back and check on the location again this evening and again tomorrow morning. FWS indicated that depending on the success of attracting a mate the male may abandon this potential nesting location.

Depending on the results of returning to this location tonight and tomorrow we may need to move bore #9 to be outside of 0.5 mile from the shore. We wanted to make sure that a change in bore location would be covered under our permit. The location would stay in the general alignment of the HDD and would be shifted south to be located in between the current bore #7 and #8.

Please give me a call to discuss if you have any questions.

Thanks,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com <<mailto:andrea.thornton@erm.com>> | W

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<Blocked<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.erm.com%2F&data=02%7C01%7C%7Cd847b71e9db24261a46608d7f83b203d%7Cf2fe6bd39c4a485bae69e18820a88130%7C0%7C0%7C637250805154043700&sddata=tEABQf1fNikNodJyv%2Fy9gvGDC242rjHKCmGOiQcpnEY%3D&reserved=0>>

Lisa DiNicolantonio

From: Andrea Thornton
Sent: Monday, May 18, 2020 7:08 AM
To: Thury, Jeremy J CIV USARMY CENWO (USA)
Cc: Morris, Michael P CIV USARMY CENWO (USA); Jerry D. Reinisch (jerry_reinisch@fws.gov); Justin Moffett; Linn, Jill; Huncovsky, Greg
Subject: Geotech Work Update

Hi Jeremy –

The geotech work was able to progress faster than anticipated and the last bore was completed on Saturday evening. The barge was moved back to Tobacco Garden Bay and parked at the dock with demobilization efforts starting this morning. Monday will be used to prepare the barge for disassembly. The crane and semi-trailers will arrive Tuesday morning and the demobilization is expected to be finished at Tobacco Gardens on Tuesday afternoon

Please let us know if there are any questions.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

Lisa DiNicolantonio

From: Andrea Thornton
Sent: Wednesday, May 20, 2020 7:19 AM
To: Thury, Jeremy J CIV USARMY CENWO (USA)
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US); Huncovsky, Greg
Subject: RE: Geotech Work Update
Attachments: Crane Mat Area 2.jpg; Boat Ramp 1.jpg; Crane Mat Area.jpg; Boat Ramp 2.jpg

Hi Jeremy -

Attached are a few pictures of the boat ramp and crane pad area from this morning. Please let us know if there are any questions. Greg Huncovsky from WBI will be following up with the Compliance Certification.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204 M 503-459-6864 E andrea.thornton@erm.com | www.erm.com

-----Original Message-----

From: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Sent: Monday, May 18, 2020 10:38 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Kjelstrup, Taryn L CIV USARMY CENWO (US) <Taryn.L.Kjelstrup@usace.army.mil>
Subject: RE: Geotech Work Update

Andrea,

Thank you very much, If possible I would appreciate pictures of the crane pad and staging areas after demobilization. I am also assuming all of the buoys have been removed from the water?

-----Original Message-----

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Monday, May 18, 2020 9:08 AM
To: Thury, Jeremy J CIV USARMY CENWO (USA) <Jeremy.J.Thury@usace.army.mil>
Cc: Morris, Michael P CIV USARMY CENWO (USA) <Michael.P.Morris@usace.army.mil>; Jerry D. Reinisch (jerry_reinisch@fws.gov) <jerry_reinisch@fws.gov>; Justin Moffett <Justin.Moffett@erm.com>; Linn, Jill <Jill.Linn@wbienenergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>
Subject: [Non-DoD Source] Geotech Work Update

Hi Jeremy -

The geotech work was able to progress faster than anticipated and the last bore was completed on Saturday evening. The barge was moved back to Tobacco Garden Bay and parked at the dock with demobilization efforts starting this morning. Monday will be used to prepare the barge for disassembly. The crane and semi-trailers will arrive Tuesday morning and the demobilization is expected to be finished at Tobacco Gardens on Tuesday afternoon

Please let us know if there are any questions.

-Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com <<mailto:andrea.thornton@erm.com>> | W

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NORTH BAKKEN EXPANSION PROJECT

CONFERENCE CALL NOTES

MEETING TOPIC:

Discuss U.S. Army Corps 408 Permit - Submittal Component and Review Status

DATE OF MEETING:

May 21, 2020 at 10:30 a.m. CST (8:30 a.m. PST) – Project Conference CALL

ATTENDEES:

WBI Energy Transmission, Inc. (WBI)

Dave Linn, Jill Linn, Kyle Stefka

Environmental Resource Management (ERM)

Andrea Thornton, Wade Hammer

U.S. Army Corps of Engineers (USACE)

Reece Nelson, Jonas Grundman, Kody Green, Jeremy Thury, Jason Wagner, Richard Rogers, Luke Wallace, Brad Hoefer, Dan Pridal

MEETING NOTES:

- ProjNet Comments –

Andrea Thornton noted that the USACE internal deadline was April 24, 2020 for comments in ProjNet. She further summarized that all comments on the 408 application in ProjNet had been responded to and appeared to be cleared in the ProjNet system. Most of the substantive comments were related to the Biological Assessment. Other comments were generally related to outstanding information that will be submitted after the geotechnical work report and HDD design report is complete and submitted. Andrea asked if other project plans that had already been submitted with the 408 application looked complete and Reece indicated there were no concerns noted.

- Geotechnical Work Status

Andrea updated the group that the over-water geotechnical work for the HDD of Lake Sakakawea was completed over the weekend (5/15/2020-5/16/2020). The boat ramp used for staging of the work had also been cleaned up and photos of the ramp after the clean-up were sent to Jeremy Thury. Jeremy later noted that he appreciated the submittal of the photos and he intended to coordinate with his team to review the site in the near future and confirm the clean-up is complete. Once that is done he said he could terminate the license.

Kyle Stefka summarized that the work went very smoothly and there were not unexpected findings. There were a couple of coal seams encountered, but based on the initial data appeared to be sufficient depth of cover to allow for adjustments of the drill path to avoid these. The geotechnical analysis is being conducted in the lab now and the final report is expected sometime in mid-June.

- Schedule on submitting revised 408 Permit Application files

Andrea noted that once the final report is done in mid-June, the project team will be working to complete the HDD design report and then all materials to complete the 408 application would be submitted sometime in July. Andrea asked if there were any concerns regarding the July timeline in terms of the overall project schedule. Reece acknowledged that he intended to get the MS Project schedule loaded into ProjNet but there were some minor issues he was going to clean-up and then he intended to submit the schedule in ProjNet next week. Reece and Jason Wagner both commented that the July timeline was fine and the USACE team was ready to review the 408 application materials once they are submitted.

- Nationwide Permit 12 – Montana Court Ruling and Outlook for Project Use.

Wade Hammer provided a brief status on the Nationwide Permit 12 (NWP 12) Montana Court ruling. April 15, 2020 the Montana District court ruled that NWP was enjoined and not available for use. May 11, 2020 the court narrowed the ruling to apply only to new oil and gas pipelines, which therefore still applies to the North Bakken Expansion Project. Wade inquired if there had been any guidance within the USACE regarding how this process may be developing and if projects with FERC oversight might be differentiated since Section 7 consultations would be completed between FERC and the Fish and Wildlife Service.

Jason Renschler, the USACE regulatory lead for the project was not on the call to comment, however Reece and others with the USACE indicated that a number of projects they were working on had shifted to applying for an Individual Permit (IP) as an alternate to NWP 12. It was noted again that Jason Renschler had mentioned use of a letter of permission for the Section 10 crossing of Lake Sakakawea. Reece commented that the IP would require additional documentation, such as an alternatives analysis and that he was not sure how the FERC documentation may be able to apply to the IP application. In all cases, the USACE team commented that staying current with changes and planning to make risk informed decisions and consulting with Jason Renschler was the best path forward.

- Other Updates/Discussion

Reece inquired about the status of the FERC process and schedule. Andrea commented that the FERC had the Environmental Assessment on the schedule for issuance in September 2020 and cooperating agencies will have the opportunity to comment on the EA, but she was unsure where in the FERC

schedule that step was planned. Andrea also commented that the FERC application had already gone out for public comment.

Dave Linn shared that the same geotechnical boring contractor that worked on the Kinder Morgan project that had completed a successful HDD of Lake Sakakawea was used for the WBI investigation. Dave noted that from a macro-perspective the geotechnical contractor commented that the geology along the HDD drill path appeared similar to the successful drill that Kinder Morgan completed. Dave also mentioned that Michels had been selected as WBI's HDD drill contractor. Michels also completed the Kinder Morgan HDD. The USACE could therefore expect continuity in the HDD design report materials that Michels will be preparing.

Lisa DiNicolantonio

From: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Sent: Thursday, May 21, 2020 6:08 PM
To: Andrea Thornton
Cc: Wade Hammer; Linn, Jill; Huncovsky, Greg
Subject: RE: North Bakken Expansion NW12 Permit Discussion

Follow Up Flag: Follow up
Flag Status: Completed

Evening Andrea – next week (27th) should work for me, preferred 2:00 my time/CST I have blocked-out. Hopefully I will have some sort of additional guidance on a path forward in response to the recent court's decision regarding NWP #12. Thanks, Jason.

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Thursday, May 21, 2020 1:48 PM
To: Renschler, Jason J CIV USARMY CENWO (USA) <Jason.J.Renschler@usace.army.mil>
Cc: Wade Hammer <Wade.Hammer@erm.com>; Linn, Jill <Jill.Linn@wbienergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>
Subject: [Non-DoD Source] North Bakken Expansion NW12 Permit Discussion

Hi Jason –

I hope you are doing well, we missed you on our call this morning. We would like to get a call set up for next week to discussion options for the North Bakken Expansion Project as we are nearing a decision making point to the possibility of changing to an Individual Permit for the project. Do you have any availability next Wednesday (May 27th) for a call?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
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From: [Andrea Thornton](#)
To: [Renschler, Jason J CIV USARMY CENWO \(USA\)](#); [Huncovsky, Greg](#); [Linn, Jill](#); [Wade Hammer](#)
Subject: NW12 Permit Discussion
Start: Wednesday, May 27, 2020 12:00:00 PM
End: Wednesday, May 27, 2020 1:00:00 PM
Location: Microsoft Teams Meeting

Call to discuss the status of NW12 Permits and options for moving forward for the North Bakken Expansion Project. We would like to get a sense of the time required for review of an Individual Permit as we have heard different responses from different districts.

Thanks,

Andrea

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NORTH BAKKEN EXPANSION PROJECT

CONFERENCE CALL NOTES

MEETING TOPIC:

Nationwide Permit 12 Update – Regional General Permit and Alternative 404 Permitting Discussion

DATE OF MEETING:

May 27, 2020 at 11:00 a.m. CST (9:00 a.m. PST) – Project Conference Call

ATTENDEES:

WBI Energy Transmission, Inc. (WBI)

Greg Huncovsky

Environmental Resources Management (ERM)

Andrea Thornton

Wade Hammer

U.S. Army Corps of Engineers (USACE)

Jason Renschler

MEETING NOTES:

- Jason Renschler informed the group that there are no substantial updates on the status of Nationwide Permit 12 other than that 19 states are appealing the stay.
- Jason indicated that the Omaha District is working to develop a Regional General Permit which would replace Nationwide Permit 12. The timing of this development is unknown.
- The group then discussed the options of an Individual Permit, Letter of Permission, and other Nationwide permits and how they would apply to the North Bakken Expansion Project.
- Lastly Jason reminded the group of the new Navigable Waters rule that will be coming out on June 22, 2020.

From: [Andrea Thornton](#)
To: [Renschler, Jason J CIV USARMY CENWO \(USA\)](#); [Linn, Jill](#); [Huncovsky, Greg](#); [Wade Hammer](#)
Subject: Continued North Bakken Expansion Permitting Discussion
Start: Wednesday, June 10, 2020 9:00:00 AM
End: Wednesday, June 10, 2020 10:00:00 AM
Location: Microsoft Teams Meeting

Hi Everyone –

I've set up a reoccurring call for every other Wednesday from 11-12 central time through the end of July. We would like to keep the discussions moving on strategy for the project along with any updates Jason may have regarding the Regional General Permit and the new set of Nationwide Permits being issued.

If this time does not work for the group please let me know and I can adjust.

Thanks again,

Andrea

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NOTE: It will not work with Internet Explorer

NORTH BAKKEN EXPANSION PROJECT

CALL NOTES

MEETING TOPIC:

Nationwide Permit 12 Update – Regional General Permit and Alternative 404 Permitting Discussion

DATE OF MEETING:

June 5, 2020 at 11:00 a.m. CST (9:00 a.m. PST) – Project Call

ATTENDEES:

Environmental Resources Management (ERM)
Wade Hammer

U.S. Army Corps of Engineers (USACE)
Jason Renschler

MEETING NOTES:

The following notes were provided in an email to Jason sent at 12:32 p.m. on Friday, June 5, 2020, Andrea Thornton was cc'd on the email.

As a brief summary for Andrea and a little bit of follow-up here's a few things I noted during our call.

1. Jason is the ND lead for the new RGP being developed to be used district-wide for the Omaha District. A draft is ready, public notice likely later this summer, but targeted approval probably not until later 2020-early 2021. Jason may be able to send a copy of the draft RGP, he will look into this.
2. Feasibility of LOP-NWP combination for permits (LOP for Section 10 crossing, NWP 18 for excavation, NWP 33 for access across features), this may work and seems feasible. Should be no concern of combining NWPs 18 and 33 as long as it's not to combine impact limits. Use of NWP 18 for separate a distant crossings should be feasible under the NWP program. Jason is going to discuss this with his supervisor as a possible option in a call next Tuesday and let us know if there could be any concerns with this approach.
3. JD Review – ERM did a very preliminary review and it appears the majority of water resources would be jurisdictional. If a JD review is requested Jason would review and post 21 day review/comment window to EPA and based on this review would issue separate forms that list water features that are and are not jurisdictional. This approach seems unnecessary, but we will make WBI aware of the option.
4. Other topics – how to change application/PCN if the LOP-NWP combination for permits is used. Jason indicated updates for any changes would be needed, but if there's no change this could be handled in a cover letter. Keeping submittal to only what is needed for an update. It would be helpful to have 11x17 of Sakakawea crossing with plan/profile for the LOP.

We'll look forward to hearing more about items 1 and 2 above as noted, and will certainly stay in touch. Thanks again for the time today and please let me know at any time if you have questions or updates for us. If we don't hear from you for a couple of weeks, we'll probably check back in later in June.

NORTH BAKKEN EXPANSION PROJECT

CONFERENCE CALL NOTES

MEETING TOPIC:

Nationwide Permit 12 Update – Regional General Permit and Alternative 404 Permitting Discussion

DATE OF MEETING:

June 10, 2020 at 11:00 a.m. CST (9:00 a.m. PST) – Project Conference Call

ATTENDEES:

WBI Energy Transmission, Inc. (WBI)

Jill Linn

Greg Huncovsky

Environmental Resources Management (ERM)

Andrea Thornton

Wade Hammer

U.S. Army Corps of Engineers (USACE)

Jason Renschler

MEETING NOTES:

- Wade Hammer provided a summary of a conversation that he and Jason Renschler had on Friday, June 5, 2020, leading up to the larger group call. These points are summarized as follows:
 - A Regional General Permit (RGP) is being developed by the Omaha District, Jason has volunteered to be lead for North Dakota. Schedule for completion of the RGP is late 2020 or early 2021.
 - Discussion of using a Letter of Permission (LOP) for the Section 10 crossing of Lake Sakakawea, and a potential to use Nationwide Permit (NWP) 18 and NWP 33 for the rest of the project. Jason was going to discuss with his supervisor and provide the group an update.
 - Jurisdictional Determination reviews could be completed by Jason if this was seen as helpful, and he would provide tables of jurisdictional and non-jurisdictional waters.
- After Wade provided a summary of the conversation between he and Jason, Jason asked a few questions about the Project scope and schedule. Andrea Thornton summarized that the main pipeline would be 24-inch-diameter pipeline, and there were other smaller portions of the project that ranged down to 12-inch-diameter pipelines. The anticipated schedule for construction of the pipeline was May 2021, although some aboveground facilities may be started as early as March 2021.
- Jason provided an update regarding the conversation he had with his supervisor regarding utilizing the LOP and NWP18/NWP 33 as a combined approach. Jason indicated that the District's position and his supervisor indicated that NWP 18 (Minor Discharges) should not be used for pipeline construction in lieu of not having NWP 12 (Utility Lines) available for use; due to the current elimination of NWP 12 for new oil and gas pipelines. Jason indicated that NWP 18 was utilized

- more frequently for small discharges like duck hunting blinds or boat ramps where a small area of impact was needed in a water of the U.S. Jason further clarified that NWP 33 could still be used for access across waters of the U.S. if a waterbody or wetland was avoided via the HDD method or guided bore method, in order to maintain a flow of construction equipment along the construction right-of-way.
- Next the process for and content of the proposed RGP was discussed. Jason had distributed a draft copy of the proposed RGP to the WBI Project Team for review. The group requested clarification on the process and schedule for issuance of the RGP. Jason indicated that the RGP would likely be posted for public comment in early July, which would start a 30-day comment period. He indicated that through coordinating the various steps with the U.S. Fish and Wildlife Service, who would likely complete a regional Biological Assessment, and also coordination with state and tribal water resources agencies to complete a 401 Water Quality Certification (WQC) review, the whole effort would likely carry into late 2020, or more likely 2021. The current target is to have the RGP available by January 2021. Jason stated that it may be possible to issue the RGP provisionally, absent the 401 WQCs, but then the 401 WQC would be required from the applicable agency as a condition of the RGP.
 - The WBI Team then inquired about the current language in the draft RGP, specifically wondering what was meant by “community infrastructure”. Inclusion of this language appeared to exclude transmission pipelines like the North Bakken Expansion Project. Jason stated that the colleague who drafted the RGP had transferred from another district where this was more common language, and it was his feeling that this was not the intent of the RGP. Jason recommended that questions about the language in the RGP could be provided to him and he would forward the comments and suggestions to the Omaha District team developing the RGP
 - Jason also noted that he talked to a colleague in the Omaha District office that reminded him that the U.S. Army Corps of Engineers (USACE) had intended to reissue all NWPs shortly after implementation of the “New Waters of the U.S. Rule”, which is going into effect on June 22. Jason indicated that this was a discussion point but appeared to drop off the USACE priority list, and he was not certain about the timeline, but he wanted to raise this as another possible outcome for NWPs.
 - The group then discussed a path forward using an Individual Permit, given it was the only clear path forward at this time. All other avenues are subject to review and further unknowns. Jason stated that if he received an individual permit application his first step would be to call Reece Nelson so that they could coordinate a joint Section 408 and Section 404/10 public notice, which would be run through the Omaha office. Jason stated that he anticipated that they would have enough information that they could post a public notice within approximately 15 days of receiving the application.
 - The call ended with Andrea suggesting that future meetings could be on an as-needed basis, and she thanked Jason for his time. The call ended at approximately 11:45 a.m. Central.

NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – U.S. Department Of Agriculture,
Natural Resource Conservation Service (NRCS)**

Lisa DiNicolantonio

From: Andrea Thornton
Sent: Tuesday, March 17, 2020 9:32 AM
To: Hagel, Todd - NRCS, Bismarck, ND; Howard, Jill - NRCS, Bismarck, ND
Subject: RE: North Bakken Expansion Project

Thank you for the update Todd.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Hagel, Todd - NRCS, Bismarck, ND <todd.hagel@usda.gov>
Sent: Tuesday, March 17, 2020 9:27 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Howard, Jill - NRCS, Bismarck, ND <jill.howard@usda.gov>
Subject: RE: North Bakken Expansion Project

Andrea. The project has been reviewed. No NRCS held easements will be impacted by this proposed project.

Todd Hagel
Assistant State Conservationist-Programs
USDA-NRCS
701-530-2004

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Tuesday, March 17, 2020 11:12 AM
To: Howard, Jill - NRCS, Bismarck, ND <jill.howard@usda.gov>; Hagel, Todd - NRCS, Bismarck, ND <todd.hagel@usda.gov>
Subject: RE: North Bakken Expansion Project

Hi Jill and Todd –

I hope all is well with you and your families during this strange time. I wanted to check in to see if the updated shapefiles for the North Bakken Expansion Project had been reviewed. Any updates you would be able to provide would be greatly appreciated.

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Howard, Jill - NRCS, Bismarck, ND <jill.howard@usda.gov>
Sent: Thursday, January 16, 2020 7:47 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: North Bakken Expansion Project

Good morning,
Todd is planning to be back next Tuesday. I'll talk to him about it then. Thanks



Jill Howard | Assistant State Conservationist – Partnership Coordinator
Acting ASTC-Programs
Natural Resources Conservation Service | USDA
Jill.Howard@nd.usda.gov | 701.530.2073 office | 701.214.8874 cell

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Thursday, January 16, 2020 9:39 AM
To: Howard, Jill - NRCS, Bismarck, ND <jill.howard@usda.gov>
Subject: FW: North Bakken Expansion Project

Good Morning –

My name is Andrea Thornton and I work for ERM, the environmental consultant working with WBI Energy on the North Bakken Expansion Project. I had been working on and off with Todd Hagel on his review of NRCS easements. Yesterday I sent him the attached updated project shapefiles for review and received the automatic reply email below. Are you able to assist with this review, or let me know if there is someone else that I should be reaching out to? For your reference I've also attached an email chain between myself and Todd.

Please let me know if you have any questions.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Hagel, Todd - NRCS, Bismarck, ND <todd.hagel@usda.gov>
Sent: Wednesday, January 15, 2020 3:16 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: Automatic reply: North Bakken Expansion Project

Thank you for your message.

I am not in the office at this time. I am out of the office until February 3, 2020. Please direct all correspondence to JoDean Nichols (Easements) (701-530-2093) or Tracy Dove (Financial Assistance) (701-530-2002) from December 20 thru January 6.

Jill Howard, will serve as the Acting Assistant State Conservationist-Programs(Ph: 701-530-2073) for the period of January 6, 2020 to February 3, 2020. Thank you.

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NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – U.S. Fish and Wildlife Service
(FWS)**

Ashley Bromberg

From: Justin Moffett
Sent: Wednesday, February 5, 2020 4:00 PM
To: Jerry D. Reinisch (jerry_reinisch@fws.gov)
Cc: Andrea Thornton; Leslie Rodman-Jaramillo
Subject: FWS comments on North Bakken EA

Hi Jerry,

Below are the responses and questions/clarifications we had regarding your comments on the North Bakken EA. Since we're both OOO the rest of the week maybe we can work our questions over email. Otherwise perhaps we can connect next week on the phone and discuss.

Thanks.

USFWS

31. Northern Long eared bat - refer to 4d rule in USFWS IPAC System.

Comment noted. 4d rule referenced in the Biological Assessment which will be submitted to USFWS on February 14, 2020.

32. USFWS has survey protocol for construction projects; recommend no construction near the lake April 1-August 31 in areas with piping plovers.

The survey protocol Jessica Johnson provided is referenced in the Biological Assessment which will be submitted to USFWS on February 14, 2020.

Clarification requested on the following:

- A. Please confirm that FWS defines "near" as area within 0.5 mile of potential nesting habitat along lake shoreline.
- B. Please confirm whether the April 1-August 31 "no work" timeframe would apply to areas within 0.5 mile (or line of sight per survey requirements) of any active plover nests identified in surveys and not just areas where plovers are observed foraging.
- C. Is the April 1-August 31 "no work" timeframe recommended or required?
- D. Would FWS require WBI halt ongoing construction activities (HDD drilling, stringing) within 0.5 mile of the lake shoreline if plovers begin nesting after April 1? That is if the birds begin nesting in spite of the ambient noise and disturbance emanating from the ongoing HDD drilling activities within 0.5 mile of a nest, would a work stoppage be necessary?
- E. Are there any exclusionary measures (e.g., netting, matting shoreline to prevent nesting) WBI could implement prior to the nesting season to prevent plovers from nesting within 0.5 mile of ongoing construction activities?

33. Whooping cranes - include notifying USFWS if sighting within 1.0 mile of construction.

Comment noted. This notification requirement is included in the Biological Assessment that will be provided to FWS on February 14, 2020.

34. Dakota skipper- please review township map (below) as many more locations are present than in the report. No habitat maps for the alignment are included, suitable habitat? No reports of Occupancy of DASK in suitable habitat?

According to the map provided, all DASK occurrences are in townships outside (east) the project area.

Yes suitable habitat was identified within the project area. Maps displaying the habitat within/adjacent to the project workspaces are included in the Biological Assessment that will be provided to FWS on February 14, 2020.

No DASK were observed during habitat surveys. As discussed at our meeting last summer WBI does not plan to conduct DASK occupancy (presence/absence) surveys, rather they have assumed all identified reproductive habitat is occupied and that all identified foraging habitat could be occupied during the annual flight period (assumed to be 6/10-7/15, but actual start/end will be verified w/ FWS).

Justin T. Moffett, PWS

Principal Consultant

Environmental Resources Management (ERM)

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Call Log

Log of Telephone Conversation



Call To/From Whom	From: Jerry Reinisch
Phone number	(701) 333-0267
Company	U.S. Fish and Wildlife Service (USFWS)
ERM Contact	Justin Moffett
Phone number	(971) 645-9941
Date	02/12/2020
Time of Conversation	7:30 am PST
Reference	North Bakken Expansion Project – EA Comments
Signature	

LOG OF CONVERSATION

Mr. Reinisch with the USFWS called to discuss his comments on the environmental assessment pertaining to endangered species.

Piping plover

- Water levels in Lake Sakakawea continue to be high in spring, inundating potential shoreline nesting habitat.
- The April 1-August 31 “no work” timeframe Jerry mentioned in his EA comments would apply to areas within 0.5 mile (or within line of sight, whichever is less) of any active plover nests identified during pre-construction surveys. If active nests are identified before HDD activities begin, the no work could occur until birds have fledged.
 - The southern HDD construction area is w/in 0.5 mile of shoreline; however, we need to confirm there is line of sight to potential nesting habitat. If no line of sight then “no work” time frame would not apply.
- If water levels drop after HDD construction begins, Jerry said it seems unlikely the birds would begin nesting in areas w/in 0.5 mile (or line of sight) of active construction as construction noise would likely deter them from nesting. However, if plovers are observed nesting within 0.5 mile of active HDD drilling activities then WBI needs to contact FWS to determine, what if any, avoidance/minimization measures should be implemented.
- Nesting exclusion/deterrence measures (e.g., mats or nets) are not allowed to prevent birds from nesting as they would constitute harm or harassment (i.e., take).

Dakota skipper

- Jerry is still receiving DASK presence/absence survey updates from 2019 survey season. He says there have been some documented occurrences closer to the

project than what is shown on the map he provided in his EA comments. He is not sure when he will have a new map ready, but he will share it with us when it is ready.

- FWS has changed its position on presence/absence (PA) surveys vs. assuming presence. He says DASK are showing up in more and more locations such that PA surveys are required to determine where habitat avoidance and construction timing restrictions are needed. He mentioned DASK were found near Tobacco Garden Creek in 2019. He recommends surveying “prime habitat” (i.e., reproductive habitats). Survey results are only valid for one construction season (approx. mid July through mid-June, based on start/end of flight period). There are six permitted DASK surveyors who are authorized to conduct DASK PA surveys. He said USFS will also require DASK PA surveys; however, Sarah Bickerdyke has not mentioned this.

Northern long-eared bat (NLEB)

- No idea when to expect changes to NLEB listing status or 4(d) rule. He says FWS “will proceed as is until told otherwise”.

Whooping crane (WC)

- Provide construction personnel a picture of WC so they know what to look for. If a WC lands w/in 1 mile of construction, stop all activity until the bird leaves. Unlikely a WC would stop near construction, but if it does it would likely be a brief stop.



LOG

LOG OF TELEPHONE CONVERSATION

CALL TO/FROM WHOM: Jerry Reinisch, Biologist	PHONE NO.: 701-333-0267
COMPANY: U.S. Fish and Wildlife Service	
ERM CONTACT: Justin Moffett	PHONE NO.: 971-645-9941
DATE: February 20, 2020	TIME OF CONVERSATION: 1:00 pm
RE: North Bakken Expansion: ESA consultation requirements	

SIGNATURE:

LOG OF CONVERSATION:

The purpose of this call was to discuss the upcoming geotech drilling with Jerry as it relates to piping plover surveys.

- Jerry confirmed that if no nests, birds exhibiting nesting behavior, or chicks are observed during the 7-day survey prior to drilling, then no additional surveys are needed.
- If nests, birds exhibiting nesting behavior, or chicks are observed within 0.5 mile of a proposed drilling site then drilling would be prohibited until birds fledge from the nest(s) which typically occurs around August 31 but can vary annually.
- Given the uncertainty of drilling schedule, which is predicated on receiving the USACE 408 approval and when the lake is free of ice, he recommended WBI coordinate closely with USACE and FWS.
- Jerry stated spring drilling would be a concern for impacts to pallid sturgeon, and that WBI needs to coordinate w/ USACE and FWS to see if drilling occurs between April 1 and July 31. *Note- Jerry called me back on 2/21/2020 to say that he spoke to the FWS fisheries biologists and sturgeon are unlikely to be in the lake at that time of year. However, FWS biologists will tagging sturgeon near the Yellowstone/Missouri River confluence starting April 1 and drift netting in the upper reservoir later in the season. Drift netting activities will likely occur far from the geotech drilling, but again he stressed coordinating with his office to ensure there are no conflicts with FWS and WBI drilling operations.*
- Jerry brought up the topic of Dakota skippers (DASK). Specifically he mentioned that they are being found in more and more areas where they were not known to exist. He stressed that DASK could occur in counties that are not identified in IPaC. He specifically mentioned Williams County and asked if WBI had done any habitat or presence/absence surveys there. I said no, and he recommended WBI look for the habitat in that county otherwise, although he did not state whether there have been any documented presence of DASK in Williams County.



LOG

LOG OF TELEPHONE CONVERSATION

CALL TO/FROM WHOM: Jerry Reinisch, Biologist	PHONE NO.: 701-333-0267
COMPANY: U.S. Fish and Wildlife Service	
ERM CONTACT: Justin Moffett	PHONE NO.: 971-645-9941
DATE: February 20, 2020	TIME OF CONVERSATION: 11:15 am

RE:
North Bakken Expansion: BMPs for responding to inadvertent returns when HDD'ing Lake Sakakawea

SIGNATURE:

LOG OF CONVERSATION:

The purpose of this call was to discuss the FWS's expectations, requirements, etc. for responding to, containing, and cleaning up inadvertent returns (IR) in Lake Sakakawea.

- Jerry stated the FWS does not have specific BMPs or requirements for managing IR in the lake.
- He stated FWS would prefer the HDD occur outside the pallid sturgeon spawning season of April 1-July 31. He did not say this is a requirement. (This should be a non-issue seeing how he told us the sturgeon are not likely to be in the lake during in-water geotechnical drilling.)
- FWS would like to be consulted on any additives the drilling contractor plans to use (e.g., provide MSDS). He said some contractors use "proprietary" additives that they are reluctant to share with FWS. He said they FWS has approved additives in the past that they felt were not the most environmentally friendly b/c the contractor was insistent on using them. (Sounds like FWS does not have a lot of leverage over what additives are used.)

Ashley Bromberg

From: Justin Moffett
Sent: Monday, February 24, 2020 2:55 PM
To: Scott Larson (scott_larson@fws.gov); Jessica Johnson (jessica_n_johnson@fws.gov); Jerry D. Reinisch (jerry_reinisch@fws.gov)
Cc: Linn, Jill (Jill.Linn@wbienergy.com); Andrea Thornton; Leslie Rodman-Jaramillo
Subject: WBI Energy: North Bakken Expansion Project
Attachments: 082819_USFWS_MtgNotes_ESA Consultation.docx; DASK Observations 2018.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Blue Category

Hi Scott, Jessica, and Jerry,

I'm writing to follow up on some recent developments related to WBI's understanding of Dakota skipper (DASK) survey requirements for the North Bakken Expansion project. I recognize Scott and Jessica likely are not involved in this project on a regular basis so I've attached the notes from the August 28, 2019 meeting you attended with me and Jill Linn (WBI). You may recall during that meeting we discussed how WBI plans to assume DASK are present wherever they documented suitable habitat (see 1st & 2nd bullets in the attached mtg notes). Jill and I understood you agreed with that approach as an appropriate means to avoid take and formal consultation. However, during my conversations with Jerry last week I understood him to state the following:

1. FWS would now require presence/absence surveys in all DASK suitable habitat. Is this correct? If so, this represents a significant departure from what we agreed to at our August meeting. Putting aside the cost and schedule implications, I'm not sure what value there is in conducting presence/absence surveys. Specifically Jerry stated the FWS would only require surveys in suitable habitat, what he referred to as "prime habitat" and the "best stuff". WBI plans to completely avoid areas identified as reproductive habitat through reroutes, workspace neck downs, and HDD/bores. Additionally, any clearing or grading of foraging habitat would occur outside of the annual flight period when the DASK would not be present. So if WBI plans to avoid construction activities in habitats most suitable to DASK, what purpose would the presence/absence surveys serve?
2. FWS recommends WBI conduct habitat surveys, and possibly presence/absence surveys, in Williams County. According to the FWS IPaC system the species does not occur in this county. The 2018 map of DASK documented occurrences Jerry provided shows they are known to occur several miles east of the project in central/eastern Mountrail and Burk counties (see attached map). Does the FWS have new information indicating DASK occur in Williams County? Or does FWS have some other rationale as to why WBI should survey Williams County? If not, we don't see a compelling reason to survey the project area within Williams County.
3. There have been several instances on other recent projects where inadvertent returns from HDDs have occurred in DASK habitat. In response to this he stated the FWS may start requiring geotechnical investigations at all HDDs proposed through DASK habitat. WBI presently has 4 bores planned beneath DASK reproductive habitat. One of which is at the Lake Sakakawea crossing, where they are conducting geotechnical investigations. With respect to the other three bore locations, WBI's engineers recommend that rather than conducting additional geotechnical investigations it may be more prudent to prescribe BMP's such as increasing the bore depth, using the lowest required drilling pressure, and monitoring the bore span to ensure if there is a return it's quickly identified and contained.

Given the potential schedule and budget impacts of conducting additional surveys and geotechnical investigation we'd like to discuss these items with you at your earliest convenience. Let me know if you have time to discuss this week. Thank you.

Justin T. Moffett, PWS

Principal Consultant

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Ashley Bromberg

From: Justin Moffett
Sent: Tuesday, February 25, 2020 3:35 PM
To: drew_becker@fws.gov
Cc: Jessica Johnson (jessica_n_johnson@fws.gov); Jerry D. Reinisch (jerry_reinisch@fws.gov); Linn, Jill (Jill.Linn@wbienergy.com); Andrea Thornton; Leslie Rodman-Jaramillo
Subject: RE: WBI Energy: North Bakken Expansion Project
Attachments: WBI Energy North Bakken Expansion Project - Biological Assessment Submittal

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Drew,

Per our conversation this morning I've summarized our discussion below for each of the points I raised in my email yesterday. Let me know if you have any questions.

Also, WBI submitted its BA to FWS on February 14 (see attached email). Perhaps after you and Jerry has reviewed it we can schedule a call to address any questions you may have.

Thanks.

Justin T. Moffett, PWS
Principal Consultant

Environmental Resources Management (ERM)

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From: Justin Moffett
Sent: Monday, February 24, 2020 2:55 PM
To: Scott Larson (scott_larson@fws.gov) <scott_larson@fws.gov>; Jessica Johnson (jessica_n_johnson@fws.gov) <jessica_n_johnson@fws.gov>; Jerry D. Reinisch (jerry_reinisch@fws.gov) <jerry_reinisch@fws.gov>
Cc: Linn, Jill (Jill.Linn@wbienergy.com) <Jill.Linn@wbienergy.com>; Andrea Thornton <Andrea.Thornton@erm.com>; Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Subject: WBI Energy: North Bakken Expansion Project

Hi Scott, Jessica, and Jerry,

I'm writing to follow up on some recent developments related to WBI's understanding of Dakota skipper (DASK) survey requirements for the North Bakken Expansion project. I recognize Scott and Jessica likely are not involved in this project on a regular basis so I've attached the notes from the August 28, 2019 meeting you attended with me and Jill Linn (WBI). You may recall during that meeting we discussed how WBI plans to assume DASK are present wherever they documented suitable habitat (see 1st & 2nd bullets in the attached mtg notes). Jill and I understood you agreed with that approach as an appropriate means to avoid take and formal consultation. However, during my conversations with Jerry last week I understood him to state the following:

1. FWS would now require presence/absence surveys in all DASK suitable habitat. Is this correct? If so, this represents a significant departure from what we agreed to at our August meeting. Putting aside the cost and schedule implications, I'm not sure what value there is in conducting presence/absence surveys. Specifically Jerry stated the FWS would only require surveys in suitable habitat, what he referred to as "prime habitat" and the "best stuff". WBI plans to completely avoid areas identified as reproductive

habitat through reroutes, workspace neck downs, and HDD/bores. Additionally, any clearing or grading of foraging habitat would occur outside of the annual flight period when the DASK would not be present. So if WBI plans to avoid construction activities in habitats most suitable to DASK, what purpose would the presence/absence surveys serve? Drew confirmed that assuming presence is still a valid approach. Presence/absence surveys are desirable but not required by FWS.

2. FWS recommends WBI conduct habitat surveys, and possibly presence/absence surveys, in Williams County. According to the FWS IPaC system the species does not occur in this county. The 2018 map of DASK documented occurrences Jerry provided shows they are known to occur several miles east of the project in central/eastern Mountrail and Burk counties (see attached map). Does the FWS have new information indicating DASK occur in Williams County? Or does FWS have some other rationale as to why WBI should survey Williams County? If not, we don't see a compelling reason to survey the project area within Williams County. Drew acknowledged that the FWS is finding DASK in more areas than previously known and that the IPaC system likely does not account for all counties where the species may occur. He also stated given that Williams County is adjacent to Burke and Mountrail counties where DASK have been observed and that Williams County contains some of the same habitats as those adjacent counties, it's plausible that DASK could be present. After our call I reviewed the project route within Williams County more closely and determined about 90% of the total project length is located in tilled ag fields or in other disturbed habitats that are unlikely to support DASK. As such it appears unlikely that DASK would be present in the project area within Williams County.
3. There have been several instances on other recent projects where inadvertent returns from HDDs have occurred in DASK habitat. In response to this he stated the FWS may start requiring geotechnical investigations at all HDDs proposed through DASK habitat. WBI presently has 4 bores planned beneath DASK reproductive habitat. One of which is at the Lake Sakakawea crossing, where they are conducting geotechnical investigations. With respect to the other three bore locations, WBI's engineers recommend that rather than conducting additional geotechnical investigations it may be more prudent to prescribe BMP's such as increasing the bore depth, using the lowest required drilling pressure, and monitoring the bore span to ensure if there is a return it's quickly identified and contained. Geotechnical investigations are not required for HDD/bores beneath DASK habitat. However, Drew stressed that the FWS wants WBI and its contractor to be cognizant of the risk and potential impacts inadvertent returns and clean-up efforts can have on DASK habitat. To that end WBI and its contractor should take proactive steps to 1) reduce the risk of an inadvertent return through the use of BMP's like those listed above, and 2) anticipate and plan for how clean up and response efforts can be implemented in a manner that minimizes potential impacts to DASK habitat.

Given the potential schedule and budget impacts of conducting additional surveys and geotechnical investigation we'd like to discuss these items with you at your earliest convenience. Let me know if you have time to discuss this week.

Thank you.

Justin T. Moffett, PWS
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Ashley Bromberg

From: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Sent: Monday, March 9, 2020 6:12 AM
To: Andrea Thornton
Subject: RE: Cooperating Agency Status - North Bakken Expansion

Andrea

The USFWS has decided to not be a cooperating agency on this project.

Jerry

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Thursday, February 27, 2020 4:41 PM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Subject: [EXTERNAL] Cooperating Agency Status - North Bakken Expansion

Hi Jerry –

Would you be able to let me know if the USFWS has opted to be a cooperating agency on the project?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
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E andrea.thornton@erm.com | **W** www.erm.com

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Ashley Bromberg

From: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Sent: Thursday, March 12, 2020 8:41 AM
To: Andrea Thornton
Subject: RE: [EXTERNAL] RE: Cooperating Agency Status - North Bakken Expansion

Andrea
Thank you for the quick reply.
Jerry

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Thursday, March 12, 2020 9:23 AM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Subject: [EXTERNAL] RE: Cooperating Agency Status - North Bakken Expansion

Hi Jerry –

The link for where you can download the BA is below. Please let me know if you have any issues with the file. I've also attach the original email with our submittal letter.

https://theermgroup-my.sharepoint.com/:f/g/personal/andrea_thornton_erm_com/Emq9NMmgekNBnJgFaKuGjUIB4imjeLZoVGXJuN7zMIDzqA?e=ROya4D

Thanks,
Andrea

Andrea Thornton
Principal Consultant

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From: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Sent: Wednesday, March 11, 2020 1:45 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: Cooperating Agency Status - North Bakken Expansion

Andrea
Could you please re-send the link for the BA as I was out of the office for the last two weeks .
Thanks
Jerry

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Thursday, February 27, 2020 4:41 PM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Subject: [EXTERNAL] Cooperating Agency Status - North Bakken Expansion

Hi Jerry –

Would you be able to let me know if the USFWS has opted to be a cooperating agency on the project?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

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Ashley Bromberg

From: Krebsbach, Jacob B <jacob_krebsbach@fws.gov>
Sent: Tuesday, March 17, 2020 10:04 AM
To: Andrea Thornton
Subject: Re: [EXTERNAL] RE: WBI Energy North Bakken Expansion Project Maps

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Blue Category

Andrea,

I apologize. I didn't realize you were waiting on a response from me.

Everything looked good. Between the map and the shapefiles, I believe I understood everything and it appears any areas where the pipeline is to cross USFWS easements had been reviewed and addressed in previous communications. Thanks again for the shapefile and for working with us.

Jacob

Jacob Krebsbach
NAWCA Technician
Crosby Wetland Management District
U.S. Fish & Wildlife Service
10100 Hwy 42 NW
Crosby, ND 58730
701-965-6488 x10

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Tuesday, March 17, 2020 11:14 AM
To: Krebsbach, Jacob B <jacob_krebsbach@fws.gov>
Subject: [EXTERNAL] RE: WBI Energy North Bakken Expansion Project Maps

Hi Jacob –

I hope all is well with you and your family during this strange time. Please let me know if you have any questions on the shapefiles that I sent out a few weeks ago.

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com | W www.erm.com

From: Andrea Thornton

Sent: Monday, March 2, 2020 7:25 AM

To: Krebsbach, Jacob B <jacob_krebsbach@fws.gov>

Cc: Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>

Subject: RE: WBI Energy North Bakken Expansion Project Maps

Hi Jacob-

WBI Energy filed their FERC Application on February 14, 2020. Attached are the current shapefiles for the North Bakken Expansion Project. WBI has worked to avoid or bore under all of the basins within wetland easements per our previous communications. If you have any questions or if there are any areas of concern please let us know!

Thanks,
Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com | W www.erm.com

From: Krebsbach, Jacob B <jacob_krebsbach@fws.gov>

Sent: Monday, March 2, 2020 7:20 AM

To: Andrea Thornton <Andrea.Thornton@erm.com>

Cc: Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>

Subject: Re: WBI Energy North Bakken Expansion Project Maps

Andrea,

We received a packet in the mail from WBI Energy regarding the North Bakken Expansion project and we were wondering if anything had changed since our last communication? Also would it be possible to receive a final shapefile for the project for our review? Thanks.

Jacob

Jacob Krebsbach

NAWCA Technician

Crosby Wetland Management District

U.S. Fish & Wildlife Service

10100 Hwy 42 NW

Crosby, ND 58730

701-965-6488 x10

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Monday, September 9, 2019 3:52 PM
To: Krebsbach, Jacob B <jacob_krebsbach@fws.gov>
Cc: Williams, Scott A <Scott_A_Williams@fws.gov>
Subject: [EXTERNAL] RE: WBI Energy North Bakken Expansion Project Maps

Hi Jacob and Scott –

We have a couple of questions regarding some of the basins identified on the easements attached maps. Our civil and environmental survey crews did not notice any wetland basins in these areas during surveys this summer, and aerial photography that we have in our GIS database is not showing the basins like they are depicted on the maps you sent. Do you have shapefiles of the extend of the basins (rather than just point data) so we can design workspaces appropriately to avoid these areas?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

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1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
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E andrea.thornton@erm.com | **W** www.erm.com



From: Krebsbach, Jacob <jacob_krebsbach@fws.gov>
Sent: Thursday, August 15, 2019 12:20 PM
To: Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Cc: Justin Moffett <Justin.Moffett@erm.com>; Andrea Thornton <Andrea.Thornton@erm.com>; Scott Williams <scott_a_williams@fws.gov>
Subject: WBI Energy North Bakken Expansion Project Maps

Leslie,

Scott asked if I could send you some avoidance maps for this pipeline project you're working on. You'll find them attached below. I think I got all of them. Let me know if you have any questions. Thanks.

Jacob

Jacob Krebsbach

NAWCA Technician
Crosby Wetland Management District
U.S. Fish & Wildlife Service
10100 Hwy 42 NW
Crosby, ND 58730
701-965-6488 x10

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Lisa DiNicolantonio

From: Becker, Drew N <Drew_Becker@fws.gov>
Sent: Wednesday, April 1, 2020 4:58 AM
To: Justin Moffett; Reinisch, Jerry D
Cc: Andrea Thornton; Tina Lyons; Leslie Rodman-Jaramillo
Subject: Re: [EXTERNAL] WBI Energy: North Bakken Expansion Project

Hi All,

I am available tomorrow at 9 AM, and it appears Jerry is available as well. He will confirm later this morning and send out a calendar invite.

I look forward to discussing.

Drew

Drew Becker

North Dakota Ecological Services Supervisor
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, North Dakota 58501
Office 701-355-8512
Cell 701-319-0127
drew_becker@fws.gov

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From: Justin Moffett <Justin.Moffett@erm.com>
Sent: Tuesday, March 31, 2020 7:21 PM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>; Becker, Drew N <Drew_Becker@fws.gov>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>; Tina Lyons <Tina.Lyons@erm.com>; Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Subject: [EXTERNAL] WBI Energy: North Bakken Expansion Project

Hi Drew and Jerry,

Any chance you are available tomorrow or possibly later this week for a short call to discuss Dawn Ramsey's (FERC) phone notes (attached) from her conversation with Jerry last week? Specifically I'd like to discuss the 250-foot buffer around DASK habitat mentioned in item #2 of the notes. To the best of my knowledge this is a new requirement that has never been discussed in the context of this project so I'd like to confirm Dawn's notes are correct.

I'm available tomorrow from 9-10am, 11am-12pm, and 4-5pm CST. Thursday and Friday are fairly open too. Let me know a time that works for you.

Thanks.

Justin T. Moffett, PWS
Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

O 971-279-6922 **M** 971-645-9941

E Justin.Moffett@erm.com | **W** www.erm.com



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Lisa DiNicolantonio

From: Justin Moffett
Sent: Wednesday, April 8, 2020 2:52 PM
To: Becker, Drew N; Andrea Thornton; Dawn Ramsey; Reinisch, Jerry D; Linn, Jill
Subject: RE: buffer wbi
Attachments: 200402_FWS Phone Notes_DASK Buffer_Rev.docx

Drew,

Thank you for your feedback on the meeting notes. Please see the attached revisions which I believe more accurately reflect our discussion and the FWS's position on the buffer recommendations. With regard to your third bullet below, I would like to clarify that WBI did not conduct presence/absence survey on the 2018 Demicks Lake project, rather they assumed reproductive habitat was occupied. Please let me know if you have any further questions.

Thanks.

Justin T. Moffett, PWS

Principal Consultant

Environmental Resources Management (ERM)

📞 971-279-6922 📠 971-645-9941

✉ Justin.Moffett@erm.com | 🌐 www.erm.com

[Read ERM's response to the COVID-19 pandemic](#)

From: Becker, Drew N <Drew_Becker@fws.gov>
Sent: Wednesday, April 8, 2020 7:25 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Dawn Ramsey <Dawn.Ramsey@ferc.gov>; Justin Moffett <Justin.Moffett@erm.com>; Reinisch, Jerry D <jerry_reinisch@fws.gov>; Linn, Jill <Jill.Linn@wbienergy.com>
Subject: Re: [EXTERNAL] RE: buffer wbi

Hi All,

Thank you for the e-mail Andrea and drafting the call notes. I was incorrect in stating the survey protocol recommended a 250 foot construction buffer, apologize for the confusion. However the intent behind providing a buffer remains. A few comments below on the notes for the groups consideration.

- Purpose of the call was to discuss items USFWS recommended after reviewing the BA sent to FERC.
- Buffers are recommended if your intent is to avoid impacts and avoid a take permit. Please remove required.
- Remove reference to the lack of buffers in a previous project as we understood that project completed occupancy surveys so the comparison is not applicable. In this case it is my understanding that WBI has chosen to presume presence of the species at all locations containing suitable habitat.
- Add a bullet stating: Call participants all recognized the plan for this project is to avoid take of Dakota Skippers, and as such understand the need to provide a buffer between construction activities and the listed entity/its habitat. All agreed that it would be inappropriate to suggest

an action that provided no buffer would have no impact to a listed species.. Justin indicated this was never the plan and a buffer would be incorporated in the spirit of keeping the project at a not likely to adversely affect, however 250 ft. may not always be possible.

We feel the notes fail to capture the mutual understanding behind the intent of the buffer. If you all did not walk away understanding the need for a buffer or if a buffer is not practicable to implement, then we should have another call and discuss. Our office will be happy to explore other options with you if avoiding take of the species is not possible for this project.

Drew

Drew Becker

North Dakota Ecological Services Supervisor
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, North Dakota 58501
Office 701-355-8512
Cell 701-319-0127
drew_becker@fws.gov

Our Mission is to work with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people.

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Tuesday, April 7, 2020 2:34 PM
To: Dawn Ramsey <Dawn.Ramsey@ferc.gov>; Becker, Drew N <Drew_Becker@fws.gov>; Justin Moffett <Justin.Moffett@erm.com>; Reinisch, Jerry D <jerry_reinisch@fws.gov>
Cc: Linn, Jill <Jill.Linn@wbienergy.com>
Subject: [EXTERNAL] RE: buffer wbi

Hi Dawn –

Attached is a summary of our call from last week. Drew and Jerry, please take a look and let us know if there are any edits that you would like made prior to Dawn posting these on the docket.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Sent: Tuesday, April 7, 2020 9:37 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Becker, Drew N <Drew_Becker@fws.gov>; Justin Moffett <Justin.Moffett@erm.com>; Reinisch, Jerry D <jerry_reinisch@fws.gov>
Subject: RE: buffer wbi

Thanks Andrea.

Dawn Ramsey
Federal Energy Regulatory Commission
Dawn.Ramsey@ferc.gov
202-502-6856

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Tuesday, April 07, 2020 12:22 PM
To: Dawn Ramsey <Dawn.Ramsey@ferc.gov>; Becker, Drew N <Drew_Becker@fws.gov>; Justin Moffett <Justin.Moffett@erm.com>; Reinisch, Jerry D <jerry_reinisch@fws.gov>
Subject: RE: buffer wbi

Hi Dawn –

We are drafting a summary of the call and will get this to you as soon as we can.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Sent: Tuesday, April 7, 2020 8:39 AM
To: Becker, Drew N <Drew_Becker@fws.gov>; Justin Moffett <Justin.Moffett@erm.com>; Reinisch, Jerry D <jerry_reinisch@fws.gov>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: buffer wbi

Hi all,

Just a reminder, I need a summary of the conference call to post to the docket. I'm not sure who was putting that together, but if I could get that as soon as possible that would be great.

Thanks,
Dawn

Dawn Ramsey

Federal Energy Regulatory Commission

Dawn.Ramsey@ferc.gov

202-502-6856

-----Original Appointment-----

From: Becker, Drew N <[Drew Becker@fws.gov](mailto:Drew_Becker@fws.gov)>

Sent: Wednesday, April 01, 2020 9:44 AM

To: Becker, Drew N; Justin Moffett; Reinisch, Jerry D; Dawn Ramsey

Subject: buffer wbi

When: Thursday, April 02, 2020 9:00 AM-9:30 AM (UTC-06:00) Central Time (US & Canada).

Where: 877-414-2709 code= 8870881

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Lisa DiNicolantonio

From: Andrea Thornton
Sent: Tuesday, April 28, 2020 12:11 PM
To: Reinisch, Jerry D; Becker, Drew N
Cc: Dawn Ramsey; Justin Moffett; Linn, Jill; Huncovsky, Greg
Subject: RE: Dakota Skipper Reproductive Habitat Review

Hi Jerry and Drew –

I wanted to check in to see if you had a chance to review the information that we had sent on the 17th. We would like to get a call set up to discuss the current buffers and any recommendations that you may have.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Andrea Thornton
Sent: Friday, April 17, 2020 2:15 PM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>; Becker, Drew N <Drew_Becker@fws.gov>
Cc: Dawn Ramsey <Dawn.Ramsey@ferc.gov>; Justin Moffett <Justin.Moffett@erm.com>; Linn, Jill <Jill.Linn@wbienenergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>
Subject: Dakota Skipper Reproductive Habitat Review

Good Afternoon Everyone –

As a follow-up to our call on April 3rd we have completed a review of the reproductive habitat along the current route for the North Bakken Expansion Project. The attached memo provides a description of each habitat area identified and the current buffers and additional proposed mitigation measures for each habitat area. We have also included a map set to accompany the table.

Once you have had time to review this information we would like to get another call scheduled to continue our discussion and address and questions or concerns you may have.

Thanks and I hope everyone has a good weekend.

-Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com | **W** www.erm.com

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Jerry Reinisch
Phone number	(701) 425-2133
Company	U.S. Fish and Wildlife Service (USFWS)
ERM Contact	Andrea Thornton
Phone number	(503) 459-6864
Date	04/29/2020
Time of Conversation	8:50 am PST
Reference	North Bakken Expansion Project – Dakota Skipper
Signature	

LOG OF CONVERSATION

Ms. Thornton returned a missed phone call from Jerry Reinisch to discuss the USFWS comments on the memo sent to the USFWS on April 17, 2020.

Mr. Reinisch commented that no additional buffer increases are needed from those depicted on the memo maps. Mr. Reinisch noted that he will want to see reduced traffic speeds and dust control measures during the Dakota Skipper flight period included in the final Biological Assessment for the project. Ms. Thornton noted that they will make sure that these measures are included in the document.

Mr. Reinisch had questions specific to map pages 1, 2, 4, 6, and 12 of the attached map set. In these areas the workspaces are shown going through reproductive habitat and Mr. Reinisch wanted to make sure that construction personnel would not be driving/walking through the habitat. Below is a summary of each page discussed:

- Page 1 – this habitat polygon is within the horizontal directional drill of Lake Sakakawea and no ground disturbing construction would occur in this area. Additionally, no construction access is needed in this area.
- Page 2 – this habitat polygon is on U.S. Forest Service land and will be confirmed with U.S. Forest Service botanists in the upcoming 2020 field season. If the reproductive habitat is present, it will be routed around and/or bored to not have direct impacts on the habitat.

- Pages 4, 6, 12 – these habitat polygons are being bored and construction vehicles will not be driving across the bore area. Access roads on either side of the bore would be used for construction access.

Lisa DiNicolantonio

From: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Sent: Thursday, April 30, 2020 10:36 AM
To: Andrea Thornton
Cc: Becker, Drew N
Subject: RE: [EXTERNAL] Draft Phone Log

Andrea

Thank you for sharing the phone log from our recent conversation. I have no questions/edits to the document provided.

Jerry

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Thursday, April 30, 2020 11:48 AM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Cc: Justin Moffett <Justin.Moffett@erm.com>
Subject: [EXTERNAL] Draft Phone Log

Hi Jerry –

Attached is a draft phone log from our conversation yesterday. Please let me know if you have any questions/edits you would like made. I will be including a copy of the memo/maps with the phone log.

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
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M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

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Call Log

Log of Telephone Conversation

Call To/From Whom	To: Jerry Reinisch
Phone number	(701) 425-2133
Company	U.S. Fish and Wildlife Service (USFWS)
ERM Contact	Andrea Thornton
Phone number	(503) 459-6864
Date	04/29/2020
Time of Conversation	8:50 am PST
Reference	North Bakken Expansion Project – Dakota Skipper
Signature	

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- Page 2 – this habitat polygon is on U.S. Forest Service land and will be confirmed with U.S. Forest Service botanists in the upcoming 2020 field season. If the reproductive habitat is present, it will be routed around and/or bored to not have direct impacts on the habitat.

- Pages 4, 6, 12 – these habitat polygons are being bored and construction vehicles will not be driving across the bore area. Access roads on either side of the bore would be used for construction access.

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Jerry Reinisch
Phone number	(701) 425-2133
Company	U.S. Fish and Wildlife Service (USFWS)
ERM Contact	Justin Moffett
Phone number	(971) 645-9941
Date	05/06/2020
Time of Conversation	9:00 am PST
Reference	North Bakken Expansion Project – Piping plover and interior least tern surveys for geotechnical drilling

Signature

LOG OF CONVERSATION

Mr. Moffett summarized the plover and tern survey effort to date. ERM's biologist finished seven days of survey on the south shoreline this morning. No piping plovers or interior least terns were observed. The biologist noted daily human activity along the shoreline, mostly of people walking, but some off-road vehicle use as well.

Mr. Moffett informed Mr. Reinisch that drilling at WB-4, the first of two drill sites located within ½ mile of the south shoreline, would begin tomorrow (Thursday May 7) and that drilling should last an estimated 2 to 2.5 days. The drilling contractor noted that high winds are forecast to come in from the north on Saturday May 9. The drilling contractor anticipates these winds may cause waves too large to safely drill the second southern drill site (WB-5) which is also located within ½ mile of the south shoreline. So rather than beginning WB-5 on Saturday, the contractor proposes moving to drill site WB-8 which is further north and may have smaller waves. Once drilling at WB-8 is complete (likely Monday May 11), the contractor would then complete drilling at site WB-5. Mr. Moffett noted that this drilling sequence could result in a 2-2.5 day gap in construction activity along the south shoreline, and asked whether additional plover and tern surveys would be required prior to drilling WB-5. Mr. Reinisch said no additional surveys would be required given the negative survey results on the south shoreline to date and level of human activity. Mr. Reinisch asked that we keep apprised of our survey results and any other changes in proposed drilling activities.

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Jerry Reinisch
Phone number	(701) 425-2133
Company	U.S. Fish and Wildlife Service (FWS)
ERM Contact	Justin Moffett
Phone number	(971) 645-9941
Date	06/01/2020
Time of Conversation	11:15 am PST
Reference	North Bakken Expansion Project – Dakota Skipper
Signature	

LOG OF CONVERSATION

Mr. Moffett called Jerry Reinisch to follow-up on a conversation they had in January regarding the counties in which WBI had conducted Dakota skipper (DASK) habitat surveys in 2019; counties included McKenzie, Mountrail, and Burke. Mr. Reinisch stated he “highly recommends” WBI conduct also habitat surveys in Williams County even though the species is not presently known to occur there. His rationale for this recommendation is that the species is known to occur in the surrounding counties (McKenzie, Burke, Mountrail) and its range appears to be broader than previously thought based on results of recent annual presence/absence surveys. In Mr. Reinisch’s opinion, Williams County contains similar habitats as the counties where the DASK has been observed, and therefore suitable habitat and the species could be present within undeveloped portions of the North Bakken project area. He stated the fact that the FWS IPaC database does not include Williams County in the DASK area of influence is likely due to the fact that no one has looked for the species sufficiently in the county, as opposed to it not being present.

Mr. Reinisch concluded our conversation by stating that the FWS cannot require WBI to conduct habitat surveys in Williams County. But he noted that if DASK were to be observed in the project area during construction then FWS would be required to shutdown construction while they reconsult with FERC to determine if impacts to the species are consistent with what was evaluated in their Section 7 Endangered Species Act consultation.

NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – U.S. Forest Service
(USFS)**

Ashley Bromberg

From: Andrea Thornton
Sent: Monday, February 17, 2020 10:42 AM
To: Bickerdyke, Cale E -FS
Cc: Dahl, Jack D -FS; Justin Moffett
Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal
Attachments: NBak_WEST_DPG_NRIS_PlantFieldDataSheet20190529Protected_062019.xlsx;
NBE_Bio_Survey_Coverage_20200217.zip

Hi Cale –

Attached are two shapefiles showing the survey coverage by WEST and ERM on USFS land. Also attached is the completed excel file of the DPG Plant Survey Field Form. As you will see in the shapefiles, a reroute occurred on USFS land after WEST completed their surveys. This area will need to be surveyed in the spring this year.

Let me know if you have any questions.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>
Sent: Friday, February 14, 2020 11:04 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Dahl, Jack D -FS <jack.dahl@usda.gov>
Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Andrea,

We will be using a new Botanist for the project. His name is Jack Dahl and I have Cc'ed him in the email. He stated we will need the GIS shapefiles of the surveyed area. That wasn't on the sharepoint. They also need to provide me the excel file of our DPG Plant Survey Field Form. I need both for our Botany GIS database and for inputting our info into NRIS.

Cale



Cale Bickerdyke
Minerals and Lands Supervisor
Forest Service
Dakota Prairie Grassland, McKenzie Ranger District

p: 701-842-8502

f: 701-842-8544

cale.bickerdyke@usda.gov

1905 South Main Street
Watford City, ND 58854

www.fs.fed.us



Caring for the land and serving people

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]

Sent: Friday, February 14, 2020 10:21 AM

To: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Grotte, Kim -FS <kim.grotte@usda.gov>

Cc: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>; Justin Moffett <Justin.Moffett@erm.com>; Linn, Jill <Jill.Linn@wbienenergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; Linn, Dave <Dave.Linn@WBIEnergy.com>

Subject: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Hi Cale and Kim –

Attached is our transmittal letter for submitting the Biological Evaluation for the North Bakken Expansion Project. Due to the size of the file we have created a One Drive folder for you to access the document. Please note that the link to this page will only work for one week so please pull the document onto your computer and server for storage. Please also note that the document is being submitted as CUI/PRIV and should not be shared with the public.

https://theermgroup-my.sharepoint.com/:f:/g/personal/andrea_thornton_erm_com/Ei6mX8fbckZGjVN29hg0rfkBtPz4P-rNvNezYG6L-HERTg?e=3wH4Ad

Please let me know if you have any questions or issues accessing the file.

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

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Ashley Bromberg

From: Dahl, Jack D -FS <jack.dahl@usda.gov>
Sent: Tuesday, February 18, 2020 3:26 PM
To: Andrea Thornton; Bickerdyke, Cale E -FS
Cc: Justin Moffett
Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Andrea,
Thanks for the quick response and I have what I need to complete the concurrences for what was surveyed in 2019.

Take Care
Jack



Jack D. Dahl
Botanist
Forest Service
Medora Ranger District

p: 701-227-7832
jack.dahl@usda.gov

99 23rd Ave W. Suite B
Dickinson, ND 58601
www.fs.fed.us



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From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Tuesday, February 18, 2020 4:20 PM
To: Dahl, Jack D -FS <jack.dahl@usda.gov>; Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>
Cc: Justin Moffett <Justin.Moffett@erm.com>
Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Hi Jack –

Attached is the shapefile of the Hooker's Townsendia occurrence observed during field surveys. We had sent this information to Laurie and Sarah back in June, my apologies that it did not make it to you as well.

Let me know if there is anything else that you need from us.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com | W www.erm.com

From: Dahl, Jack D -FS <jack.dahl@usda.gov>

Sent: Tuesday, February 18, 2020 2:08 PM

To: Andrea Thornton <Andrea.Thornton@erm.com>; Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>

Cc: Justin Moffett <Justin.Moffett@erm.com>

Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Andrea,

I'm working on the concurrence letter for the WBI Energy North Bakken Expansion. I ran into a little issue on the determination call for Hooker's Townsendia (*Townsendia hookeri*). The call made was May impact. It took me a little bit of time to figure out why this call was made. It isn't clear in the BE that the meta-population will not be affected by the proposed construction of the pipeline, since that portion of the pipeline will be bored. Again this isn't clear in the write up but based on Appendix A, page 2 of 3, it looks like the meta-population will be south of the ATW and that portion will be bored. I will fix and state that in my concurrence letter and I will also make a statement about Appendix B, Table 1, that Missouri foxtail cactus (*Escobaria missouriensis*) was removed from the R1 Forest Service Sensitive plant list in May of 2019 and was not included in the analysis.

Thank you for sending me the shapefiles of the surveyed area. I will also need the polygon for the Hooker's townsendia occurrence that was discovered June 20, 2019 . That was not included in the GIS shapefile zip file. We need that info for our database. Our database also shows that there is an existing meta-population of this species, that was discovered in 2012, within yards of the one found. I'm think the one found during the survey is the same meta-population. The information provided, if it's the same meta-population, will be considered a revisit and we will have information on the viability of that occurrence.

If you have any question just let me know. Once I get the shapefile of the townsendia occurrence it won't take me long to have a concurrence for what has been surveyed so far. I will do a supplemental concurrence for the portion that will be surveyed this summer.

Take Care

Jack



Jack D. Dahl

Botanist

Forest Service

Medora Ranger District

p: 701-227-7832

jack.dahl@usda.gov

99 23rd Ave W. Suite B

Dickinson, ND 58601

www.fs.fed.us



Caring for the land and serving people

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Monday, February 17, 2020 11:42 AM
To: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>
Cc: Dahl, Jack D -FS <jack.dahl@usda.gov>; Justin Moffett <Justin.Moffett@erm.com>
Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Hi Cale –

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Let me know if you have any questions.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

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E andrea.thornton@erm.com | **W** www.erm.com

From: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>
Sent: Friday, February 14, 2020 11:04 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Dahl, Jack D -FS <jack.dahl@usda.gov>
Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Andrea,

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Cale



Cale Bickerdyke
Minerals and Lands Supervisor
Forest Service
Dakota Prairie Grassland, McKenzie Ranger District

p: 701-842-8502
f: 701-842-8544
cale.bickerdyke@usda.gov

1905 South Main Street
Watford City, ND 58854
www.fs.fed.us



Caring for the land and serving people

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Friday, February 14, 2020 10:21 AM
To: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Grotte, Kim -FS <kim.grotte@usda.gov>
Cc: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>; Justin Moffett <Justin.Moffett@erm.com>; Linn, Jill <Jill.Linn@wbienergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; Linn, Dave <Dave.Linn@WBIEnergy.com>
Subject: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Hi Cale and Kim –

Attached is our transmittal letter for submitting the Biological Evaluation for the North Bakken Expansion Project. Due to the size of the file we have created a One Drive folder for you to access the document. Please note that the link to this page will only work for one week so please pull the document onto your computer and server for storage. Please also note that the document is being submitted as CUI/PRIV and should not be shared with the public.

https://theermgroup-my.sharepoint.com/:f:/g/personal/andrea_thornton_erm_com/Ei6mX8fbckZGjVN29hg0rfkBtPz4PrNvNezYG6L-HERTg?e=3wH4Ad

Please let me know if you have any questions or issues accessing the file.

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

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Ashley Bromberg

From: Andrea Thornton
Sent: Tuesday, February 18, 2020 10:07 AM
To: Bickerdyke, Cale E -FS
Subject: Coal Seam Fires

Hi Cale –

We received a comment from FERC asking if there are any known active coal seam fires within 0.25 mile of the project facilities. We have contacted the North Dakota Public Services Commission who indicated that the last coal seam fire that they were involved with was in 2012. He suggested reaching out to Oscar Knudston at the National Grasslands who may know more about coal seam fires in the area. Before reaching out to Oscar I wanted to see if you have any information on coal seam fires in the portion of the grasslands crossed and/or near the Project.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

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M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

Ashley Bromberg

From: Shannon Crosley <Shannon.Crosley@ferc.gov>
Sent: Monday, March 2, 2020 12:23 PM
To: Andrea Thornton; Riely, Debbie - FS
Cc: Dawn Ramsey
Subject: Re: CP20-52 North Bakken Expansion Project Schedule and Milestones

Hi Debbie,

Dawn was requesting any comments/questions you may have on the application and supplemental filing by 3/13, not the EA. We want to make sure we have everything we need to prepare a complete EA to satisfy everyone's needs so please let us know if you have any data gaps, questions, comments or concerns. I'm not sure what resource report concurrences are? Would you like to schedule a time to discuss?

Thank you,
Shannon Crosley
202-502-8853

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Monday, March 2, 2020 2:32:38 PM
To: Riely, Debbie - FS <debbie.riely@usda.gov>
Cc: Dawn Ramsey <Dawn.Ramsey@ferc.gov>; Shannon Crosley <Shannon.Crosley@ferc.gov>
Subject: RE: CP20-52 North Bakken Expansion Project Schedule and Milestones

Hi Debbie –

I've Cc'd Dawn Ramsey and Shannon Crosley at FERC on this email as they should have answers to these questions for you. It looks like they are asking for comments on WBI Energy's comment responses (filed on Thursday February 27th) by March 13th. I do not know when they have asked for comments back on the final Resource Reports.

The final draft of the applicant prepared EA has not been filed yet. WBI Energy is planning to file this by Friday March 6th. FERC should be able to weigh in on the timeframe that they are looking for comments back on for the EA itself.

-Andrea

Andrea Thornton
Principal Consultant

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1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Riely, Debbie - FS <debbie.riely@usda.gov>
Sent: Monday, March 2, 2020 11:23 AM

To: Andrea Thornton <Andrea.Thornton@erm.com>

Subject: FW: CP20-52 North Bakken Expansion Project Schedule and Milestones

Hi Andrea,

I wanted to reach out to you regarding the timeline for this project. I see in the email below comments on the EA are due by March 13.

- Will we have a second opportunity to review and make edits to the EA after this deadline?
- Are resource report concurrences from the USFS also due by March 13th?

Thank you, Debbie



Debbie Riely
NEPA Planner
Forest Service
Dakota Prairie Grasslands, McKenzie Ranger District

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f: 701-842-8544

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Watford City, ND 58854

www.fs.fed.us



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EXEMPT FROM RELEASE UNDER FOIA: EXEMPTION #5...DELIBERATIVE PROCESS

From: Dawn Ramsey [<mailto:Dawn.Ramsey@ferc.gov>]

Sent: Tuesday, February 25, 2020 2:53 PM

To: Thury, Jeremy J CIV USARMY CENWO (USA <Jeremy.J.Thury@usace.army.mil>); Wallace, Arthur L Jr CIV USARMY CENWO (US <A.Luke.Wallace@usace.army.mil>); Atwell, Patrick C CIV USARMY CENWO (USA <Patrick.C.Atwell@usace.army.mil>); Renschler, Jason J CIV USARMY CENWO (USA <Jason.J.Renschler@usace.army.mil>); jerry_reinisch@fws.gov; Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Grotte, Kim -FS <kim.grotte@usda.gov>; Jackson, Seth <sajackson@blm.gov>; Wax, Peter N. <pwax@nd.gov>; Rogers, Richard R II CIV USARMY CENWO (US) <Richard.R.Rogers@usace.army.mil>; Riely, Debbie - FS <debbie.riely@usda.gov>; Nelson, Reece E CIV USARMY CENWO (USA) <Reece.E.Nelson@usace.army.mil>

Cc: Shannon Crosley <Shannon.Crosley@ferc.gov>

Subject: CP20-52 North Bakken Expansion Project Schedule and Milestones

Good afternoon everyone,

Attached is the North Bakken Expansion Project schedule. I believe this schedule affords plenty of time to complete the EA. If you have any questions, feel free to contact either me or Shannon Crosley. A reminder that I will be out of the office until March 16.

WBI is submitting their supplemental filing by Friday, February 28. I need any comments or questions you may have on the supplemental filing and any additional information we need for the EA by **Friday, March 13, 2020**. The supplemental filing will be posted to the docket.

Thanks,
Dawn

Dawn Ramsey

Environmental Project Manager/Cultural Resources Specialist
Office of Energy Projects, Division of Gas-Environment and Engineering
Federal Energy Regulatory Commission
888 First Street, NE, PJ-11.1
Washington, DC 20426
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Ashley Bromberg

From: Mark Cline
Sent: Friday, March 6, 2020 9:35 AM
To: Andrea Thornton
Cc: Lisa DiNicolantonio
Subject: FW: Fire Stips
Attachments: Exhibit B Pipeline.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Green Category

FYI - I'll put a copy in the Agency Corr folder too.

Mark Cline, PWS

Biologist

ERM

M +1 412.402.8101

E mark.cline@erm.com | W www.erm.com



From: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>
Sent: Friday, March 6, 2020 12:26 PM
To: Mark Cline <Mark.Cline@erm.com>
Subject: Fire Stips

Mark,

This is the basic pipeline exhibits attached to our permits. Number 14 is the fire stips. The other stuff may also be helpful.

Cale



Cale Bickerdyke
Minerals and Lands Supervisor
Forest Service
Dakota Prairie Grassland, McKenzie Ranger District
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EXHIBIT B (2)
Construction, Maintenance, & Reclamation Stipulations
For
Special Use (SU) Commercial & Noncommercial Pipelines
Including Related Facilities

These stipulations are included as a basis for control of construction, reclamation, operation, and maintenance of the pipeline right-of-way and related facilities. These controls are within the constraints of the 2001 Northern Great Plains Final Environmental Impact Statement and the Dakota Prairie Grasslands Land and Resource Management Plan and associated Record of Decision signed July 31, 2002.

Definitions Applicable To This Permit

Holder: is defined as the Permittee (permit holder), and their representatives, employees, workers, contractors, and subcontractors.

Right-of-way: Land authorized to be used or occupied for the construction, operation, maintenance, and termination of a project or facility passing, over, upon, under, or through such land.

01. Operations

A. Area of Operations: The Area of Operations is the permitted right-of-way (ROW), which is **fifty (50) feet wide**. However utility construction shall remain within the previously disturbed areas of the roads on National Forest System lands.

B. Subleasing, Requirements: The holder, in the exercise of the privileges granted by this permit, shall require that employees, sublessees, contractors, subcontractors, or renters and their employees comply with all applicable conditions of this permit and that the conditions of this permit be made a part of all subleases, contracts, subcontracts, or rental agreements. This clause shall not be construed as authorizing such subleases, contracts, subcontracts, or rental agreements unless specifically authorized elsewhere in the permit.

C. Subsistence, Local Residents. The holder shall use care not to damage any fish, wildlife, or biotic resources in the general area of the right-of-way upon which persons living in the area rely for subsistence purposes; and the holder will comply promptly with all requirements and orders of the authorized officer to protect the interests of such persons.

D. Pre-work Meeting(s): The pre-work meeting shall be held prior to any ground disturbing activities and after One Call is completed (Reference stipulation 02 A, below). Attendees will include, at minimum, the Holder or their authorized representative, the contractor, and the authorized Forest Service officer. The Holder is responsible for scheduling and holding this meeting in a timely manner sufficient for resolving any potential problems prior to actual disturbance. A minimum 48-hour advance notice is required. The Forest Service shall be notified in the event the established starting date is changed. The Forest Service will then determine if another pre-work conference is necessary.

Post Pre-work Delays: The Holder must notify the Forest Service forty-eight (48) hours prior to commencing operations or resuming operations following any temporary cessation, delay, or down time in which seven or more days has elapsed.

02. Facilities (Equipment & Accessories)

A. Existing Facilities & Improvements: The Holder shall protect, in place, all existing facilities and/or improvements; underground flow lines, pipelines, electric lines (overhead and underground), etc.; and

shall repair or replace any damage as a result of actions or operations from this permit. One Call is required prior to any project activities. When construction or maintenance of a line and/or related facilities occurs within an existing right-of-way, it is the Holder's responsibility to notify the other Holder of any easement, project work agreement, special use permit or encroachment permit on the affected portion of the line.

B. Excessive Facilities or Materials: Facilities and/or materials not approved in the permit and located within the permitted area are excessive facilities and/or materials and shall be promptly removed.

C. Condition & Maintenance: All facilities and associated accessories shall be functional and maintained to prevent resource damage or shall be promptly removed.

03. Vehicle Travel: The Holder has the right of ingress to and egress from the permit area along existing roads and trails.

04. Pesticide(s): Pesticide to control insects and rodents will not be used without the prior written approval of the District Ranger.

05. Pipelines:

A. Construction: The starting and ending points, the center line location, and all designed sections will be construction staked prior to the pre-work field meeting to ensure compliance with the survey and design. Construction right-of-way width shall not exceed (50) fifty feet

All lines shall be installed ten (10) feet from existing lines unless otherwise authorized by the Forest Service due to topographic or spacing constraints, and will be buried at a minimum depth of four (4) feet below the surface.

Non-ferrous pipe that is not encased must have an electrically conductive wire or other means of locating the pipe while it is underground.

Use Horizontal Directional Drilling (HDD) rather than open trench construction when crossing wetlands. HDD is a low-impact water body crossing technique that minimizes potential impacts to the resources and downstream water quality. The Army Corps of Engineers and the North Dakota Department of Health require that HDD is used to install pipelines in federally protected wetlands encountered within the right-of-way of the proposed project and that HDD equipment and materials should be staged and operating from a point that will maintain an adequate buffer from the wetland. Locate construction to avoid placement of fill in wetlands along the route. Replace unavoidable loss of wetland habitat by restoring an equal acreage of functionally restoring equivalent wetland habitat.

Topsoil shall not be stripped from the general construction ROW. Topsoil shall be stripped from areas requiring excavation for a level working surface, such as side slopes and creek crossings. All excavated topsoil shall be protected to reduce potential mixing with subsoil material. Excavated topsoil infested with noxious weeds or exotic species shall be stored separately from other topsoil and periodically treated with herbicides if sprouting of either is detected. Stockpiled topsoil will be replaced and evenly spread over exposed subsoil to the extent practicable.

Obtain borrow materials from certified weed free sites. Borrow materials must come from pits or sites that have been inspected and certified as weed free sites by the McKenzie County Weed Board, and approved by the Forest Service prior to use.

All vehicles and equipment used in this project will be cleaned with a high pressure hose prior to entering the NFS lands to prevent the spread of noxious weeds. Likewise, all equipment must be cleaned prior to leaving the project site if operating within infested areas. Remove all mud, dirt, and plant parts from all equipment before moving into the project area. This does not apply to service vehicles that will stay on the roadway, traveling frequently in and out of the project area.

The ROW disturbed during construction will be restored to near preconstruction conditions immediately following the construction. Reseed disturbed upland areas with the approved Forest Service seed mix immediately after construction to reduce erosion. Minimize vegetation disturbance to reduce impacts to suitable sensitive species habitat and native vegetation communities in general, and also to reduce spread of invasive species.

B. Erosion Control: The Holder shall prevent and control soil erosion and landslides by taking prompt action to stabilize and establish vegetation on eroded or washed areas.

The checked (✓ or X) reference sections are the erosion, runoff, and sediment controls that will apply to this permit and shall be incorporated into all power line construction, operation, and maintenance as applicable and determined by the Forest Service.

Control #	OPERATIONAL AREAS				
	#1 Facility Construction	#2 Road Construction	#3 Pipeline/ Power line Construction	#4 Facility Reclamation	#5 Road/Line Reclamation
E1. Geotextiles	X	X	X	X	X
E2. Gradient Terraces	X				
E3. Mulching		X	X	X	X
E4. Riprap	X	X		X	X
E5. Seeding	X	X	X	X	X
E6. Soil Roughening			X	X	X
E7. Chemical Stabilization					
E8. Dust Control					
R1. Check Dams	X	X		X	
R2. Fiber Rolls	X	X	X	X	X
R3. Grass Lined Channels		X		X	
R4. Permanent Slope Diversions & Waterbars			X	X	X
R5. Temporary Diversion Dikes	X				
S1. Brush Bales			X	X	X
S2. Compost Filter Socks		X	X	X	X
S3. Sediment Traps	X			X	X
S4. Silt Fences	X	X	X	X	X
S5. Straw Bales				X	

During construction, when areas of the line need to be leveled for equipment and safety, the cut and fill ratios will be as follows:

Slopes	Fill	Cut
3:1	< 4 feet (1.3 meters)	< 10 feet (3 meters)
2:1	> 4 feet (1.3 meters)	10-20 feet (3-6 meters)
< 2:1	Forest Service Approval	Forest Service Approval

Abnormal situations, such as exceptionally difficult terrain, will take special considerations to be approved in writing by the District Ranger.

Contouring: All earth cut or fill slopes favorable to vegetation or other areas on which ground cover is destroyed in the course of construction, reconstruction, or heavy maintenance will be reclaimed and revegetated. All slopes and contours will be shaped and smoothed near the original contour. Care will be taken to eliminate all potential concentrations of water on the disturbed area.

Water Bars: After contouring, water bars will be constructed at approximately the following intervals:

% Slope	Water Bar Intervals - Feet
0-2	200
2-4	100
4-5	75
+5	50

- When utility lines are laid vertically down a slope, adjacent water bars should spill water to the opposite sides of the disturbed area to avoid concentration of water.
- All water bars should extend at least 5 feet beyond the disturbed area.
- Water bars should not be constructed in locations that will cause water to drain on fill slopes.

C. Valves & Risers: Installation, replacement, and/or removal of valves and risers shall be approved in writing by the Forest Service prior to ground disturbance. All entry points on any culvert riser or wood structure, which allow human access to a buried line or valve(s), shall be kept closed.

D. Line Markers: Markers shall be installed over each line where it is necessary to indicate the presence of a line at a road, highway, railroad, fenceline, property boundary, and stream crossings, along the remainder of the line at locations where there is a probability of damage or interference, and in sufficient numbers along the remainder of the buried line so that the line location and direction is adequately known. Markers shall be maintained so that they can be easily read and are not obscured.

Markers shall include the following information in letters a minimum of one (1) inch high and one quarter inch wide: 1) the word "Warning", "Caution", or "Danger"; and 2) "Name of product transported Pipeline"; 3) Name of the Operating Company; and 4) Emergency phone number including area code where the operating company can be reached.

E. Weather: All construction activities are subject to immediate suspension during periods of wet weather. The normal wet season in this area is from March 1 to June 1. No construction will be allowed between these dates without the Forest Service's approval.

During below-freezing weather, when the topsoil and subsoil are frozen solid, all construction activities will be suspended immediately unless approval to proceed has been granted by the District Ranger. If winter construction is approved, additional stipulations will be in effect which will be provided to the company by the Forest Service. Snow and/or ice will not be incorporated into the trench.

F. Cattle: A minimum of two (2) pass-throughs for every mile of open trench to allow cattle access to either side of the line will be provided during construction.

G. Completion & Final Inspection: The holder will contact the Forest Service when the construction activity is completed. The Forest Service will then make a final inspection and document its acceptance or will identify the specific items, which do not meet acceptable standards.

H. Maintenance: The Holder is responsible for maintaining all lines so as to prevent and/or repair settling, washouts, erosion, and loss of vegetative cover. The borrowing of fill or replacement materials from National Forest System lands is not allowed.

I. Abandonment: Prior to abandonment of any pipeline or related facility, the Holder shall notify the Forest Service of the need for abandonment and shall provide an Abandonment Plan, which specifies how the Holder intends to flush and/or purge the line of all products, intends to cap or seal the line, plans for removal of all surface facilities, and plans for reclamation of all disturbed areas. The Holder shall be responsible for any environmental review required for the abandonment of any pipeline(s) and/or facilities and the payment of any costs of such environmental review. The Abandonment Plan shall be

approved by the Forest Service prior to any abandonment work. Upon Forest Service acceptance of abandonment work and associated site reclamation, the Forest Service may remove abandoned-in-place pipe or related facilities right-of-way area from special use authorizations. However, Forest Service consent to the abandonment of pipeline and/or facilities in place shall not relieve the Holder of the obligation and/or costs to remove or to alter such pipeline and/or facilities in the future in the event that the Forest Service determines removal or alteration is necessary for the health and safety of the public or protection of National Forest System resources, in which case the Holder shall perform such work at no cost to the Forest Service. This provision shall survive the expiration, revocation or termination of this permit.

06. Plats: As Built

As-built survey plats will be submitted to the Forest Service upon completion of all power lines prior to the work being accepted. The holder shall submit to the Authorized Officer, within 180 days of placing into service, a geographic information system layer using North American Datum 83 Geographic Coordinate System (GCS) and in an Environmental Systems Research Institute (ESRI) Shape File format showing the location of the line centerline.

As-built survey plats will be submitted to the U.S. Forest Service upon completion of all power lines, and will be prepared as follows:

- **Use D.1 Special Use: for all Special Use As-Built Plat Requirements**
- **Use D.2 Sundry: for all Sundry Notice As-Built Plat Requirements.**

Note: If the project is located both on-lease and off-lease, then the as-built plat will be completed as specified under D.1 Special Use As-Built Plat Requirements. No exceptions.

Note: SIZE OF PLAT: 8 ½" x 11". If larger size is necessary, holder will be responsible for providing full size and/or reduced copies. Multiple page plats are preferred over reduced sheets.

Minimum requirements for Linear R-O-Ws including road, pipeline, powerline and underground cable plats on National Forest System lands:

ITEM	D.1 Special Use	D.2 Sundry
Size of Plat 8½ X 11 Inches	Yes	Yes
Title Block		
Name of Project	Yes	Yes
Kind of Use	Yes	Yes
Size & Type of R-O-W (example 2" gas pipeline)	Yes	Yes
Material (steel, plastic with tracer wire, etc.)	Yes	Yes
Origin and Destination (for pipelines)	Yes	Yes
Depth of Line	Yes	Yes
Name of Applicant/Holder	Yes	Yes
Name of Preparer	Yes	Yes
Date	Yes	Yes
Bar Scale (1" = 2000' minimum)	Yes	Yes
Drawn by (name)	Yes	Yes
Signed, sealed, & dated by licensed engineer or surveyor in the State of ND	Yes	Yes
Approval Block: See Below	Yes	Yes
Vicinity Map: minimum ½"=1 mile (example Forest Map)	Yes	Yes
Plat Shall Show		
Basis of Bearing	Yes	
Legend explaining any symbol	Yes	Yes
Sections, Township, Range, Meridian, North Arrow	Yes	Yes
R-O-W centerline description & stations & stations at P.I.s (metes and bounds, etc.)	Yes	
Property boundaries & land ownership along the R-O-W (Private, State, Forest Service & other Federal Agencies)	Yes	Yes
Adjacent existing improvements within 50' of centerline. Parallel R-O-Ws need only be shown every ¼ mile (i.e. fences, pipelines, trails, roads, etc.).	Yes	Yes
R-O-W width and length	Yes	Yes
Length of line on Forest Service by Section	Yes	Yes
Total Acres on Forest Service by Section	Yes	Yes
Corner ties at ownership changes and at point of either or both the beginning and ending. Identify the corner monument being tied to (stone, brass cap, etc.)	Yes	
Road Locations		Yes

Note: APPROVAL BLOCK:

Reviewed by: _____

Date: _____

Approved by: _____

Date: _____

Forest Service

07. Safety: The Holder shall maintain structures, facilities, improvements, and equipment in a safe and neat manner and must take appropriate measures to protect the public from hazardous sites or conditions resulting from the operations.

The Holder shall take all measures necessary to protect the health and safety of all persons affected by its activities performed in connection with the construction, operation, maintenance, or termination of the right-of-way, and shall promptly abate as completely as possible any physical or mechanical procedure, activity, event, or condition, existing or occurring at any time: (1) that is susceptible to abatement by the holder, (2) which arises out of, or could adversely affect the construction, operation, maintenance, or termination of all or any part of the utility line, and (3) that causes or threatens to cause: (a) a hazard to the safety of workers or to public health or safety, or (b) serious and irreparable harm or damage to the environment (including but not limited to areas of vegetation or timber, fish or other wildlife populations, or their habitats, or any other natural resource). Holder shall immediately notify the authorized officer of all serious accidents, which occur in connection with such activities.

Activities associated with this permit shall not interrupt the free flow of traffic along any roads.

08. Seed Mixtures & Seeding

- ❖ **A. Mixtures:** Use of Pure Live Seed (PLS) for calculating seed mixtures.
 - Planting is based on approximately 50 seed per square foot and/or 12-16 pounds PLS per acre.
 - All of the seed mixtures in this guide give the rate of PLS for each species per acre. These rates were derived using three basic figures: percent of each species desired by composition, number of seeds per pound according to species, and total number of PLS per square foot.
 - The following equation should be used to calculate how much seed is needed to provide the required pounds of PLS needed.

$$\% \text{ Purity} \times \text{Germination Rate} \% = \% \text{ PLS}$$
$$\text{Pounds of PLS Desired divided by } \% \text{ PLS} = \text{Pounds of Seed Required}$$

An example of this is: 10 lbs. of PLS is required. The given seed lot for this species has a purity of 95% and a germination rate of 85%. How many pounds of seed will be necessary to have 10 PLS?

$$.95 \text{ (Purity)} \times .85 \text{ (germination rate)} = .81 \text{ (\% PLS)}$$
$$10 \text{ (required poundage) divided by } .81 \text{ (\% PLS)} = 12.3$$

12.3 pounds of seed will be necessary to provide 10 lbs PLS of seed.

- ❖ Cultivars listed in the second column are preferred, but local seed collections grown for harvest are acceptable if performance and origin are certified or documented. All seed sources should be derived from local collections or a general area extending 300 miles north and 200 miles south of the area to be reclaimed, and within similar elevation and precipitation zones as western North Dakota, ie from Jamestown on the east to Billings, MT on the west.
- ❖ A local source for forbs is Prairies Diversified located in Bismarck, ND (Roger Rostvet, 701-258-0181). Other sources may be used but they must be verified as local collections and not obtained from a distant source that are distributed by a local dealer.
- ❖ Seeding depth should be one-half inch or less for drilled seed.

- ❖ For broadcast seeding, multiply pounds of each species seeded by 1.5. Seed bed should be thoroughly worked and firm.
- ❖ Best average seeding dates for cool and warm season mixes is May – June. Earlier or later (fall dormant) seeding is likely to result in poor establishment of warm season species and is therefore discouraged.
- ❖ Seed mix may need to be adjusted due to site characteristics and/or lack of available seed for some species. In the latter case, adjust species seeding rates by formulas below table to obtain approximately 50 seed per square foot and/or 12-16 lbs. of PLS per acre for drilled seed and 18-24 lbs. per acre for broadcast seeding.

Seeding Rate Guidelines Scenario #13 All Sites

			A	B	C	D	E
Species	Preferred Cultivar, Ecotype, or Germplasm	Common Name	% of Mix	Number Seed per lb.	Number Seed per ft ²	Number Seed per acre	Drilled PLS lb./acre
Cool Season Grasses:							
<i>Elymus canadensis</i>	Mandan	Canada wildrye	0.15	115,000	7.5	326,700	2.8
<i>Nassella viridula</i>	Lodorm	Green needlegrass	0.20	180,000	10.0	435,600	2.4
<i>Pascopyrum smithii</i>	Rodan	Western wheatgrass	0.25	112,000	12.5	544,500	4.9
Warm Season Grasses							
<i>Bouteloua gracilis</i>	Bad River	Blue grama	0.10	750,000	5.0	217,800	0.3
<i>Calamovilfa longifolia</i>	Goshen	Prairie sandreed	0.10	275,000	5.0	217,800	0.8
<i>Schizachyrium scoparium</i>	Badlands	Little bluestem	0.10	286,000	5.0	217,800	0.8
Alternate Warm Season (for one of above species)							
<i>Bouteloua curtipendula</i>	Pierre	Sideoats grama	0.10	180,000	5.0	217,800	1.2
Forbs							
<i>Dalea purpurea</i>	Local ¹	Purple prairieclover	0.04	290,000	1.8	78,408	0.25
OR							
<i>Dalea candida</i>	Antelope ¹	White prairieclover	0.04	278,000	1.8	78,408	0.3
<i>Helianthus pauciflorus</i>	Bismarck ¹	Stiff sunflower	0.03	85,000	1.4	60,984	0.7
OR							
<i>Solidago rigida</i>	Local ¹	Stiff goldenrod	0.03	656,000	1.4	60,984	0.1
<i>Echinacea angustifolia</i>	Bismarck ¹	Purple coneflower	0.03	120,000	1.4	60,984	0.5
OR							
<i>Ratibida columnifera</i>	Local ¹	Prairie coneflower	0.03	737,000	1.4	60,984	0.1
Totals			100%		49.6	Forbs Alternate Forbs (12.5)	13.4

Seeding Rates Formulas

A - % of Mix

B - Number of seeds per lb.

C - Number of seeds per ft² (C = A x 50)

D - Number of seeds per acre (D = C x 43560)

E - Drilled Pure Live Seed (PLS) lb./acre (E = D / B)

B. Report of Seeding & Certification: The seed mixture shall be lab tested to identify the noxious and invasive weed seed present and certified weed free by the Seed Company. A copy of the certification including the purity and viability of the seed mix shall be supplied to the Forest Service prior to planting. Upon completion of the initial planting, and any additional plantings, a Report of Seeding (Stipulation #10) from the Holder or the seeding contractor shall be submitted to the Forest Service verifying that the seeding is completed.

09. Report of Seeding (Revised 05/07/2007)

REPORT OF SEEDING

01. SITE SEEDED

Holder Name:			
Site Name & SU Permit #:			
¼ ¼ :	Sec:	Twn:	Rng:

02. SEEDING COMPANY

Company Name:
Date Seed Mixture Sent To Forest Service:
Date Site Seeded:

03. SEEDING METHODS

✓	Seed Bed Preparation	✓	Equipment Used	✓	Seeding Techniques
	Ripped Seed Bed		Grass Seeder		Parallel To Contours
	Disked Seed Bed		Small Grain Seeder		Criss-Cross Pattern
	Firm		Large Grain Seeder		Mulching
	Free of Clods		Hand Seeded		

04. Drill Row Spacing (Inches):
05. Seeding Depth (Inches):
06. Approximate Acres Seeded:

07. I hereby certify that I, or persons under my direct supervision, have seeded this site, and the mixture has been certified weed free. A copy of the seed mixture certification, including the seed mixture is attached.

Seeding Company Representative	Date
Forest Service Reviewer	Date Received

NOTE: ✓ The appropriate boxes and fill in the blanks as applicable for all 7 items above. Sign and send the original to the Forest Service Ranger District. Faxed copies must be followed by the original.

C. Mulches: A variety of mulching techniques may be required on disturbed slopes to hold seed. These sites will be mulched using certified weed free clean straw or native grass hay. Mulching should not include native hay unless livestock have been excluded from the hayed site. Mulching must be approved by the Forest Service prior to any uses and shall meet Best Management Practices for Erosion Control, which includes E3 Mulches.

D. Geotextiles: Seed and soil blankets, known as erosion control fabric and/or other names, may be used to stabilize disturbed areas. Geotextiles must be approved by the Forest Service prior to any use and shall meet Best Management Practices for Erosion Control, which includes E1 Geotextiles.

E. Fertilizers: Fertilizers may be used with prior written approval from the District Ranger.

10. Survey Monuments: The Holder shall protect, in place, all public land survey monuments, private property corners, and Forest Service boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of their rights, depending on the type of monument destroyed, the Holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States", (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

11. Wastes

A. Trash, Garbage, Junk, Debris, etc.: During construction, portable dumpsters will be used for all trash. All trash, debris, garbage, junk, etc, will be hauled off site; no burning or burying will be allowed. Containers used to store garbage shall have adequate covers and will be promptly emptied. Doors, covers, and/or lids will be kept closed.

B. Hydrocarbon Spills: In the event of any loss of hydrocarbons from any equipment, the Forest Service shall immediately be notified. Hydrocarbon cleanup operations will be reviewed by the Forest Service representative and his/her recommendations for action followed. Hydrocarbon cleanup operations will be approved by an authorized Forest Service representative.

Use chemical spill prevention and containment (i.e., especially near wetlands or water bodies). Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters or channels leading into water that would result in harm to fish and wildlife or to human water supplies.

12. Wildlife And Livestock: No harassment of wildlife and livestock. Notify the Forest Service if livestock need to be moved.

Minimize vegetation disturbance to reduce impacts to suitable sensitive species habitat and native vegetation communities in general, and also to reduce spread of invasive species.

Report the discovery of any sensitive or watch plants within the project area to the McKenzie Ranger District office. Protect sensitive plant populations discovered after project approval which may include last minute alterations of the project design or access route in order to avoid negative impacts to such populations. This will be coordinated with the Forest Service Botanist.

Construction near streams and rivers should follow these guidelines: The natural stream flow and drainage patterns of creeks and rivers should not be altered by construction activities; channelization, diversion, and damming of the creeks and rivers should be avoided.

13. Standards for O&G Fences, Braces, & Gates

General: Fences are designed to protect livestock, wildlife, vegetation, soils, and facilities. Fences will be 4 strands, 12½ gauge (minimum) barbed wire with horizontal design corner and line braces. Steel posts will be used in the fenceline where terrain is fairly level. On slopes greater than 2:1 (50% slope) there will be 1 wood post for every 3 steel posts. Gates (14 feet minimum) are required.

Braces

Corner Braces: will be installed whenever a horizontal change in fence direction occurs. Corner braces will consist of 3 upright posts and 2 horizontal poles. Corner braces for segments on slopes 2:1 or greater, will consist of 5 upright posts and 4 horizontal poles.

Line Braces: will be installed when vertical changes occur. Line braces will consist of 2 upright posts and 1 horizontal pole.

Gate Braces: Gate braces will consist of 2 upright posts and 1 horizontal pole on each side of the gate. Gate sticks will be wooden, round, and a minimum of 2 inches on the small end. Smooth wire will be used for all bales on the ground posts, as well as the loop for opening the gate.

Upright Posts (wood): All upright brace posts will have a minimum diameter of 6 inches and a minimum length of 8 feet and shall be set at a minimum depth of 42 inches and tamped firmly. Fill is to be tamped in 6" lifts.

Horizontal Poles: All horizontal wooden brace (poles) will be a minimum diameter of 4 inches and a minimum length of 8 feet.

Brace Wires & Twists: #9 smooth wire will be used between brace posts and twisted tight, leaving a twist stick (wood, rod, or pipe) inserted in the center of the twist. Twist sticks will be 18 to 24 inches in length.

Wires & Spacing

Barbed Wire: The barbed wire will be a minimum 12½ gauge. Wire must be taut with due consideration for contraction and expansion. Wire should never be kinked or nicked. Staples should hold the wire close to the post. No more than ¼ mile of wire is to be stretched at one time. Dead end on corners and gates on the end of the brace opposite from direction of pull with wire ends wrapped around posts twice and twisted back on stretched wire. Barbed wire will not be used for purposes other than the-top 3 main strands. Smooth Wire of the same gauge shall be used for the bottom strand.

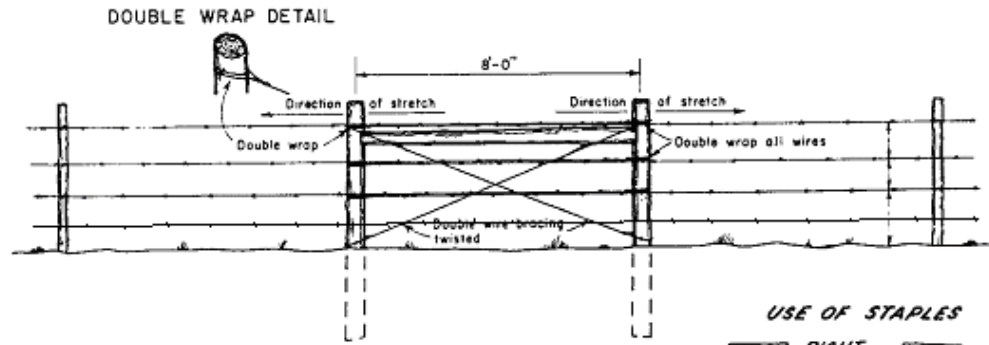
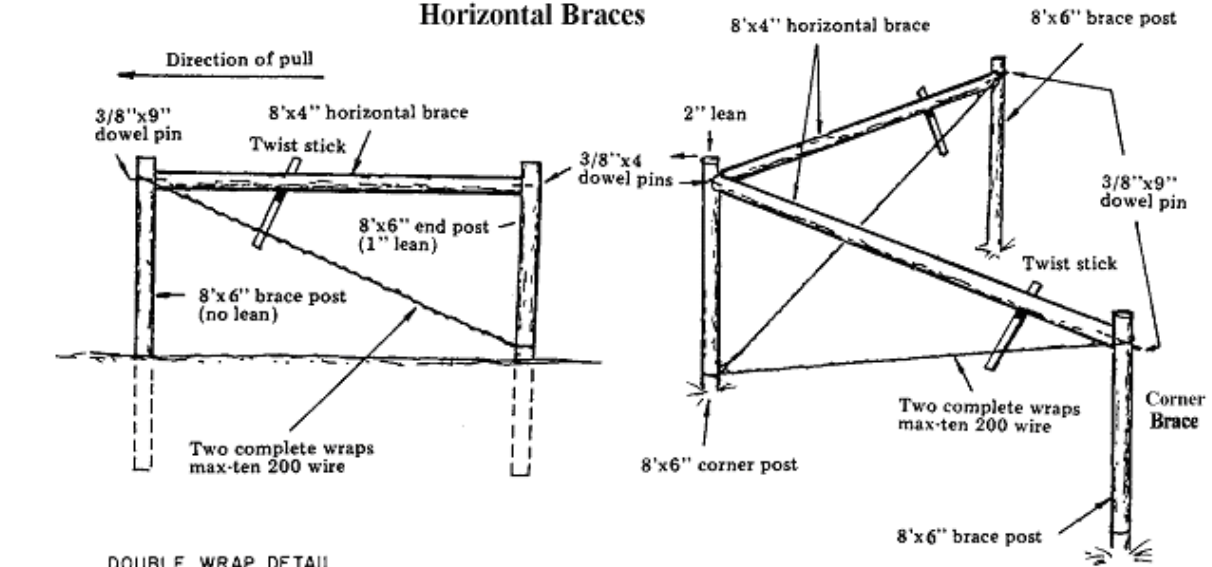
Barbed Wire Spacing: Wire spacing from the ground up will be: 1st strand (smooth) at 16 inches, 2nd strand at 22 inches, 3rd strand at 28 inches, and 4th strand at 40 inches.

Depressions: Where fences cross depressions, extra wires may be needed. Wires crossing depressions shall be weighted down with rocks and tie-downs to take the strain off the staples and posts.

Smooth Wire: excluding the 4 main strands and the 4 strands on individual gates, #9 smooth wire will be used for all other wire needs including but not limited to braces, gates, anchors, etc.

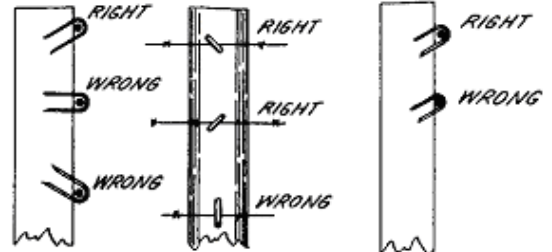
Fence (Non-Brace) Posts: All posts will be in a straight line between stretch stations or brace sections and spaced 16½ feet apart. Fence post height is 48 inches excluding braces. Wood posts will be a minimum length of 6½ feet and a minimum diameter of 3 inches at the small end and firmly set a minimum of 30 inches in the ground. Steel posts will be set at a depth so that the anchor plates (flanges or fins) will be at least 3-4 inches below ground surface.

Horizontal Braces



LINE BRACE

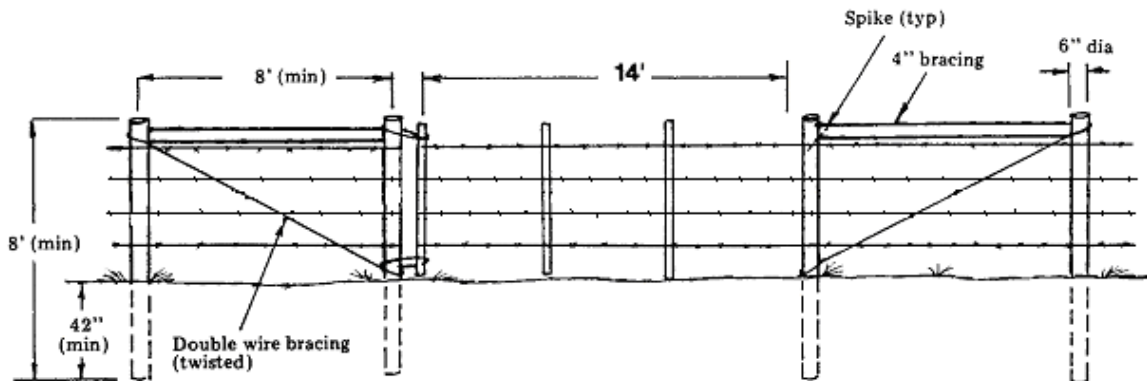
USE OF STAPLES



Drive Staples at angle. Leave wire loose in Staple.

Do not drive Staple parallel to side of post.

Leave Wire loose in Staple.



Single panel end and gate brace.

14. Fire Prevention & Suppression Requirements

A. General: A HOLDER is defined as the Permittee (permit holder), or Lessee and/or Operator and their representatives, employees, workers, contractors, and subcontractors.

1. Compliance to the stipulations in this exhibit shall not preclude the holder from complying with any other Federal, State, County, or municipal laws, ordinances, or regulations pertaining to fire prevention and suppression.
2. The Normal Fire Season for the Medora and McKenzie Ranger Districts will be from April 1 to October 31 of each year. If conditions warrant, the District Ranger may begin or extend the fire season as deemed necessary. The District Ranger may also amend, add, or delete any requirement as deemed necessary.
3. It is the Holder's responsibility to obtain and know the daily Wildfire Danger. For information on restrictions or prohibitions contact local fire officials, the State Fire Marshal, or the North Dakota Division of Emergency Management.
4. The Holder shall do everything reasonable within their power and shall require their employees, contractors, and employees of contractors to do everything reasonable within their power, both independently and upon request of the Forest Service to prevent and suppress fires on or near the lands to be occupied under a Permit or Plan. Self-inspections are encouraged.
5. It is the Holder's responsibility to call the local or rural fire department(s) if suppression help is needed.
6. The Holder is responsible for all suppression costs and damages as a result of any fire resulting from their operations and/or practices.
7. The Holder shall promptly report all fires to the Forest Service and will also cooperate with the Forest Service in completing a follow-up Fire Report.

B. Fires: With the exception of approved facilities, no open fires (fires for warming, burning wastes, brush disposal, debris, etc.) are allowed unless approved in writing from the District Ranger.

C. Smoking: All smoking will be done inside of vehicles or in areas cleared of flammable material when the "Fire Danger" exceeds "Moderate".

D. Fireworks: Fireworks are prohibited on public lands.

E. Exhaust & Arrester Systems: Each internal combustion engine shall be provided with a spark arrester or spark arresting device approved by Forest Service. Exceptions where Forest Service may approve mufflers or other equipment in lieu of spark arresters qualified and rated under Forest Service standard 5100-1a are: (a) small multi-position engines, such as chain saws, shall meet Society of Automotive Engineers J335b standards, (b) passenger-carrying vehicles and light trucks may have baffle-type muffler with tail pipe, (c) heavy-duty trucks may have a vertical stack exhaust system with muffler, provided the exhaust stack extends above the cab of the vehicle, (d) an exhaust driven turbocharger is considered to be a satisfactory spark arrester. Internal combustion engine exhaust systems, arresters and other devices shall be properly installed and maintained.

F. Catalytic Converters: The Holder shall take extra precautionary measures when driving off-road with vehicles equipped with catalytic converters. Such measures shall include but are not limited to: avoiding driving over or through vegetation tall enough to come into contact with the converter, avoid parking in vegetation tall enough to come into contact with the converter, and keep all debris from building up around or on the exhaust system.

G. Chainsaws: The sawyer shall have a shovel (round point #0 or equal) and a Fire extinguisher, containing not less than eight (8) ounces of extinguisher fluid or a dry chemical powder type of not less than one (1) pound capacity. The Holder shall carry the extinguisher at all times. All refueling shall be done on bare soils. Chainsaws will have a manufacturer approved or equivalent spark arrester.

H. Required Fire Suppression Equipment: any vehicle and/or piece of equipment used off-road will be equipped with an operational, charged, Type ABC fire extinguisher; a shovel (round point #0 or equal); and one of the following (per person):

1. A five (5)-gallon standard galvanized metal, fiberglass, or rubberized backpack water container, with hand pump attached, to be filled at all times.
2. Burlap bags in a ten (10) gal. Or larger container of water
3. Fire swatter/fire brooms.

Minimum fire extinguisher sizes are identified in the following table. Aerosol canned suppressants will not be considered adequate fire extinguishers for vehicles.

Vehicle Type	Minimum Size ABC Fire Extinguisher
Pickups & Cars	2 Pound
Trucks > 1 Ton GVW	5 Pound
Earth Moving Equipment (Dozers, Scrapers, Motor Patrol, Etc.)	10 Pound
Welding Equipment	10 Pound
Miscellaneous Equipment	10 Pound

I. Welding: Welding and use of cutting torches or cutoff saws will be permitted only in areas that have been cleared or are free of all material capable of carrying fire. Flammable debris and vegetation must be removed from within a minimum ten (10) foot radius of all welding and cutting operations. There will be no welding when winds exceed twenty (20) miles per hour.

When the "Fire Danger" exceeds "Moderate", each welding crew will have available in the immediate working or project area, 1). The required fire suppression equipment; 2). A ground tanker of not less than three hundred (300) gallon capacity with a pump capable of pumping twenty (20) gallons per minute at one hundred (100) pounds per square inch (PSI) and not less than one hundred (100) feet of hose; and 3). A road grader or dozer, which will be kept in the immediate working or project area when welding, is being performed on pipelines or flowlines.

J. Fire Suppression Plan: Upon request from the District Ranger, the holder shall submit a Fire Suppression Plan to be included as part of the Permit Package or Plan of Operations. It shall contain the following:

1. The names, phone numbers and mobile numbers of the holder's primary and secondary contact person(s) responsible for fire suppression.
2. Crew size(s) including supervisor(s), foremen, etc.
3. A complete listing of fire suppression equipment.
4. The names and numbers of the local/area fire departments and 2 contact names for each.
5. Location(s) of staging area(s) for water tankers and/or tenders if required.
6. Preventative measures for storage of aircraft fuel(s) at landing zones or staging areas if used.
7. A topographic map with a scale of 2.64 inches to the mile or one (1) inch equals two thousand (2000) feet will be attached with this exhibit to show the following if applicable: (a) Location(s) of all proposed water sources for fire suppression, and (b) Location(s) of all Staging Areas for water tankers and/or tenders.
8. Must be signed and dated by the holder or holder's authorized representative.

K. Failure to Comply: Failure to comply may result in immediate suspension of operations.

15. Vegetative Control, Application of Herbicides

NOTE: Herbicides used for vegetative control are generally pre-emergence short-term (less than one year duration) herbicides that will kill all vegetation including grasses and forbs. Therefore, it is extremely important that these herbicides not be used to control noxious weeds and/or invasive species, within those areas of the road where native vegetative cover is being established under interim or final reclamation.

Chemical Treatment

The following mitigation measures shall apply to the ground application of all herbicides:

General

All chemical treatments must be approved in writing by the Forest Service prior to any surface application. A copy of the approval must be present on the site being treated. Failure to produce a copy of the approval may result in immediate shut down of operations.

Applications, Forms, Monitoring

Companies using herbicides for vegetative control or for control of noxious weeds and/or invasive species must annually complete, submit, and have approved prior to use the following documents:

- a. Pesticide-Use Proposal (Form FS-2100-2).
- b. Pesticide-Use Proposal Attachment A, Supplemental Information (Form DPG-2100-2A).
- c. Spill Incident Response Plan for transporting herbicides.

A current and blank copy of forms 2100-2 and 2100-2A can be obtained from the Forest Service District Office upon request.

Do not combine vegetative control use with control of noxious weeds and/or invasive species use on the same forms. Separate forms must be submitted for each.

Herbicides

Only approved herbicides, as specified within the 2007 Dakota Prairie Grasslands Noxious Weed Management Project can be used for chemical treatment. Since this listing may change from year to year, it is the Holder's responsibility to request and submit use for the most current listing of approved herbicides. An approved current listing of vegetative control herbicides can be obtained from the Forest Service District Office upon request.

Ground Application

- Herbicides must be applied under the supervision of a certified herbicide applicator under the laws of the State of North Dakota.
- Herbicides must be applied consistent with the instructions on the label.
- No herbicide will be applied directly to surface water or where surface water from treated areas can run into live water sources.
- A buffer of at least one hundred (100) feet from bodies of water must be maintained.
- The buffer width would be determined based on soil, slope, etc.
- No spraying of liquid formulations will be done if temperatures exceed eighty (80) degrees.
- No spraying of liquid formulations will be done if the wind velocity exceeds ten (10) mph or per herbicide labeling directions.
- If boom spraying is done, boom pressure will not exceed forty (40) psi to minimize drift.
- Herbicide use will be permitted only within the areas identified within the applications.
- A sign saying the area has been treated with herbicides will be posted in areas receiving treatments at least one full day (unless the herbicide label says longer) after the treatment.

Monitoring

- The Forest Service will monitor the herbicide use in the form of random compliance inspections.
- All monitoring will be done under the direction of a Forest Service employee who is a licensed Commercial Pesticide Applicator.

Year End Report

- When you have completed your herbicide treatment for the season and prior to October 31 of each year, you must submit the following information for each site treated and for each herbicide applied on National Forest System lands:
 - Date of application
 - Formulation/trade name
 - EPA registration number
 - Name of active ingredient
 - Pounds of active ingredient applied to the site
 - Acres treated on the site
 - In the case of a combination of herbicides being used, you will need to submit the information for each herbicide in the mixture.
 - Failure to submit the reports will delay the permitting of this year's Pesticide Use Proposal.

Sites to Be Abandoned

- Noxious weeds should be sprayed prior to reclamation of the site and during the monitoring of the site until released. Use caution not to use herbicides that will have a detrimental effect to any seeding requirements.




Ashley Bromberg

From: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>
Sent: Monday, March 16, 2020 9:41 AM
To: Andrea Thornton
Cc: Justin Moffett; Leslie Rodman-Jaramillo
Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Not that I'm aware of. I believe our botanist already signed off on the BE.

Best,



Sarah Bickerdyke
Wildlife Biologist
Forest Service
Dakota Prairie Grasslands, McKenzie
Ranger District
p: 701-842-8524
f: 701-842-8544
sarah.bickerdyke@usda.gov
1905 South Main Street
Watford City, ND 58854
www.fs.fed.us
  
Caring for the land and serving people

From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Monday, March 16, 2020 10:54 AM
To: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>
Cc: Justin Moffett <Justin.Moffett@erm.com>; Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Thanks Sarah,

Will anyone else from your team be proving comments on the BE or BA?

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>
Sent: Friday, March 13, 2020 4:10 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: RE: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Andrea,

Just some quick comments on the BE from me. I believe I reviewed everything up to the determinations of Sensitive Species in the BA, so my comments from that document would apply here. Let me know if you have any questions or need any clarification on anything. Thanks, have a great weekend!

Best,



Sarah Bickerdyke
Wildlife Biologist
Forest Service
Dakota Prairie Grasslands, McKenzie
Ranger District

p: 701-842-8524
f: 701-842-8544
sarah.bickerdyke@usda.gov

1905 South Main Street
Watford City, ND 58854

www.fs.fed.us



Caring for the land and serving people

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Friday, February 14, 2020 10:21 AM
To: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Grotte, Kim -FS <kim.grotte@usda.gov>
Cc: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>; Justin Moffett <Justin.Moffett@erm.com>; Linn, Jill <Jill.Linn@wbienergy.com>; Huncovsky, Greg <Greg.Huncovsky@WBIEnergy.com>; Linn, Dave <Dave.Linn@WBIEnergy.com>
Subject: WBI Energy North Bakken Expansion Project - Biological Evaluation Submittal

Hi Cale and Kim –

Attached is our transmittal letter for submitting the Biological Evaluation for the North Bakken Expansion Project. Due to the size of the file we have created a One Drive folder for you to access the document. Please note that the link to this page will only work for one week so please pull the document onto your computer and server for storage. Please also note that the document is being submitted as CUI/PRIV and should not be shared with the public.

https://theermgroup-my.sharepoint.com/:f/g/personal/andrea_thornton_erm_com/Ei6mX8fbckZGjVN29hg0rfkBtPz4P-rNvNezYG6L-HERTg?e=3wH4Ad

Please let me know if you have any questions or issues accessing the file.

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
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M 503-459-6864
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From: Kevin Malloy [<mailto:Kevin.Malloy@erm.com>]

Sent: Thursday, April 23, 2020 8:06 AM

To: Fetterman, Liv K -FS <liv.fetterman@usda.gov>

Subject: 2020 Permit Application

Hi Liv,

I hope this email finds you. I am writing to ask for a 2020 archaeological survey permit application. We would like to submit an application as soon as possible.

Thank you for your help.

Kind regards,
Kevin

From: Fetterman, Liv K -FS <liv.fetterman@usda.gov>
Sent: Monday, April 27, 2020 9:28 AM
To: Kevin Malloy <Kevin.Malloy@erm.com>
Cc: IronRoad, Sandra -FS <sandra.ironroad@usda.gov>
Subject: RE: 2020 Permit Application

Hi Kevin,

Thanks for your message. We are prepared to receive your application, please submit it as soon as possible for timely processing. In the event you do not have the necessary forms you completed last time, I have attached the required forms, FS-2700 (both MS Word and pdf, whichever works best for you) and the FS 6500. Please include Sandra Iron Road when you formally submit the application to us. We require original signatures please feel free to also submit your application electronically as well if you wish to expedite the process. Also please know we generally request applications six months in advance of expiration of previous permit to ensure timely and reasonable timeframes. We will do our best to accommodate the most expeditious permit turn around, but please know it can take time. Contact me if you have any questions or concerns.

Best,
Liv



Liv K. Fetterman
Grasslands Archaeologist,
Heritage Program Manager,
Tribal Relations Program Manager

Forest Service
Dakota Prairie Grasslands

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MEETING NOTES

LOG OF IN PERSON MEETING

MEETING ATTENDEES:

Pat Robblee (ERM), Kevin Malloy (ERM), Liv Fetterman(U.S. Forest Service)

DATE:

05/1/2020

TIME OF CONVERSATION:

1:00 pm cst

RE:

WBI North Bakken Expansion Project 2020 Archaeological Surveys, Upcoming Work on USFS Lands and Class III Archaeological Inventory Report Comments

PREPARED BY:

Kevin Malloy

LOG OF CONVERSATION:

- Kevin Malloy welcomed the meeting attendees to the call.
- Pat Robblee reviewed the ND SHPO's recommendations and comments on the Class III reports for the Project, specifically for sites located on USFS lands. Pat said the main purpose of the call was to discuss testing plans for two sites on USFS lands, 32MZ2346 and 32MZ3324, before submitting work plans to the ND SHPO to ensure that the USFS concurs with the proposed approach for these sites.
- Pat and Kevin presented the proposed approach for testing 32MZ2346, describing the placement of shovel tests and three 1 x 1 m test units. Liv concurred with the approach for this site.
- Pat and Kevin presented the proposed approach for testing 32MZ3324, describing the terrain at the site and placement of shovel tests and one 1 x 1 m test units. Pat also said that the field crews will use their discretion to expand testing if they think it's necessary to further examine the horizontal and vertical limits of the site. Liv concurred with the approach for this site.
- Kevin described the rationale and methods for the initial recording of both sites in 2019 for the Class III inventory.
- Pat and Liv had a general discussion about prehistoric and historic archaeological approaches in the state of ND.
- Pat discussed the comments from the BLM and USFS lands on the Class III inventory reports and ERM's plans for addressing these comments. Pat said that, based on comments from the ND SHPO, ERM is proposing to provide an update of the Class III report which addresses agency comments and incorporates the results of site testing and additional survey. Pat said a single report is planned, which includes results for federal and private lands (as opposed to a standalone report for USFS lands, which was done in 2019). The report update will contain separate chapters for private/state, USACE, and USFS lands. Pat also said that ERM will provide a table which lists the agency comments on the Class III

reports from 2019 and explains how and where in the updated report each comment is addressed. Liv concurred with this approach.

- Pat and Kevin said that ERM plans to revisit prehistoric sites identified in 2019 with tribal monitors. Pat asked if this could be done before a 2020 survey permit is issued for site testing and survey. Liv said that is ok provided she is notified in advance and the survey team has a copy of the 2019 permit. She also said it was ok to expand site boundaries if tribal stakeholders identify additional features during the site visits provided there is no ground disturbance at the sites. Any ground disturbing activities (e.g., shovel testing) would have to wait until a 2020 survey permit is issued.
- Liv said she is hopeful that a new survey permit could be issued by the end of May or early June, 2020.
- Liv detailed some of the issues that have occurred on USFS lands in the past regarding buffers and the unintentional destruction of archaeological sites. She said the USFS does not have a specific set of guidelines or requirements for site buffers.
- Kevin thanked everyone for attending and concluded the meeting.

Lisa DiNicolantonio

From: Andrea Thornton
Sent: Monday, May 11, 2020 10:19 AM
To: Bickerdyke, Cale E -FS; Bickerdyke, Sarah - FS
Cc: Justin Moffett; Luke Martinson
Subject: North Bakken Expansion - Dakota Skipper Surveys

Hi Cale and Sarah –

I hope you are both doing well. I wanted to reach out regarding the upcoming 2020 North Bakken Expansion field season for Dakota Skipper habitat. Part of our scope for this year is to revisit the reproductive habitat areas that were identified on USFS land in our 2019 surveys with USFS staff present. As you may recall our surveys identified reproductive habitat in areas where the Gunslinger Well Pad EA noted that no habitat was present. Our current plan is for the Dakota Skipper habitat surveys to start the week of June 8th.

I've Cc'd Luke Martinson from WEST on this email who will assist with the coordination of this effort between the USFS and WEST survey crew. Please let us know if there is a day/time in mid-June that would work for you (and your botanist) to schedule a field visit.

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

Lisa DiNicolantonio

From: Grotte, Kim -FS <kim.grotte@usda.gov>
Sent: Tuesday, May 12, 2020 8:31 AM
To: Andrea Thornton
Subject: RE: North Bakken Expansion - Dakota Skipper Surveys

Let's just hang on until 20th and get a direction for how to pursue it with Cale and Sarah on board.

Kim

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Tuesday, May 12, 2020 9:20 AM
To: Grotte, Kim -FS <kim.grotte@usda.gov>
Cc: Justin Moffett <Justin.Moffett@erm.com>; Luke Martinson <lmartinson@west-inc.com>
Subject: RE: North Bakken Expansion - Dakota Skipper Surveys

Thanks Kim –

Should we reach out to Adren directly, or wait until Cale is back on May 20th if you would prefer?

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Grotte, Kim -FS <kim.grotte@usda.gov>
Sent: Tuesday, May 12, 2020 5:56 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Justin Moffett <Justin.Moffett@erm.com>; Luke Martinson <lmartinson@west-inc.com>
Subject: RE: North Bakken Expansion - Dakota Skipper Surveys

We are currently working without a botanist on our staff at the McKenzie District. Laurie left us for greener pastures. Arden Worm on the Medora has been covering botany things for now.

Kim Grotte
Area Minerals Manager
Forest Service
McKenzie Ranger District
Dakota Prairie Grassland,

p: 701-842-8509
f: 701-842-8544
Kim.Grotte@usda.gov
1905 S. Main St.
Watford City, ND 58854
www.fs.fed.us

From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Monday, May 11, 2020 12:39 PM
To: Grotte, Kim -FS <kim.grotte@usda.gov>; Gawin, Laurie - FS <laurie.gawin@usda.gov>
Cc: Justin Moffett <Justin.Moffett@erm.com>; Luke Martinson <lmartinson@west-inc.com>
Subject: FW: North Bakken Expansion - Dakota Skipper Surveys

Hi Kim and Laurie –

I sent the email below to Cale and Sarah regarding the upcoming Dakota Skipper habitat surveys for the North Bakken Expansion Project. I received out of office email returns from both of them. Would either of you be able to assist with our coordination of getting a field visit scheduled to return to the areas identified in our 2019 surveys on USFS land as reproductive Dakota Skipper habitat?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Andrea Thornton
Sent: Monday, May 11, 2020 10:19 AM
To: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>
Cc: Justin Moffett <Justin.Moffett@erm.com>; Luke Martinson <lmartinson@west-inc.com>
Subject: North Bakken Expansion - Dakota Skipper Surveys

Hi Cale and Sarah –

I hope you are both doing well. I wanted to reach out regarding the upcoming 2020 North Bakken Expansion field season for Dakota Skipper habitat. Part of our scope for this year is to revisit the reproductive habitat areas that were identified on USFS land in our 2019 surveys with USFS staff present. As you may recall our surveys identified reproductive habitat in areas where the Gunslinger Well Pad EA noted that no habitat was present. Our current plan is for the Dakota Skipper habitat surveys to start the week of June 8th.

I've Cc'd Luke Martinson from WEST on this email who will assist with the coordination of this effort between the USFS and WEST survey crew. Please let us know if there is a day/time in mid-June that would work for you (and your botanist) to schedule a field visit.

Thanks,
Andrea

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From: Pat Robblee [<mailto:Pat.Robblee@erm.com>]
Sent: Tuesday, May 12, 2020 8:06 AM
To: Fetterman, Liv K -FS <liv.fetterman@usda.gov>
Cc: Kevin Malloy <Kevin.Malloy@erm.com>
Subject: WBI Energy - North Bakken Expansion Project

Hi Liv.

Hope all is well.

We wanted to let you know that Beaver Creek Archaeology (BCA) will be assisting the project with tribal coordination for field visits and participation in surveys. BCA may reach out to you to discuss tribal communications for the project.

Pat

Patrick Robblee
Program Director

ERM
T+612 840 8976
E pat.robblee@erm.com | W www.erm.com



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From: Fetterman, Liv K -FS <liv.fetterman@usda.gov>
Sent: Tuesday, May 12, 2020 9:50 AM
To: Pat Robblee <Pat.Robblee@erm.com>
Cc: Kevin Malloy <Kevin.Malloy@erm.com>
Subject: RE: WBI Energy - North Bakken Expansion Project

Hi Pat,
Thanks for letting me know. I'll expect to hear from Beaver Creek.
Best,
Liv

From: Pat Robblee [<mailto:Pat.Robblee@erm.com>]
Sent: Tuesday, May 12, 2020 8:06 AM
To: Fetterman, Liv K -FS <liv.fetterman@usda.gov>
Cc: Kevin Malloy <Kevin.Malloy@erm.com>
Subject: WBI Energy - North Bakken Expansion Project

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Pat

Patrick Robblee
Program Director

ERM
T+612 840 8976
E pat.robblee@erm.com | W www.erm.com



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From: IronRoad, Sandra -FS <sandra.ironroad@usda.gov>
Sent: Friday, May 15, 2020 12:07 PM
To: Kevin Malloy <Kevin.Malloy@erm.com>
Cc: Fetterman, Liv K -FS <liv.fetterman@usda.gov>
Subject: RE: ERM 2020 Permit Application

Good afternoon Kevin,

Please find attached the processing paperwork for your application. Please sign the special-use application processing request form and return. Please let me know if you have any questions.

Thank you



Sandra Iron Road
Resource Assistant

Forest Service
Dakota Prairie Grasslands

p: 701-989-7309

f: 701-989-7299

sandra.ironroad@usda.gov

2000 Miriam Circle
Bismarck, ND 58501

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Caring for the land and serving people

NORTH BAKKEN EXPANSION PROJECT

CONFERENCE CALL NOTES

MEETING TOPIC:

Forest Service Land Reroute Discussion

DATE OF MEETING:

May 27, 2020 at 8:00 a.m. PST – Project Conference Call

ATTENDEES:

WBI Energy Transmission, Inc. (WBI)

Greg Huncovsky

Bob Stanhope

Kyle Stefka

Environmental Resources Management (ERM)

Wade Hammer

U.S. Forest Service (USFS)

Cale Bickerdyke

Kim Grotte

MEETING NOTES:

- Andrea Thornton kicked off the call by thanking everyone for taking the time to meet today. WBI Energy is looking at a couple of route adjustments on USFS land due to cultural sites that were identified in the field and new lines being constructed within the USFS approved corridor.
- WBI Energy ran through the route changes using screen share capabilities and discussed options, additional utility lines proposed to USFS, and sensitive feature locations.
- WBI Energy and the USFS will continue to collaborate on these route changes and set up a field visit as needed to review.

Lisa DiNicolantonio

From: Andrea Thornton
Sent: Monday, June 1, 2020 3:52 PM
To: Bickerdyke, Cale E -FS
Subject: RE: North Bakken Expansion Reroutes

Hi Cale –

Following up on the email the I sent last Friday. Are you available at all tomorrow to discuss?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

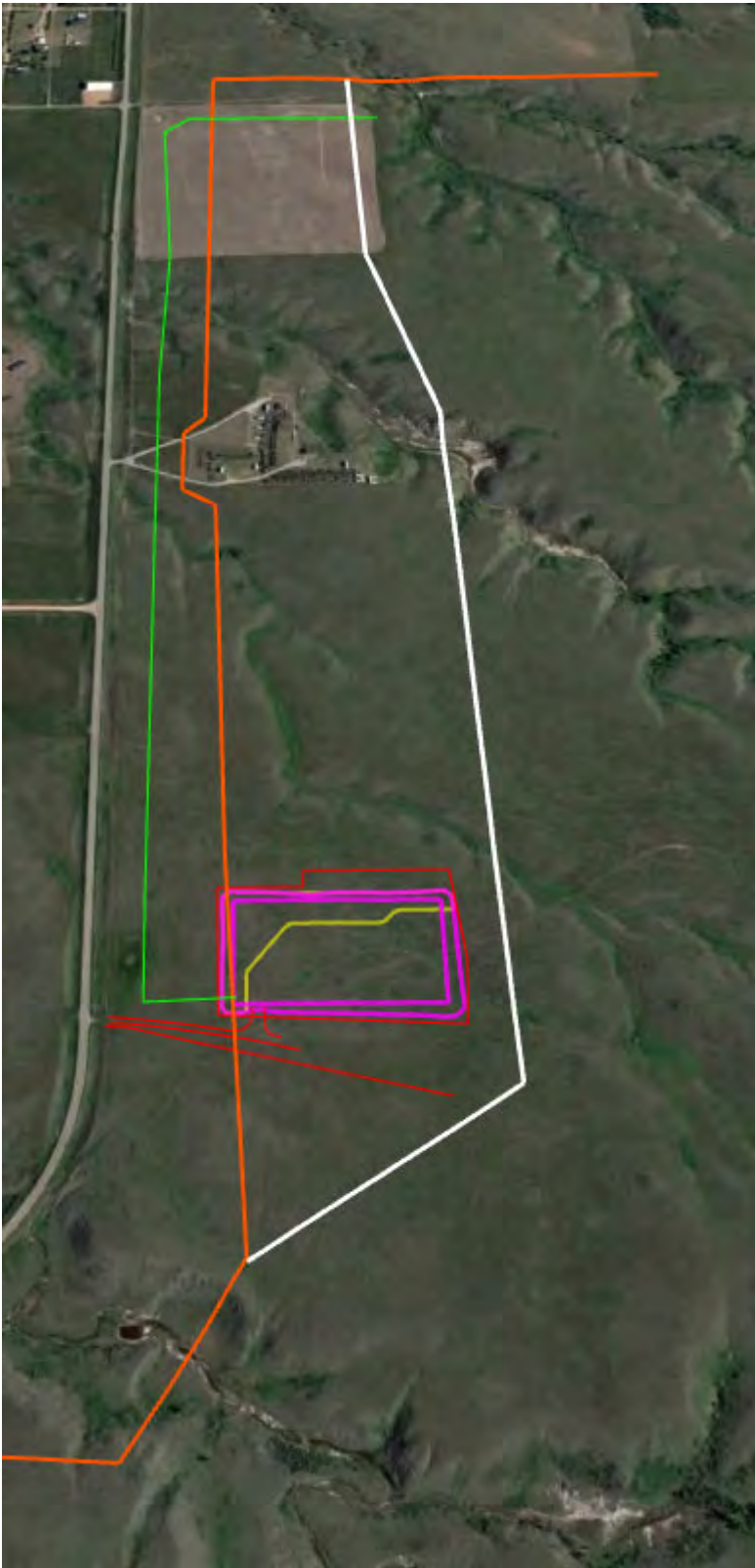
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M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Andrea Thornton
Sent: Friday, May 29, 2020 9:24 AM
To: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>
Subject: North Bakken Expansion Reroutes

Hi Cale –

I just left you a voicemail and wanted to follow-up with an email as well. As we discussed on Wednesday WBI is looking to move their line to the east (outside of the corridor, orange line in snip below) where the route runs north/south adjacent to the highway. In looking at a reroute here we became aware again of the well pad location (pink in screenshot below).

Is this well pad location set in stone, and if so would there be issues with WBI boring under the western edge of the pad? If there are issues here, WBI would then be looking to move the line even further east around the well pad as shown in the white line in the screenshot below.



Please give me a call to discuss. I do have a few meetings today so if I miss you I'll get back to you as soon as I can.

Thanks,
Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

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M 503-459-6864

E andrea.thornton@erm.com | **W** www.erm.com

Andrea Thornton

Subject: North Bakken Expansion
Location: Microsoft Teams Meeting

Start: Tue 6/2/2020 11:00 AM
End: Tue 6/2/2020 11:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Andrea Thornton
Required Attendees: cale.bickerdyke@usda.gov

OnlineMeetingConfLink: conf:sip:Andrea.Thornton@erm.com;gruu;opaque=app:conf:focus:id:teams:2:0!19:meeting_NTg0MmQyOTMtMDE3Yi00Njl2LWFmM2YtYTA2NmJiY2RIMGY2-thread.v2!a469a6e44ee74096ae664c925db5696f!f2fe6bd39c4a485bae69e18820a88130

SchedulingServiceMeetingOptionsUrl: https://teams.microsoft.com/meetingOptions/?organizerId=a469a6e4-4ee7-4096-ae66-4c925db5696f&tenantId=f2fe6bd3-9c4a-485b-ae69-e18820a88130&threadId=19_meeting_NTg0MmQyOTMtMDE3Yi00Njl2LWFmM2YtYTA2NmJiY2RIMGY2@thread.v2&messageId=0&language=en-US

SchedulingServiceUpdateUrl: https://scheduler.teams.microsoft.com/teams/f2fe6bd3-9c4a-485b-ae69-e18820a88130/a469a6e4-4ee7-4096-ae66-4c925db5696f/19_meeting_NTg0MmQyOTMtMDE3Yi00Njl2LWFmM2YtYTA2NmJiY2RIMGY2@thread.v2/0

SkypeTeamsMeetingUrl: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTg0MmQyOTMtMDE3Yi00Njl2LWFmM2YtYTA2NmJiY2RIMGY2%40thread.v2/0?context=%7b%22id%22%3a%22f2fe6bd3-9c4a-485b-ae69-e18820a88130%22%2c%22oid%22%3a%22a469a6e4-4ee7-4096-ae66-4c925db5696f%22%7d

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TeamsVtcConferenceld: 1278657249
TeamsVtcTenantId: f2fe6bd3-9c4a-485b-ae69-e18820a88130

Hi Cale –

I got your email. Let me know if this time works for you for a call, I have a lot of meetings this afternoon and do not want to miss a call from you. If it doesn't work please let me know and I can find another time.

Thanks,
Andrea

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Join with a video conferencing device

195471110@teams.bjn.vc VTC Conference ID: 1278657249

[Alternate VTC dialing instructions](#)



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From: Kevin Malloy [<mailto:Kevin.Malloy@erm.com>]
Sent: Tuesday, June 2, 2020 12:57 PM
To: IronRoad, Sandra -FS <sandra.ironroad@usda.gov>
Cc: Fetterman, Liv K -FS <liv.fetterman@usda.gov>
Subject: RE: ERM 2020 Permit Application

Hi Sandra and Liv,

I hope this email finds you well and you're both safe and healthy. I'm writing to ask about our permit for this summer's work. I guess I was a bit unclear during our last email exchange. I sent in the signed form, but have not been asked to pay the \$130.00. I would be happy to do that right away. Is there a preferred method? Does this also mean that our permit is approved?

Thank you for help!
Kind regards,
Kevin

From: Fetterman, Liv K -FS <liv.fetterman@usda.gov>

Sent: Tuesday, June 2, 2020 1:43 PM

To: Kevin Malloy <Kevin.Malloy@erm.com>; IronRoad, Sandra -FS <sandra.ironroad@usda.gov>

Subject: RE: ERM 2020 Permit Application

Hi Kevin,

Thanks for your message. The permitting process has several aspects to it. Your permit application has been approved, but it has not yet been authorized. There are still more signatures and forms to exchange. Sandra will send the rest of the documentation shortly, including the invoice which will include the land-use fee.

Best,

Liv



Liv K. Fetterman
Grasslands Archaeologist,
Heritage Program Manager,
Tribal Relations Program Manager

Forest Service
Dakota Prairie Grasslands

p: 701-989-7306

f: 701-989-7299

liv.fetterman@usda.gov

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Bismarck, ND 58501

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Lisa DiNicolantonio

From: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>
Sent: Thursday, June 11, 2020 1:25 PM
To: Andrea Thornton; Luke Martinson
Cc: Bickerdyke, Cale E -FS; Justin Moffett; Klarissa Lawrence; abrazeal@west-inc.com
Subject: RE: North Bakken Expansion - Dakota Skipper Surveys

Hi Andrea et al,

I am involved in another project potentially starting next week, dependent on DASK flight. I have a meeting tomorrow to nail down some of the logistics and should have a better idea of what Wednesday looks like then. I'll be up in that area, so could potentially meet at the turn to that access road (the western road of the two) that heads north in section 12 and zip up there. I'll send an email with a good timeframe tomorrow afternoon.

Thanks,



Sarah Bickerdyke
Wildlife Biologist
Forest Service
Dakota Prairie Grasslands, McKenzie
Ranger District

p: 701-842-8524
f: 701-842-8544
sarah.bickerdyke@usda.gov

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Watford City, ND 58854
www.fs.fed.us



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From: Andrea Thornton [mailto:Andrea.Thornton@erm.com]
Sent: Wednesday, June 10, 2020 1:15 PM
To: Luke Martinson <lmartinson@west-inc.com>; Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>
Cc: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Justin Moffett <Justin.Moffett@erm.com>; Klarissa Lawrence <klawrence@west-inc.com>; abrazeal@west-inc.com
Subject: RE: North Bakken Expansion - Dakota Skipper Surveys

Hi Sarah –

We would like to get a meeting time and location set for Wednesday. Below are the cell phone numbers of the two biologists who will be in the field completing the DASK habitat surveys next week.

Is there a time/location that works best for you?

- Klarissa Lawrence - 720.201.1469
- Alex Brazeal - 701.498.0707

Thanks,

Andrea

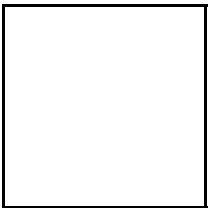
Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
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M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Luke Martinson <lmartinson@west-inc.com>
Sent: Friday, June 5, 2020 11:15 AM
To: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>; Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Justin Moffett <Justin.Moffett@erm.com>
Subject: Re: North Bakken Expansion - Dakota Skipper Surveys

We can make that work. Let me know the best way to get it scheduled. I can provide the observers contact info if direct communication with them makes the most sense. Or, we can identify a meet spot near target tracts.

Luke Martinson
Senior Manager - Biologist



Western EcoSystems Technology, Inc.
Environmental & Statistical Consultants
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On Fri, Jun 5, 2020 at 11:42 AM Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov> wrote:

Wednesday, please, if at all possible.



Sarah Bickerdyke
Wildlife Biologist
Forest Service

Dakota Prairie Grasslands, McKenzie
Ranger District

p: 701-842-8524

f: 701-842-8544

sarah.bickerdyke@usda.gov

1905 South Main Street

Watford City, ND 58854

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From: Luke Martinson [mailto:lmartinson@west-inc.com]

Sent: Friday, June 5, 2020 9:29 AM

To: Andrea Thornton <Andrea.Thornton@erm.com>

Cc: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>; Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Justin Moffett <Justin.Moffett@erm.com>

Subject: Re: North Bakken Expansion - Dakota Skipper Surveys

Hi,

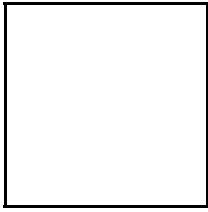
Thanks for looping me in. Tues or Wed would be preferred as they will be south of the lake.

Regards,

Luke

Luke Martinson

Senior Manager - Biologist



Western EcoSystems Technology, Inc.
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415 W. 17th St. Suite 200
Cheyenne, WY 82001
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307-214-7720 cell

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On Fri, Jun 5, 2020 at 8:13 AM Andrea Thornton <Andrea.Thornton@erm.com> wrote:

Hi Sarah –

Yes that sounds like a good plan. I will let Luke Martinson weigh in here as to if there is a day (Tuesday – Friday) that week that would work better for the crew.

Thanks,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204

M 503-459-6864

E andrea.thornton@erm.com | **W** www.erm.com

From: Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>
Sent: Thursday, June 4, 2020 6:19 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>; Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>
Cc: Justin Moffett <Justin.Moffett@erm.com>; Luke Martinson <lmartinson@west-inc.com>
Subject: RE: North Bakken Expansion - Dakota Skipper Surveys

Hi Andrea,

Sounds like the week of the 15 your folks will be up to complete habitat surveys? I'm supposed to have some other field work for the entirety of that week, but it's in the same general area so I should be able to pop out and meet up with your folks. At this point, I could plan on any day but Monday if that works for you. Our botanist position on the district is currently vacant but the Medora district botanist has been so kind to offer his support until we have a permanent botanist in place again. I will reach out to him for his availability. Let me know if this works.

Best,



Sarah Bickerdyke
Wildlife Biologist
Forest Service

Dakota Prairie Grasslands, McKenzie
Ranger District

p: 701-842-8524
f: 701-842-8544
sarah.bickerdyke@usda.gov

1905 South Main Street
Watford City, ND 58854
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From: Andrea Thornton [<mailto:Andrea.Thornton@erm.com>]
Sent: Monday, May 11, 2020 12:19 PM
To: Bickerdyke, Cale E -FS <cale.bickerdyke@usda.gov>; Bickerdyke, Sarah - FS <Sarah.Bickerdyke@usda.gov>
Cc: Justin Moffett <Justin.Moffett@erm.com>; Luke Martinson <lmartinson@west-inc.com>
Subject: North Bakken Expansion - Dakota Skipper Surveys

Hi Cale and Sarah –

I hope you are both doing well. I wanted to reach out regarding the upcoming 2020 North Bakken Expansion field season for Dakota Skipper habitat. Part of our scope for this year is to revisit the reproductive habitat areas that were identified on USFS land in our 2019 surveys with USFS staff present. As you may recall our surveys identified reproductive habitat in areas where the Gunslinger Well Pad EA noted that no habitat was present. Our current plan is for the Dakota Skipper habitat surveys to start the week of June 8th.

I've Cc'd Luke Martinson from WEST on this email who will assist with the coordination of this effort between the USFS and WEST survey crew. Please let us know if there is a day/time in mid-June that would work for you (and your botanist) to schedule a field visit.

Thanks,

Andrea

Andrea Thornton

Principal Consultant

Environmental Resources Management (ERM)

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M 503-459-6864

E andrea.thornton@erm.com | **W** www.erm.com

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NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – North Dakota Department
of Environmental Quality (NDDEQ)**

Lisa DiNicolantonio

From: Daniel Guido
Sent: Wednesday, February 19, 2020 8:53 AM
To: rkautzman@nd.gov
Cc: cthorstenson@nd.gov; Ann Curnow; Jill.Linn@wbienergy.com; Tina Lyons; Andrea Thornton
Subject: WBI Tioga Air Permit - response to comments

Rheanna –

Thank you for speaking with me this morning.

I understand that there were four specific questions that ND DEQ had outlined to Jill Linn (WBI Energy) regarding the air permit for the Tioga Compressor Station.

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Daniel Guido
Principal Consultant, Scientist

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E daniel.guido@erm.com | W www.erm.com

Lisa DiNicolantonio

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Sent: Thursday, February 20, 2020 6:39 AM
To: Daniel Guido
Cc: Thorstenson, Craig D.; Ann Curnow; Jill.Linn@wbienergy.com; Tina Lyons; Andrea Thornton
Subject: RE: WBI Tioga Air Permit - response to comments

Good morning Daniel,

See my response in *Italic Orange* below.

Rheanna Kautzman
Environmental Scientist
Division of Air Quality

701.328.5188 (main AQ) • 701.328.5186 (direct) • 701.328.5185 (fax) • www.deq.nd.gov/aq/



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Lisa DiNicolantonio

From: Daniel Guido
Sent: Wednesday, February 26, 2020 5:31 AM
To: Kautzman, Rheanna M.
Cc: Thorstenson, Craig D.; Ann Curnow; Jill.Linn@wbienergy.com; Tina Lyons; Andrea Thornton
Subject: RE: WBI Tioga Air Permit - response to comments

I thought of TWO additional questions.

Question 1

Given the proximity of the Hess Gas Plant to WBI Tioga, do I need to include any effects of building downwash for the Hess Gas Plant sources?

If yes, do you have a BPIP input file for the Hess Gas Plant facility

Question 2

Can you provide me with the coordinates for the Hess Gas Plant ambient air boundary (e.g., fence line or property line used in modeling for that plant)?

Daniel Guido
Principal Consultant, Scientist

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Sent: Wednesday, February 26, 2020 8:05 AM
To: Kautzman, Rheanna M. <rKautzman@nd.gov>
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As soon as you can provide answers to these questions, I can complete some model runs.
Thanks in advance for your help to provide these additional clarifications.

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From: Kautzman, Rheanna M. <rKautzman@nd.gov>
Sent: Tuesday, February 25, 2020 5:42 PM
To: Daniel Guido <Daniel.Guido@erm.com>
Cc: Thorstenson, Craig D. <cthurstenson@nd.gov>; Ann Curnow <Ann.Curnow@erm.com>; Jill.Linn@wbienergy.com;
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Lisa DiNicolantonio

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To: Daniel Guido
Cc: Thorstenson, Craig D.; Ann Curnow; Jill.Linn@wbienergy.com; Tina Lyons; Andrea Thornton
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Hi Daniel,

I remembered last night that I forgot the ratios and will get those to you. All the units are metric ready for AERMOD input, with the exception of the locations which are in Lat/Long WGS83 not UTM. All sources are Vertical uncapped. The S-102 flare is the inlet bypass flare for emergency's and doesn't need to be included in the modeling, I just filtered all active sources from our master source register.

Rheanna Kautzman
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Regards,

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ERM

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Subject: RE: WBI Tioga Air Permit - response to comments

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378C1B	0.36
378C1C	0.36
378C1D	0.36
378C1E	0.36
378C1F	0.36
378C1G	0.36
378C100	0.54
378C200	0.54
378C300	0.54
378S302	0.25
378S101	0.25
378S102	0.25
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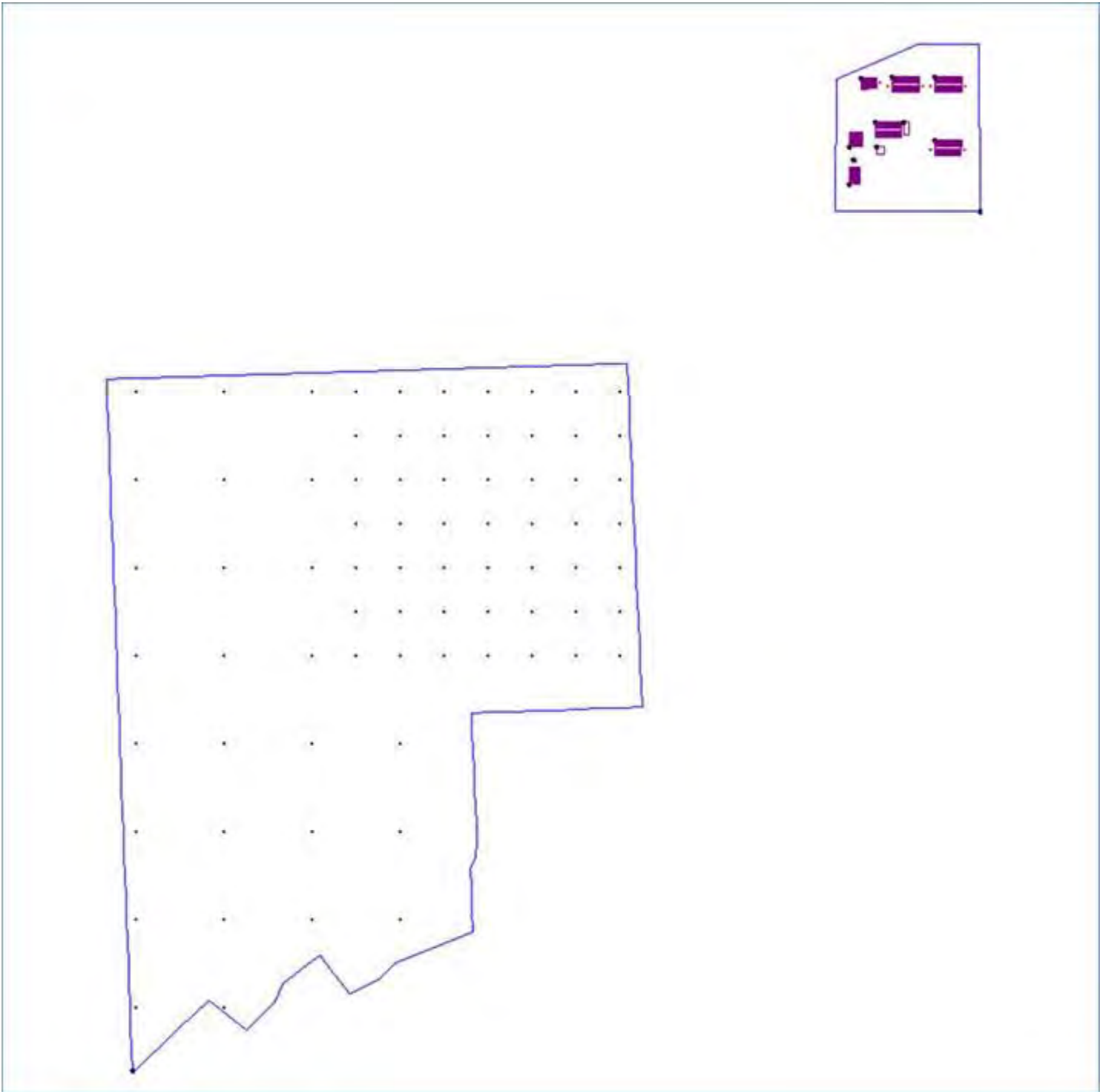
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Please let me know if you have any questions.

Rheanna Kautzman
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Good morning Daniel,

See my response in *Italic Orange* below.

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Rheanna –

Thank you for speaking with me this morning.

I understand that there were four specific questions that ND DEQ had outlined to Jill Linn (WBI Energy) regarding the air permit for the Tioga Compressor Station.

I am providing this email to summarize our conversation this morning, provide initial responses to these questions, and outline the actions to be taken to fully address the items that require it. Please see my remarks below each item (in **bold green**)

1) No modeling protocol was submitted prior to submission of the modeling.

We understand, and you confirmed, that there is no specific *requirement* for submittal of a modeling protocol prior to submitting modeling that supports an air permit application. However, we acknowledge that had a protocol been prepared and submitted, issues related to items 2 and 4 below may have been addressed in the initial application submittal. Finally, you did confirm in our telephone discussion this morning that ND DEQ is not requiring that a formal protocol be prepared/submitted now.

Agreed. Protocols are a modeling best practice and can often highlight unique circumstances that affect how a source is modeled. Based on our verbal communication and this follow-up email, the Department will not require a formal protocol for this project. Please note that we have streamlined our modeling review process from several years ago and protocol review turnaround is about a week, and we can usually have the nearby source list completed in that time as well or soon after.

2) No nearby sources were included with the cumulative modeling analysis.

While there may have been a misunderstanding from the communication that occurred with you on January 15, 2020, we now understand that, due to the proximity of the WBI Tioga Compressor Station to the Tioga Gas Plant, the nearby sources of NO₂ at the Tioga Gas Plant should be included in the cumulative analysis, specifically for NO₂ NAAQS compliance demonstration. Our discussion this morning also outlined your recommendation that this revised analysis be conducted using a Tier III approach using the OLM option in AERMOD, and that the OLMGROUP option also be invoked. It is understood that required background files for ozone and NO₂ are available on the NDDEQ website. In our conversation, you indicated that you will provide the detailed stack and emission data required for inclusion for the Tioga Gas Plant sources, including stack locations, release parameters, emission rates, and in-stack ratio values.

This email is our formal request that ND DEQ provide the Tioga Gas Plant source parameters for cumulative NO2 modeling for NAAQS compliance demonstration. Please transmit this data directly to me via email as soon as you can get it compiled.

We will update the cumulative NO2 NAAQS modeling and submit a supplement to the air permit application with this revised assessment.

The use of Tier III, OLM is approved for use by WBI for this project. Heads-up that when using the Department provided O3 (use Lostwood O2 Data) you may need to remove the 1st and last lines of the file to have the O3 DAT file match the Department MET files.

The Department has older modeling data for Hess Tioga (the only NBS to be included) but will need to update the data and include In-Stack-Ratios for OLM and determine which sources are included in baseline and which are not, so that may take us a little bit to get together, I'd anticipate having that completed by mid- to late- next week.

You are also authorized to use MAXDCONT as needed, Hess Tioga pre-dates the 1-hour NO2 standard.

3) **No modeling files were submitted.**

Once the updated modeling for both item 2 and 4 is complete, we will transmit all electronic modeling files to ND DEQ. Please reply to this email to confirm the best/preferred method of file submittal; we can provide on thumb drive or provide a web-based link to a folder from which you can download the data.

If you have an electronic way of getting them to me that would work and be the most expeditious. If you don't have a method I can setup a Google Drive File for you to put them.

Provide the Following Files for each model run:

.PFL

.SFC

.BPI

.INP

.PLT plot files if you generate any

MAXDCONT output file, if used

4) **Class I increment modeling appears to be required due to the proximity of the Lostwood Class I area.**

Modeling has now been completed to assess impacts at the Lostwood Class I area. This analysis was limited to Annual NO2, pursuant to the ND DEQ October 4, 2014 guidance memo. The results of this assessment show that maximum annual NO2 impacts from the WBI Tioga Compressor Station expansion are below the Class I NO2 Annual SIL threshold. The details of this assessment will be provided in the air permit application supplement to be prepared/submitted (as indicated above in item 2 above). The electronic modeling files from this assessment will be included with all the other data [as indicated in item 3 above].

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Cc: Thorstenson, Craig D.; Ann Curnow; Jill.Linn@wbienergy.com; Tina Lyons; Andrea Thornton
Subject: RE: WBI Tioga Air Permit - response to comments

Hi Dan,

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Rheanna Kautzman
Environmental Scientist
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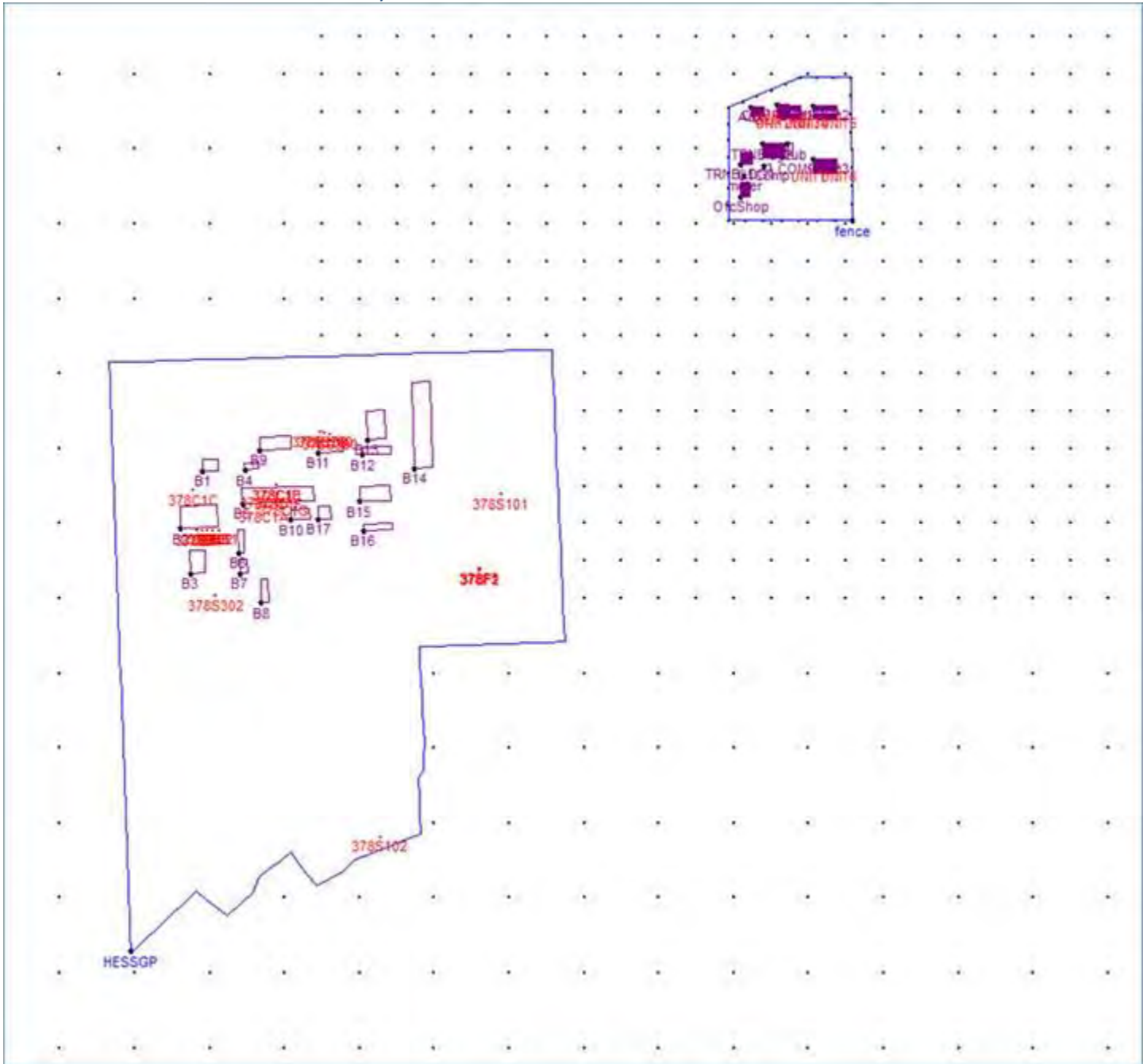
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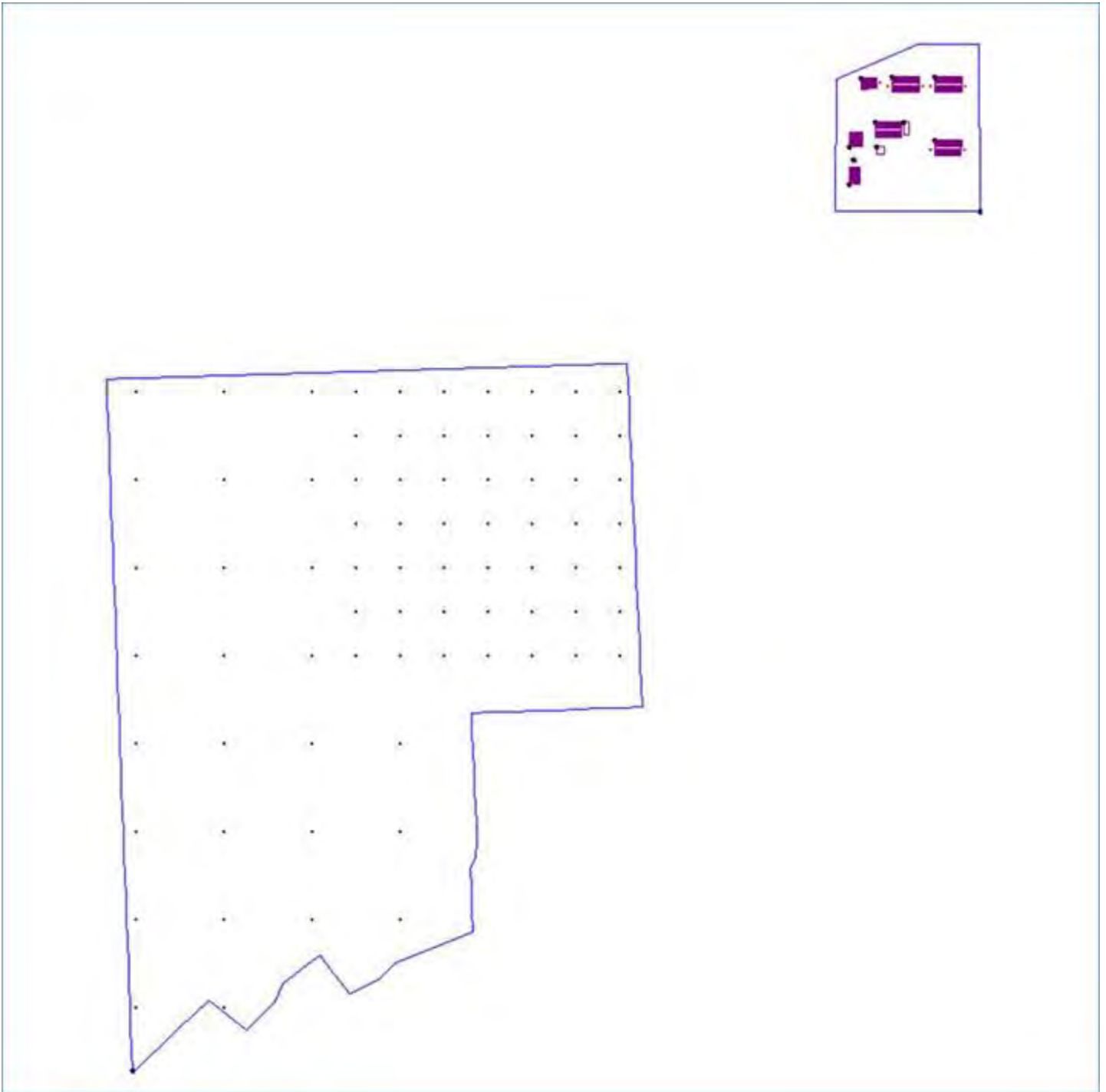
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Rheanna –

Thank you for speaking with me this morning.

I understand that there were four specific questions that ND DEQ had outlined to Jill Linn (WBI Energy) regarding the air permit for the Tioga Compressor Station.

I am providing this email to summarize our conversation this morning, provide initial responses to these questions, and outline the actions to be taken to fully address the items that require it. Please see my remarks below each item (in **bold green**)

1) No modeling protocol was submitted prior to submission of the modeling.

We understand, and you confirmed, that there is no specific *requirement* for submittal of a modeling protocol prior to submitting modeling that supports an air permit application. However, we acknowledge that had a protocol been prepared and submitted, issues related to items 2 and 4 below may have been addressed in the initial application submittal. Finally, you did confirm in our telephone discussion this morning that ND DEQ is not requiring that a formal protocol be prepared/submitted now.

Agreed. Protocols are a modeling best practice and can often highlight unique circumstances that affect how a source is modeled. Based on our verbal communication and this follow-up email, the Department will not require a formal protocol for this project. Please note that we have streamlined our modeling review process from several years ago and protocol review turnaround is about a week, and we can usually have the nearby source list completed in that time as well or soon after.

2) No nearby sources were included with the cumulative modeling analysis.

While there may have been a misunderstanding from the communication that occurred with you on January 15, 2020, we now understand that, due to the proximity of the WBI Tioga Compressor Station to the Tioga Gas Plant, the nearby sources of NO₂ at the Tioga Gas Plant should be included in the cumulative analysis, specifically for NO₂ NAAQS compliance demonstration. Our discussion this morning also outlined your recommendation that this revised analysis be conducted using a Tier III approach using the OLM option in AERMOD, and that the OLMGROUP option also be invoked. It is understood that required background files for ozone and NO₂ are available on the NDDEQ website. In our conversation, you indicated that you will provide the detailed stack and emission data required for inclusion for the Tioga Gas Plant sources, including stack locations, release parameters, emission rates, and in-stack ratio values.

This email is our formal request that ND DEQ provide the Tioga Gas Plant source parameters for cumulative NO2 modeling for NAAQS compliance demonstration. Please transmit this data directly to me via email as soon as you can get it compiled.

We will update the cumulative NO2 NAAQS modeling and submit a supplement to the air permit application with this revised assessment.

The use of Tier III, OLM is approved for use by WBI for this project. Heads-up that when using the Department provided O3 (use Lostwood O2 Data) you may need to remove the 1st and last lines of the file to have the O3 DAT file match the Department MET files.

The Department has older modeling data for Hess Tioga (the only NBS to be included) but will need to update the data and include In-Stack-Ratios for OLM and determine which sources are included in baseline and which are not, so that may take us a little bit to get together, I'd anticipate having that completed by mid- to late- next week.

You are also authorized to use MAXDCONT as needed, Hess Tioga pre-dates the 1-hour NO2 standard.

3) **No modeling files were submitted.**

Once the updated modeling for both item 2 and 4 is complete, we will transmit all electronic modeling files to ND DEQ. Please reply to this email to confirm the best/preferred method of file submittal; we can provide on thumb drive or provide a web-based link to a folder from which you can download the data.

If you have an electronic way of getting them to me that would work and be the most expeditious. If you don't have a method I can setup a Google Drive File for you to put them.

Provide the Following Files for each model run:

.PFL

.SFC

.BPI

.INP

.PLT plot files if you generate any

MAXDCONT output file, if used

4) **Class I increment modeling appears to be required due to the proximity of the Lostwood Class I area.**

Modeling has now been completed to assess impacts at the Lostwood Class I area. This analysis was limited to Annual NO2, pursuant to the ND DEQ October 4, 2014 guidance memo. The results of this assessment show that maximum annual NO2 impacts from the WBI Tioga Compressor Station expansion are below the Class I NO2 Annual SIL threshold. The details of this assessment will be provided in the air permit application supplement to be prepared/submitted (as indicated above in item 2 above). The electronic modeling files from this assessment will be included with all the other data [as indicated in item 3 above].

Provide the same files as listed above. The Annual NO2 Class I Increment was the only one triggered. Note that a Class II increment analysis will also need to be included for the Annual NO2 standard, per the Criteria Pollutant Modeling Requirements for a Permit to Construct memo. The Nearby source list provide by the Department will include which Hess emission units are not-baseline sources.

Again, I appreciate the time you were able to spend discussing these items. Please provide any additional questions or clarifications as needed based on my summary above. If possible, can you give me an estimate on the timing of being able to get the needed source parameters from the Tioga Gas Plant? I will be ready to update that analysis as soon as you can get me the information.

Regards,

Daniel Guido
Principal Consultant, Scientist

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Lisa DiNicolantonio

From: Daniel Guido
Sent: Tuesday, April 28, 2020 7:11 AM
To: Kautzman, Rheanna M.
Subject: WBI Tioga
Attachments: Williston ND Wind Rose 2009-2013.pdf; HGP Wind Rose 2015.pdf

Rheanna –

I have been collaborating with WBI and Hess (& their consultant – Bison Engr [Hal Robbins & Brian Murphy]). I believe we have a path forward –but wanted to chat with you on a short phone call to go over a few technical details.

Key issues we have evaluated:

- Updated/refined source locations and structures for Hess Gas Plant [there is also a new site layout that I was provided for WBI Tioga Compressor Station]
- Hess provided site specific in-stack NO₂/NO_x Ratios for compressor engines and turbines
- Bison/Hess have processed on-site met data for 2015 [representative year]

Attached are two wind roses – one for Williston 09-13 airport met data, the other for the 2015 Hess onsite wind data. Interesting differences.

Our latest simulations have been able to show that for any exceedance of AAQS, the WBI culpability is less than SIL.

I wanted to chat with you & include the folks from Bison Engr – to chat about these technical aspects, and get a sense of ND DEQ acceptance to progress with an updated application for WBI. This updated application will provide the predicted impacts based on the recent site layout updates, etc. I would like to use the key aspects of the elements described above: (1) updated Hess source/structure coordinates & heights, (2) site specific ISRs for Hess compressor engines and turbines, and (3) the 2105 on-site met data.

It may be that this ‘updated’ application may need to include (as appendices) the technical justification documents for the ISR values and the met data.

Please give me a call at my office # - 317-249-4737

Or tell me a time that I might schedule a quick TEAMS call with you & me (& Bison guys).

Thanks.

Daniel Guido
Principal Consultant, Scientist

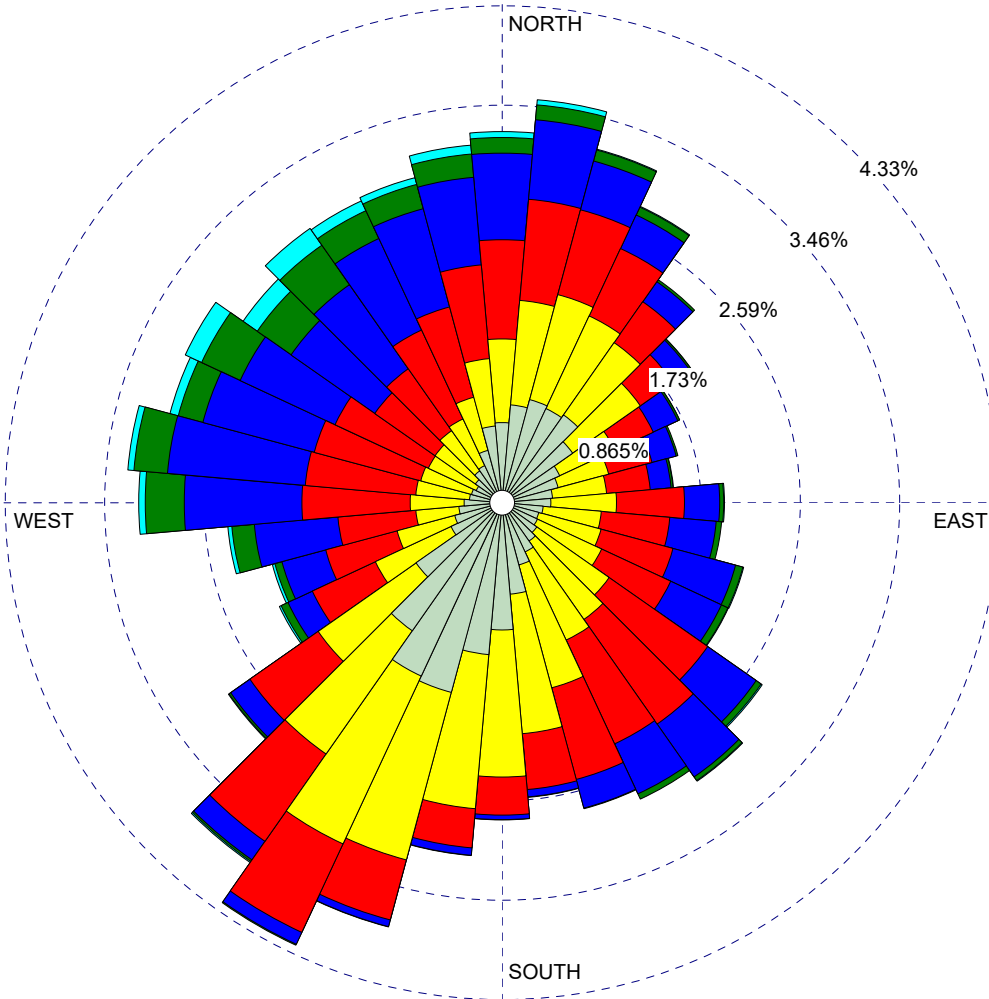
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WIND ROSE PLOT:

Wind Rose - Williston ND

DISPLAY:

**Wind Speed
Direction (blowing from)**



**WIND SPEED
(Knots)**

- >= 21.58
- 17.11 - 21.58
- 11.08 - 17.11
- 7.00 - 11.08
- 4.08 - 7.00
- 0.97 - 4.08
- Calms: 1.75%

COMMENTS:

DATA PERIOD:

**Start Date: 1/1/2009 - 00:00
End Date: 12/31/2013 - 23:59**

COMPANY NAME:

ERM

MODELER:

Dan Guido

CALM WINDS:

1.75%

TOTAL COUNT:

43795 hrs.

AVG. WIND SPEED:

7.75 Knots

DATE:

4/27/2020

PROJECT NO.:

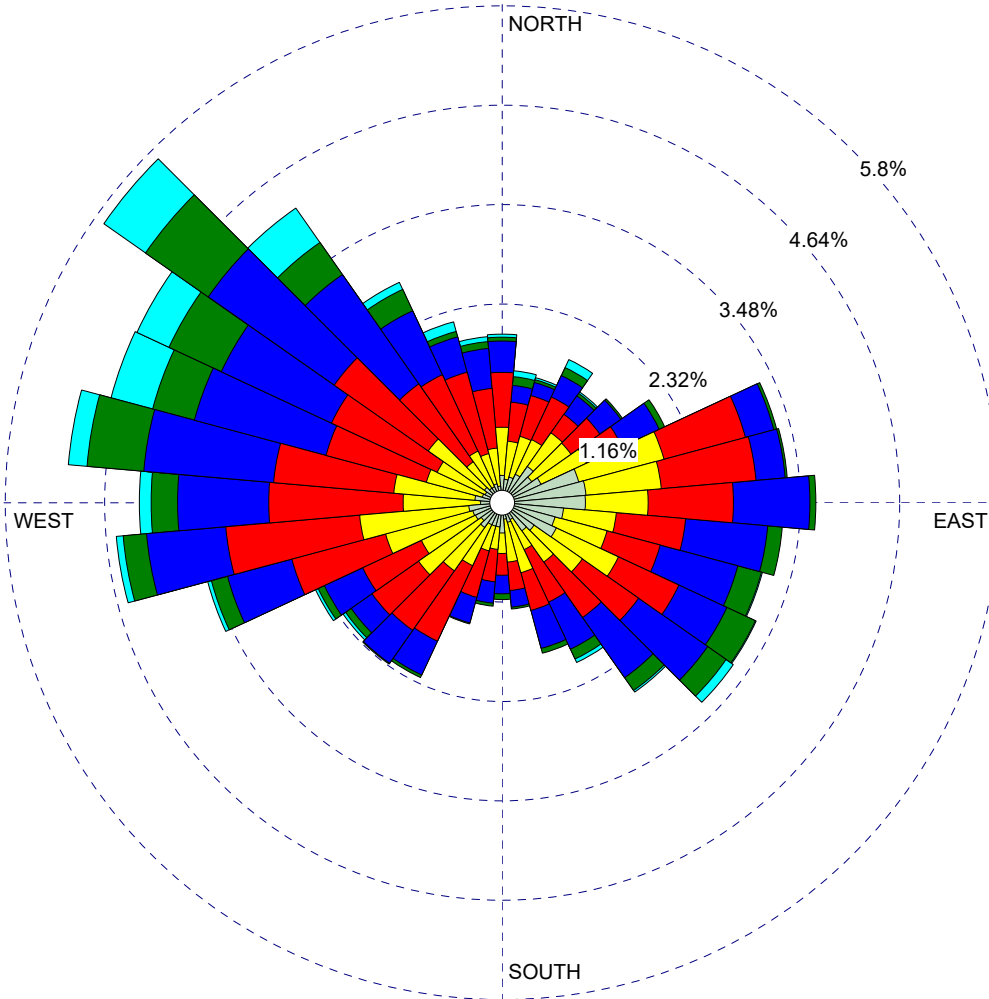


WIND ROSE PLOT:

Wind Rose - Hess Gas Plant, Tioga ND

DISPLAY:

**Wind Speed
Direction (blowing from)**



**WIND SPEED
(Knots)**

- >= 21.58
 - 17.11 - 21.58
 - 11.08 - 17.11
 - 7.00 - 11.08
 - 4.08 - 7.00
 - 0.97 - 4.08
- Calms: 0.03%

COMMENTS:	DATA PERIOD: Start Date: 1/1/2015 - 00:00 End Date: 12/31/2015 - 23:59	COMPANY NAME: ERM	
	CALM WINDS: 0.03%	MODELER: Dan Guido	
	AVG. WIND SPEED: 9.60 Knots	TOTAL COUNT: 8751 hrs.	
		DATE: 4/27/2020	PROJECT NO.:



Lisa DiNicolantonio

From: Thorstenson, Craig D. <cthorstenson@nd.gov>
Sent: Friday, May 29, 2020 4:17 PM
To: Ann Curnow
Cc: Andrea Thornton; Daniel Guido; Kautzman, Rheanna M.; Doyle, Heather A.
Subject: RE: Elkhorn

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Curnow:

We have reviewed the information regarding changes to the Elkhorn Creek Compressor station. Based upon the information submitted, the Department has determined that the changes will result in air pollution of minor significance and a Permit to Construct is not required per Subdivision 33.1-15-14-02.13.n of the North Dakota Air Pollution Control Rules. This determination is contingent upon the following conditions:

1. Construction/operation of the facility (with respect to sources of air pollution) shall be in accordance with information provided to the Department as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. This determination may be invalidated if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.
2. Even though a permit is not required, emissions from your facility must still comply with the applicable requirements of the rules.

The changes to the facility can be included when a Permit to Operate is issued for the facility.

The above determination only pertains to air quality requirements. Other divisions (Water Quality, Waste Management and Municipal Facilities) within the Department may have additional requirements.

Feel free to contact me with any questions.

Craig Thorstenson
Manager, Permitting Program
Division of Air Quality

701.328.5198 • cthorstenson@nd.gov • <https://deq.nd.gov/AQ/>



918 E. Divide Avenue, 2nd Floor • Bismarck, ND 58501

From: Ann Curnow <Ann.Curnow@erm.com>
Sent: Friday, May 29, 2020 12:19 PM
To: Thorstenson, Craig D. <cthorstenson@nd.gov>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>; Daniel Guido <Daniel.Guido@erm.com>
Subject: Elkhorn

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Mr. Thorstenson,

As discussed on the phone WBI Energy is proposing some slight changes to their Elkhorn Creek Compressor stations which was already issued a permit to construct PTC20015 on March 24, 2020.

One change is a slight adjustment in the layout of the station. Attached is a site plan which shows the original layout with the proposed layout imposed in black outline. The Auxiliary Building is in the same location but the Transfer and Compressor Building move to the east.

Also – the water heater will be smaller (0.2 MMBtu/hr as opposed to 2.08 MMBtu/hr) than what was anticipated for the PTC application. The original configuration did not have a gas preheater but the revision will have one. The gas preheater will be 0.12 MMBtu/hr. The cooler noted is not a source of air emissions but is listed as a change.

Can you please confirm if these changes require any new information to be submitted to the DEQ, or if they can be handled when filing for a permit to operate. I am preparing information for the supplemental filing for these changes that will be submitted to the Federal Energy Regulatory Commission (FERC) and I would like to be able to provide them detailed information on how we will deal with these changes with the DEQ.

Table 2 – Elkhorn Compressor Station Changes

	<i>Original Filing</i>
Land	10.9 acres. Required easement.
Access Road	Install a new permanent access road to facility
<i>Appurtenant Facilities</i>	<i>Original Filing</i>
Coolers	One gas cooler and one auxiliary cooler.
Water Heater	2.08 million BTU per hour
Fuel Gas Preheater	None

I can be reached by cell at 763-913-2057. I am not working in the office currently.

Ann Curnow
Senior Consultant

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Lisa DiNicolantonio

From: Kautzman, Rheanna M. <rKautzman@nd.gov>
Sent: Thursday, June 11, 2020 12:17 PM
To: Daniel Guido
Cc: Brian Murphy; Hal Robbins
Subject: RE: Question - plan for submittal of updated WBI Tioga Air Permit materials

Quick clarification: the at an airport should be set to no for the Hess site. The default is yes if using our clean NWS MET (which most of our applications use).

Rheanna Kautzman
Environmental Scientist
Division of Air Quality

By Executive Order, I am working from home and may not be as reachable by phone. I will be checking voice mail twice a day, so please leave a message and I will get back to you as soon as possible.

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From: Daniel Guido <Daniel.Guido@erm.com>
Sent: Thursday, June 11, 2020 2:12 PM
To: Kautzman, Rheanna M. <rKautzman@nd.gov>
Cc: Brian Murphy <BMurphy@bison-eng.com>; Hal Robbins <hrobbins@bison-eng.com>
Subject: RE: Question - plan for submittal of updated WBI Tioga Air Permit materials

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Thanks Rheanna –

The local onsite met station is in central time (similar to the Williston airport).
Based on this, it would appear that the met data should be re-processed using an upper air time adjust value of 6.

Also – I have noticed that it may be that the AERSURFACE processing was done using SEASONAL temporal resolution – versus the MONTHLY resolution per ND DEQ guidance.

Brian – the guidance from ND DEQ on AERSURFACE processing is as follows:

- Radius of study area used for surface roughness: 1.0 km*
- Define the surface roughness length for multiple sectors? Yes*
- Number of sectors: 12*
- Temporal resolution of surface characteristics: Monthly*
- Continuous snow cover for at least one month? Yes*
- Reassign the months to different seasons? Yes*
- Specify months for each season: Northwest ND*
 - Late autumn after frost and harvest, or winter with no snow: Oct, Nov, Dec, Mar*
 - Winter with continuous snow on the ground: Jan, Feb*
 - Transitional spring (partial green coverage, short annuals): Apr, May*
 - Midsummer with lush vegetation: Jun, Jul, Aug*
 - Autumn with unharvested cropland: Sep*
- Is this site at an airport? Yes. **NO***
- Is the site in an arid region? No*
- Surface moisture condition at the site: Average*

When you update the AERMET work for the upper air time adjust factor, can you also incorporate the ND DEQ recommendations for AERSURFACE?

Perhaps though, we would select “NO” about if the site at an airport . . . since the met station is not at an airport.

Daniel Guido
Principal Consultant, Scientist

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From: Kautzman, Rheanna M. <rKautzman@nd.gov>
Sent: Thursday, June 11, 2020 2:41 PM
To: Daniel Guido <Daniel.Guido@erm.com>
Subject: RE: Question - plan for submittal of updated WBI Tioga Air Permit materials

Hi Dan,

I got your voice mail and did some quick looking into their station, and as I understand it they are using Central time at the station and therefor it should be the same as Williston which is Central time.

I'd have them correct it if the Hess station is on Central time or if its on Mountain time to give me some documentation on that.

Rheanna Kautzman
Environmental Scientist
Division of Air Quality

By Executive Order, I am working from home and may not be as reachable by phone. I will be checking voice mail twice a day, so please leave a message and I will get back to you as soon as possible.

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From: Daniel Guido <Daniel.Guido@erm.com>
Sent: Thursday, June 11, 2020 12:44 PM
To: Kautzman, Rheanna M. <rKautzman@nd.gov>
Subject: RE: Question - plan for submittal of updated WBI Tioga Air Permit materials

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Rheanna –

I am finally in the process of preparing the revised submittal.
Part of this will incorporate the data from Hess/Bison to utilize local on-site met data.
This report may already have been submitted by Hess.

I had a specific question about that met data processing. I have a message into Brian Murphy (Bison), but wanted to confirm with you as well

Specifically, what is the correct upper air time adjust parameter value to use?

I have seen some guidance [but it appears confusing] in the file about met data - from ND DEQ website.

The PDF file is: **Met_Stations_0408_WBAN.pdf**

Here is a screen shot from this document – highlighted is the row for Williston/Galsgow

**AERMET Surface Meteorology Stations
(2004-2008)**

Station Call Sign	Station Name	Station ID	Station Location		Station Elev. (m)	Recommended Upper-air Site	TADJUST Upper-air*
			Lat	Long			
CYEN	Estevan (CAN)	94057	49.217° N	102.967° W	581.0	Glasgow	6
KABR	Aberdeen (SD)	14929	45.45° N	98.421° W	396.2	Aberdeen	6
KBHK	Baker (MT)	94055	46.333° N	104.25° W	902.0	Glasgow	7
KBIS	Bismarck	24011	46.774° N	100.748° W	506.0	Bismarck	6
KDIK	Dickinson	24012	46.797° N	102.802° W	787.3	Bismarck	7
KDVL	Devils Lake	24015	48.117° N	98.917° W	443.0	Bismarck	6
KETH	Wheaton (MN)	24017	45.78° N	96.534° W	313.0	Aberdeen	6
KFAR	Fargo	14914	46.925° N	96.811° W	274.0	Aberdeen	6
KGFK	Grand Forks	14916	47.949° N	97.176° W	253.6	International Falls	6
KHCO	Hallock (MN)	24018	48.783° N	96.95° W	250.0	International Falls	6
KHEI	Hettinger	94038	46.017° N	102.65° W	824.0	Bismarck	7
KISN	Williston	94014	48.195° N	103.642° W	580.6	Glasgow	6
KJMS	Jamestown	14919	46.93° N	98.678° W	455.4	Bismarck	6
KMBG	Mobridge (SD)	94052	45.533° N	100.433° W	509.0	Bismarck	6
KMOT	Minot	24013	48.259° N	101.281° W	522.4	Bismarck	6
KSDY	Sidney (MT)	24021	47.707° N	104.184° W	605.0	Glasgow	7

* Time zone adjustment for AERMET Stage 1 upper-air station input (6 = Central Time, 7 = Mountain Time), consistent with recommended upper-air site. As long as the surface station and project are located in the same time zone, the TADJUST value for Stage 1 surface station input is zero.

What is confusing: is the upper air time adjust factor tied to the time zone of the surface stn?

The last phrase of the first sentence in the footnote . . . “ consistent with the recommended upper-air site “ makes me think the time adjust should track with the time zone of the upper air site – but Glasgow is in MOUNTAIN TIME.

What is correct?

The AERMET processing done by Bison appears to have used an upper air time adjust value of 7 [mountain time].

Does this need to be corrected, using a value of 6?

Will it create a significant difference in model results?

Daniel Guido
Principal Consultant, Scientist

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From: Kautzman, Rheanna M. <rKautzman@nd.gov>
Sent: Monday, May 4, 2020 2:26 PM
To: Daniel Guido <Daniel.Guido@erm.com>
Cc: Ann Curnow <Ann.Curnow@erm.com>
Subject: RE: Question - plan for submittal of updated WBI Tioga Air Permit materials

Hi Dan,

The original app was incomplete so resubmitting the whole thing or just the updated sections are a horse-a-piece and up to WBI. The official date of receipt will be when we receive a completed application, which should just be the updated modeling. The \$325 filing fee does not need to be resubmitted.

I would like to see a whole new modeling section with the following:

- MET processing and reason for selecting that MET
- QA/QC program for the MET site (this may be from Hess)-could be a reference to Department or EPA audit or approval of the QA/QC program and methods.
- The MET files, raw and the inputs for AERMOD
- Discussion of any MET processing that is not standard or not in accordance with Department policy, this could be Adj-u*, AERSURFACE processing, etc.
- Use of Hourly O3 files and the processing of those
- In-stack-ratios used and the justification of those values (maybe part of Hess's submittal)
- Updated site layout including fence line labeled
- AERMOD inputs, that are not default and the justification for their use and input files
- MAXCONTD files and analysis of contribution(s)
- Any changes to Hess or WBI stack parameters that were modeled to demonstrate that WBI is not causing or contributing, i.e. increased stack height, concurrent Clark operations, in-stack ratios, etc.
- Stack inputs, height, exit velocity, temp, emission rate, etc.
- Building height and dimensions for bpip and bpip file
- Plots of the pollutants modeled for the averaging period of the standard.
- The Class I modeling for Lost Wood.

Basically, a walk through of all of the modeling parameters and decisions used in the modeling. The better documented and supported the better. This makes the Department's review easier and shows transparency in the record that WBI did the modeling in good faith, using approved modeling procedures, and has well documented any reasons for using procedures that "sharpen the pencil" of dispersion modeling and how they are inline with App. W and good modeling practices.

App W allows for the "sharpening of the pencil", but that it must be documented and of sound science.

You can submit this via email or other means, if the files large, the Department can make a Google Drive file open for you to put the files there if needed.

Rheanna Kautzman
Environmental Scientist
Division of Air Quality

By order of the Governor, I am working from home and may not be as reachable by phone. I will be checking voice mail twice a day, so please leave a message and I will get back to you as soon as possible.

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From: Daniel Guido <Daniel.Guido@erm.com>
Sent: Monday, May 4, 2020 12:51 PM
To: Kautzman, Rheanna M. <rKautzman@nd.gov>
Cc: Ann Curnow <Ann.Curnow@erm.com>
Subject: Question - plan for submittal of updated WBI Tioga Air Permit materials

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Rheanna –

I wanted to work with you to outline what might be a streamlined submittal package for the updates on the WBI air permit application.

Can you give me a bullet list of what we will want to pull together?

Can this be a supplemental submittal package? Rather than a complete re-submittal of the entire application?

Perhaps Tables of sources, figures showing updated facility site layout, and more narrative that describes the met data and Hess Gas Plan source parameters, etc.

I am getting closer to having the technical analysis completed, and so thought it would be helpful to develop this submittal guideline/outline between us.

Thanks.

Daniel Guido
Principal Consultant, Scientist

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NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – North Dakota Game and Fish
Department (NDGFD)**



LOG

LOG OF TELEPHONE CONVERSATION

CALL TO/FROM WHOM: Steve Dyke, Biologist	PHONE NO.: 701-328-6347
COMPANY: North Dakota Game & Fish	
ERM CONTACT: Justin Moffett	PHONE NO.: 971-645-9941
DATE: March 26, 2020	TIME OF CONVERSATION: 9:30 am

RE:
North Bakken Expansion: BMPs for responding to inadvertent returns when HDD'ing Lake Sakakawea

SIGNATURE:

LOG OF CONVERSATION:

The purpose of this call was to discuss the NDG&F's expectations, requirements, etc. for responding to, containing, and cleaning up inadvertent returns (IR) in Lake Sakakawea.

- I spoke to Steve Dyke at ND Game and Fish re: inadvertent returns (IRs) response BMP's, procedures etc. w/in Lake Sakakawea. He said the agency does not have any specific BMPs for IR. He mentioned that his department will review WBI's USACE application for the HDD Section 10/408 approval, and may recommend general erosion control BMPs for the HDD workspaces in upland areas, but does not expect requiring anything specific to the lake since there is no planned in-water work.

NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – State Historical Society of North
Dakota (SHSND)**



March 16, 2020

Mr. Dave Linn
WBI Energy Transmission Inc.
2010 Montana Avenue
Glendive, MT 59330

ND SHPO Ref.: 19-5593, WBI Energy Transmission Inc, Docket No CP20-52-000, North Bakken Expansion Project, landowner notifications, Williams, McKenzie, Mountrail and Burke Counties, North Dakota

Dear Mr. Linn,

We reviewed ND SHPO Ref.: 19-5593, WBI Energy Transmission Inc, Docket No CP20-52-000, North Bakken Expansion Project, landowner notifications, Williams, McKenzie, Mountrail and Burke Counties, North Dakota and we look forward to further consultation with the Federal agencies involved.

Thank you for the opportunity to review this project. If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at (701) 328-3577, e-mail lsteckler@nd.gov

Sincerely,

for Claudia J. Berg
State Historic Preservation Officer
(North Dakota)

19-5593



April 15, 2020

Ms. Kim Anderson
USFS
kim.anderson@usda.gov

Mr. Rick Rogers
USACE
Richard.R.Rogers@usace.army.mil

Mr. Dave Linn
WBI Energy Transmission Inc.

Ms. Dawn Ramsey
FERC
Dawn.Ramsey@ferc.gov

ND SHPO Ref.: 19-5593, "Class III Archaeological Survey: WBI Energy Transmission, Inc. North Bakken Expansion Project, Burke, McKenzie, Mountrail, and Williams Counties, North Dakota" [T159N R94W Sections 2, 3, 8, 9, 10, 17, 20, 29, 30, & 31] [T160N R94W Sections 13, 23, 26, & 35] [T161N R92W Sections 17, 18, 19, & 30] [T149N R98W Sections 2, 3, 10, 11, 14, 22, 23, 27, 33, & 34] [T150N R98W Sections 1, 11, 12, 13, 14, 23, 24, 26, 27, & 34] [T151N R98W Sections 2, 11, 13, 14, 24, 25, & 36] [T152N R97W Sections 6, 7, & 18] [T152N R98W Sections 13, 23, 24, 26, & 35] [T153N R97W Sections 1, 12, 13, 14, 22, 23, 27, 28, & 33] [T154N R96W Section 30] [T154N R97W Sections 25, & 36] [T157N R95W Section 25] [T158N R94W Sections 6, 7, 18, & 19] [T158N R95W Section 24] [T159N R94W Section 31] [T154N R96W Sections 6, 7, 18, 19, & 30] [T154N R97W Sections 25, & 36] [T155N R96W Sections 3, 10, 15, 22, 27, 31, 32, 33, & 34] [T156N R95W Sections 5, 6, 8, 17, & 18] [T156N R96W Sections 1, 2, 3, 4, 13, 23, 24, 26, 27, & 34] [T157N R95W Sections 1, 11, 12, 14, 23, 24, 25, 26, 34, & 35] [T158N R94W Section 19] [T158N R95W Sections 24, 25, & 36] & "Class III Historic Architectural Survey, North Bakken Expansion Project, Burke, McKenzie, Mountrail, and Williams Counties, North Dakota" in portions of [T159N R94W Sections 17, 20, 31, & 32] [T160N R94W Sections 13, 26, & 35] [T150N R98W Sections 13, & 24] [T152N R98W Section 35] [T153N R97W Sections 14, & 23] [T158N R94W Sections 18, & 19] [T157N R95W Sections 11, 12, & 23] & [T158N R95W Sections 25], "Class III Cultural Resource Survey of the United States Forest Service Lands: WBI Energy Transmission, Inc. North Bakken Expansion Project, Burke, McKenzie, Mountrail, and Williams Counties, North Dakota"

All,

We reviewed ND SHPO Ref.: 19-5593, "Class III Archaeological Survey: WBI Energy Transmission, Inc. North Bakken Expansion Project, Burke, McKenzie, Mountrail, and Williams Counties, North Dakota" "Class III Historic Architectural Survey, North Bakken Expansion Project, Burke, McKenzie, Mountrail, and Williams Counties, North Dakota" and "Class III Cultural Resource Survey of the United States Forest Service Lands: WBI Energy Transmission, Inc. North Bakken Expansion Project, Burke, McKenzie, Mountrail, and Williams Counties, North



Dakota” , and have several comments. Please see the attachment.

Thank you for the opportunity to review this project. If you have any questions please contact Lisa Steckler, Historic Preservation Specialist at (701) 328-3577, e-mail lsteckler@nd.gov

Sincerely,

for Claudia J. Berg
State Historic Preservation Officer
(North Dakota)

19-5593

- General comments:
 - Provide more background information on sites with previous work. Focus on methods and reasoning for previous eligibility recommendation.
 - Map symbology has item named "Shovel test – No Dig". Are these shovel probes that were planned, but not excavated for some reason? If so provide explanation.
- Avoidance, 50 ft buffer minimum, Fence and Monitor:
 - Private land: 32BK277, 32BK279, 32BK280, 32BK282, 32MZ3308, 32MZ3309, 32MZ3310, 32MZ3311, 32MZ3325, 32MZ3327, 32WI1494, 32WI1630, 32WI2144, 32WI2388, 32WI2389, 32WI2391, 32WI2392, 32WI2393, 32WI2394, 32WI2398, 32WI2406, 32WI2408.
 - US Forest Service Sites: 32MZ3301, 32MZ3314, 32MZ3315, 32MZ3319, 32MZ3320, 32MZ3322, 32MZ3324.
- Formally evaluate with site delineation and at least one 1x1 m TU. Submit evaluation plan prior to fieldwork:
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 - US Forest Service Site: 32MZ2346.
- Isolated Finds:
 - Discuss subsurface potential on all IFs on a case-by-case basis. If the finds are in a good depositional context, STPs may be necessary to show that these are truly isolates. Minimal site recording may be enough to get a site number for database purposes, but more information is needed to verify that these are truly part of a category that can be written-off as not eligible.
- Site-by-site comments, private land:
 - 32BK168 – Expand reasoning for Not Eligible Determination both previously and now. Newly recorded site boundary included previously unidentified features. Perhaps site should be unevaluated. Consider formal evaluation and provided updated management recommendations.
 - 32MZ3323 – Discussion mentions "Better Examples" of homesteads. Provide examples.
 - 32WI1495 – Actual well shown in Figure 5.3-81 may be visible in figure 5.3-80. Is this location impacted by project? Consider site lead.
 - 32WI2404 – How is this identified as prehistoric? Could it be a result of natural glacial and/or historic or modern field clearing? Provide evidence. Fence and monitor as necessary.
 - 32WI2408 – Workspace is extremely close to possible graves. Is the planned route fixed?
- Site-by-site comments, US Army Corps of Engineers land:
 - 32MZ598 – Drilling under site is not avoidance as leaks and emergency repairs do consider cultural resources. Formal testing or horizontal avoidance is necessary.
 - 32MZ598 – Show bore location and HDD line on map
 - 32MZ598 – Clarify and provide more evidence for geomorphological hypothesis of A horizon being related to flood deposits. Typically, A horizons show stability rather than

accretional or erosional events. Provide more information on why artifacts are interpreted as disturbed rather than in primary context.

- 32MZ598 – Did cut bank provide additional information on buried soils? Were artifacts identified in cut bank?
- 32WI976 - Given size and shape of site, additional TUs recommended.

Lisa DiNicolantonio

From: Steckler, Lisa L. <lsteckler@nd.gov>
Sent: Thursday, April 16, 2020 10:21 AM
To: Lori.Myerchin@WBIEnergy.com; Andrea Thornton
Subject: North Bakken
Attachments: North Bakken Expansion Comments.docx; 19-5593 Report Comments.docx

Please see attached, no hard copies to follow

Lisa Steckler
Historic Preservation Specialist
NDSHPO



April 15, 2020

Ms. Kim Anderson
USFS
kim.anderson@usda.gov

Mr. Rick Rogers
USACE
Richard.R.Rogers@usace.army.mil

Mr. Dave Linn
WBI Energy Transmission Inc.

Ms. Dawn Ramsey
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Dawn.Ramsey@ferc.gov

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MEETING NOTES

LOG OF IN PERSON MEETING

MEETING ATTENDEES:

Pat Robblee (ERM), Kevin Malloy (ERM), Andrew Clark (North Dakota State Archaeologist)

DATE:

04/28/2020

TIME OF CONVERSATION:

10:00 cst

RE:

WBI North Bakken Expansion Project 2020 Archaeological Surveys and Class III Archaeological Inventory Report Comments

PREPARED BY:

Kevin Malloy

LOG OF CONVERSATION:

- Kevin Malloy welcomed the meeting attendees to the call.
- Pat Robblee noted that the SHSND's comments on the Class III inventory reports do not address structures. Pat asked if the SHSND concurs with the eligibility and effect recommendations provided in the Class III report for structures. Andy Clark said he believes that is correct but will confirm with Lisa Steckler at SHSND, who reviewed that report.
- Pat asked if ERM can assume SHSND concurrence with ERM's eligibility/effect recommendations for those archaeological sites not specifically addressed in the SHSND's comments on the Class III archaeology report. If he didn't specifically comment on a site, Andy said he concurs with the management recommendation specific to that site, but noted that additional information on some sites still needs to be added to the report (e.g., expanded description of previous work at previously recorded sites).
- Pat noted that the SHSND's comments on the Class III archaeology report generally fall into two categories: recommendations for new or expanded text in the report, and recommendations for additional work at certain sites. Pat asked if Andy preferred an update to the Class III report that addresses comments on the text, followed by an addendum report on the additional fieldwork completed at sites, or a single comprehensive update to the Class III report that addresses both text comments and incorporates the results of additional fieldwork. Andy said he prefers the latter. The comprehensive report also can include the results of any additional survey completed this season (e.g., survey of route changes).
- Pat provided the following update on the status of WBI Energy's efforts to address recommendation for avoidance with a 50 foot buffer, fencing, and monitoring:
 - Ten sites are greater than 50 feet from construction workspace based on the current proposed design. WBI Energy will provide site plans for each of these depicting the location of each site

relative to construction workspace, the distance between the site and construction workspace, and the fencing plan for each site.

- WBI Energy is evaluating options for avoiding the other sites. WBI Energy anticipates that many of the sites can be avoided with adjustments to workspace configurations within the survey corridor for the project. Avoidance of some sites may require reroutes or workspace adjustments outside the survey corridor; survey of these areas will be required. WBI Energy will provide avoidance plans for these sites and results of the additional survey as the project design is finalized and fieldwork is completed.
 - Where fencing is required, orange exclusion fencing would be installed along the edge of the construction workspace between the workspace and the site.
- Pat confirmed with Andy that the effect assessment for unevaluated sites avoided by 50 feet with fencing and monitoring would be “no adverse effect”. Pat asked if there’s a distance at which fencing and monitoring would no longer be required, noting that some sites could be 100 or more feet from workspace following modifications. Pat also asked at what distance the effect assessment would change from “no adverse effect” to “no effect”. Andy said there is no standard distance; this would be evaluated on a case-by-case basis.
 - Pat asked about protocols or expectations for monitoring. Andy said that the SHSND generally requires that a monitor be present for all ground disturbing activities near a site to ensure that those activities do not affect the site, noting that there have been problems on recent projects where sites are disturbed. Pat provided an overview of the FERC process for ensuring that construction is limited to the areas approved by FERC (including areas needed for staging or parking). He also mentioned the use of environmental inspectors and compliance monitors on FERC projects. Andy said the SHSND would consider the scope of monitoring when a written monitoring plan is submitted for review.
 - Pat asked about the recordation of the former oil derrick near 32WI1495 (depicted on a historic aerial photo contained in the Class III archaeology report). The derrick is no longer extant and the area surrounding it has been cultivated since at least the 1990s based on aerial photos. The former location of the derrick, which is about 230 ft from construction workspace, can be recorded as a site lead.
 - Pat Robblee described the HDD installation process for the Missouri River, including the crossing of 32WI976, noting the alignment of the pipe would be about 160 to 180 feet below grade where it passes beneath the site. Andy said the SHSND does not typically consider use of HDD as an avoidance measure, but would review an avoidance plan if submitted by WBI Energy. The plan would need to address impacts from operational leaks in the pipeline and future maintenance activities. An avoidance plan would not be needed if 32WI976 is determined to be not eligible for the NRHP.
 - Pat, Andy, and Kevin discussed the scope of the additional testing (delineation and unit excavation) recommended by the SHSND for some sites. Andy provided additional context on the recommendations. Pat said that ERM is proposing a combination of shovel testing and unit excavation at most sites, but would propose to limit fieldwork at two sites disturbed by previous oil and gas construction activities to shovel testing. Andy said he would review the proposal, but cautioned that

the SHSND generally requires the excavation of at least one, 1 x 1 m test unit as a standard method for assessing site eligibility. Pat said that ERM anticipates submitting a testing plan by the end of the week.

- The site testing plan can be emailed to Andy and Lisa Steckler or posted to the SHSND FTP site, but a paper copy also needs to be mailed to the SHSND office.
- Pat provided an overview of the proposed geomorphological testing of select crossings along the pipeline routes proposed for the project. Andy said he would review the methods. (Note: Pat emailed the methods to Andy later in the afternoon).
- Kevin thanked everyone for attending and concluded the meeting.

Pat Robblee

From: Pat Robblee
Sent: Tuesday, April 28, 2020 6:19 PM
To: Clark, Andrew
Cc: Kevin Malloy
Subject: WBI Energy North Bakken Expansion Project
Attachments: Geomorphological Testing Plan.pdf

Andy,

Per our discussion this morning, the attached summarizes the methodology we are planning to implement to test for deeply buried sites.

With regard to BLM involvement, I confirmed that the BLM will be issuing the right-of-way grant because the project crosses federal lands managed by two different agencies (USACE and USFS), which is a requirement of the Mineral Leasing Act. The comments on the Class III report from the BLM came from Katie West.

Pat

Patrick Robblee

Program Director

ERM

T+612 840 8976

E pat.robblee@erm.com | W www.erm.com



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Geomorphological Testing

ERM's subcontractor, GeoArc Research, Inc. (GeoArc), will conduct geomorphological investigations at nine waterbody crossings and associated alluvial surfaces along the proposed pipeline routes for the Project. The goal of these investigations will be to determine if deeply buried archaeological material is present or likely to be present at locations with the greatest geological potential within the proposed Project workspace. The locations proposed for geomorphological testing are listed in Table 1. An Detailed maps on the Project area are provided in the Class III inventory report (Malloy et al. 2020).

The geomorphological testing will utilize a combination of sediment/soil coring and mechanical post-hole augering. Projected test locations will be identified in advance with reference to detailed geomorphic mapping. Once on site, projected core and auger locations will be flagged by the geoarchaeologist, with adjustments for field and ground conditions as deemed necessary. The number and exact locations of cores and augers to be excavated will depend on field conditions and the results of ongoing work. In general, testing will be conducted between 100 and 500 m on either side of the crossing with a sampling interval of 20 to 100 m, but may extend farther with greater spacing, based on ongoing field results.

Sediment / Soil Coring: Solid, continuous sediment/soil cores will be taken with a trailer-mounted or ATV-mounted Giddings Hydraulic Soil Probe utilizing a 1.2 m-long (4 ft-long) barrel that is either 6.4 cm (2.5 in) or 5.1 cm (2.0 in) in diameter, depending on location, to provide stratigraphic context for the other subsurface tests for buried cultural deposits within the targeted test areas. Coring will proceed by inserting a clear liner in the barrel, pushing the barrel into the ground, retracting the barrel, extracting the liner, examining and noting sediment at the ends of the liner and changes within the liner, and labeling and capping the ends of the liner for later detailed description. Core holes will be backfilled with bentonite chips of medium size grade.

Mechanical Post-Hole Augering: A 23 cm (9 in) diameter post-hole auger adapted to the Giddings Hydraulic Soil Probe will be used for rapid testing for the presence or absence of buried archaeological deposits. The volume of auger spoil generated per vertical foot will be about 0.5 m³, taking into account the diameter of the auger shaft. This would be comparable to, or slightly greater than, what would be produced while shovel testing with a typical shovel. The number and spacing of augers will be determined by the geomorphology, field conditions, and the collection of soil coring auger test results. Spoil will be segregated in 0.3 m intervals as augering proceeds and treated as shovel test spoil. Each one-foot increment will be inspected for artifacts as the spoil is extracted from the auger hole, then screened through ¼ inch hardware cloth onto a tarp. In the case of clayey sediment or exceedingly dry B horizon material, clods will be broken apart and examined for artifacts. In the event that cultural deposits are encountered from a context that is unclear, the auger will be swapped out for a core barrel, the drill rig mast swung to the side of the auger hole, and a core will be taken and examined to ascertain a more precise depth and context. Auger tailings will be returned to the auger hole upon completion, and the auger will be used to compact fill in the hole during backfilling.

Augering and coring of a hole will continue by these processes until one or more of the following conditions are met:

- For augers, depths of, and for cores, depths up to, one to two meters below the projected pipeline trench, are achieved.
- Sediment representing depositional environments unfavorable for significant prehistoric settlement or preservation of archaeological evidence is encountered.
- Bedrock, impenetrable soil horizons, or impenetrable cobble or boulder gravel is encountered.

- Sediment known to pre-date North American occupation is encountered.
- Saturated sand is encountered that either impedes deeper progress by flowing into the hole, or refuses to remain within the core liner during extraction.

If artifacts are encountered during coring, augering, and detailed core description, they will be collected and sent to the ERM office in Duluth, Georgia, for processing and analysis. The artifacts will be returned to the landowner at the conclusion of the Project. The results of the geomorphological testing will be presented in a stand-alone report or incorporated into a the Class III inventory report for the Project.

Locations for Geomorphological Testing			
County	Crossing	Geomorphological Features	Approx. Mileposts ^a
Burke	White Earth Creek	Valley and terraces	13.25 – 13.56
			13.63 – 13.70
Williams	Beaver Creek	Valley colluvium and floodplain	17.82 – 18.09
		Alluvial fans on low terrace	18.26 – 18.66
	Missouri River ^b	Alluvial fans and eolian dunes and sand sheets on the valley terrace north of the river	19.51 – 23.96
McKenzie	Tobacco Garden Creek	Floodplain, east side	29.71 – 30.02
		Floodplain, west and south side	30.18 – 31.17
	Tobacco Garden Creek and tributary	Crossing plus colluvial slopes related to broad saddle between the two water courses	35.02 – 35.79
			36.24 – 36.45
			38.98 – 39.15
	Tobacco Garden Creek tributary	Floodplain and low terrace	39.43 – 39.67
		Alluvial fan	39.82 – 39.84
	Tobacco Garden Creel tributary	Relict broad alluvial fan and floodplain, north side	46.50 – 46.66
		Relict broad alluvial fan and floodplain, south side	46.71 – 46.80
	Cherry Creek	Relict broad alluvial fan and floodplain, north and south sides	48.05 – 48.22
Northfork Creek Valley	Floodplain or low terrace, south side	51.35 – 51.45	
Cherry Creek	Small alluvial fan of low order drainageways and floodplain	51.94 – 52.08	
	Floodplain	52.13 – 52.45	
^a	For longer crossings, select areas will be subject to testing based on field observations, conditions, and results from ongoing cores and augers. Nominally, floodplains and terraces in the vicinity of river, creek, and drainageway crossings will be tested in addition to the selected lengths in other geomorphic settings along the specified intervals.		
^b	Testing at this crossing would begin at the exit point for the HDD and proceed north.		

Pat Robblee

From: Pat Robblee
Sent: Thursday, April 30, 2020 11:04 AM
To: Clark, Andrew
Subject: WBI Energy North Bakken
Attachments: Meeting Notes 20200428.docx

Hi Andy.

Attached are notes we took from our call. I wanted to see if you have any comments on these.

Also, were you able to check if the SHSND concurred with the recommendations for structures or to confirm that your comments on 32MZ598 actually pertain to 32WI976?

Thanks again for you continuing assistance with this project.

Pat

Patrick Robblee
Program Director

ERM
T+612 840 8976
E pat.robblee@erm.com | W www.erm.com



The world's leading sustainability consultancy

Pat Robblee

From: Pat Robblee
Sent: Monday, May 4, 2020 4:38 PM
To: Clark, Andrew
Cc: Isteckler@nd.gov; Kevin Malloy
Subject: WBI Energy North Bakken Expansion Project - ND SHPO Reference 19-5593

Hi Andy,

Per our discussion last week, I have uploaded the site testing plan for the WBI Energy North Bakken Expansion Project to “/Home/shsndgis/shscontractor20” on the nd.gov ftp site. There are two files: a transmittal letter (file name: *05-04-20 – Plan Submittal.pdf*) and the testing plan (file name: *NBE Site Testing Plan.pdf*). Paper copy will follow by Fed Ex delivery.

Pat

Patrick Robblee
Program Director

ERM
T+612 840 8976
E pat.robblee@erm.com | W www.erm.com



The world's leading sustainability consultancy

From: Clark, Andrew <andrewclark@nd.gov>
Sent: Wednesday, May 6, 2020 12:02 PM
To: Pat Robblee <Pat.Robblee@erm.com>
Cc: Steckler, Lisa L. <lsteckler@nd.gov>; Kevin Malloy <Kevin.Malloy@erm.com>
Subject: RE: WBI Energy North Bakken Expansion Project - ND SHPO Reference 19-5593

Hi Pat,

Thanks for the update we will review as quickly as possible.

Andy

Andrew Clark, PhD
Chief Archaeologist
Archaeology and Historic Preservation Division
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, North Dakota 58505-0830
701-328-3574

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Subject: WBI Energy North Bakken Expansion Project - ND SHPO Reference 19-5593

Hi Andy,

Per our discussion last week, I have uploaded the site testing plan for the WBI Energy North Bakken Expansion Project to “/Home/shsndgis/shscontractor20” on the nd.gov ftp site. There are two files: a transmittal letter (file name: *05-04-20 – Plan Submittal.pdf*) and the testing plan (file name: *NBE Site Testing Plan.pdf*). Paper copy will follow by Fed Ex delivery.

Pat

Patrick Robblee
Program Director

ERM
T+612 840 8976
E pat.robblee@erm.com | W www.erm.com

From: Clark, Andrew <andrewclark@nd.gov>
Sent: Wednesday, May 6, 2020 12:07 PM
To: Pat Robblee <Pat.Robblee@erm.com>
Cc: Steckler, Lisa L. <lsteckler@nd.gov>
Subject: RE: WBI Energy North Bakken

Hi Pat,

I talked with Lisa and she did find the report acceptable. We will defer concurrence on any portion (architectural and archaeology) when we receive a federal determination.

Yes you are correct, there were typos in my comments. Comments for 32MZ598 do relate to 32WI976.

Thank you for the phone call. I look forward to discussing the project with you further.

Best,

Andy

Andrew Clark, PhD
Chief Archaeologist
Archaeology and Historic Preservation Division
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, North Dakota 58505-0830
701-328-3574

From: Pat Robblee <Pat.Robblee@erm.com>
Sent: Thursday, April 30, 2020 10:04 AM
To: Clark, Andrew <andrewclark@nd.gov>
Subject: WBI Energy North Bakken

Hi Andy.

Attached are notes we took from our call. I wanted to see if you have any comments on these.

Also, were you able to check if the SHSND concurred with the recommendations for structures or to confirm that your comments on 32MZ598 actually pertain to 32WI976?

Thanks again for you continuing assistance with this project.

Pat

Patrick Robblee
Program Director

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T+612 840 8976
E pat.robblee@erm.com | W www.erm.com

Pat Robblee

From: Raina Hanley <RHanley@bcarch.org>
Sent: Friday, May 22, 2020 5:59 PM
To: Clark, Andrew
Cc: Wade Burns; Jennifer Zander; Andrea Thornton; Pat Robblee
Subject: BCA20-1313: Tribal Participation Survey SOW
Attachments: BCA20-1313 TCS Survey Methods SOW.pdf

Good Afternoon Andrew,

Per your request, attached please find a PDF document containing the scope of work (SOW) that we put together describing the planned tribal survey methodology for the planned 2020 fieldwork on behalf of WBI Energy for the proposed North Bakken Pipeline Expansion Project, Williams and McKenzie Counties, North Dakota.

Please let us know if you have any questions, concerns, or would like any hard copies.

Thank you,

Raina Hanley
Chief Operating Officer

Beaver Creek Archaeology
1632 Capitol Way
Bismarck, ND 58501
Cell: (701) 595-0588
Ph: (701) 663-5521 | Fx: (701) 663-5589

Beaver Creek Archaeology
712 West Quay Avenue
Artesia, NM 88210
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Scope of Work

Tribal Survey
Methodology for the
North Bakken
Pipeline Expansion
Project, Williams and
McKenzie Counties,
North Dakota



Beaver Creek
ARCHAEOLOGY

Prepared for:
ERM on behalf of WBI Energy

Prepared by:
Wade Burns
Beaver Creek Archaeology, Inc
1632 Capitol Way
Bismarck, ND 58501

May, 2020

Project Overview

WBI Energy, the Project Sponsor, proposes to have Environmental Resources Management (ERM) conduct an additional archaeological survey for the North Bakken Expansion Project in Williams and McKenzie Counties, North Dakota, during the 2020 field season. The planned 2020 fieldwork is to include an on the ground archaeological and tribal review of the proposed reroutes of the original pipeline alignment, revisits of cultural resource sites documented during the 2019 field review- the specific emphasis being on stone feature sites, as well as evaluative testing efforts proposed at documented lithic scatter and/or historical sites.

The vast majority of the planned route is located on private surface with segments of the line crossing on to U.S. Forest Service and U.S. Army Corps of Engineers managed surfaces. In addition to the federal land management agencies, the project is being permitted through the Federal Energy Regulatory Commission (FERC). As there is federal involvement in the project, the applicant must comply with Section 106 of the National Historic Preservation Act (NHPA). The NHPA requires the applicant to consider what effects the undertaking will have on cultural resources within the area of potential effect (APE). The FERC has delegated and authorized the task of initiating communications with potential consulting parties to the Project Sponsor or their contractors. Guidance provided by FERC also details that the FERC environmental project manager should be notified if a consulting party requests to be consulted by FERC.

The project was initially surveyed in 2019, but the fieldwork efforts were not able to be completed in that field season. Accordingly, the project will resume fieldwork efforts during the 2020 field season. As part of the 2020 fieldwork efforts, the Project Sponsor sought to recommence their tribal involvement efforts. Subsequently, the Project Sponsor has requested Beaver Creek Archaeology (BCA) assist them with this task for the planned 2020 fieldwork.

During a 2020 project process meeting with consulting federal and state agencies, the North Dakota State Historic Preservation Office (SHPO) requested a scope of work (SOW) outlining how the tribal portion of the survey by the Traditional Cultural Specialists (TCSs) would be conducted. This SOW will outline the minimum standards and planned methodology to be implemented by the various participating TCSs. It should be noted that each tribe has its own unique methods and methodology for locating and recognizing Cultural Heritage Sites (CHSs). Accordingly, the participating TCSs will be able to apply these standards in addition to the specific methods and standards planned for this project. As such, each tribe has the right to survey additionally, under their prescribed methodology, as well as to interpret and share whatever information they deem necessary for their portion of their participation in the project.

No agency or the private firm(s) has the right to demand information from the tribal participants for which the tribal participant(s) do not deem necessary to share.

Objective

The three central objectives of this study and BCA's involvement in the project study are:

1. To assist the Project Sponsor with their Section 106 compliance obligations,
2. To help the TCSs' record the sites and features they identify and assess for project impacts within or immediately adjacent to the project's Right-of-Way (ROW) and associated survey corridor,
3. And to help the tribes record their National Register of Historic Places (NRHP) eligibility recommendations for the historic properties they encounter within the ROW and the associated survey corridor on the ND Cultural Heritage Forms to be filed with the SHPO.

Tasks

1 – Background Literature Research (Class I)

Beaver Creek Archaeology staff will examine records held at the SHPO and those supplied by ERM. In addition, BCA will review the history of previous archaeological research in the area. This site information will be shared with the participating TCSs and Tribal Historic Preservation Officers (THPO) who are participating or have an interest in the project.

2 –Survey and Site Review

The BCA field representatives will have the survey areas and site boundaries loaded onto Trimble Global Positioning System (GPS) units and have printed maps available for fieldwork. In an attempt to provide the reviewing and consulting parties as well as the participating TCSs and archaeologists a standardized approach to the multi-tribal pedestrian survey, at minimum, the tribal review will meet the SHPO's minimum survey standards for archaeologists which consist of 15-meter transects or less. As stated earlier in this document, in an effort to identify all visible cultural resources within the remaining unsurveyed portions of the project area, the participating TCSs will be able to apply their specific survey standards and methods in addition to the particular methods and standards planned for this project. As such, each TCS has the right to survey under their prescribed methodology, as well as to interpret and share whatever information they deem necessary for their portion of their participation in the project.

All cultural heritage resources identified during the inventory will be pin flagged, photographed, and coordinates taken with a Trimble GPS unit running ArcPad. Cultural Heritage Forms (CHFs) will then be filled out with the appropriate information documenting the sites and assessing the site's integrity and eligibility. The tribes will share the amount of knowledge they feel suited to meet these requirements. In addition, sites found the past year during the 2019 survey, with specific emphasis on stone feature sites, will also be revisited. This revisit will allow the various tribes the ability to survey the area within and immediately around the current site boundaries so they may give their input on how the sites are recorded and avoided. They will utilize the same 15-meter or less transects as used in the regular survey. Cultural Heritage form updates will be performed for these sites as well.

3 – Deliverables

BCA will provide ERM, on behalf of the Project Sponsor, participating THPOs' and agencies with weekly updates during the field investigation as well as the following documents:

- A) **BCA Cultural Resource Survey Forms:** Forms filled out by the BCA staff will be given to ERM to be used for supplemental information when they are compiling their final report. *NOTE: Tribal notes by the participating TCS are the property of each tribe and will not be shared as a deliverable, due to they may contain sensitive information.* However, the TCS(s) may share information they see fit for the BCA staff to include in the BCA forms and weekly updates. These forms and weekly updates will be shared with the participating THPOs, agencies, and ERM on behalf of the Project Sponsor.

- B) **Weekly Survey and Site Visit Updates:** Weekly project updates, and any applicable BCA forms, will be shared with the participating THPOs, agencies, and ERM on behalf of the Project Sponsor.

- C) **Cultural Heritage Forms (CHFs):** For each historic property encountered and/or revisited as a part of the planned 2020 fieldwork for the North Bakken Pipeline Expansion project, for which a TCS(s) requests feature and/or site documentation, BCA will help facilitate this request by taking GPS point(s) of the feature(s) and/or boundary, as well as other similar style information about the cultural heritage site. The BCA staff will document any specific feature and/or site details for which the TCS(s) are comfortable sharing and having documented. At the request of the SHPO, the information determined by the TCS(s)/THPO(s) allowable for documentation will be detailed as part of a CHF. *It should be noted, at the request of the SHPO, that a CHF will also be created for any existing historic properties with existing Smithsonian Institution Trinomial System (SITS) numbers for which a TCS(s) requests feature documentation or shares any specific information about the features that had been documented. It should be further noted that if the TCS(s)/THPO(s) are not comfortable having specific details documented as a part of the CHFs, the BCA staff will note that in any form, that is to be completed, for new or documented sites.*

The BCA field and office staff will help facilitate the participating TCS(s), and subsequently, ERM, with the completion and submission of the CHF as well as with the creation and compilation of geographic information system (GIS) data pertaining to any CHFs. The CHF and associated GIS data will be submitted to the SHPO for their review and processing. Copies of these forms and GIS files will also be forwarded to ERM and THPOs for their project records and the ability to implement the information into their final report for the project.

Pat Robblee

From: Kevin Malloy
Sent: Tuesday, June 2, 2020 1:51 PM
To: Clark, Andrew
Cc: Pat Robblee
Subject: ERM Testing Plan Status

Hi Andy,

I hope you're staying safe and healthy and this email finds you well.

I am writing to follow-up on the review status of the Testing Plan we submitted back in May for our upcoming fieldwork, and to see if you have any comments or questions. We are set to have people mobilizing out to Watford City this weekend and are planning on starting site testing on Monday June 8th. If you could please let me know if there are any issues you would like us to address, that would be very helpful.

Please feel to reach out to me with any questions.

Thanks,
Kevin

From: Clark, Andrew <andrewclark@nd.gov>
Sent: Wednesday, June 3, 2020 3:42 PM
To: Kevin Malloy <Kevin.Malloy@erm.com>
Cc: Pat Robblee <Pat.Robblee@erm.com>; Steckler, Lisa L. <lsteckler@nd.gov>
Subject: RE: ERM Testing Plan Status

Hi Kevin and Pat,

I read through the *Class III Archaeological Inventory Report: Response to Comments, Select Site Avoidance Plans, and Site Testing Plans*. I would like to see test units at 32MZ3306 and 32MZ3307. Otherwise, the plan is acceptable.

Thank you for the opportunity to review.

Best,

Andy

Andrew Clark, PhD
Chief Archaeologist
Archaeology and Historic Preservation Division
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, North Dakota 58505-0830
701-328-3574

Sent: Tuesday, June 2, 2020 12:51 PM
To: Clark, Andrew <andrewclark@nd.gov>
Cc: Pat Robblee <Pat.Robblee@erm.com>
Subject: ERM Testing Plan Status

Hi Andy,

I hope you're staying safe and healthy and this email finds you well. I am writing to follow-up on the review status of the Testing Plan we submitted back in May for our upcoming fieldwork, and to see if you have any comments or questions. We are set to have people mobilizing out to Watford City this weekend and are planning on starting site testing on Monday June 8th. If you could please let me know if there are any issues you would like us to address, that would be very helpful.

Please feel to reach out to me with any questions.
Thanks,
Kevin

From: Kevin Malloy <Kevin.Malloy@erm.com>
Sent: Tuesday, June 9, 2020 9:58 AM
To: Clark, Andrew <andrewclark@nd.gov>
Cc: Pat Robblee <Pat.Robblee@erm.com>; Steckler, Lisa L. <lsteckler@nd.gov>
Subject: RE: ERM Testing Plan Status

Hi Andy,

My apologies for the slow response. Thank you for your message. We will add in test units into our plan for these two sites.

Kind regards,

Kevin

From: Clark, Andrew <andrewclark@nd.gov>
Sent: Wednesday, June 3, 2020 2:42 PM
To: Kevin Malloy <Kevin.Malloy@erm.com>
Cc: Pat Robblee <Pat.Robblee@erm.com>; Steckler, Lisa L. <lsteckler@nd.gov>
Subject: RE: ERM Testing Plan Status

Hi Kevin and Pat,

I read through the *Class III Archaeological Inventory Report: Response to Comments, Select Site Avoidance Plans, and Site Testing Plans*. I would like to see test units at 32MZ3306 and 32MZ3307. Otherwise, the plan is acceptable.

Thank you for the opportunity to review.

Best,

Andy

Andrew Clark, PhD
Chief Archaeologist
Archaeology and Historic Preservation Division
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, North Dakota 58505-0830
701-328-3574

NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – North Dakota State Water
Commission (SWC)**

Lisa DiNicolantonio

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Friday, March 27, 2020 9:31 AM
To: Andrea Thornton
Subject: Re: Sovereign Land Application Update

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Andrea. I will begin review of this next week and get you a project number. Discussions on the need for a scour analysis will continue and I will let you know any developments on that front asap. Just FYI our State Engineer is retiring on Tuesday. Our Deputy State Engineer will continue as interim until the position is filled by the Governor.

[Ashley C. Persinger](#)
Sovereign Land Specialist

701.328.4988 • 701.328.3696 (fax) • apersinger@nd.gov • www.swc.nd.gov

NORTH
Dakota | Water Commission & State Engineer
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701.328.2750 • swc@nd.gov • mapservice.swc.nd.gov • 900 East Boulevard Avenue • Bismarck, ND 58505



From: Andrea Thornton <Andrea.Thornton@erm.com>
Date: Friday, March 27, 2020 at 9:37 AM
To: Ashley Persinger <apersinger@nd.gov>
Subject: RE: Sovereign Land Application Update

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Ashley –

I submitted the Sovereign Land Permit this morning via email (sovereignlands@nd.gov). As we've discussed, we will continue to send you more information on the crossing and updated plans once the geotech work on the lake is completed. This work is currently scheduled to start at the end of April. The location/depth of the crossing is not expected to change. Any preliminary information that you can provide on the need for a scour analysis would be appreciated. Based on the information in the criteria provided on the application form, it still sounds like it would not apply for the project

Please reach out if you have any questions or concerns. I'm going to be taking a couple of days off but will still be checking in.

I hope you have a good weekend,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Friday, March 20, 2020 12:59 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Heiser, Gerald R. <gheiser@nd.gov>
Subject: Re: Sovereign Land Application Update

Hi Andrea. Thanks for the update! For now our state offices are closed to the public and a great majority of staff, including myself and my direct supervisor Jerry, fully transitioned to remote work. I will be able to check voicemails remotely, but that yet has be set-up. For now email is the best way to get connected with us.

That's good to hear on your application. We are looking forward to getting that project going here. I'm looking into the size limit question on the emails and will get back to you on that.

We are not anticipating changes in review timeframes at this point. We will be pushing document review in the same systems and they seem to be working on point remotely.

Ashley C. Persinger
Sovereign Land Specialist

701.328.4988 • 701.328.3696 (fax) • apersinger@nd.gov • www.swc.nd.gov



701.328.2750 • swc@nd.gov • mapservice.swc.nd.gov • 900 East Boulevard Avenue • Bismarck, ND 58505



From: Andrea Thornton <Andrea.Thornton@erm.com>
Date: Friday, March 20, 2020 at 12:02 PM
To: Ashley Persinger <apersinger@nd.gov>
Subject: Sovereign Land Application Update

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Ashley –

I hope you and your family are doing well in this interesting time we are in. I wanted to let you know that I will be working from home full time for the foreseeable future as ERM has temporarily closed all of our offices in North America. Are your offices still open? We are still on track for submitting the Sovereign Land Application this month. Do you know if there is a file size limit for the sovereignlands@nd.gov email submittal?

While I know we are in uncharted waters here, I wanted to see if you had any insights on changes in review time periods given our current situation. Any information that you may have would be helpful.

Thank you and I hope you have a good weekend.

-Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Wednesday, February 12, 2020 9:32 AM
To: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: Re: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

Hi Dawn,

Thanks for the presentation today. The slides will be helpful for future reference as I have done lots of pipelines in state but never crossing state lines. Just confirming that the Water Commission does not need to be a cooperating agency. Our sovereign land permit process and application will give us all the information we need on the crossing of Lake Sakakawea. Andrea and I have been working towards submittal of the sovereign land application for the pipeline crossing. We will be kicking off that process in March which takes average about 90 days.

Andrea thanks for the message yesterday I did receive it this morning before the call. All sounds like we are on track. Discussions happening internally here about the scour analysis policy. Everyone will be in the loop when your application arrives here.

Ashley C. Persinger
Sovereign Land Specialist

701.328.4988 • 701.328.3696 (fax) • apersinger@nd.gov • www.swc.nd.gov



701.328.2750 • swc@nd.gov • mapservice.swc.nd.gov • 900 East Boulevard Avenue • Bismarck, ND 58505



From: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Date: Wednesday, February 12, 2020 at 8:49 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>, "Renschler, Jason J CIV USARMY CENWO (USA)" <Jason.J.Renschler@usace.army.mil>, "Thury, Jeremy J CIV USARMY CENWO (USA)" <Jeremy.J.Thury@usace.army.mil>, "jessica_n_johnson@fws.gov" <jessica_n_johnson@fws.gov>, "jerry_reinisch@fws.gov" <jerry_reinisch@fws.gov>, "Jackson, Seth" <sajackson@blm.gov>, "Bickerdyke, Cale E -FS" <cale.bickerdyke@usda.gov>, "Grotte, Kim -FS" <kim.grotte@usda.gov>, "Wax, Peter N." <pwax@nd.gov>, Tina Lyons <Tina.Lyons@erm.com>, "Linn, Dave" <Dave.Linn@WBIEnergy.com>, "Linn, Jill" <Jill.Linn@wbienery.com>, "Huncovsky, Greg" <Greg.Huncovsky@WBIEnergy.com>, "Myerchin, Lori" <Lori.Myerchin@WBIEnergy.com>, "Lueder, Gay Lynn" <GayLynn.Lueder@WBIEnergy.com>, "Stennes, David" <David.Stennes@WBIEnergy.com>, "Stefka, Kyle" <Kyle.Stefka@WBIEnergy.com>, Ashley Persinger <apersinger@nd.gov>
Cc: "Morris, Michael P CIV USARMY CENWO (USA)" <Michael.P.Morris@usace.army.mil>, "Wallace, Arthur L Jr CIV USARMY CENWO (US)" <A.Luke.Wallace@usace.army.mil>, "Rogers, Richard R II CIV USARMY CENWO (US)" <Richard.R.Rogers@usace.army.mil>, "ekraft@blm.gov" <ekraft@blm.gov>, Shannon Crosley <Shannon.Crosley@ferc.gov>, "Riely, Debbie - FS" <debbie.riely@usda.gov>, "Kenninger, Kate - FS" <Kate.Kenninger@usda.gov>
Subject: RE: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Good morning everyone,

Attached is the FERC process presentation we will be going over during the call today, along with some guidance for federal and state agencies involved in FERC natural gas projects.

Thanks,

Dawn

Dawn Ramsey

Federal Energy Regulatory Commission

Dawn.Ramsey@ferc.gov

202-502-6856

-----Original Appointment-----

From: Andrea Thornton <Andrea.Thornton@erm.com>

Sent: Wednesday, August 14, 2019 10:04 AM

To: Andrea Thornton; Renschler, Jason J CIV USARMY CENWO (USA); Thury, Jeremy J CIV USARMY CENWO (USA); jessica_n_johnson@fws.gov; jerry_reinisch@fws.gov; Jackson, Seth; Bickerdyke, Cale E -FS; Grotte, Kim -FS; Wax, Peter N.; Tina Lyons; Linn, Dave; Linn, Jill; Huncovsky, Greg; Myerchin, Lori; Lueder, Gay Lynn; Stennes, David; Stefka, Kyle; Persinger, Ashley C.

Cc: Dawn Ramsey; Morris, Michael P CIV USARMY CENWO (USA); Wallace, Arthur L Jr CIV USARMY CENWO (US); Rogers, Richard R II CIV USARMY CENWO (US); ekraft@blm.gov; Shannon Crosley; Riely, Debbie - FS; Kenninger, Kate - FS

Subject: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

When: Wednesday, February 12, 2020 8:00 AM-9:30 AM (UTC-08:00) Pacific Time (US & Canada).

Where: Microsoft Teams Meeting

Importance: High

Hello Everyone –

As we discussed on our January 29, 2020 bi-weekly call, the last North Bakken Expansion Project pre-filing call will be on February 12th. In addition to the standard information we have been providing on these calls, FERC will be providing an overview of the FERC process moving forward once WBI Energy’s application is filed. Additionally we will be doing an overview of agency comments on the preliminary draft of the applicant prepared EA. We have extended the duration of the call from 1 hour to 1.5 hours to include this additional information.

We encourage all agencies to attend this call! Please let us know if there are any questions.

-Andrea

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Conference ID: 528 436 51#

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Please visit ERM's web site: <http://www.erm.com>. To find out how ERM manages personal data, please review our [Privacy Policy](#)

Lisa DiNicolantonio

From: Andrea Thornton
Sent: Friday, March 27, 2020 7:30 AM
To: sovereignlands@nd.gov
Cc: Huncovsky, Greg; Linn, Jill
Subject: North Bakken Expansion Project Sovereign Lands Permit
Attachments: WBI_SovLnds_App_27Mar2020.pdf

To: Sovereign Lands Permit Reviewer

From: WBI Energy Transmission, Inc.

WBI Energy Transmission, Inc. (WBI Energy) proposes to install approximately 93 miles of pipeline, including new pipeline, pipeline looping and upgrades to existing pipelines, as well as construction of a new compressor station, upgrades to an existing compressor station, and other appurtenances to transport natural gas from WBI Energy's existing Tioga Compressor Station near Tioga, Williams County, North Dakota, to a new interconnect with North Border's mainline southeast of Waterford City, McKenzie County, North Dakota. The North Bakken Expansion Project (Project) includes a new pipeline that would involve installation of an approximately 62-mile-long, 24-inch-diameter natural gas pipeline that would include the crossing of Lake Sakakawea and U.S. Army Corps of Engineers (USACE)-owned land. WBI Energy is proposing to cross both the lake and USACE property using the horizontal directional drilling (HDD) intersect method.

WBI is submitting the enclosed application for Authorization to Construct a Project within Sovereign Lands of North Dakota (Appendix A) and supporting materials in accordance with North Dakota Administrative Code § 89-10 and the North Dakota Sovereign Land Management Plan. Details regarding the HDD crossing methods and associated plans include the same materials submitted to the USACE for Section 408 permitting, attached as Appendix B. Figure 1, within Appendix B, provides an overview of the proposed Project crossing of Lake Sakakawea. WBI Energy plans to begin construction of the pipeline in May of 2021.

The following appendices are included in this submittal:

- Attachment A - Application To Construct A Project Within Sovereign Lands
- Attachment B - U.S. Army Corps of Engineers Section 408 Permit Application and Attachments

WBI Energy appreciates your assistance and review of the enclosed materials and should you have questions or require additional information during your review, please contact myself or Greg Huncovsky (406) 359-7451.

Respectfully,

Andrea Thornton

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

Appendix A
Application Form



AUTHORIZATION TO CONSTRUCT A PROJECT WITHIN SOVEREIGN LANDS OF NORTH DAKOTA

OFFICE OF THE STATE ENGINEER
REGULATORY DIVISION
SFN 61408 (5/2018)

No. S

(OSE USE ONLY)

Project Number **1625**

This application must be submitted to the North Dakota Office of the State Engineer by mail to 900 E Boulevard Ave, Dept. 770, Bismarck, ND 58505-0850, by fax to (701) 328-3696, or by email to sovereignlands@nd.gov. To be complete, this application must include the additional information listed in the instructions on page 3.

If you need any assistance, please contact the Regulatory Division at (701) 328-2752.

OFFICE OF THE STATE ENGINEER
USE ONLY

**** Additional Sheets May Be Attached If Necessary. ****

Project Will Be Located In Which Water Resource District?
Williams County and McKenzie County Water Resource Districts

LOCATION DESCRIPTION TO THE NEAREST 40-ACRE TRACT

¼ See Figure 1	¼ See Figure 1	Section S.18 in R.96W; S.36 in R.97W	Township T.154N	Range R.96W & R. 97W
----------------	----------------	---	--------------------	-------------------------

Is This Application For Modification Of An Existing Project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If So, What Year Was Project Constructed? N/A
---	--

By Whom?
Project is associated with new proposed natural gas pipeline, proposed by WBI Energy Transmission, Inc., no work has been completed.

Proposed Project Involves

<input type="checkbox"/> Bank Stabilization	<input checked="" type="checkbox"/> Pipeline Crossing	<input type="checkbox"/> Temporary Water Intake
<input type="checkbox"/> Boat Ramp	<input type="checkbox"/> Recreation	<input type="checkbox"/> Perennial Water Intake
<input type="checkbox"/> Bridge Construction	<input type="checkbox"/> Utility Line Crossing	<input type="checkbox"/> Permanent Water Intake Structure
<input type="checkbox"/> Fish And Wildlife	<input type="checkbox"/> Vegetation Control	<input type="checkbox"/> Dredge, Volume _____
<input type="checkbox"/> Geotechnical Work	<input type="checkbox"/> Water Outfall	<input type="checkbox"/> Fill, Volume _____
<input type="checkbox"/> Levee/Dike Or Dam	<input type="checkbox"/> Waste Lagoon	
<input type="checkbox"/> Other, Explain _____		

If Proposed Project Involves A Standard Dock (see Supplemental Measurements Sheet For Standard Docks)

Standard Dock Dimension Shape Project does not include a dock installation. Additional details are provided in Appendix B, the same materials submitted to the USACE as part of the Section 408 Permit application.

A N/A	B N/A	C N/A	D N/A
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About Water Body

Water Body On Which Project Will Be Located
Lake Sakakawea (Missouri River)

Purpose
Natural gas pipeline crossing of Lake Sakakawea.

Project Description
WBI Energy proposes to install a new approximately 62-mile-long, 24-inch-diameter natural gas pipeline from WBI Energy's existing Tioga compressor station to a new interconnect with Northern Borders' mainline southeast of Watford City, North Dakota. The pipeline installation will involve use of the HDD intersect method to install a natural gas pipeline across Lake Sakakawea as part of the proposed North Bakken Expansion Project (Appendix B; Figure 1). The HDD intersect method involves using two drill rigs, one on each side of the HDD, and drilling two pilot holes towards each other until they intersect at a predetermined point. For more details pertaining to the proposed activities see Attachment 5 of the attached Appendix B, "HDD Plan". WBI Energy plans to begin construction of the pipeline in May 2021.


Contractor (if known)
Michels

Anticipated Construction Start Date May 2021	Completion Date 4 to 6 months after start of construction
---	--

APPLICANT'S CERTIFICATION

I, the undersigned, am applying for authorization as required under North Dakota Century Code (N.D.C.C.) ch. 61-33 from the Office of the State Engineer. I understand that I must comply with N.D.C.C. ch. 61-33 and North Dakota Administrative Code ch. 89-10-01, and that I must adhere to any conditions required by the State Engineer. I acknowledge that my project is accurately described and depicted in this application as I intend to construct it. My signature below acknowledges that I have read and agree to these statements.

PROJECT OWNER

Name of Project Owner WBI Energy Transmission, Inc.			
Address 2010 Montana Ave.	City Glendive	State MT	ZIP Code 59330
Home Telephone Number 406-359-7451	Cell Number N/A		
Email Address Greg.Huncovsky@WBIEnergy.com			
Signature of Project Owner or Applicant 			Date 3-24-20

IF DIFFERENT FROM PROJECT OWNER

Name of Applicant N/A			
Address	City	State	ZIP Code
Home Telephone Number	Cell Number		
Email Address			

Signature of Project Owner or Applicant	Date
---	------

INSTRUCTIONS FOR COMPLETING AN AUTHORIZATION TO CONSTRUCT A PROJECT WITHIN SOVEREIGN LANDS OF NORTH DAKOTA UNDER NORTH DAKOTA ADMINISTRATIVE CODE § 89-10-01-04

A person seeking to construct a project within Sovereign Lands of North Dakota requires authorization from the State Engineer before construction or operation of the project. "Sovereign Lands" means those areas, including the beds and islands, lying within the ordinary high water mark of navigable lake and streams.¹ (N.D.C.C. § 61-33-01). The "ordinary high water mark" is that line on navigable waters below which the action of the water prevents the growth of vegetation, or to restrict its growth to predominantly wetland species.

To be complete, the application must include all information listed below:

1. A completed "Application to Construct a Project within Sovereign Lands of North Dakota" form.
2. A detailed map or drawing of the projects location on an aerial photo.
 - i. Size of map must be 8 ½ by 11 inches,
 - ii. Map shall have a north arrow and approximate scale, and
 - iii. Map shall indicate the proposed work on the drawing.
3. If applying for the installation of a standard dock in which the total length of the dock over the surface of the water does exceed twenty-five feet on a river and fifty feet on a lake, please include measurements requested on "Supplemental Measurements Sheet for Standard Docks".
4. If applying for the installation of a standard dock in which the total length of the dock over the surface of the water does not exceed twenty-five feet AND is located on the Missouri River between the Oliver and Morton County line and Lake Oahe wildlife management area, the project only requires registration with the State Engineer. Please complete the "Registration for Placement of a Dock Under 25 Feet-Long on Specified Waters" form (SFN 61441).
5. If applying for the installation or modification (including change in transported liquid) of a pipeline which transports crude oil, natural gas liquids, or any other hazardous liquid, as determined by the State Engineer, the Applicant must first conduct a scour analysis specific to the proposed crossing for project design purposes.²
6. If applying for the installation of riprap or other bank stabilizations, please include a cross sectional drawing of the proposed work which includes the existing and proposed grade and the present location of the water surface.

Further Sovereign Land Permit Guidance:

1. A permit would be required if any portion of the project would occur within, under, or over a navigable water of North Dakota.
2. A permit would be required if any portion of the project would occur below the ordinary high water mark.
3. The permit applicant is responsible for obtaining any other local, state, or federal permits or permissions that may be necessary prior to construction of a project on Sovereign Land.
4. There is no fee administered for a Sovereign Land Permit.
5. Please allow at least 90 days for Sovereign Land Permit processing.
6. Please notify the Office of the State Engineer of project completion at sovereignlands@nd.gov.
7. Unless specified, there is no expiration date on an obtained Sovereign Land Permit.

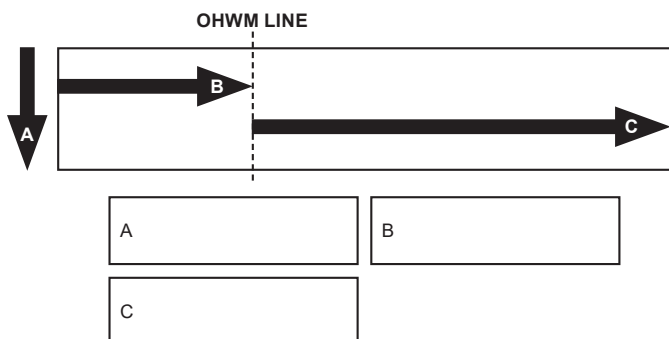
¹ North Dakota's Navigable Waters as of 2018: Missouri River, James River, Sheyenne River, Pembina River, Mouse River, Red River of the North, Bois De Sioux, Knife River, Heart River, Cannonball River, Yellowstone River, Devils Lake, Lake Metigoshe, Painted Woods Lake, Sweetwater Lake, Upper Des Lacs Lake, and Long Lake(Bottineau County). List subject to change.

² The minimum depth-of-burial for pipelines transporting crude oil, natural gas liquids, or any other hazardous liquid as determined by the state engineer must be total calculated scour plus four feet from the bed of the river to top-of-pipe for pipelines crossing the state's navigable rivers. (N.D.C.C. ch.61-63).

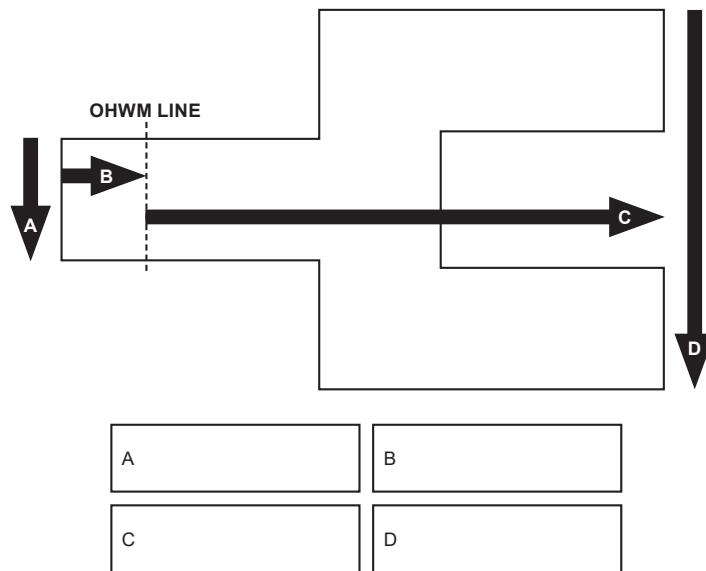
SUPPLEMENTAL MEASUREMENT SHEET FOR STANDARD DOCKS

OHWM = Ordinary High Water Mark

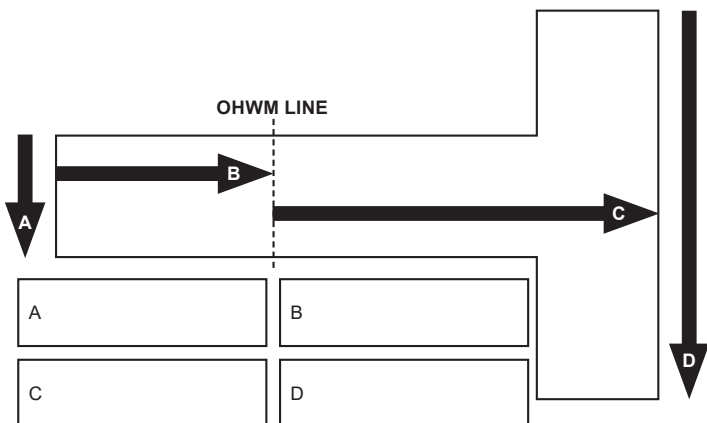
1. STRAIGHT DOCK DIMENSIONS (feet)



4. Y-SHAPE DOCK DIMENSIONS (feet)



2. T-SHAPE DOCK DIMENSIONS (feet)

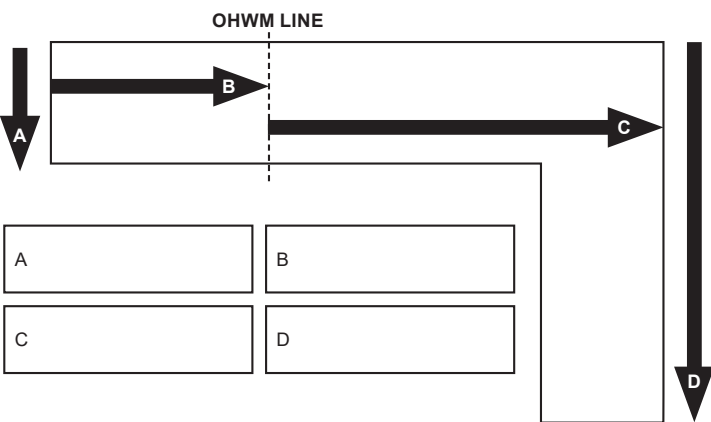


5. OTHER DOCK SIZE AND DIMENSIONS (feet)

DRAW IMAGE HERE ALONG WITH OHWM LINE

A	B
C	D

3. L-SHAPE DOCK DIMENSIONS (feet)



STANDARD DOCK CONDITIONS

The following standard conditions will be included on all docks requiring a sovereign land permit.

1. Total length of the dock over the surface of the water **does** exceed twenty-five feet on a river and fifty feet on a lake. Please include measurements requested on "Supplemental Measurement Sheet for Standard Docks";
2. The dock is owned and operated by the riparian owner or the riparian owner's lessee for the riparian owners or lessee's personal use;
3. The dock is used only for embarkation, debarkation, moorage of boats, water intakes, or recreation;
4. There is no unreasonable interference with navigation or access to an adjacent riparian land owner's property,
5. The dock is connected to a point above the ordinary high watermark by a boardwalk that does not exceed twenty-five (7.6 meters) in length, and is removed from below the ordinary high watermark each fall, and
6. Upon abandonment, the grantee restores the bank as closely as practicable to its original condition.

Appendix B

*U.S. Army Corps of Engineers Section 408 Permit Application and Attachments,
(Figure 1, HDD Crossing Plan, and Associated Plans)*

Figure 1:
Lake Sakakawea HDD Extent and Associated USACE Owned Lands
Crossing

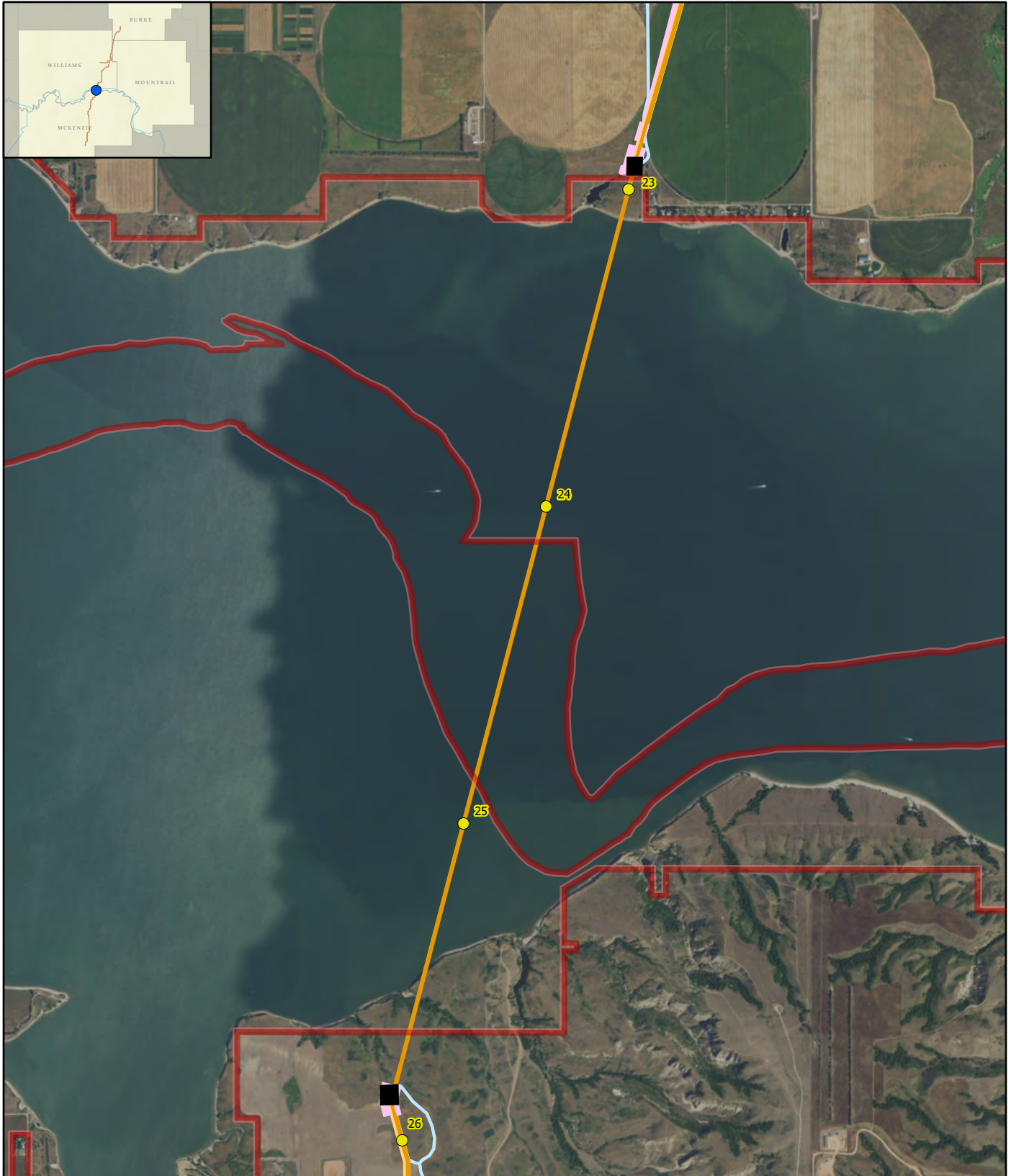


Figure 1
North Bakken Expansion Project
 Lake Sakakawea HDD Extent
 and Associated USACE Owned Lands Crossing



ATWS	Milepost	
Access Road	HDD Drill Box	
Temporary Right-of-Way	U.S. Army Corps of Engineers Land	
Permanent Right-of-Way		

Attachment 2
Surface Use Plan



**WBI ENERGY TRANSMISSION, INC.
North Bakken Expansion Project**

Attachment 2

Surface Use Plan of Operation

Draft

February 2020

**WBI ENERGY TRANSMISSION, INC.
NORTH BAKKEN EXPANSION PROJECT
SURFACE USE PLAN OF OPERATION**

1.0 PROJECT DESCRIPTION

WBI Energy Transmission, Inc. (WBI Energy) proposes to construct and operate the North Bakken Expansion Project (or Project), which consists of an approximately 61.9-mile-long, new 24-inch-diameter natural gas pipeline from new facilities at WBI Energy's Tioga Compressor Station near Tioga, North Dakota, to a new compressor station (Elkhorn Creek Compressor Station) southeast of Watford City, North Dakota.

The Project also involves construction of approximately 0.3 mile of new 24-inch-diameter natural gas pipeline between the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company, approximately 20.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 25, approximately 9.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 30, approximately 0.5 mile of new 20-inch-diameter receipt lateral to the Tioga Compressor Station, and uprating of WBI Energy's Line Section 25. The Project includes additional horsepower at the Tioga Compressor Station; the installation of new and modifications to existing delivery, receipt and transfer stations along WBI Energy's pipeline routes; the replacement of small segments of pipeline facilities; and the installation of block valves, pig launcher/receiver stations and other associated appurtenances.

The Project will require crossing of the Lake Sakakawea Reservoir, which is managed by the U.S. Army Corps of Engineers (USACE), along with USACE-owned lands adjacent to Lake Sakakawea. WBI Energy proposes to install the natural gas pipeline under Lake Sakakawea and USACE lands using the horizontal directional drill (HDD) construction method, a trenchless method designed to avoid direct impacts to sensitive features. The HDD workspaces will be located adjacent to USACE-owned lands on the north side of the lake, and 840 feet from USACE-owned lands on the south side of Lake Sakakawea. No surface impact to USACE lands is anticipated for this Project during installation and operation of the pipeline; all temporary surface impacts will be located outside of USACE lands. Access in the area of the proposed HDD will be along public and private roads.

2.0 CONSTRUCTION TECHNIQUE

The proposed HDD will be 2.9 miles in length and will cross 12,934 feet of USACE-owned lands. For the HDD crossing of Lake Sakakawea, WBI Energy anticipates using the intersect method, where a single alignment is achieved by drilling from both ends so as to connect the drills underground. Electromagnetic sensors located on the tip of the drill bit will allow the operator to follow the sensor grid along the prescribed path. Once the pilot hole is completed, the sensor grid will be removed and the hole will be enlarged through a process called reaming. A reaming tool will be installed at one end of the drill string on the exit side of the pilot hole, and then pushed or drawn back to the drill rig to enlarge the hole. Several passes with progressively larger reaming tools may be required to enlarge the hole to a sufficient diameter to accommodate the pipeline. During this process, drilling fluid, or mud, consisting of in-situ material and water (and possibly bentonite clay) will be circulated through the hole to remove drill cuttings and maintain the integrity of the hole. Once the reaming process is complete, a prefabricated segment of pipe will be attached to the drill string on the exit side of the crossing, and pulled back through the hole toward

the drill rig. The pipe segment will generally be hydrostatically tested prior to its installation, and once installed, connected on either side of the crossing to adjoining sections of pipe. The pipe segment will be hydrostatically tested a second time with the remainder of the pipeline system.

3.0 LAND REQUIREMENTS

WBI Energy has requested that the USACE issue a real estate easement across Lake Sakakawea and on adjacent USACE-owned lands. The requested easement would be 50-feet (25-feet either side of centerline) in width and 12,934 feet in length centered on the proposed pipeline. A legal description of the requested easement is provided in Attachment 1.

WBI Energy will maintain the easement according to easement provisions. No surface occupancy of USACE land is proposed as part of the Project. Additionally, WBI Energy does not propose to maintain vegetation (i.e., clear, mow, or apply herbicide) within the easement on USACE lands during operation of the pipeline. However, WBI Energy will conduct periodic inspections of the pipeline right-of-way as outlined in WBI Energy Transmission – Gas System Operation and Maintenance Manual. The proposed Project will be incorporated into WBI Energy's extensive Supervisory, Control, and Data Acquisition System (SCADA). The Gas Control Center is located at WBI Energy's headquarters in Bismarck, North Dakota, and is staffed 24 hours a day, 365 days a year. Gas controllers use SCADA to monitor the pipeline system, which includes a wide range of activities such as monitoring gas pressures and flows along the pipeline, physical startup and shutdown of compressor sites, and operating system valves along the pipeline.

Data acquisition occurs at many locations along the mainline, such as compressor stations, and meter stations. This data is transmitted to Gas Control through SCADA. If system parameters fall outside a predetermined range, an alarm is activated at Gas Control and corrective action is taken by the gas controller as needed. Local WBI Energy personnel are dispatched in response to these alarms if intervention is required outside Gas Control. WBI Energy will also conduct a baseline assessment using in-line inspection of the proposed pipeline in accordance with U.S. Department of Transportation requirements to check for damage, deformities, or other factors that could affect the integrity of the pipelines. If potential problems are identified and maintenance or repair of the pipeline is required, WBI Energy would request separate authorization from the USACE and other applicable agencies to repair or maintain the pipeline.

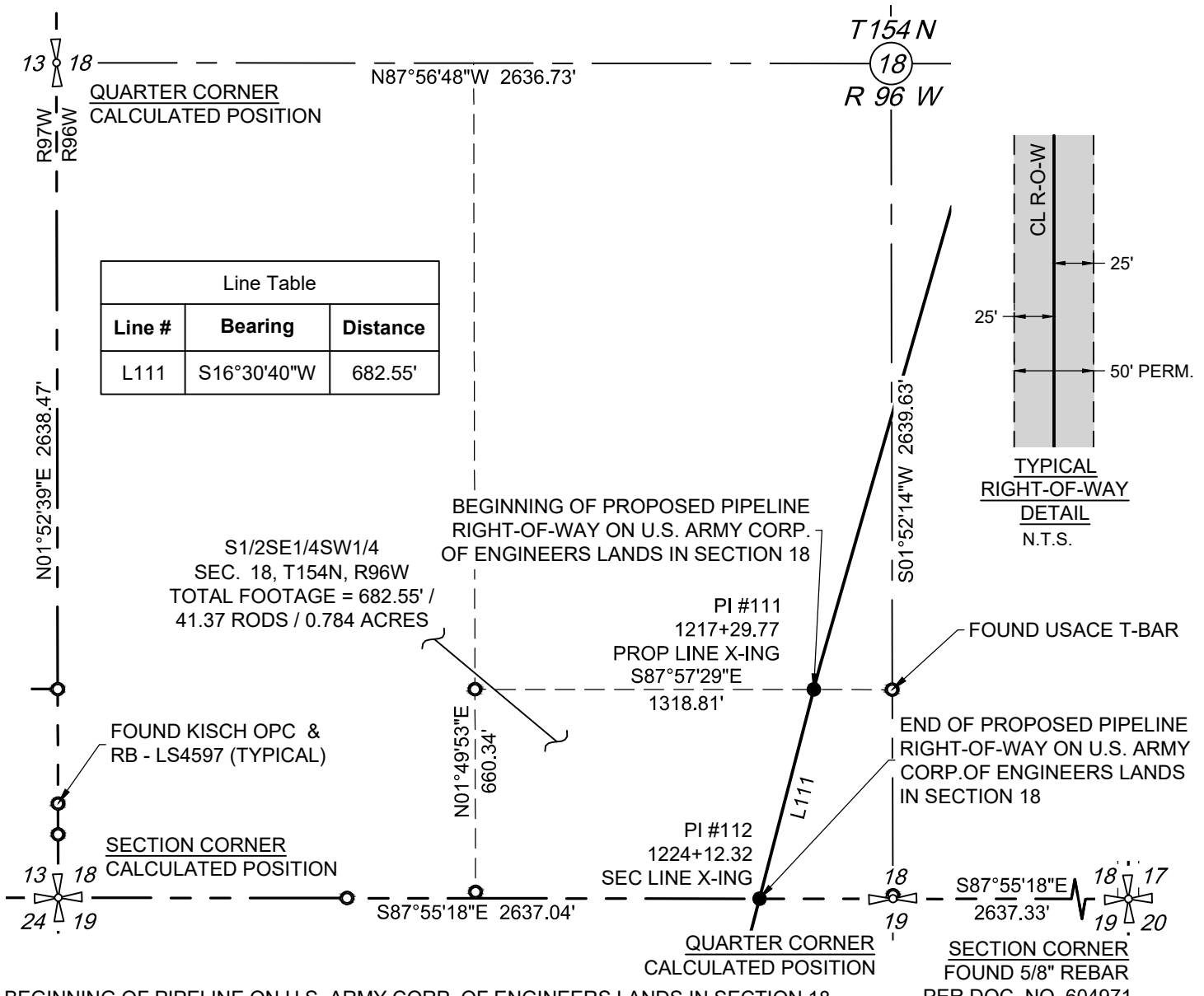
NORTH BAKKEN EXPANSION PROJECT

Surface Use Plan of Operation

**APPENDIX A
Easement Plats**

WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-96-18-066
 50' WIDE PIPELINE EASEMENT
 S1/2SE1/4SW1/4 SEC. 18, T154N, R96W, 5TH P.M.,
 WILLIAMS COUNTY, NORTH DAKOTA
 EXHIBIT A



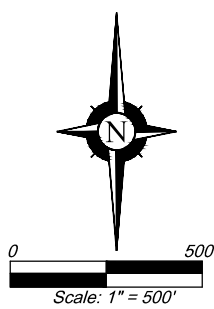
BEGINNING OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 18 BEARS N87°57'29"W, A DISTANCE OF 247.72' FROM THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, T154N, R96W, 5TH P.M.

END OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 18 BEARS N87°55'18"W, A DISTANCE OF 3058.32' FROM THE SOUTHEAST SECTION CORNER OF SECTION 18, T154N, R96W, 5TH P.M.

- Notes:**
- This survey was prepared without the benefit of title research. Ownership information provided by client.
 - Date of Survey: February 2019

Survey Datum:
 NORTH DAKOTA NORTH (NAD 83) - International Foot
 *Distances are Grid Distances. Combined Scale Factor = 0.999846363
 Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:
 I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



<p>Tract No. 154-96-18-066 System Name: North Bakken Expansion Sheet 1 of 10 XX/XX</p>	WBI ENERGY TRANSMISSION Tract No. 154-96-18-066 50' Wide Pipeline Easement Over, Under & Across S1/2SE1/4SW1/4 Sec. 18, T154N, R96W, 5TH P.M., Williams County, North Dakota	Project No.: 2018-23-0200.100 Dwg. Date: 2-11-20 Drawn By: H. Nickoloff Checked By: J. Reineking Rev. No.: _____ Date: _____	Surveying & Drafting Services By: <p>ERICKSON CONTRACT SURVEYING 333 10th AVE SE Sidney, Montana Office 406-482-6606 / Fax 406-482-6600</p>
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WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-96-18-066
 50' WIDE PIPELINE EASEMENT
 S1/2SE1/4SW1/4 SEC. 18, T154N, R96W, 5TH P.M.,
 WILLIAMS COUNTY, NORTH DAKOTA
 EXHIBIT A

PIPELINE RIGHT-OF-WAY DESCRIPTION ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 18

A 50' WIDE RIGHT-OF WAY 25' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT OF THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (S1/2SE1/4SW1/4) OF SECTION 18, T154N, R96W, 5TH P.M. WHICH BEARS N87°57'29"W, A DISTANCE OF 247.72' FROM THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S16°30'40"W, A DISTANCE OF 682.55' TO A POINT ON THE SOUTH SECTION LINE OF SAID SECTION 18, WHICH BEARS N87°55'18"W, A DISTANCE OF 3058.32' FROM THE SOUTHEAST SECTION CORNER OF SAID SECTION 18. THE SIDE LINES OF SAID DESCRIBE RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. CONTAIN 0.784 ACRES MORE OR LESS.

Notes:

1. This survey was prepared without the benefit of title research. Ownership information provided by client.

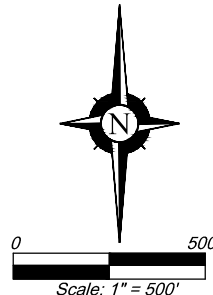
2. Date of Survey: February 2019



Survey Datum:

NORTH DAKOTA NORTH (NAD 83) - International Foot
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 Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:

I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



 Tract No. 154-96-18-066 System Name: North Bakken Expansion Sheet 2 of 10 XX/XX	WBI ENERGY TRANSMISSION	Project No.: 2018-23-0200.100	Surveying & Drafting Services By:  ERICKSON CONTRACT SURVEYING 333 10th AVE SE Sidney, Montana Office 406-482-6606 / Fax 406-482-6600
	Tract No. 154-96-18-066	Dwg. Date: 2-11-20	
	50' Wide Pipeline Easement Over, Under & Across S1/2SE1/4SW1/4	Drawn By: H. Nickoloff	
	Sec. 18, T154N, R96W, 5TH P.M., Williams County, North Dakota	Checked By: J. Reineking	
		Rev. No: Date: _____	

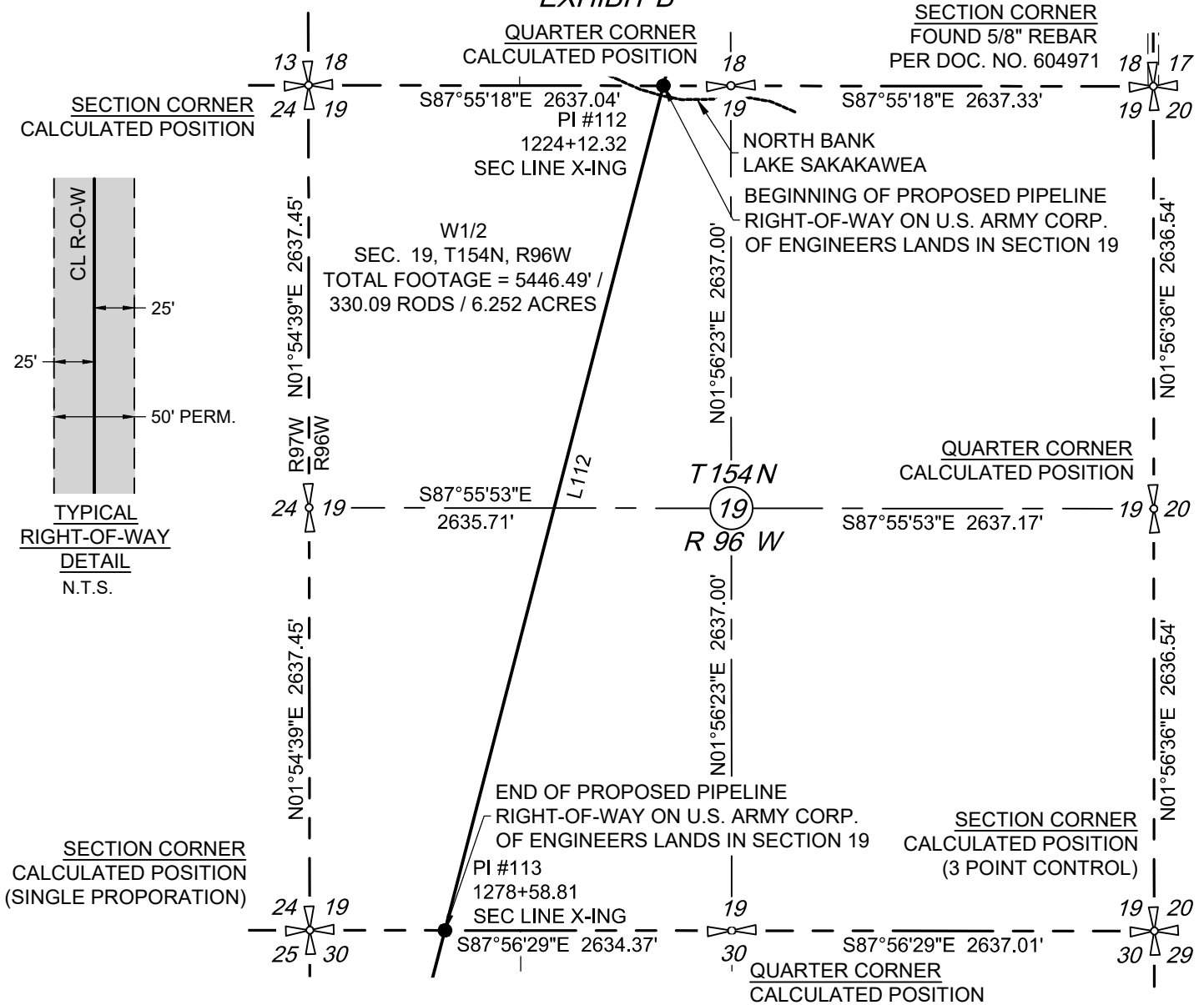
WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-96-19-067 & 154-96-19-068

50' WIDE PIPELINE EASEMENT

W1/2 SEC. 19, T154N, R96W, 5TH P.M.,
McKENZIE COUNTY, NORTH DAKOTA

EXHIBIT B



BEGINNING OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 19 BEARS N87°55'18\"W, A DISTANCE OF 3058.32' FROM THE NORTHEAST SECTION CORNER OF SECTION 19, T154N, R96W, 5TH P.M.

END OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 19 BEARS S87°56'29\"E, A DISTANCE OF 843.16' FROM THE SOUTHWEST COMPUTED SECTION CORNER OF SECTION 19, T154N, R96W, 5TH P.M.

Line Table		
Line #	Bearing	Distance
L112	S16°30'40\"W	5446.49'

Notes:

1. This survey was prepared without the benefit of title research. Ownership information provided by client.

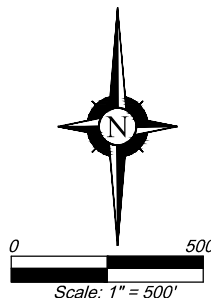
2. Date of Survey: February 2019

Survey Datum:

NORTH DAKOTA NORTH (NAD 83) - International Foot
*Distances are Grid Distances. Combined Scale Factor = 0.999846363
Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:

I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-96-19-067 & 154-96-19-068
 50' WIDE PIPELINE EASEMENT
 W1/2 SEC. 19, T154N, R96W, 5TH P.M.,
 MCKENZIE COUNTY, NORTH DAKOTA
 EXHIBIT B

PIPELINE RIGHT-OF-WAY DESCRIPTION ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 19

A 50' WIDE RIGHT-OF WAY 25' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT OF THE NORTH SECTION LINE OF SECTION 19, T154N, R96W, 5TH P.M. WHICH BEARS N87°55'18"W, A DISTANCE OF 3058.32' FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 19; THENCE S16°30'40"W, A DISTANCE OF 5446.49' TO A POINT ON THE SOUTH SECTION LINE OF SAID SECTION 19, WHICH BEARS S87°56'29"E, A DISTANCE OF 843.16' FROM THE SOUTHWEST COMPUTED SECTION CORNER OF SAID SECTION 19. THE SIDE LINES OF SAID DESCRIBE RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. CONTAIN 6.252 ACRES MORE OR LESS.

Notes:

1. This survey was prepared without the benefit of title research. Ownership information provided by client.

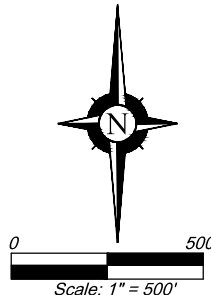
2. Date of Survey: February 2019



Survey Datum:

NORTH DAKOTA NORTH (NAD 83) - International Foot
 *Distances are Grid Distances. Combined Scale Factor = 0.999846363
 Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:

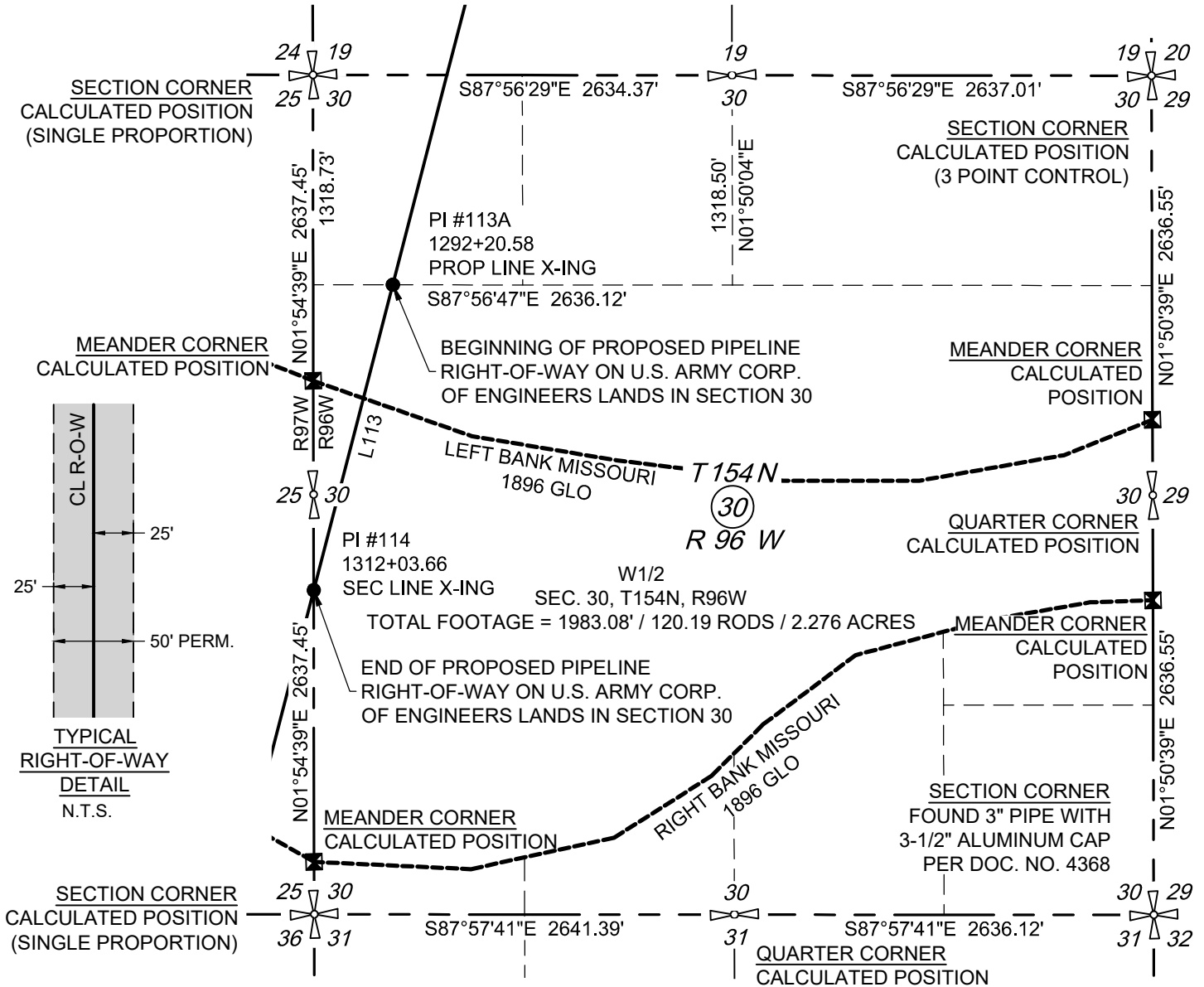
I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



 Tract No. 154-96-19-067 & 068 System Name: North Bakken Expansion Sheet 4 of 10 XX/XX	WBI ENERGY TRANSMISSION Tract No. 154-96-19-067 & 154-96-19-068	Project No.: 2018-23-0200.100 Dwg. Date: 2-11-20	Surveying & Drafting Services By:  ERICKSON CONTRACT SURVEYING 333 10th AVE SE Sidney, Montana Office 406-482-6606 / Fax 406-482-6600
	50' Wide Pipeline Easement Over, Under & Across W1/2	Drawn By: <u>H. Nickoloff</u>	
	Sec. 19, T154N, R96W, 5TH P.M., Williams County, North Dakota	Checked By: <u>J. Reineking</u>	
		Rev. No: <u> </u> Date: <u> </u>	

WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-96-30-071
 50' WIDE PIPELINE EASEMENT
 W1/2 SEC. 30, T154N, R96W, 5TH P.M.,
 WILLIAMS COUNTY, NORTH DAKOTA
 EXHIBIT C



BEGINNING OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 30 BEARS S18°49'53"E, A DISTANCE OF 1411.46' FROM THE NORTHWEST COMPUTED SECTION CORNER OF SECTION 30, T154N, R96W, 5TH P.M.

END OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 30 BEARS N01°54'39"E, A DISTANCE OF 2035.89' FROM THE SOUTHWEST COMPUTED SECTION CORNER OF SECTION 30, T154N, R96W, 5TH P.M.

Line Table		
Line #	Bearing	Distance
L113	S16°30'40"W	1983.08'

Notes:

1. This survey was prepared without the benefit of title research. Ownership information provided by client.

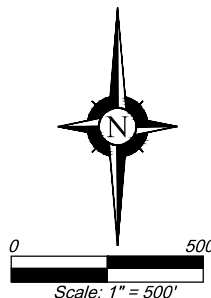
2. Date of Survey: February 2019

Survey Datum:

NORTH DAKOTA NORTH (NAD 83) - International Foot
 *Distances are Grid Distances. Combined Scale Factor = 0.999846363
 Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:

I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



<p>Tract No. 154-96-30-070 & 071 System Name: North Bakken Expansion Sheet 5 of 10 XX/XX</p>	WBI ENERGY TRANSMISSION Tract No. 154-96-30-071	Project No.: 2018-23-0200.100 Dwg. Date: 2-11-20	Surveying & Drafting Services By: <p>ERICKSON CONTRACT SURVEYING 333 10th AVE SE Sidney, Montana Office 406-482-6606 / Fax 406-482-6600</p>
	50' Wide Pipeline Easement Over, Under & Across W1/2	Drawn By: H. Nickoloff	
	Sec. 30, T154N, R96W, 5TH P.M., Williams County, North Dakota	Checked By: J. Reineking	
		Rev. No: _____ Date: _____	

WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-96-30-071
 50' WIDE PIPELINE EASEMENT
 W1/2 SEC. 30, T154N, R96W, 5TH P.M.,
 WILLIAMS COUNTY, NORTH DAKOTA
 EXHIBIT C

PIPELINE RIGHT-OF-WAY DESCRIPTION ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 30

A 50' WIDE RIGHT-OF WAY 25' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT OF THE NORTH LINE OF LOT 2 IN SECTION 30, T154N, R96W, 5TH P.M. WHICH BEARS S18°49'53"E, A DISTANCE OF 1411.46' FROM THE NORTHWEST COMPUTED SECTION CORNER OF SECTION 30; THENCE S16°30'40"W, A DISTANCE OF 1983.08' TO A POINT ON THE WEST SECTION LINE OF SAID SECTION 30, WHICH BEARS N01°54'39"E, A DISTANCE OF 2035.89' FROM THE SOUTHWEST COMPUTED SECTION CORNER OF SAID SECTION 30. THE SIDE LINES OF SAID DESCRIBE RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. CONTAIN 2.276 ACRES MORE OR LESS.

Notes:

1. This survey was prepared without the benefit of title research. Ownership information provided by client.

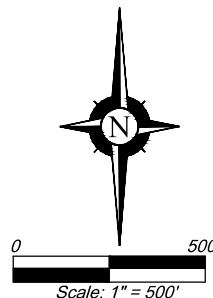
2. Date of Survey: February 2019



Survey Datum:

NORTH DAKOTA NORTH (NAD 83) - International Foot
 *Distances are Grid Distances. Combined Scale Factor = 0.999846363
 Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:

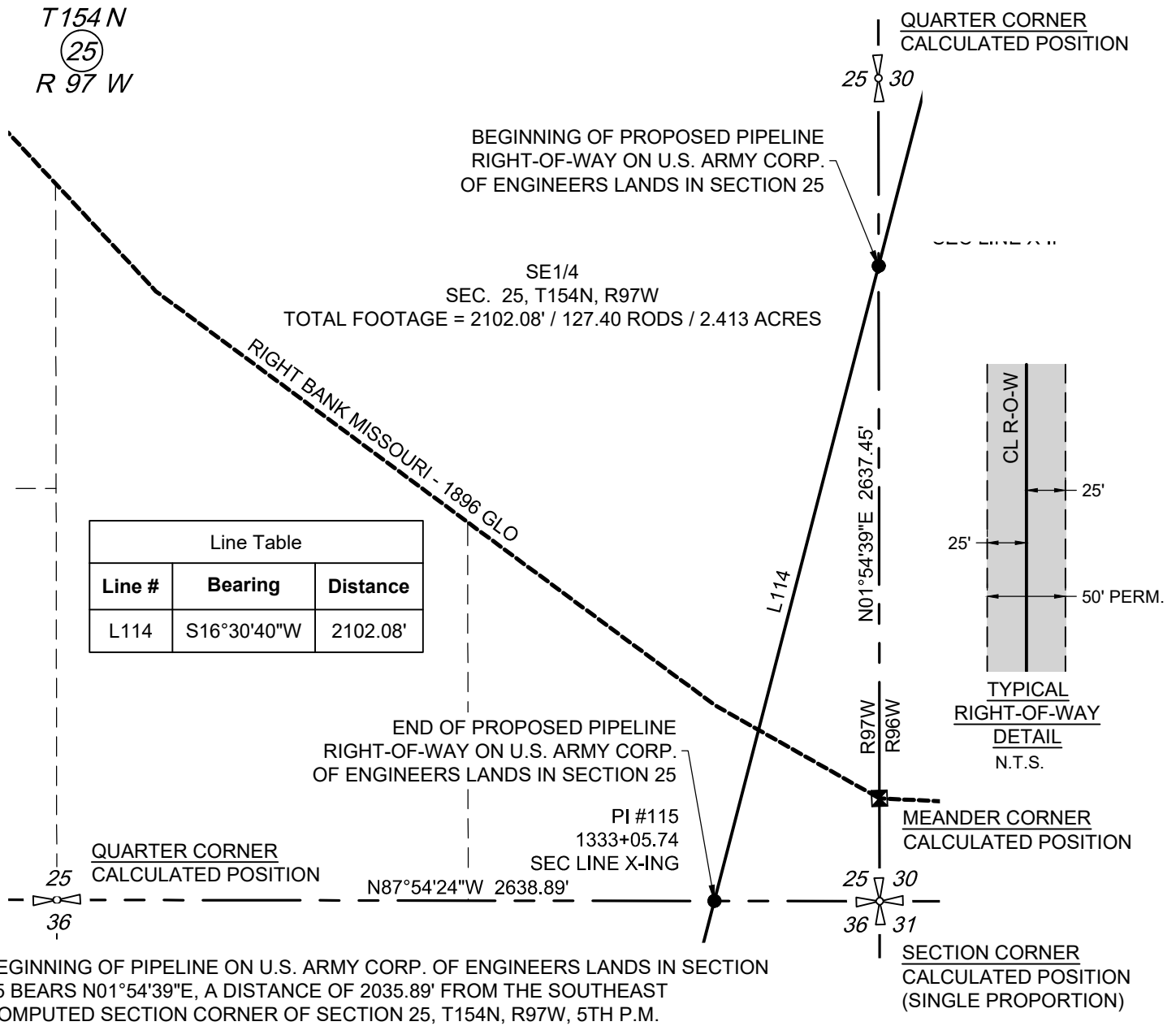
I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



 Tract No. 154-96-30-070 & 071 System Name: North Bakken Expansion Sheet 6 of 10 XX/XX	WBI ENERGY TRANSMISSION Tract No. 154-96-30-071	Project No.: 2018-23-0200.100 Dwg. Date: 2-11-20	Surveying & Drafting Services By:  ERICKSON CONTRACT SURVEYING 333 10th AVE SE Sidney, Montana Office 406-482-6606 / Fax 406-482-6600
	50' Wide Pipeline Easement Over, Under & Across W1/2	Drawn By: <u>H. Nickoloff</u>	
	Sec. 30, T154N, R96W, 5TH P.M., Williams County, North Dakota	Checked By: <u>J. Reineking</u>	
		Rev. No: <u> </u> Date: <u> </u>	

WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-97-25-073a
 50' WIDE PIPELINE EASEMENT
 SE1/4 SEC. 25, T154N, R97W, 5TH P.M.,
 WILLIAMS COUNTY, NORTH DAKOTA
 EXHIBIT D



BEGINNING OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 25 BEARS N01°54'39"E, A DISTANCE OF 2035.89' FROM THE SOUTHEAST COMPUTED SECTION CORNER OF SECTION 25, T154N, R97W, 5TH P.M.

END OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 25 BEARS N87°54'24"W, A DISTANCE OF 529.88' FROM THE SOUTHEAST COMPUTED SECTION CORNER OF SECTION 25, T154N, R97W, 5TH P.M.

Notes:

1. This survey was prepared without the benefit of title research. Ownership information provided by client.

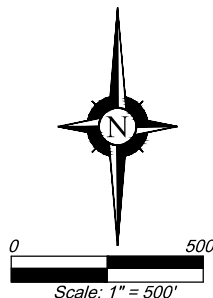
2. Date of Survey: February 2019

Survey Datum:

NORTH DAKOTA NORTH (NAD 83) - International Foot
 *Distances are Grid Distances. Combined Scale Factor = 0.999846363
 Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:

I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



 Tract No. 154-97-25-073 System Name: North Bakken Expansion Sheet 7 of 10 XX/XX	WBI ENERGY TRANSMISSION Tract No. 154-97-25-073a	Project No.: 2018-23-0200.100 Dwg. Date: 2-11-20	Surveying & Drafting Services By: ERICKSON CONTRACT SURVEYING 333 10th AVE SE Sidney, Montana Office 406-482-6606 / Fax 406-482-6600
	50' Wide Pipeline Easement Over, Under & Across SE1/4	Drawn By: H. Nickoloff	
	Sec. 25, T154N, R97W, 5TH P.M., Williams County, North Dakota	Checked By: J. Reineking	
		Rev. No.: _____ Date: _____	

WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-97-25-073a
 50' WIDE PIPELINE EASEMENT
 SE1/4 SEC. 25, T154N, R97W, 5TH P.M.,
 WILLIAMS COUNTY, NORTH DAKOTA
 EXHIBIT D

PIPELINE RIGHT-OF-WAY DESCRIPTION ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 25

A 50' WIDE RIGHT-OF WAY 25' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT OF THE EAST SECTION LINE OF SECTION 25, T154N, R97W, 5TH P.M. WHICH BEARS N01°54'39"E, A DISTANCE OF 2035.89' FROM THE SOUTHEAST COMPUTED SECTION CORNER OF SAID SECTION 25; THENCE S16°30'40"W, A DISTANCE OF 2102.08' TO A POINT ON THE SOUTH SECTION LINE OF SAID SECTION 25, WHICH BEARS N87°54'24"W, A DISTANCE OF 529.88' FROM THE SOUTHEAST COMPUTED SECTION CORNER OF SAID SECTION 25. THE SIDE LINES OF SAID DESCRIBE RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. CONTAIN 2.413 ACRES MORE OR LESS.

Notes:

1. This survey was prepared without the benefit of title research. Ownership information provided by client.

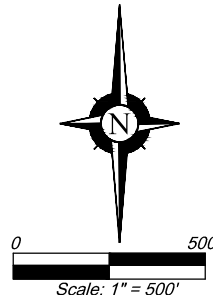
2. Date of Survey: February 2019



Survey Datum:

NORTH DAKOTA NORTH (NAD 83) - International Foot
 *Distances are Grid Distances. Combined Scale Factor = 0.999846363
 Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:

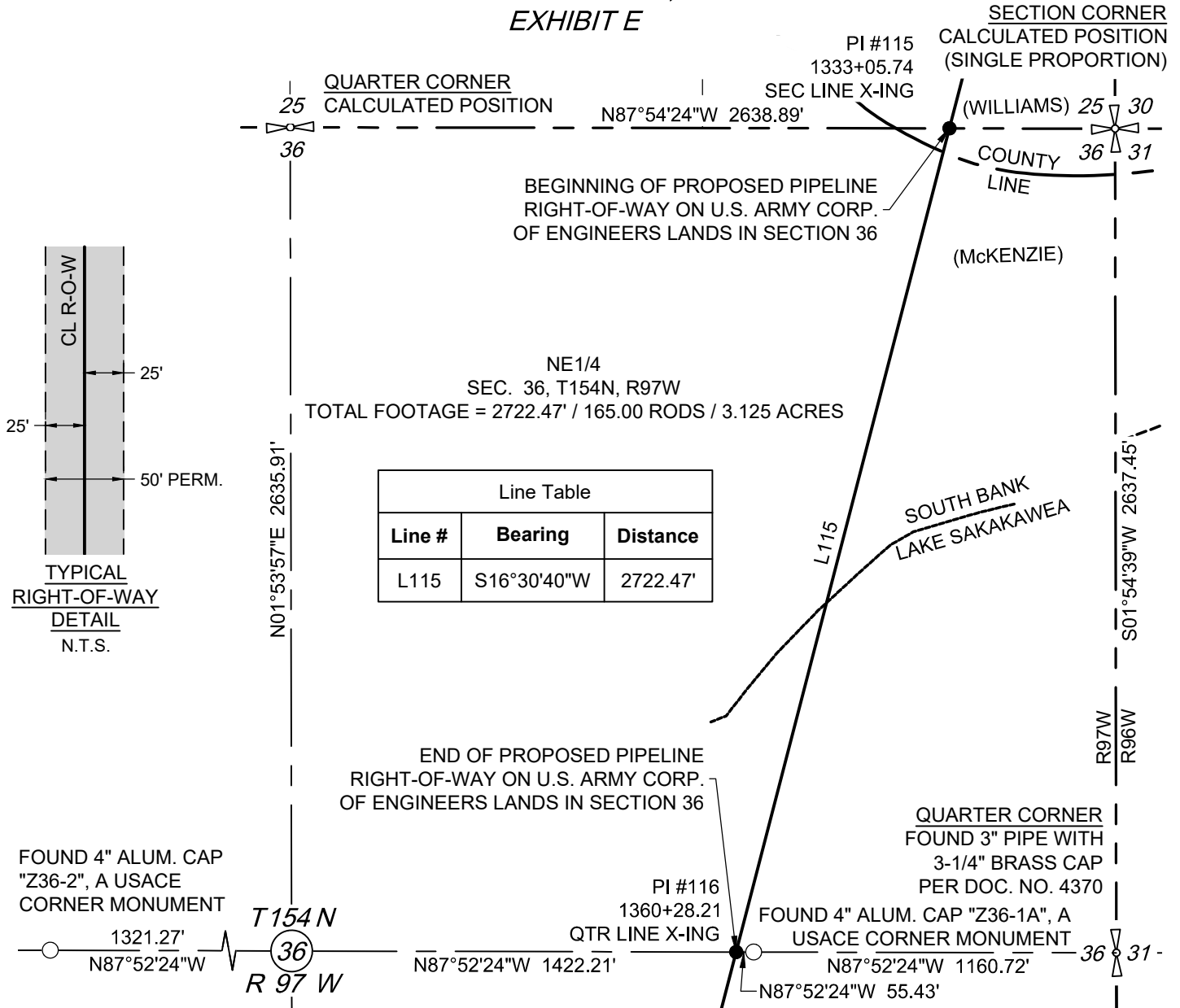
I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



 Tract No. 154-97-25-073 System Name: North Bakken Expansion Sheet 8 of 10 XX/XX	WBI ENERGY TRANSMISSION Tract No. 154-97-25-073a	Project No.: 2018-23-0200.100 Dwg. Date: 2-11-20	Surveying & Drafting Services By:  ERICKSON CONTRACT SURVEYING 333 10th AVE SE Sidney, Montana Office 406-482-6606 / Fax 406-482-6600
	50' Wide Pipeline Easement Over, Under & Across SE1/4	Drawn By: <u>H. Nickoloff</u>	
	Sec. 25, T154N, R97W, 5TH P.M., Williams County, North Dakota	Checked By: <u>J. Reineking</u>	
		Rev. No: <u> </u> Date: <u> </u>	

WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-97-36-074a
 50' WIDE PIPELINE EASEMENT
 NE1/4 SEC. 36, T154N, R97W, 5TH P.M.,
 WILLIAMS & MCKENZIE COUNTY, NORTH DAKOTA
 EXHIBIT E



BEGINNING OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 36 BEARS N87°54'24"W, A DISTANCE OF 529.88' FROM THE NORTHEAST COMPUTED SECTION CORNER OF SECTION 36, T154N, R97W, 5TH P.M.

END OF PIPELINE ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 36 BEARS N87°52'24"W, A DISTANCE OF 55.43' FROM THE USACE CORNER MONUMENT NUMBER Z36-1A, IN SECTION 36, T154N, R97W, 5TH P.M.

Notes:

1. This survey was prepared without the benefit of title research. Ownership information provided by client.

2. Date of Survey: February 2019

Survey Datum:

NORTH DAKOTA NORTH (NAD 83) - International Foot
 *Distances are Grid Distances. Combined Scale Factor = 0.999846363
 Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:

I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



 Tract No. 154-97-36-074 System Name: North Bakken Expansion Sheet 9 of 10 XX/XX	WBI ENERGY TRANSMISSION Tract No. 154-97-36-074a	Project No.: 2018-23-0200.100 Dwg. Date: 2-11-20	Surveying & Drafting Services By: ERICKSON CONTRACT SURVEYING 333 10th AVE SE Sidney, Montana Office 406-482-6606 / Fax 406-482-6600
	50' Wide Pipeline Easement Over, Under & Across NE1/4	Drawn By: H. Nickoloff	
	Sec. 36, T154N, R97W, 5TH P.M., Williams & McKenzie County, North Dakota	Checked By: J. Reineking	
		Rev. No: _____ Date: _____	

WBI NORTH BAKKEN EXPANSION

TRACT NO. 154-97-36-074a
 50' WIDE PIPELINE EASEMENT
 NE1/4 SEC. 36, T154N, R97W, 5TH P.M.,
 WILLIAMS & MCKENZIE COUNTY, NORTH DAKOTA
 EXHIBIT E

PIPELINE RIGHT-OF-WAY DESCRIPTION ON U.S. ARMY CORP. OF ENGINEERS LANDS IN SECTION 36

A 50' WIDE RIGHT-OF WAY 25' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

BEGINNING AT A POINT OF THE NORTH SECTION LINE OF SECTION 36, T154N, R97W, 5TH P.M. WHICH BEARS N87°54'24"W, A DISTANCE OF 529.88' FROM THE NORTHEAST COMPUTED SECTION CORNER OF SAID SECTION 36; THENCE S16°30'40"W, A DISTANCE OF 2722.47' TO A POINT ON THE EAST-WEST QUARTER LINE OF SAID SECTION 36, WHICH BEARS N87°52'24"W, A DISTANCE OF 55.43' FROM THE USACE CORNER MONUMENT # Z36-1A, IN SAID SECTION 36. THE SIDE LINES OF SAID DESCRIBE RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. CONTAIN 3.125 ACRES MORE OR LESS.

Notes:

1. This survey was prepared without the benefit of title research. Ownership information provided by client.

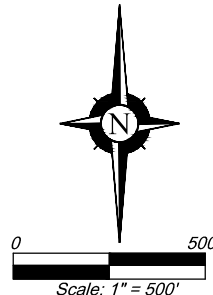
2. Date of Survey: February 2019



Survey Datum:

NORTH DAKOTA NORTH (NAD 83) - International Foot
 *Distances are Grid Distances. Combined Scale Factor = 0.999846363
 Grid Distance x 1.000153661 = Ground Distance.

Certificate of Surveyor:

I, Lee S. Hurst, a Registered Professional Land Surveyor, North Dakota Registration No. LS-9208, hereby certify that the survey shown hereon represents a survey performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.



 Tract No. 154-97-36-074 System Name: North Bakken Expansion Sheet 10 of 10 XX/XX	WBI ENERGY TRANSMISSION	Project No.: 2018-23-0200.100	Surveying & Drafting Services By:  ERICKSON CONTRACT SURVEYING 333 10th AVE SE Sidney, Montana Office 406-482-6606 / Fax 406-482-6600
	Tract No. 154-97-36-074a	Dwg. Date: 2-11-20	
	50' Wide Pipeline Easement Over, Under & Across NE1/4	Drawn By: <u>H. Nickoloff</u>	
	Sec. 36, T154N, R97W, 5TH P.M., Williams & McKenzie County, North Dakota	Checked By: <u>J. Reineking</u>	
		Rev. No: <input type="text"/> Date: <input type="text"/>	

Attachment 3

Erosion Sedimentation Control Plan



**WBI ENERGY TRANSMISSION, INC.
North Bakken Expansion Project**

Attachment 3

Erosion and Sedimentation Control Plan

Draft

February 2020

**WBI ENERGY TRANSMISSION, INC.
NORTH BAKKEN EXPANSION PROJECT
EROSION AND SEDIMENTATION CONTROL PLAN**

WBI Energy Transmission, Inc. (WBI Energy) proposes to construct and operate the North Bakken Expansion Project (or Project), which consists of an approximately 61.9-mile-long, new 24-inch-diameter natural gas pipeline from new facilities at WBI Energy's Tioga Compressor Station near Tioga, North Dakota, to a new compressor station (Elkhorn Creek Compressor Station) southeast of Watford City, North Dakota.

The Project also involves construction of approximately 0.3 mile of new 24-inch-diameter natural gas pipeline between the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company, approximately 20.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 25, approximately 9.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 30, approximately 0.5 mile of new 20-inch-diameter receipt lateral to the Tioga Compressor Station, and upgrading of WBI Energy's Line Section 25. The Project includes additional horsepower at the Tioga Compressor Station; the installation of new and modifications to existing delivery, receipt and transfer stations along WBI Energy's pipeline routes; the replacement of small segments of pipeline facilities; and the installation of block valves, pig launcher/receiver stations and other associated appurtenances.

The Project will require crossing of the Lake Sakakawea Reservoir, which is managed by the U.S. Army Corps of Engineers (USACE), along with USACE-owned lands adjacent to Lake Sakakawea. WBI Energy proposes to install the natural gas pipeline under Lake Sakakawea and USACE lands using the horizontal directional drill (HDD) construction method, a trenchless method designed to avoid direct impacts to sensitive features. The HDD workspaces will be located adjacent to USACE-owned lands on the north side of the lake, and 840 feet from USACE-owned lands on the south side of Lake Sakakawea. No surface impact to USACE lands is anticipated for this Project during installation and operation of the pipeline; all temporary surface impacts will be located outside of USACE lands.

Construction of the Project will be completed in adherence to the Federal Energy Regulatory Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures* which are attached for reference.

**NORTH BAKKEN EXPANSION PROJECT
Erosion and Sediment Control Plan**

**APPENDIX A
Federal Energy Regulatory Commission's Upland Erosion Control,
Revegetation, and Maintenance Plan**



**Federal Energy
Regulatory
Commission**

**Office of
Energy Projects**

May 2013

UPLAND EROSION CONTROL, REVEGETATION, AND MAINTENANCE PLAN

Washington, DC 20426

MAY 2013 VERSION

**UPLAND EROSION CONTROL, REVEGETATION, AND
MAINTENANCE PLAN**

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UPLAND EROSION CONTROL, REVEGETATION, AND MAINTENANCE PLAN (PLAN)

I. APPLICABILITY

- A. The intent of this Plan is to assist project sponsors by identifying baseline mitigation measures for minimizing erosion and enhancing revegetation. Project sponsors shall specify in their applications for a new FERC authorization and in prior notice and advance notice filings, any individual measures in this Plan they consider unnecessary, technically infeasible, or unsuitable due to local conditions and fully describe any alternative measures they would use. Project sponsors shall also explain how those alternative measures would achieve a comparable level of mitigation.

Once a project is authorized, project sponsors can request further changes as variances to the measures in this Plan (or the applicant's approved plan). The Director of the Office of Energy Projects (Director) will consider approval of variances upon the project sponsor's written request, if the Director agrees that a variance:

1. provides equal or better environmental protection;
2. is necessary because a portion of this Plan is infeasible or unworkable based on project-specific conditions; or
3. is specifically required in writing by another federal, state, or Native American land management agency for the portion of the project on its land or under its jurisdiction.

Sponsors of projects planned for construction under the automatic authorization provisions in the FERC's regulations must receive written approval for any variances in advance of construction.

Project-related impacts on wetland and waterbody systems are addressed in the staff's Wetland and Waterbody Construction and Mitigation Procedures (Procedures).

II. SUPERVISION AND INSPECTION

A. ENVIRONMENTAL INSPECTION

1. At least one Environmental Inspector is required for each construction spread during construction and restoration (as defined by section V). The number and experience of Environmental Inspectors assigned to each construction spread shall be appropriate for the length of the construction spread and the number/significance of resources affected.
2. Environmental Inspectors shall have peer status with all other activity inspectors.
3. Environmental Inspectors shall have the authority to stop activities that violate the environmental conditions of the FERC's Orders, stipulations of other environmental permits or approvals, or landowner easement agreements; and to order appropriate corrective action.

B. RESPONSIBILITIES OF ENVIRONMENTAL INSPECTORS

At a minimum, the Environmental Inspector(s) shall be responsible for:

1. Inspecting construction activities for compliance with the requirements of this Plan, the Procedures, the environmental conditions of the FERC's Orders, the mitigation measures proposed by the project sponsor (as approved and/or modified by the Order), other environmental permits and approvals, and environmental requirements in landowner easement agreements.
2. Identifying, documenting, and overseeing corrective actions, as necessary to bring an activity back into compliance;
3. Verifying that the limits of authorized construction work areas and locations of access roads are visibly marked before clearing, and maintained throughout construction;
4. Verifying the location of signs and highly visible flagging marking the boundaries of sensitive resource areas, waterbodies, wetlands, or areas with special requirements along the construction work area;
5. Identifying erosion/sediment control and soil stabilization needs in all areas;
6. Ensuring that the design of slope breakers will not cause erosion or direct water into sensitive environmental resource areas, including cultural resource sites, wetlands, waterbodies, and sensitive species habitats;

7. Verifying that dewatering activities are properly monitored and do not result in the deposition of sand, silt, and/or sediment into sensitive environmental resource areas, including wetlands, waterbodies, cultural resource sites, and sensitive species habitats; stopping dewatering activities if such deposition is occurring and ensuring the design of the discharge is changed to prevent reoccurrence; and verifying that dewatering structures are removed after completion of dewatering activities;
8. Ensuring that subsoil and topsoil are tested in agricultural and residential areas to measure compaction and determine the need for corrective action;
9. Advising the Chief Construction Inspector when environmental conditions (such as wet weather or frozen soils) make it advisable to restrict or delay construction activities to avoid topsoil mixing or excessive compaction;
10. Ensuring restoration of contours and topsoil;
11. Verifying that the soils imported for agricultural or residential use are certified as free of noxious weeds and soil pests, unless otherwise approved by the landowner;
12. Ensuring that erosion control devices are properly installed to prevent sediment flow into sensitive environmental resource areas (e.g., wetlands, waterbodies, cultural resource sites, and sensitive species habitats) and onto roads, and determining the need for additional erosion control devices;
13. Inspecting and ensuring the maintenance of temporary erosion control measures at least:
 - a. on a daily basis in areas of active construction or equipment operation;
 - b. on a weekly basis in areas with no construction or equipment operation; and
 - c. within 24 hours of each 0.5 inch of rainfall;
14. Ensuring the repair of all ineffective temporary erosion control measures within 24 hours of identification, or as soon as conditions allow if compliance with this time frame would result in greater environmental impacts;
15. Keeping records of compliance with the environmental conditions of the FERC's Orders, and the mitigation measures proposed by the project sponsor in the application submitted to the FERC, and other federal or state environmental permits during active construction and restoration;

16. Identifying areas that should be given special attention to ensure stabilization and restoration after the construction phase; and
17. Verifying that locations for any disposal of excess construction materials for beneficial reuse comply with section III.E.

III. PRECONSTRUCTION PLANNING

The project sponsor shall do the following before construction:

A. CONSTRUCTION WORK AREAS

1. Identify all construction work areas (e.g., construction right-of-way, extra work space areas, pipe storage and contractor yards, borrow and disposal areas, access roads) that would be needed for safe construction. The project sponsor must ensure that appropriate cultural resources and biological surveys are conducted, as determined necessary by the appropriate federal and state agencies.
2. Project sponsors are encouraged to consider expanding any required cultural resources and endangered species surveys in anticipation of the need for activities outside of authorized work areas.
3. Plan construction sequencing to limit the amount and duration of open trench sections, as necessary, to prevent excessive erosion or sediment flow into sensitive environmental resource areas.

B. DRAIN TILE AND IRRIGATION SYSTEMS

1. Attempt to locate existing drain tiles and irrigation systems.
2. Contact landowners and local soil conservation authorities to determine the locations of future drain tiles that are likely to be installed within 3 years of the authorized construction.
3. Develop procedures for constructing through drain-tiled areas, maintaining irrigation systems during construction, and repairing drain tiles and irrigation systems after construction.
4. Engage qualified drain tile specialists, as needed to conduct or monitor repairs to drain tile systems affected by construction. Use drain tile specialists from the project area, if available.

C. GRAZING DEFERMENT

Develop grazing deferment plans with willing landowners, grazing permittees, and land management agencies to minimize grazing disturbance of revegetation efforts.

D. ROAD CROSSINGS AND ACCESS POINTS

Plan for safe and accessible conditions at all roadway crossings and access points during construction and restoration.

E. DISPOSAL PLANNING

Determine methods and locations for the regular collection, containment, and disposal of excess construction materials and debris (e.g., timber, slash, mats, garbage, drill cuttings and fluids, excess rock) throughout the construction process. Disposal of materials for beneficial reuse must not result in adverse environmental impact and is subject to compliance with all applicable survey, landowner or land management agency approval, and permit requirements.

F. AGENCY COORDINATION

The project sponsor must coordinate with the appropriate local, state, and federal agencies as outlined in this Plan and/or required by the FERC's Orders.

1. Obtain written recommendations from the local soil conservation authorities or land management agencies regarding permanent erosion control and revegetation specifications.
2. Develop specific procedures in coordination with the appropriate agencies to prevent the introduction or spread of invasive species, noxious weeds, and soil pests resulting from construction and restoration activities.
3. Develop specific procedures in coordination with the appropriate agencies and landowners, as necessary, to allow for livestock and wildlife movement and protection during construction.
4. Develop specific blasting procedures in coordination with the appropriate agencies that address pre- and post-blast inspections; advanced public notification; and mitigation measures for building foundations, groundwater wells, and springs. Use appropriate methods (e.g., blasting mats) to prevent damage to nearby structures and to prevent debris from entering sensitive environmental resource areas.

G. SPILL PREVENTION AND RESPONSE PROCEDURES

The project sponsor shall develop project-specific Spill Prevention and Response Procedures, as specified in section IV of the staff's Procedures. A copy must be filed with the Secretary of the FERC (Secretary) prior to construction and made available in the field on each construction spread. The filing requirement does not apply to projects constructed under the automatic authorization provisions in the FERC's regulations.

H. RESIDENTIAL CONSTRUCTION

For all properties with residences located within 50 feet of construction work areas, project sponsors shall: avoid removal of mature trees and landscaping within the construction work area unless necessary for safe operation of construction equipment, or as specified in landowner agreements; fence the edge of the construction work area for a distance of 100 feet on either side of the residence; and restore all lawn areas and landscaping immediately following clean up operations, or as specified in landowner agreements. If seasonal or other weather conditions prevent compliance with these time frames, maintain and monitor temporary erosion controls (sediment barriers and mulch) until conditions allow completion of restoration.

I. WINTER CONSTRUCTION PLANS

If construction is planned to occur during winter weather conditions, project sponsors shall develop and file a project-specific winter construction plan with the FERC application. This filing requirement does not apply to projects constructed under the automatic authorization provisions of the FERC's regulations.

The plan shall address:

1. winter construction procedures (e.g., snow handling and removal, access road construction and maintenance, soil handling under saturated or frozen conditions, topsoil stripping);
2. stabilization and monitoring procedures if ground conditions will delay restoration until the following spring (e.g., mulching and erosion controls, inspection and reporting, stormwater control during spring thaw conditions); and
3. final restoration procedures (e.g., subsidence and compaction repair, topsoil replacement, seeding).

IV. INSTALLATION

A. APPROVED AREAS OF DISTURBANCE

1. Project-related ground disturbance shall be limited to the construction right-of-way, extra work space areas, pipe storage yards, borrow and disposal areas, access roads, and other areas approved in the FERC's Orders. Any project-related ground disturbing activities outside these areas will require prior Director approval. This requirement does not apply to activities needed to comply with the Plan and Procedures (i.e., slope breakers, energy-dissipating devices, dewatering structures, drain tile system repairs) or minor field realignments and workspace shifts per landowner needs and requirements that do not affect other landowners or sensitive environmental resource areas. All construction or restoration activities outside of authorized areas are subject to all applicable survey and permit requirements, and landowner easement agreements.
2. The construction right-of-way width for a project shall not exceed 75 feet or that described in the FERC application unless otherwise modified by a FERC Order. However, in limited, non-wetland areas, this construction right-of-way width may be expanded by up to 25 feet without Director approval to accommodate full construction right-of-way topsoil segregation and to ensure safe construction where topographic conditions (e.g., side-slopes) or soil limitations require it. Twenty-five feet of extra construction right-of-way width may also be used in limited, non-wetland or non-forested areas for truck turn-arounds where no reasonable alternative access exists.

Project use of these additional limited areas is subject to landowner or land management agency approval and compliance with all applicable survey and permit requirements. When additional areas are used, each one shall be identified and the need explained in the weekly or biweekly construction reports to the FERC, if required. The following material shall be included in the reports:

- a. the location of each additional area by station number and reference to previously filed alignment sheets, or updated alignment sheets showing the additional areas;
- b. identification of the filing at FERC containing evidence that the additional areas were previously surveyed; and

- c. a statement that landowner approval has been obtained and is available in project files.

Prior written approval of the Director is required when the authorized construction right-of-way width would be expanded by more than 25 feet.

B. TOPSOIL SEGREGATION

1. Unless the landowner or land management agency specifically approves otherwise, prevent the mixing of topsoil with subsoil by stripping topsoil from either the full work area or from the trench and subsoil storage area (ditch plus spoil side method) in:
 - a. cultivated or rotated croplands, and managed pastures;
 - b. residential areas;
 - c. hayfields; and
 - d. other areas at the landowner's or land managing agency's request.
2. In residential areas, importation of topsoil is an acceptable alternative to topsoil segregation.
3. Where topsoil segregation is required, the project sponsor must:
 - a. segregate at least 12 inches of topsoil in deep soils (more than 12 inches of topsoil); and
 - b. make every effort to segregate the entire topsoil layer in soils with less than 12 inches of topsoil.
4. Maintain separation of salvaged topsoil and subsoil throughout all construction activities.
5. Segregated topsoil may not be used for padding the pipe, constructing temporary slope breakers or trench plugs, improving or maintaining roads, or as a fill material.
6. Stabilize topsoil piles and minimize loss due to wind and water erosion with use of sediment barriers, mulch, temporary seeding, tackifiers, or functional equivalents, where necessary.

C. DRAIN TILES

1. Mark locations of drain tiles damaged during construction.
2. Probe all drainage tile systems within the area of disturbance to check for damage.
3. Repair damaged drain tiles to their original or better condition. Do not use filter-covered drain tiles unless the local soil conservation authorities and the landowner agree. Use qualified specialists for testing and repairs.
4. For new pipelines in areas where drain tiles exist or are planned, ensure that the depth of cover over the pipeline is sufficient to avoid interference with drain tile systems. For adjacent pipeline loops in agricultural areas, install the new pipeline with at least the same depth of cover as the existing pipeline(s).

D. IRRIGATION

Maintain water flow in crop irrigation systems, unless shutoff is coordinated with affected parties.

E. ROAD CROSSINGS AND ACCESS POINTS

1. Maintain safe and accessible conditions at all road crossings and access points during construction.
2. If crushed stone access pads are used in residential or agricultural areas, place the stone on synthetic fabric to facilitate removal.
3. Minimize the use of tracked equipment on public roadways. Remove any soil or gravel spilled or tracked onto roadways daily or more frequent as necessary to maintain safe road conditions. Repair any damages to roadway surfaces, shoulders, and bar ditches.

F. TEMPORARY EROSION CONTROL

Install temporary erosion controls immediately after initial disturbance of the soil. Temporary erosion controls must be properly maintained throughout construction (on a daily basis) and reinstalled as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration is complete.

1. Temporary Slope Breakers
 - a. Temporary slope breakers are intended to reduce runoff velocity and divert water off the construction right-of-way. Temporary slope

breakers may be constructed of materials such as soil, silt fence, staked hay or straw bales, or sand bags.

- b. Install temporary slope breakers on all disturbed areas, as necessary to avoid excessive erosion. Temporary slope breakers must be installed on slopes greater than 5 percent where the base of the slope is less than 50 feet from waterbody, wetland, and road crossings at the following spacing (closer spacing shall be used if necessary):

<u>Slope (%)</u>	<u>Spacing (feet)</u>
5 - 15	300
>15 - 30	200
>30	100

- c. Direct the outfall of each temporary slope breaker to a stable, well vegetated area or construct an energy-dissipating device at the end of the slope breaker and off the construction right-of-way.
- d. Position the outfall of each temporary slope breaker to prevent sediment discharge into wetlands, waterbodies, or other sensitive environmental resource areas.

2. Temporary Trench Plugs

Temporary trench plugs are intended to segment a continuous open trench prior to backfill.

- a. Temporary trench plugs may consist of unexcavated portions of the trench, compacted subsoil, sandbags, or some functional equivalent.
- b. Position temporary trench plugs, as necessary, to reduce trenchline erosion and minimize the volume and velocity of trench water flow at the base of slopes.

3. Sediment Barriers

Sediment barriers are intended to stop the flow of sediments and to prevent the deposition of sediments beyond approved workspaces or into sensitive resources.

- a. Sediment barriers may be constructed of materials such as silt fence, staked hay or straw bales, compacted earth (e.g., driveable berms across travelways), sand bags, or other appropriate materials.

- b. At a minimum, install and maintain temporary sediment barriers across the entire construction right-of-way at the base of slopes greater than 5 percent where the base of the slope is less than 50 feet from a waterbody, wetland, or road crossing until revegetation is successful as defined in this Plan. Leave adequate room between the base of the slope and the sediment barrier to accommodate ponding of water and sediment deposition.
- c. Where wetlands or waterbodies are adjacent to and downslope of construction work areas, install sediment barriers along the edge of these areas, as necessary to prevent sediment flow into the wetland or waterbody.

4. Mulch

- a. Apply mulch on all slopes (except in cultivated cropland) concurrent with or immediately after seeding, where necessary to stabilize the soil surface and to reduce wind and water erosion. Spread mulch uniformly over the area to cover at least 75 percent of the ground surface at a rate of 2 tons/acre of straw or its equivalent, unless the local soil conservation authority, landowner, or land managing agency approves otherwise in writing.
- b. Mulch can consist of weed-free straw or hay, wood fiber hydromulch, erosion control fabric, or some functional equivalent.
- c. Mulch all disturbed upland areas (except cultivated cropland) before seeding if:
 - (1) final grading and installation of permanent erosion control measures will not be completed in an area within 20 days after the trench in that area is backfilled (10 days in residential areas), as required in section V.A.1; or
 - (2) construction or restoration activity is interrupted for extended periods, such as when seeding cannot be completed due to seeding period restrictions.
- d. If mulching before seeding, increase mulch application on all slopes within 100 feet of waterbodies and wetlands to a rate of 3 tons/acre of straw or equivalent.
- e. If wood chips are used as mulch, do not use more than 1 ton/acre and add the equivalent of 11 lbs/acre available nitrogen (at least 50 percent of which is slow release).

- f. Ensure that mulch is adequately anchored to minimize loss due to wind and water.
- g. When anchoring with liquid mulch binders, use rates recommended by the manufacturer. Do not use liquid mulch binders within 100 feet of wetlands or waterbodies, except where the product is certified environmentally non-toxic by the appropriate state or federal agency or independent standards-setting organization.
- h. Do not use synthetic monofilament mesh/netted erosion control materials in areas designated as sensitive wildlife habitat, unless the product is specifically designed to minimize harm to wildlife. Anchor erosion control fabric with staples or other appropriate devices.

V. RESTORATION

A. CLEANUP

1. Commence cleanup operations immediately following backfill operations. Complete final grading, topsoil replacement, and installation of permanent erosion control structures within 20 days after backfilling the trench (10 days in residential areas). If seasonal or other weather conditions prevent compliance with these time frames, maintain temporary erosion controls (i.e., temporary slope breakers, sediment barriers, and mulch) until conditions allow completion of cleanup.

If construction or restoration unexpectedly continues into the winter season when conditions could delay successful decompaction, topsoil replacement, or seeding until the following spring, file with the Secretary for the review and written approval of the Director, a winter construction plan (as specified in section III.I). This filing requirement does not apply to projects constructed under the automatic authorization provisions of the FERC's regulations.

2. A travel lane may be left open temporarily to allow access by construction traffic if the temporary erosion control structures are installed as specified in section IV.F. and inspected and maintained as specified in sections II.B.12 through 14. When access is no longer required the travel lane must be removed and the right-of-way restored.
3. Rock excavated from the trench may be used to backfill the trench only to the top of the existing bedrock profile. Rock that is not returned to the trench shall be considered construction debris, unless approved for use as mulch or for some other use on the construction work areas by the landowner or land managing agency.

4. Remove excess rock from at least the top 12 inches of soil in all cultivated or rotated cropland, managed pastures, hayfields, and residential areas, as well as other areas at the landowner's request. The size, density, and distribution of rock on the construction work area shall be similar to adjacent areas not disturbed by construction. The landowner or land management agency may approve other provisions in writing.
5. Grade the construction right-of-way to restore pre-construction contours and leave the soil in the proper condition for planting.
6. Remove construction debris from all construction work areas unless the landowner or land managing agency approves leaving materials onsite for beneficial reuse, stabilization, or habitat restoration.
7. Remove temporary sediment barriers when replaced by permanent erosion control measures or when revegetation is successful.

B. PERMANENT EROSION CONTROL DEVICES

1. Trench Breakers
 - a. Trench breakers are intended to slow the flow of subsurface water along the trench. Trench breakers may be constructed of materials such as sand bags or polyurethane foam. Do not use topsoil in trench breakers.
 - b. An engineer or similarly qualified professional shall determine the need for and spacing of trench breakers. Otherwise, trench breakers shall be installed at the same spacing as and upslope of permanent slope breakers.
 - c. In agricultural fields and residential areas where slope breakers are not typically required, install trench breakers at the same spacing as if permanent slope breakers were required.
 - d. At a minimum, install a trench breaker at the base of slopes greater than 5 percent where the base of the slope is less than 50 feet from a waterbody or wetland and where needed to avoid draining a waterbody or wetland. Install trench breakers at wetland boundaries, as specified in the Procedures. Do not install trench breakers within a wetland.

2. Permanent Slope Breakers

- a. Permanent slope breakers are intended to reduce runoff velocity, divert water off the construction right-of-way, and prevent sediment deposition into sensitive resources. Permanent slope breakers may be constructed of materials such as soil, stone, or some functional equivalent.
- b. Construct and maintain permanent slope breakers in all areas, except cultivated areas and lawns, unless requested by the landowner, using spacing recommendations obtained from the local soil conservation authority or land managing agency.

In the absence of written recommendations, use the following spacing unless closer spacing is necessary to avoid excessive erosion on the construction right-of-way:

<u>Slope (%)</u>	<u>Spacing (feet)</u>
5 - 15	300
>15 - 30	200
>30	100

- c. Construct slope breakers to divert surface flow to a stable area without causing water to pool or erode behind the breaker. In the absence of a stable area, construct appropriate energy-dissipating devices at the end of the breaker.
- d. Slope breakers may extend slightly (about 4 feet) beyond the edge of the construction right-of-way to effectively drain water off the disturbed area. Where slope breakers extend beyond the edge of the construction right-of-way, they are subject to compliance with all applicable survey requirements.

C. SOIL COMPACTION MITIGATION

- 1. Test topsoil and subsoil for compaction at regular intervals in agricultural and residential areas disturbed by construction activities. Conduct tests on the same soil type under similar moisture conditions in undisturbed areas to approximate preconstruction conditions. Use penetrometers or other appropriate devices to conduct tests.
- 2. Plow severely compacted agricultural areas with a paraplow or other deep tillage implement. In areas where topsoil has been segregated, plow the subsoil before replacing the segregated topsoil.

If subsequent construction and cleanup activities result in further compaction, conduct additional tilling.

3. Perform appropriate soil compaction mitigation in severely compacted residential areas.

D. REVEGETATION

1. General

- a. The project sponsor is responsible for ensuring successful revegetation of soils disturbed by project-related activities, except as noted in section V.D.1.b.
- b. Restore all turf, ornamental shrubs, and specialized landscaping in accordance with the landowner's request, or compensate the landowner. Restoration work must be performed by personnel familiar with local horticultural and turf establishment practices.

2. Soil Additives

Fertilize and add soil pH modifiers in accordance with written recommendations obtained from the local soil conservation authority, land management agencies, or landowner. Incorporate recommended soil pH modifier and fertilizer into the top 2 inches of soil as soon as practicable after application.

3. Seeding Requirements

- a. Prepare a seedbed in disturbed areas to a depth of 3 to 4 inches using appropriate equipment to provide a firm seedbed. When hydroseeding, scarify the seedbed to facilitate lodging and germination of seed.
- b. Seed disturbed areas in accordance with written recommendations for seed mixes, rates, and dates obtained from the local soil conservation authority or the request of the landowner or land management agency. Seeding is not required in cultivated croplands unless requested by the landowner.
- c. Perform seeding of permanent vegetation within the recommended seeding dates. If seeding cannot be done within those dates, use appropriate temporary erosion control measures discussed in section IV.F and perform seeding of permanent vegetation at the beginning of the next recommended seeding season. Dormant seeding or temporary

seeding of annual species may also be used, if necessary, to establish cover, as approved by the Environmental Inspector. Lawns may be seeded on a schedule established with the landowner.

- d. In the absence of written recommendations from the local soil conservation authorities, seed all disturbed soils within 6 working days of final grading, weather and soil conditions permitting, subject to the specifications in section V.D.3.a through V.D.3.c.
- e. Base seeding rates on Pure Live Seed. Use seed within 12 months of seed testing.
- f. Treat legume seed with an inoculant specific to the species using the manufacturer's recommended rate of inoculant appropriate for the seeding method (broadcast, drill, or hydro).
- g. In the absence of written recommendations from the local soil conservation authorities, landowner, or land managing agency to the contrary, a seed drill equipped with a cultipacker is preferred for seed application.

Broadcast or hydroseeding can be used in lieu of drilling at double the recommended seeding rates. Where seed is broadcast, firm the seedbed with a cultipacker or roller after seeding. In rocky soils or where site conditions may limit the effectiveness of this equipment, other alternatives may be appropriate (e.g., use of a chain drag) to lightly cover seed after application, as approved by the Environmental Inspector.

VI. OFF-ROAD VEHICLE CONTROL

To each owner or manager of forested lands, offer to install and maintain measures to control unauthorized vehicle access to the right-of-way. These measures may include:

- A. signs;
- B. fences with locking gates;
- C. slash and timber barriers, pipe barriers, or a line of boulders across the right-of-way; and
- D. conifers or other appropriate trees or shrubs across the right-of-way.

VII. POST-CONSTRUCTION ACTIVITIES AND REPORTING

A. MONITORING AND MAINTENANCE

1. Conduct follow-up inspections of all disturbed areas, as necessary, to determine the success of revegetation and address landowner concerns. At a minimum, conduct inspections after the first and second growing seasons.
2. Revegetation in non-agricultural areas shall be considered successful if upon visual survey the density and cover of non-nuisance vegetation are similar in density and cover to adjacent undisturbed lands. In agricultural areas, revegetation shall be considered successful when upon visual survey, crop growth and vigor are similar to adjacent undisturbed portions of the same field, unless the easement agreement specifies otherwise.

Continue revegetation efforts until revegetation is successful.

3. Monitor and correct problems with drainage and irrigation systems resulting from pipeline construction in agricultural areas until restoration is successful.
4. Restoration shall be considered successful if the right-of-way surface condition is similar to adjacent undisturbed lands, construction debris is removed (unless otherwise approved by the landowner or land managing agency per section V.A.6), revegetation is successful, and proper drainage has been restored.
5. Routine vegetation mowing or clearing over the full width of the permanent right-of-way in uplands shall not be done more frequently than every 3 years. However, to facilitate periodic corrosion/leak surveys, a corridor not exceeding 10 feet in width centered on the pipeline may be cleared at a frequency necessary to maintain the 10-foot corridor in an herbaceous state. In no case shall routine vegetation mowing or clearing occur during the migratory bird nesting season between April 15 and August 1 of any year unless specifically approved in writing by the responsible land management agency or the U.S. Fish and Wildlife Service.
6. Efforts to control unauthorized off-road vehicle use, in cooperation with the landowner, shall continue throughout the life of the project. Maintain signs, gates, and permanent access roads as necessary.

B. REPORTING

1. The project sponsor shall maintain records that identify by milepost:
 - a. method of application, application rate, and type of fertilizer, pH modifying agent, seed, and mulch used;
 - b. acreage treated;
 - c. dates of backfilling and seeding;
 - d. names of landowners requesting special seeding treatment and a description of the follow-up actions;
 - e. the location of any subsurface drainage repairs or improvements made during restoration; and
 - f. any problem areas and how they were addressed.
2. The project sponsor shall file with the Secretary quarterly activity reports documenting the results of follow-up inspections required by section VII.A.1; any problem areas, including those identified by the landowner; and corrective actions taken for at least 2 years following construction.

The requirement to file quarterly activity reports with the Secretary does not apply to projects constructed under the automatic authorization, prior notice, or advanced notice provisions in the FERC's regulations.

**NORTH BAKKEN EXPANSION PROJECT
Erosion and Sediment Control Plan**

**APPENDIX B
Federal Energy Regulatory Commission's Wetland and Waterbody
Construction and Mitigation Procedures**



**Federal Energy
Regulatory
Commission**

**Office of
Energy Projects**

May 2013

WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION PROCEDURES

Washington, DC 20426

MAY 2013 VERSION

WETLAND AND WATERBODY CONSTRUCTION AND MITIGATION PROCEDURES

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**WETLAND AND WATERBODY
CONSTRUCTION AND MITIGATION PROCEDURES (PROCEDURES)**

I. APPLICABILITY

- A. The intent of these Procedures is to assist project sponsors by identifying baseline mitigation measures for minimizing the extent and duration of project-related disturbance on wetlands and waterbodies. Project sponsors shall specify in their applications for a new FERC authorization, and in prior notice and advance notice filings, any individual measures in these Procedures they consider unnecessary, technically infeasible, or unsuitable due to local conditions and fully describe any alternative measures they would use. Project sponsors shall also explain how those alternative measures would achieve a comparable level of mitigation.

Once a project is authorized, project sponsors can request further changes as variances to the measures in these Procedures (or the applicant's approved procedures). The Director of the Office of Energy Projects (Director) will consider approval of variances upon the project sponsor's written request, if the Director agrees that a variance:

1. provides equal or better environmental protection;
2. is necessary because a portion of these Procedures is infeasible or unworkable based on project-specific conditions; or
3. is specifically required in writing by another federal, state, or Native American land management agency for the portion of the project on its land or under its jurisdiction.

Sponsors of projects planned for construction under the automatic authorization provisions in the FERC's regulations must receive written approval for any variances in advance of construction.

Project-related impacts on non-wetland areas are addressed in the staff's Upland Erosion Control, Revegetation, and Maintenance Plan (Plan).

B. DEFINITIONS

1. “Waterbody” includes any natural or artificial stream, river, or drainage with perceptible flow at the time of crossing, and other permanent waterbodies such as ponds and lakes:
 - a. “minor waterbody” includes all waterbodies less than or equal to 10 feet wide at the water’s edge at the time of crossing;
 - b. “intermediate waterbody” includes all waterbodies greater than 10 feet wide but less than or equal to 100 feet wide at the water’s edge at the time of crossing; and
 - c. “major waterbody” includes all waterbodies greater than 100 feet wide at the water’s edge at the time of crossing.
2. “Wetland” includes any area that is not in actively cultivated or rotated cropland and that satisfies the requirements of the current federal methodology for identifying and delineating wetlands.

II. PRECONSTRUCTION FILING

- A. The following information must be filed with the Secretary of the FERC (Secretary) prior to the beginning of construction, for the review and written approval by the Director:
 1. site-specific justifications for extra work areas that would be closer than 50 feet from a waterbody or wetland; and
 2. site-specific justifications for the use of a construction right-of-way greater than 75-feet-wide in wetlands.
- B. The following information must be filed with the Secretary prior to the beginning of construction. These filing requirements do not apply to projects constructed under the automatic authorization provisions in the FERC’s regulations:
 1. Spill Prevention and Response Procedures specified in section IV.A;
 2. a schedule identifying when trenching or blasting will occur within each waterbody greater than 10 feet wide, within any designated coldwater fishery, and within any waterbody identified as habitat for federally-listed threatened or endangered species. The project sponsor will revise the schedule as necessary to provide FERC staff at least 14 days advance notice. Changes within this last 14-day period must provide for at least 48 hours advance notice;

3. plans for horizontal directional drills (HDD) under wetlands or waterbodies, specified in section V.B.6.d;
4. site-specific plans for major waterbody crossings, described in section V.B.9;
5. a wetland delineation report as described in section VI.A.1, if applicable; and
6. the hydrostatic testing information specified in section VII.B.3.

III. ENVIRONMENTAL INSPECTORS

- A. At least one Environmental Inspector having knowledge of the wetland and waterbody conditions in the project area is required for each construction spread. The number and experience of Environmental Inspectors assigned to each construction spread shall be appropriate for the length of the construction spread and the number/significance of resources affected.
- B. The Environmental Inspector's responsibilities are outlined in the Upland Erosion Control, Revegetation, and Maintenance Plan (Plan).

IV. PRECONSTRUCTION PLANNING

- A. The project sponsor shall develop project-specific Spill Prevention and Response Procedures that meet applicable requirements of state and federal agencies. A copy must be filed with the Secretary prior to construction and made available in the field on each construction spread. This filing requirement does not apply to projects constructed under the automatic authorization provisions in the FERC's regulations.
 1. It shall be the responsibility of the project sponsor and its contractors to structure their operations in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to waterbodies or wetlands. The project sponsor and its contractors must, at a minimum, ensure that:
 - a. all employees handling fuels and other hazardous materials are properly trained;
 - b. all equipment is in good operating order and inspected on a regular basis;
 - c. fuel trucks transporting fuel to on-site equipment travel only on approved access roads;
 - d. all equipment is parked overnight and/or fueled at least 100 feet from a waterbody or in an upland area at least 100 feet from a wetland boundary. These activities can occur closer only if the Environmental Inspector determines that there is no reasonable alternative, and the

project sponsor and its contractors have taken appropriate steps (including secondary containment structures) to prevent spills and provide for prompt cleanup in the event of a spill;

- e. hazardous materials, including chemicals, fuels, and lubricating oils, are not stored within 100 feet of a wetland, waterbody, or designated municipal watershed area, unless the location is designated for such use by an appropriate governmental authority. This applies to storage of these materials and does not apply to normal operation or use of equipment in these areas;
 - f. concrete coating activities are not performed within 100 feet of a wetland or waterbody boundary, unless the location is an existing industrial site designated for such use. These activities can occur closer only if the Environmental Inspector determines that there is no reasonable alternative, and the project sponsor and its contractors have taken appropriate steps (including secondary containment structures) to prevent spills and provide for prompt cleanup in the event of a spill;
 - g. pumps operating within 100 feet of a waterbody or wetland boundary utilize appropriate secondary containment systems to prevent spills; and
 - h. bulk storage of hazardous materials, including chemicals, fuels, and lubricating oils have appropriate secondary containment systems to prevent spills.
2. The project sponsor and its contractors must structure their operations in a manner that provides for the prompt and effective cleanup of spills of fuel and other hazardous materials. At a minimum, the project sponsor and its contractors must:
- a. ensure that each construction crew (including cleanup crews) has on hand sufficient supplies of absorbent and barrier materials to allow the rapid containment and recovery of spilled materials and knows the procedure for reporting spills and unanticipated discoveries of contamination;
 - b. ensure that each construction crew has on hand sufficient tools and material to stop leaks;
 - c. know the contact names and telephone numbers for all local, state, and federal agencies (including, if necessary, the U. S. Coast Guard and the National Response Center) that must be notified of a spill; and

- d. follow the requirements of those agencies in cleaning up the spill, in excavating and disposing of soils or other materials contaminated by a spill, and in collecting and disposing of waste generated during spill cleanup.

B. AGENCY COORDINATION

The project sponsor must coordinate with the appropriate local, state, and federal agencies as outlined in these Procedures and in the FERC's Orders.

V. WATERBODY CROSSINGS

A. NOTIFICATION PROCEDURES AND PERMITS

1. Apply to the U.S. Army Corps of Engineers (COE), or its delegated agency, for the appropriate wetland and waterbody crossing permits.
2. Provide written notification to authorities responsible for potable surface water supply intakes located within 3 miles downstream of the crossing at least 1 week before beginning work in the waterbody, or as otherwise specified by that authority.
3. Apply for state-issued waterbody crossing permits and obtain individual or generic section 401 water quality certification or waiver.
4. Notify appropriate federal and state authorities at least 48 hours before beginning trenching or blasting within the waterbody, or as specified in applicable permits.

B. INSTALLATION

1. Time Window for Construction

Unless expressly permitted or further restricted by the appropriate federal or state agency in writing on a site-specific basis, instream work, except that required to install or remove equipment bridges, must occur during the following time windows:

- a. coldwater fisheries - June 1 through September 30; and
- b. coolwater and warmwater fisheries - June 1 through November 30.

2. Extra Work Areas

- a. Locate all extra work areas (such as staging areas and additional spoil storage areas) at least 50 feet away from water's edge, except where

the adjacent upland consists of cultivated or rotated cropland or other disturbed land.

- b. The project sponsor shall file with the Secretary for review and written approval by the Director, site-specific justification for each extra work area with a less than 50-foot setback from the water's edge, except where the adjacent upland consists of cultivated or rotated cropland or other disturbed land. The justification must specify the conditions that will not permit a 50-foot setback and measures to ensure the waterbody is adequately protected.
- c. Limit the size of extra work areas to the minimum needed to construct the waterbody crossing.

3. General Crossing Procedures

- a. Comply with the COE, or its delegated agency, permit terms and conditions.
- b. Construct crossings as close to perpendicular to the axis of the waterbody channel as engineering and routing conditions permit.
- c. Where pipelines parallel a waterbody, maintain at least 15 feet of undisturbed vegetation between the waterbody (and any adjacent wetland) and the construction right-of-way, except where maintaining this offset will result in greater environmental impact.
- d. Where waterbodies meander or have multiple channels, route the pipeline to minimize the number of waterbody crossings.
- e. Maintain adequate waterbody flow rates to protect aquatic life, and prevent the interruption of existing downstream uses.
- f. Waterbody buffers (e.g., extra work area setbacks, refueling restrictions) must be clearly marked in the field with signs and/or highly visible flagging until construction-related ground disturbing activities are complete.
- g. Crossing of waterbodies when they are dry or frozen and not flowing may proceed using standard upland construction techniques in accordance with the Plan, provided that the Environmental Inspector verifies that water is unlikely to flow between initial disturbance and final stabilization of the feature. In the event of perceptible flow, the project sponsor must comply with all applicable Procedure requirements for "waterbodies" as defined in section I.B.1.

4. Spoil Pile Placement and Control

- a. All spoil from minor and intermediate waterbody crossings, and upland spoil from major waterbody crossings, must be placed in the construction right-of-way at least 10 feet from the water's edge or in additional extra work areas as described in section V.B.2.
- b. Use sediment barriers to prevent the flow of spoil or silt-laden water into any waterbody.

5. Equipment Bridges

- a. Only clearing equipment and equipment necessary for installation of equipment bridges may cross waterbodies prior to bridge installation. Limit the number of such crossings of each waterbody to one per piece of clearing equipment.
- b. Construct and maintain equipment bridges to allow unrestricted flow and to prevent soil from entering the waterbody. Examples of such bridges include:
 - (1) equipment pads and culvert(s);
 - (2) equipment pads or railroad car bridges without culverts;
 - (3) clean rock fill and culvert(s); and
 - (4) flexi-float or portable bridges.

Additional options for equipment bridges may be utilized that achieve the performance objectives noted above. Do not use soil to construct or stabilize equipment bridges.

- c. Design and maintain each equipment bridge to withstand and pass the highest flow expected to occur while the bridge is in place. Align culverts to prevent bank erosion or streambed scour. If necessary, install energy dissipating devices downstream of the culverts.
- d. Design and maintain equipment bridges to prevent soil from entering the waterbody.
- e. Remove temporary equipment bridges as soon as practicable after permanent seeding.
- f. If there will be more than 1 month between final cleanup and the beginning of permanent seeding and reasonable alternative access to the right-of-way is available, remove temporary equipment bridges as soon as practicable after final cleanup.

- g. Obtain any necessary approval from the COE, or the appropriate state agency for permanent bridges.

6. Dry-Ditch Crossing Methods

- a. Unless approved otherwise by the appropriate federal or state agency, install the pipeline using one of the dry-ditch methods outlined below for crossings of waterbodies up to 30 feet wide (at the water's edge at the time of construction) that are state-designated as either coldwater or significant coolwater or warmwater fisheries, or federally-designated as critical habitat.

- b. Dam and Pump

- (1) The dam-and-pump method may be used without prior approval for crossings of waterbodies where pumps can adequately transfer streamflow volumes around the work area, and there are no concerns about sensitive species passage.
- (2) Implementation of the dam-and-pump crossing method must meet the following performance criteria:
 - (i) use sufficient pumps, including on-site backup pumps, to maintain downstream flows;
 - (ii) construct dams with materials that prevent sediment and other pollutants from entering the waterbody (e.g., sandbags or clean gravel with plastic liner);
 - (iii) screen pump intakes to minimize entrainment of fish;
 - (iv) prevent streambed scour at pump discharge; and
 - (v) continuously monitor the dam and pumps to ensure proper operation throughout the waterbody crossing.

- c. Flume Crossing

The flume crossing method requires implementation of the following steps:

- (1) install flume pipe after blasting (if necessary), but before any trenching;
- (2) use sand bag or sand bag and plastic sheeting diversion structure or equivalent to develop an effective seal and to divert stream flow through the flume pipe (some modifications to the stream bottom may be required to achieve an effective seal);

- (3) properly align flume pipe(s) to prevent bank erosion and streambed scour;
- (4) do not remove flume pipe during trenching, pipelaying, or backfilling activities, or initial streambed restoration efforts; and
- (5) remove all flume pipes and dams that are not also part of the equipment bridge as soon as final cleanup of the stream bed and bank is complete.

d. Horizontal Directional Drill

For each waterbody or wetland that would be crossed using the HDD method, file with the Secretary for the review and written approval by the Director, a plan that includes:

- (1) site-specific construction diagrams that show the location of mud pits, pipe assembly areas, and all areas to be disturbed or cleared for construction;
- (2) justification that disturbed areas are limited to the minimum needed to construct the crossing;
- (3) identification of any aboveground disturbance or clearing between the HDD entry and exit workspaces during construction;
- (4) a description of how an inadvertent release of drilling mud would be contained and cleaned up; and
- (5) a contingency plan for crossing the waterbody or wetland in the event the HDD is unsuccessful and how the abandoned drill hole would be sealed, if necessary.

The requirement to file HDD plans does not apply to projects constructed under the automatic authorization provisions in the FERC's regulations.

7. Crossings of Minor Waterbodies

Where a dry-ditch crossing is not required, minor waterbodies may be crossed using the open-cut crossing method, with the following restrictions:

- a. except for blasting and other rock breaking measures, complete instream construction activities (including trenching, pipe installation, backfill, and restoration of the streambed contours) within 24 hours.

Streambanks and unconsolidated streambeds may require additional restoration after this period;

- b. limit use of equipment operating in the waterbody to that needed to construct the crossing; and
- c. equipment bridges are not required at minor waterbodies that do not have a state-designated fishery classification or protected status (e.g., agricultural or intermittent drainage ditches). However, if an equipment bridge is used it must be constructed as described in section V.B.5.

8. Crossings of Intermediate Waterbodies

Where a dry-ditch crossing is not required, intermediate waterbodies may be crossed using the open-cut crossing method, with the following restrictions:

- a. complete instream construction activities (not including blasting and other rock breaking measures) within 48 hours, unless site-specific conditions make completion within 48 hours infeasible;
- b. limit use of equipment operating in the waterbody to that needed to construct the crossing; and
- c. all other construction equipment must cross on an equipment bridge as specified in section V.B.5.

9. Crossings of Major Waterbodies

Before construction, the project sponsor shall file with the Secretary for the review and written approval by the Director a detailed, site-specific construction plan and scaled drawings identifying all areas to be disturbed by construction for each major waterbody crossing (the scaled drawings are not required for any offshore portions of pipeline projects). This plan must be developed in consultation with the appropriate state and federal agencies and shall include extra work areas, spoil storage areas, sediment control structures, etc., as well as mitigation for navigational issues. The requirement to file major waterbody crossing plans does not apply to projects constructed under the automatic authorization provisions of the FERC's regulations.

The Environmental Inspector may adjust the final placement of the erosion and sediment control structures in the field to maximize effectiveness.

10. Temporary Erosion and Sediment Control

Install sediment barriers (as defined in section IV.F.3.a of the Plan) immediately after initial disturbance of the waterbody or adjacent upland.

Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench) until replaced by permanent erosion controls or restoration of adjacent upland areas is complete. Temporary erosion and sediment control measures are addressed in more detail in the Plan; however, the following specific measures must be implemented at stream crossings:

- a. install sediment barriers across the entire construction right-of-way at all waterbody crossings, where necessary to prevent the flow of sediments into the waterbody. Removable sediment barriers (or driveable berms) must be installed across the travel lane. These removable sediment barriers can be removed during the construction day, but must be re-installed after construction has stopped for the day and/or when heavy precipitation is imminent;
- b. where waterbodies are adjacent to the construction right-of-way and the right-of-way slopes toward the waterbody, install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil within the construction right-of-way and prevent sediment flow into the waterbody; and
- c. use temporary trench plugs at all waterbody crossings, as necessary, to prevent diversion of water into upland portions of the pipeline trench and to keep any accumulated trench water out of the waterbody.

11. Trench Dewatering

Dewater the trench (either on or off the construction right-of-way) in a manner that does not cause erosion and does not result in silt-laden water flowing into any waterbody. Remove the dewatering structures as soon as practicable after the completion of dewatering activities.

C. RESTORATION

1. Use clean gravel or native cobbles for the upper 1 foot of trench backfill in all waterbodies that contain coldwater fisheries.
2. For open-cut crossings, stabilize waterbody banks and install temporary sediment barriers within 24 hours of completing instream construction activities. For dry-ditch crossings, complete streambed and bank stabilization before returning flow to the waterbody channel.
3. Return all waterbody banks to preconstruction contours or to a stable angle of repose as approved by the Environmental Inspector.
4. Install erosion control fabric or a functional equivalent on waterbody banks at the time of final bank recontouring. Do not use synthetic monofilament

mesh/netted erosion control materials in areas designated as sensitive wildlife habitat unless the product is specifically designed to minimize harm to wildlife. Anchor erosion control fabric with staples or other appropriate devices.

5. Application of riprap for bank stabilization must comply with COE, or its delegated agency, permit terms and conditions.
6. Unless otherwise specified by state permit, limit the use of riprap to areas where flow conditions preclude effective vegetative stabilization techniques such as seeding and erosion control fabric.
7. Revegetate disturbed riparian areas with native species of conservation grasses, legumes, and woody species, similar in density to adjacent undisturbed lands.
8. Install a permanent slope breaker across the construction right-of-way at the base of slopes greater than 5 percent that are less than 50 feet from the waterbody, or as needed to prevent sediment transport into the waterbody. In addition, install sediment barriers as outlined in the Plan.

In some areas, with the approval of the Environmental Inspector, an earthen berm may be suitable as a sediment barrier adjacent to the waterbody.

9. Sections V.C.3 through V.C.7 above also apply to those perennial or intermittent streams not flowing at the time of construction.

D. POST-CONSTRUCTION MAINTENANCE

1. Limit routine vegetation mowing or clearing adjacent to waterbodies to allow a riparian strip at least 25 feet wide, as measured from the waterbody's mean high water mark, to permanently revegetate with native plant species across the entire construction right-of-way. However, to facilitate periodic corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be cleared at a frequency necessary to maintain the 10-foot corridor in an herbaceous state. In addition, trees that are located within 15 feet of the pipeline that have roots that could compromise the integrity of the pipeline coating may be cut and removed from the permanent right-of-way. Do not conduct any routine vegetation mowing or clearing in riparian areas that are between HDD entry and exit points.
2. Do not use herbicides or pesticides in or within 100 feet of a waterbody except as allowed by the appropriate land management or state agency.
3. Time of year restrictions specified in section VII.A.5 of the Plan (April 15 – August 1 of any year) apply to routine mowing and clearing of riparian areas.

VI. WETLAND CROSSINGS

A. GENERAL

1. The project sponsor shall conduct a wetland delineation using the current federal methodology and file a wetland delineation report with the Secretary before construction. The requirement to file a wetland delineation report does not apply to projects constructed under the automatic authorization provisions in the FERC's regulations.

This report shall identify:

- a. by milepost all wetlands that would be affected;
- b. the National Wetlands Inventory (NWI) classification for each wetland;
- c. the crossing length of each wetland in feet; and
- d. the area of permanent and temporary disturbance that would occur in each wetland by NWI classification type.

The requirements outlined in this section do not apply to wetlands in actively cultivated or rotated cropland. Standard upland protective measures, including workspace and topsoiling requirements, apply to these agricultural wetlands.

2. Route the pipeline to avoid wetland areas to the maximum extent possible. If a wetland cannot be avoided or crossed by following an existing right-of-way, route the new pipeline in a manner that minimizes disturbance to wetlands. Where looping an existing pipeline, overlap the existing pipeline right-of-way with the new construction right-of-way. In addition, locate the loop line no more than 25 feet away from the existing pipeline unless site-specific constraints would adversely affect the stability of the existing pipeline.
3. Limit the width of the construction right-of-way to 75 feet or less. Prior written approval of the Director is required where topographic conditions or soil limitations require that the construction right-of-way width within the boundaries of a federally delineated wetland be expanded beyond 75 feet. Early in the planning process the project sponsor is encouraged to identify site-specific areas where excessively wide trenches could occur and/or where spoil piles could be difficult to maintain because existing soils lack adequate unconfined compressive strength.
4. Wetland boundaries and buffers must be clearly marked in the field with signs and/or highly visible flagging until construction-related ground disturbing activities are complete.

5. Implement the measures of sections V and VI in the event a waterbody crossing is located within or adjacent to a wetland crossing. If all measures of sections V and VI cannot be met, the project sponsor must file with the Secretary a site-specific crossing plan for review and written approval by the Director before construction. This crossing plan shall address at a minimum:
 - a. spoil control;
 - b. equipment bridges;
 - c. restoration of waterbody banks and wetland hydrology;
 - d. timing of the waterbody crossing;
 - e. method of crossing; and
 - f. size and location of all extra work areas.
6. Do not locate aboveground facilities in any wetland, except where the location of such facilities outside of wetlands would prohibit compliance with U.S. Department of Transportation regulations.

B. INSTALLATION

1. Extra Work Areas and Access Roads
 - a. Locate all extra work areas (such as staging areas and additional spoil storage areas) at least 50 feet away from wetland boundaries, except where the adjacent upland consists of cultivated or rotated cropland or other disturbed land.
 - b. The project sponsor shall file with the Secretary for review and written approval by the Director, site-specific justification for each extra work area with a less than 50-foot setback from wetland boundaries, except where adjacent upland consists of cultivated or rotated cropland or other disturbed land. The justification must specify the site-specific conditions that will not permit a 50-foot setback and measures to ensure the wetland is adequately protected.
 - c. The construction right-of-way may be used for access when the wetland soil is firm enough to avoid rutting or the construction right-of-way has been appropriately stabilized to avoid rutting (e.g., with timber riprap, prefabricated equipment mats, or terra mats).

In wetlands that cannot be appropriately stabilized, all construction equipment other than that needed to install the wetland crossing shall

use access roads located in upland areas. Where access roads in upland areas do not provide reasonable access, limit all other construction equipment to one pass through the wetland using the construction right-of-way.

- d. The only access roads, other than the construction right-of-way, that can be used in wetlands are those existing roads that can be used with no modifications or improvements, other than routine repair, and no impact on the wetland.

2. Crossing Procedures

- a. Comply with COE, or its delegated agency, permit terms and conditions.
- b. Assemble the pipeline in an upland area unless the wetland is dry enough to adequately support skids and pipe.
- c. Use “push-pull” or “float” techniques to place the pipe in the trench where water and other site conditions allow.
- d. Minimize the length of time that topsoil is segregated and the trench is open. Do not trench the wetland until the pipeline is assembled and ready for lowering in.
- e. Limit construction equipment operating in wetland areas to that needed to clear the construction right-of-way, dig the trench, fabricate and install the pipeline, backfill the trench, and restore the construction right-of-way.
- f. Cut vegetation just above ground level, leaving existing root systems in place, and remove it from the wetland for disposal.

The project sponsor can burn woody debris in wetlands, if approved by the COE and in accordance with state and local regulations, ensuring that all remaining woody debris is removed for disposal.

- g. Limit pulling of tree stumps and grading activities to directly over the trenchline. Do not grade or remove stumps or root systems from the rest of the construction right-of-way in wetlands unless the Chief Inspector and Environmental Inspector determine that safety-related construction constraints require grading or the removal of tree stumps from under the working side of the construction right-of-way.
- h. Segregate the top 1 foot of topsoil from the area disturbed by trenching, except in areas where standing water is present or soils are

saturated. Immediately after backfilling is complete, restore the segregated topsoil to its original location.

- i. Do not use rock, soil imported from outside the wetland, tree stumps, or brush riprap to support equipment on the construction right-of-way.
- j. If standing water or saturated soils are present, or if construction equipment causes ruts or mixing of the topsoil and subsoil in wetlands, use low-ground-weight construction equipment, or operate normal equipment on timber riprap, prefabricated equipment mats, or terra mats.
- k. Remove all project-related material used to support equipment on the construction right-of-way upon completion of construction.

3. Temporary Sediment Control

Install sediment barriers (as defined in section IV.F.3.a of the Plan) immediately after initial disturbance of the wetland or adjacent upland. Sediment barriers must be properly maintained throughout construction and reinstalled as necessary (such as after backfilling of the trench). Except as noted below in section VI.B.3.c, maintain sediment barriers until replaced by permanent erosion controls or restoration of adjacent upland areas is complete. Temporary erosion and sediment control measures are addressed in more detail in the Plan.

- a. Install sediment barriers across the entire construction right-of-way immediately upslope of the wetland boundary at all wetland crossings where necessary to prevent sediment flow into the wetland.
- b. Where wetlands are adjacent to the construction right-of-way and the right-of-way slopes toward the wetland, install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil within the construction right-of-way and prevent sediment flow into the wetland.
- c. Install sediment barriers along the edge of the construction right-of-way as necessary to contain spoil and sediment within the construction right-of-way through wetlands. Remove these sediment barriers during right-of-way cleanup.

4. Trench Dewatering

Dewater the trench (either on or off the construction right-of-way) in a manner that does not cause erosion and does not result in silt-laden water flowing into any wetland. Remove the dewatering structures as soon as practicable after the completion of dewatering activities.

C. RESTORATION

1. Where the pipeline trench may drain a wetland, construct trench breakers at the wetland boundaries and/or seal the trench bottom as necessary to maintain the original wetland hydrology.
2. Restore pre-construction wetland contours to maintain the original wetland hydrology.
3. For each wetland crossed, install a trench breaker at the base of slopes near the boundary between the wetland and adjacent upland areas. Install a permanent slope breaker across the construction right-of-way at the base of slopes greater than 5 percent where the base of the slope is less than 50 feet from the wetland, or as needed to prevent sediment transport into the wetland. In addition, install sediment barriers as outlined in the Plan. In some areas, with the approval of the Environmental Inspector, an earthen berm may be suitable as a sediment barrier adjacent to the wetland.
4. Do not use fertilizer, lime, or mulch unless required in writing by the appropriate federal or state agency.
5. Consult with the appropriate federal or state agencies to develop a project-specific wetland restoration plan. The restoration plan shall include measures for re-establishing herbaceous and/or woody species, controlling the invasion and spread of invasive species and noxious weeds (e.g., purple loosestrife and phragmites), and monitoring the success of the revegetation and weed control efforts. Provide this plan to the FERC staff upon request.
6. Until a project-specific wetland restoration plan is developed and/or implemented, temporarily revegetate the construction right-of-way with annual ryegrass at a rate of 40 pounds/acre (unless standing water is present).
7. Ensure that all disturbed areas successfully revegetate with wetland herbaceous and/or woody plant species.
8. Remove temporary sediment barriers located at the boundary between wetland and adjacent upland areas after revegetation and stabilization of adjacent upland areas are judged to be successful as specified in section VII.A.4 of the Plan.

D. POST-CONSTRUCTION MAINTENANCE AND REPORTING

1. Do not conduct routine vegetation mowing or clearing over the full width of the permanent right-of-way in wetlands. However, to facilitate periodic corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be cleared at a frequency necessary to maintain the 10-foot corridor in an herbaceous state. In addition, trees within 15 feet of the pipeline with roots that could compromise the integrity of pipeline coating may be selectively cut and removed from the permanent right-of-way. Do not conduct any routine vegetation mowing or clearing in wetlands that are between HDD entry and exit points.
2. Do not use herbicides or pesticides in or within 100 feet of a wetland, except as allowed by the appropriate federal or state agency.
3. Time of year restrictions specified in section VII.A.5 of the Plan (April 15 – August 1 of any year) apply to routine mowing and clearing of wetland areas.
4. Monitor and record the success of wetland revegetation annually until wetland revegetation is successful.
5. Wetland revegetation shall be considered successful if all of the following criteria are satisfied:
 - a. the affected wetland satisfies the current federal definition for a wetland (i.e., soils, hydrology, and vegetation);
 - b. vegetation is at least 80 percent of either the cover documented for the wetland prior to construction, or at least 80 percent of the cover in adjacent wetland areas that were not disturbed by construction;
 - c. if natural rather than active revegetation was used, the plant species composition is consistent with early successional wetland plant communities in the affected ecoregion; and
 - d. invasive species and noxious weeds are absent, unless they are abundant in adjacent areas that were not disturbed by construction.
6. Within 3 years after construction, file a report with the Secretary identifying the status of the wetland revegetation efforts and documenting success as defined in section VI.D.5, above. The requirement to file wetland restoration reports with the Secretary does not apply to projects constructed under the automatic authorization, prior notice, or advance notice provisions in the FERC's regulations.

For any wetland where revegetation is not successful at the end of 3 years after construction, develop and implement (in consultation with a

professional wetland ecologist) a remedial revegetation plan to actively revegetate wetlands. Continue revegetation efforts and file a report annually documenting progress in these wetlands until wetland revegetation is successful.

VII. HYDROSTATIC TESTING

A. NOTIFICATION PROCEDURES AND PERMITS

1. Apply for state-issued water withdrawal permits, as required.
2. Apply for National Pollutant Discharge Elimination System (NPDES) or state-issued discharge permits, as required.
3. Notify appropriate state agencies of intent to use specific sources at least 48 hours before testing activities unless they waive this requirement in writing.

B. GENERAL

1. Perform 100 percent radiographic inspection of all pipeline section welds or hydrotest the pipeline sections, before installation under waterbodies or wetlands.
2. If pumps used for hydrostatic testing are within 100 feet of any waterbody or wetland, address secondary containment and refueling of these pumps in the project's Spill Prevention and Response Procedures.
3. The project sponsor shall file with the Secretary before construction a list identifying the location of all waterbodies proposed for use as a hydrostatic test water source or discharge location. This filing requirement does not apply to projects constructed under the automatic authorization provisions of the FERC's regulations.

C. INTAKE SOURCE AND RATE

1. Screen the intake hose to minimize the potential for entrainment of fish.
2. Do not use state-designated exceptional value waters, waterbodies which provide habitat for federally listed threatened or endangered species, or waterbodies designated as public water supplies, unless appropriate federal, state, and/or local permitting agencies grant written permission.
3. Maintain adequate flow rates to protect aquatic life, provide for all waterbody uses, and provide for downstream withdrawals of water by existing users.
4. Locate hydrostatic test manifolds outside wetlands and riparian areas to the maximum extent practicable.

D. DISCHARGE LOCATION, METHOD, AND RATE

1. Regulate discharge rate, use energy dissipation device(s), and install sediment barriers, as necessary, to prevent erosion, streambed scour, suspension of sediments, or excessive streamflow.
2. Do not discharge into state-designated exceptional value waters, waterbodies which provide habitat for federally listed threatened or endangered species, or waterbodies designated as public water supplies, unless appropriate federal, state, and local permitting agencies grant written permission.

Attachment 4

Spill Prevention Control Countermeasure Plan



**WBI ENERGY TRANSMISSION, INC.
North Bakken Expansion Project**

Attachment 4

Spill Prevention, Control, and Countermeasure Plan

Draft

February 2020

**WBI ENERGY TRANSMISSION, INC.
NORTH BAKKEN EXPANSION PROJECT
SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN**

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APPENDICES

Appendix A Spill Report Form

ACRONYMS AND ABBREVIATIONS

EI	Environmental Inspector
Project	North Bakken Expansion Project
SPCC Plan	Spill Prevention, Control, and Countermeasure Plan
WBI Energy	WBI Energy Transmission, Inc.

**WBI ENERGY TRANSMISSION, INC.
NORTH BAKKEN EXPANSION PROJECT**

1.0 INTRODUCTION

This Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) was prepared for WBI Energy Transmission, Inc.'s (WBI Energy) proposed North Bakken Expansion Project (Project) to be implemented during construction of the Project. This SPCC Plan outlines specific preventive measures and practices to reduce the likelihood of an accidental release of a hazardous or regulated liquid and, in the event such a release occurs, to expedite the response to and remediation of the release.

This SPCC Plan restricts the location of fuel storage, fueling activities, and construction equipment maintenance along the construction right-of-way and provides procedures for these activities. Training and lines of communication to facilitate the prevention, response, containment, and cleanup of spills during construction activities are also described.

All contractor personnel working on the Project are responsible for implementation of the measures and procedures defined in this SPCC Plan. Contractors are expected to meet or exceed WBI Energy's standards for spill response, reporting, and cleanup. Contractors whose activities could result in a spill of fuel or other regulated or hazardous materials on the right-of-way will adopt the measures identified in this SPCC Plan. All measures outlined in this SPCC Plan are consistent with the applicable requirements of the Federal Energy Regulatory Commission's *Wetland and Waterbody Construction and Mitigation Procedures*.

This SPCC Plan will be updated to include information specific to the horizontal directional drill crossing of Lake Sakakawea once a contractor has been selected for the Project. A complete copy of the SPCC Plan shall be maintained on site. A copy of the SPCC Plan will be available for a review during normal working hours. *[Note: An updated version of this plan will be filed with the Federal Energy Regulatory Commission and the U.S. Army Corps of Engineers as more detailed information is finalized.]*

1.1 TRAINING

Experienced, well-trained staff are essential for the successful implementation of the SPCC Plan. Contractors will provide spill prevention training as well as safety training to their work crews. The training program will be designed to improve awareness of safety requirements, pollution control laws, and proper operation and maintenance of equipment. Contractors will train all employees who handle fuels and other regulated substances to prevent spills and to quickly and effectively contain and clean up spills in accordance with applicable regulations and the provisions of this plan.

1.2 ROLES AND RESPONSIBILITIES

1.2.1 Spill Coordinator

Contractors will appoint a Spill Coordinator who will be responsible for coordinating Contractor Work Crews for spill cleanup, conducting site investigations, and assisting with completing spill reports. The Spill Coordinator will report all spills to an Environmental Inspector

(EI). The Spill Coordinator will be responsible for completing WBI Energy’s internal Spill Report Form as soon as possible but no later than the end of the work day that the spill occurred, regardless of the size of the spill. The Spill Report Form will be submitted to the WBI Energy Designated Representative.

Spill Coordinator: [To Be Determined]
Phone Number: [To Be Determined]

1.2.2 Contractor Work Crews

Contractor Work Crews will comply with this SPCC Plan and will notify the Spill Coordinator immediately of any spill of fuel or other regulated or hazardous material, regardless of the volume of the spill. Contractor Work Crews will assist with the cleanup of the spill as directed by the Spill Coordinator, if trained to do so.

1.2.3 Environmental Inspectors

The EIs will monitor the Contractors’ compliance with the provisions of the SPCC Plan to ensure that spill resources are allocated and cleanup accomplished in accordance with this plan and any applicable regulatory requirements. The EIs will work in conjunction with WBI Energy’s Designated Representative to promptly report spills to appropriate federal, state, and local agencies, as required, and to coordinate with these agencies regarding contacting additional parties or agencies.

Environmental Inspector: [To Be Determined]
Phone Number: [To Be Determined]

1.2.4 WBI Energy’s Designated Representative

The Designated Representative has the authority to commit resources to implement this SPCC Plan. The Designated Representative will work in conjunction with the EIs to promptly report spills to appropriate federal, state, and local agencies.

**ALL SPILLS, REGARDLESS OF SIZE, MUST BE REPORTED TO THE SPILL
COORDINATOR AND ENVIRONMENTAL INSPECTORS**

2.0 PREVENTATIVE MEASURES

Contractors will minimize the potential for a spill during construction activities at WBI Energy’s facilities and on its right-of-way by implementing appropriate measures to prevent and contain spills. Equipment and materials will be located on site to meet the provisions of this SPCC Plan. The Contractor shall supply each construction crew with a quantity of absorbent and barrier materials sufficient to contain and recover spills that could potentially occur from the equipment with the largest on-board volume of fuel and lubricant. These materials may include, but are not limited to, drip pans, buckets, absorbent pads, containment booms, straw bales, absorbent clay, saw dust, floor drying agents, spill containment barriers, plastic sheeting, skimmer pumps, covered holding tanks, and fire extinguishers.

The Contractor shall make known to all construction personnel the locations of staging areas where spill response equipment and materials are stored, and have them readily accessible during construction. Contractors will comply with applicable environmental and safety laws and regulations and will ensure that a copy of this plan is available on site to all Construction Work Crew members.

In addition, periodic discussions between construction personnel and their supervisors must be held. These are conversations where problems in field operations are discussed and solved. This SPCC Plan, together with specific techniques, will be reviewed with the appropriate employees at a safety meeting before construction starts.

The contractor will provide, maintain, and make available the appropriate Safety Data Sheets for vehicle and equipment fuel, lubricating oil, and any other regulated or hazardous materials utilized for the Project.

The following sections describe spill prevention measures to be taken on Project locations.

2.1 PETROLEUM AND HAZARDOUS LIQUID STORAGE, REFUELING, AND EQUIPMENT MAINTENANCE

2.1.1 Staging Areas and Facility Sites:

- Contractors will construct temporary liners and seamless impermeable berms, or other appropriate containment, around aboveground storage containers so that liquids will be contained and collected in specified areas isolated from waterbodies in the event of a leak or spill. Storage containers will not be placed in areas subject to periodic flooding and washout.
- Contractors will visually inspect aboveground storage containers for leaks and spills frequently and whenever containers are refilled.
- Secondary containment structures must provide a containment volume equal to a minimum of 110 percent of the maximum storage volume of the largest storage container in the containment structure.
- Secondary containment structures must be constructed so that no outlet is provided and any spill will be contained within the containment structure. Accumulated rainwater may be removed if authorized by an EI. Accumulated water with a visible sheen will be collected for proper storage, transport and disposal.
- Contractors will remove all secondary containment structures at the conclusion of the Project. Contractors also will be responsible for returning any storage impoundment areas to original contours and appearance upon completion of the Project.
- Fuels and lubricants will be stored only at designated staging areas and in appropriate service vehicles. The storage areas will be located at least 100 feet away from edges of wetlands and waterbodies, at least 100 feet away from

designated municipal watershed areas, at least 200 feet away from private water supply wells, and at least 400 feet away from municipal water-supply wells unless a larger buffer is required by regulatory agencies.

- Storage containers will display labels that identify the contents of the container and whether the contents are hazardous. Contractors will maintain and provide to WBI Energy, when requested, copies of all Safety Data Sheets.
- Contractors will conduct routine equipment maintenance such as oil changes in staging areas, or as necessary in additional temporary workspace, and will dispose of waste oil in an appropriate manner (e.g. the Contractors will collect the waste oil in labeled, sealed containers and transport the waste oil to a recycling facility).
- Contractors will correct visible leaks in storage containers as soon as possible. Leaks outside of secondary containment, regardless of volume, will be reported to an EI.
- All fuel nozzles will be equipped with functional automatic shut-off valves.
- The drivers of tank trucks will be responsible for spill prevention and secondary containment during loading and unloading operations. Procedures for loading and unloading tank trucks will meet the minimum requirements established by applicable regulations. Drivers will observe and control the fueling operations at all times to prevent overfilling. Contractors will be responsible for training drivers of tank trucks to comply with these provisions.
- Prior to departure of any tank truck, all outlets of the vehicle will be closely examined by the driver for leakage and tightened, adjusted, or replaced, as necessary, to prevent liquid leakage while in transit. Contractors will be responsible for training drivers of tank trucks to comply with these provisions.

2.1.2 Project Right-of-Way

- All machinery will arrive on the right-of-way in a clean, washed condition, and free of fluid leaks.
- Contractors will wash, refuel, and service machinery at locations well away from any wetlands and waterbodies to prevent petroleum or chemical substances from entering surface waters.
- Overnight parking of equipment, as well as refueling and lubricating of construction equipment, will be restricted to upland areas at least 100 feet away from stream channels and wetlands, at least 200 feet from private water-supply wells, and at least 400 feet from municipal water-supply wells. Where this is not possible, and where an EI finds in advance no reasonable alternative, the equipment will be fueled by designated personnel with specific training in refueling, spill containment, and cleanup, under the supervision of an EI. Prior to refueling, appropriate steps will be taken (including deployment of secondary containment structures) to prevent spills and provide for prompt cleanup in the event of a spill.

- Fuel trucks transporting fuels to construction areas will only travel on approved access roads.
- Contractors will keep a spill kit on site in case of machinery leaks or spills.

2.1.3 Restricted Refueling Areas

Restricted refueling areas include areas where the appropriate buffer (e.g., 100 feet from a wetland or waterbody) cannot be maintained. All restricted refueling areas will be identified in the field with flagging or signs. A site-specific plan and written approval from an EI will be required to refuel in restricted areas.

- Approval must be received from an EI and, where necessary, appropriate regulatory permits must be obtained, prior to refueling in restricted refueling areas.
- In large wetlands where no upland site is available for refueling, auxiliary fuel tanks may be mounted to equipment to minimize the need for refueling.
- Trained personnel must be available for refueling, and an EI must be present unless a case-specific exemption is obtained in writing from WBI Energy's Designated Representative.
- Equipment such as large, stationary pumps will be fitted with auxiliary tanks as appropriate. The auxiliary tanks will be placed within secondary containment which provides for a containment volume equal to a minimum of 110 percent of the volume of the largest tank in the containment structure.
- Refueling within restricted refueling areas will take place only in areas designated by an EI. Fuel trucks with a capacity in excess of 300 gallons will not be allowed within a restricted refueling area unless adequate secondary containment is provided.
- Refueling of dewatering pumps, generators, and other small, portable equipment will be performed using approved containers with a maximum volume of 5 gallons.
- Fuel trucks will be prohibited from traveling on temporary equipment bridges at stream crossings. An EI may waive this restriction on a site-specific basis if a reasonable refueling option is not available. Such case-specific exemptions must be approved in writing by WBI Energy's Designated Representative.

2.2 SPILL RESPONSE EQUIPMENT

2.2.1 Staging Areas and Facility Sites

- Contractors will stock a sufficient supply of sorbent and barrier materials at construction staging areas to allow the rapid containment and recovery of spilled material. Sorbent and barrier materials will also be used to contain runoff from spill areas.

- Shovels and labeled drums will be kept at each of the individual staging areas. If small quantities of soil become contaminated within the staging area, they will be collected and placed in the drums. Large quantities of contaminated soil will be collected using heavy equipment and will be stored in drums, lined bermed areas, or other suitable containment, prior to disposal. The Contractors will dispose of all contaminated soil in accordance with applicable state and federal regulations.

2.2.2 Project Right-of-Way

- Each construction crew must have adequate absorbent materials and containment booms on hand to enable the rapid and complete cleanup of spills, as well as sufficient tools and materials to stop leaks.
- Contractors must maintain spill kits containing a sufficient quantity of absorbent and barrier materials to adequately contain and recover foreseeable spills. These kits may include, but are not limited to, absorbent pads, straw bales, absorbent clay, saw dust, floor drying agents, spill containment barriers, plastic sheeting, skimmer pumps, and drums. The equipment will be located near fuel storage areas and other locations as necessary to be readily available in the event of a spill.
- All fuel, and where possible, service trucks, will carry adequate spill response materials. Spill response materials present on trucks should consist of absorbent pads, absorbent material, plastic bags, and a shovel.
- The Spill Coordinator will inform an EI, and all Contractor personnel of the location of spill control equipment and materials, and have them readily accessible while construction activities are occurring.

2.3 CONCRETE COATING

Concrete coating activities will not be performed within 100 feet of a wetland or waterbody unless the location is an existing industrial site designated for such use.

3.0 STORAGE, CONTAINMENT AND FACILITY TRANSFER

All chemical storage containers, tanks, or barrels will be made of compatible materials with the appropriate temperature and pressure rating, overpressure protection, valving, and equalization lines necessary to comply with the appropriate state and federal regulations regarding storage of regulated substances. All chemicals, regardless of container size, will be stored in secondary containment or designated storage areas when not actively in use.

Fuel valves used for the final control of flow shall be of the self-closing type and shall be manually held open except where automatic means are provided for shutting off the flow when the vehicle is full.

Contaminated liquids inside containment areas will not be allowed to be drained outside the containment structures onto the ground or into any open water course. These liquids will be pumped or wiped out of containment structures and disposed of appropriately.

4.0 SPILL RESPONSE

Any employee who detects a spill incident while it is occurring should take the necessary measures to stop the flow but only if that employee has been trained to do so. If the employee is unprepared to effectively control the spill, caution and good judgment should be used as to personal safety until a cleanup crew arrives. Immediate containment by the discovering person can reduce the extent of the spill damage.

4.1 FIRST PRIORITIES

The first priorities after discovering a spill are to protect the safety of personnel and the public, minimize damage to the environment, and control costs associated with cleanup and reclamation. Actions to be taken immediately following a spill include the following:

1. Assess the safety of the situation (including the surrounding public).
2. Sources of ignition will be removed from the area, **if safe to do so**.
3. The source of the spill will be shut off, **if safe to do so**.
4. Efforts to contain the spill immediately will be initiated, **if safe to do so**.

Cleanup activities will be initiated as soon as possible after the spill is contained using properly trained and protected personnel with adequate spill cleanup materials and equipment.

5.0 SPILL REPORTING

All spills will be reported immediately to the Spill Coordinator who will in turn work with an EI and WBI Energy's Designated Representative to address and report the spill as necessary. The Spill Coordinator will record at a minimum the following information (found on the Spill Report Form in appendix A):

1. Date, time, and location of the spill.
2. Type of material spilled.
3. Amount of material spilled.
4. Extent of spill area.
5. Whether the material has reached or has the potential to reach a waterbody.
6. Status of spill containment and cleanup.
7. Circumstances leading up to the spill.

WBI Energy's Designated Representative will report the spill to the appropriate regulatory agencies if the spill meets or exceeds a reportable threshold. Appropriate agencies include, but may not be limited to, the following:

1. North Dakota Department of Health at 1-701-328-5210 for non-emergencies or North Dakota Department of Emergency Services at 1-800-472-2121 (24 hour hotline) for emergencies. The North Dakota Department of Health also requires completion of an online "General Environmental Incident" form available at <http://www.ndhealth.gov/ehs/eir/eiform.htm> for any spill of any volume.
2. National Response Center (Washington D.C.) at 1-800-424-8802 (24 hours).

Contractors are responsible for assisting WBI Energy with preparing follow-up written incident reports to regulatory agencies upon request and with accommodating any inspections performed by regulatory agencies.

WBI Energy's internal Spill Report Form will be completed by the Spill Coordinator and provided to WBI Energy's Designated Representative as soon as possible but no later than the end of the day on the day the spill event occurred so agencies can be notified in a timely manner and pertinent information is available for reporting. State and federal agencies must be notified within 24 hours of a reportable spill event. Field personnel will report the spill to the state and federal agencies only if the WBI Energy's Designated Representative is unavailable to do so. All Spill Report Forms and other reporting documentation will be kept on file by WBI Energy's Designated Representative.

6.0 SPILL CONTROL AND CLEANUP

Spill control should only be done by employees trained and prepared to effectively control the spill. Good judgment should be made by employees as to their personal role in the containment actions; however, prompt action can often prevent extensive spill damage. Employees engaged in spill control will use the proper precautions and safety equipment as specified in the Safety Data Sheet(s). The Designated Representative and EI will devise a cleanup plan, as necessary, based on location, quantity, and type of substance spilled.

Upon learning of the spill, the Spill Coordinator will implement the measures in the following sections.

6.1 LAND SPILL

- As necessary, berms will be constructed with available equipment to physically contain the spill and sorbent materials will be applied to the spill area. Traffic on contaminated soils will be minimized.
- Contaminated soils and vegetation will be removed and disposed of at a licensed waste disposal facility.
- Waste materials from the spill will be disposed of according to state and federal regulatory requirements.
- The following information will be provided to the EI and the WBI Energy Designated Representative:
 - The amount of spilled material that was recovered during cleanup.
 - Proposed reclamation of remaining contaminated areas.
 - Storage method for the contaminated waste material before transport and disposal.
 - Transport and disposal documentation for the contaminated waste material.

6.2 WETLAND AND WATERBODY SPILL

Regardless of size, the following conditions apply if a spill occurs near or into a stream, wetland, or an open surface water source.

- For spills in standing water, floating booms, skimmer pumps, and holding tanks shall be used as appropriate by the contractor to recover and contain released materials on the surface of the water.
- For a spill threatening a waterbody, berms and/or trenches will be constructed to contain the spill before it reaches the waterbody. Deployment of booms, sorbent materials, and skimmers may be necessary if the spill reaches the water. The spilled product will be collected and the affected area cleaned up in accordance with appropriate state or federal regulations.
- Contaminated soils in wetlands must be excavated from the wetland. The soils must be placed on and covered by plastic sheeting in approved containment areas a minimum of 100 feet away from wetlands or waterbodies. Contaminated soil will be disposed of as soon as possible in accordance with appropriate state or federal regulations.

All cleanup activities will be conducted according to this SPCC Plan. Personnel involved in cleanup activities will meet the minimum requirements for hazardous materials training and will use approved Occupational Safety and Health Administration safety equipment.

NORTH BAKKEN EXPANSION PROJECT

Spill Prevention, Control, and Countermeasure Plan

**APPENDIX A
Spill Report Form**

North Bakken Expansion Project
Spill Prevention, Control, and Countermeasure Plan – Appendix A

WBI Energy Transmission, Inc. Spill Report Form		
Date of Spill:	Date of Spill Discovery:	
Time of Spill:	Time of Spill Discovery:	
Name and Title of Discoverer:		
Type of material spilled and manufacturer's name:		
Legal description of spill location to the quarter section:		
Directions to nearest community:		
Estimated volume of spill (gallons):		
Weather conditions:		
Topography and surface conditions of spill site:		
Spill medium (pavement, sandy soil, water, etc.)		
Proximity of spill to surface waters:		
Did the spill reach a waterbody?	Yes	No
If so, was a sheen present?	Yes	No
Describe the causes and circumstances of the spill:		
Describe the extent of observed contamination, both horizontal and vertical (i.e., spill-stained soil in a 5-foot radius to a depth of 1 inch):		
Describe immediate spill control and/or cleanup methods used and implementation schedule:		
Current status of cleanup actions:		
Name and Company of:		
Construction Superintendent:		
Spill Coordinator:		
Environmental Inspector:		
Person who reported spill:		
Form completed by:		Date:

Attachment 5

Emergency Response Plan, Facility Response Plan, Geographical Response
Plan



**WBI ENERGY TRANSMISSION, INC.
North Bakken Expansion Project**

Attachment 5

**Emergency Response Plan, Facility Response Plan, and Geographical
Response Plan**

Draft

February 2020

**WBI ENERGY TRANSMISSION, INC.
NORTH BAKKEN EXPANSION PROJECT
EMERGENCY RESPONSE PLAN, FACILITY RESPONSE PLAN, AND
GEOGRAPHICAL RESPONSE PLAN**

1.0 PROJECT DESCRIPTION

WBI Energy Transmission, Inc. (WBI Energy) proposes to construct and operate the North Bakken Expansion Project (or Project), which consists of an approximately 61.9-mile-long, new 24-inch-diameter natural gas pipeline from new facilities at WBI Energy's Tioga Compressor Station near Tioga, North Dakota, to a new compressor station (Elkhorn Creek Compressor Station) southeast of Watford City, North Dakota.

The Project also involves construction of approximately 0.3 mile of new 24-inch-diameter natural gas pipeline between the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company, approximately 20.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 25, approximately 9.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 30, approximately 0.5 mile of new 20-inch-diameter receipt lateral to the Tioga Compressor Station, and uprating of WBI Energy's Line Section 25. The Project includes additional horsepower at the Tioga Compressor Station; the installation of new and modifications to existing delivery, receipt and transfer stations along WBI Energy's pipeline routes; the replacement of small segments of pipeline facilities; and the installation of block valves, pig launcher/receiver stations and other associated appurtenances.

2.0 EMERGENCY RESPONSE PLAN

WBI Energy shall manage potential sources of gas releases by implementing the WBI Energy Transmission Emergency Operation Procedures. This emergency plan will be updated to include specifics related to the crossing of Lake Sakakawea and proper notifications to the U.S. Army Corps of Engineers. A copy of this plan will be provided to the U.S. Army Corps of Engineers for review at a later date.

3.0 FACILITY RESPONSE PLAN

Per 40 CFR 112.2, the EPA Facility Response Planning Compliance Assistance Guide, the North Bakken Expansion Project is not an oil pipeline and does not trigger the need for a Facility Response Plan. A copy of the North Bakken Expansion Project's SPCC Facility Exception form will be provide in a later draft of this plan.

4.0 GEOGRAPHICAL RESPONSE PLAN

Most natural gas used in the United States is delivered to consumers through approximately 319,400 miles of gathering and transmission pipelines, providing about 25 percent of the total energy consumption in the United States. Because of the critical role transmission pipelines play in supplying a large portion of the country's energy needs, it is imperative that they are safe and reliable. Pipelines and related facilities are designed and maintained with strict adherence to Pipeline and Hazardous Materials Safety Administration regulations, which are intended to provide public safety and reliability and minimize the risk of system failure.

The natural gas transmission industry has an excellent record of public safety and reliability. Nevertheless, the transportation of natural gas by pipeline involves some risk to the public in the event of an accidental release of natural gas. The Project will transport natural gas that contains primarily methane, but also smaller amounts of ethane, propane, and higher hydrocarbon gases such as butane. This product is a colorless, practically odorless gas. If natural gas is breathed in high concentrations, oxygen deficiency can occur, resulting in serious injury or suffocation. Natural gas has an auto-ignition temperature of approximately 1,000 degrees Fahrenheit and is flammable at methane concentrations between 5 and 15 percent in air. These concentrations can be reached when natural gas is in a confined space, and could result in a hazard in the presence of an ignition source. Unconfined mixtures of natural gas and air become highly diluted and are not usually explosive. Lighter components of natural gas such as methane are buoyant at atmospheric temperatures and, if released, rise and disperse rapidly in air. Higher hydrocarbon components of natural gas such as propane are heavier than air and, although unlikely, may form a potentially flammable cloud near the ground until sufficiently dispersed in air.

The Pipeline and Hazardous Materials Safety Administration administers the national regulatory program to provide for the safe transportation of natural gas and other hazardous materials by pipeline. Safety regulations and other approaches to risk management provide for safety in the design, construction, testing, operation, and maintenance of pipeline facilities. These standards are specified in Title 49 of the Code of Federal Regulations (CFR) Part 192 (49 CFR 192).

WBI Energy is committed to protecting the safety of those living or working near its pipeline system and working proactively to keep its system operating safely and effectively. Accordingly, the Project will be designed, constructed, tested, operated, inspected, and maintained to meet or exceed the DOT's Minimum Federal Safety Standards specified in 49 CFR 192. These regulations are intended to ensure adequate protection of the public from natural gas pipeline facility accidents and failures; in addition, 49 CFR 192 specifies the minimum material, design, welding, construction, testing, protection from corrosion, operations, maintenance, and personnel qualifications for pipelines. Further, Subpart O requires each pipeline operator to have a detailed integrity management program. As a part of the integrity management program, high-resolution in-line inspection tools (i.e., smart pigs), pressure tests, or direct assessments are periodically performed on the line to assess the pipe for any features requiring remediation (e.g., corrosion, dents, gouges).

As the Project is not an oil pipeline, WBI Energy is not required to develop a Facility Response Plan per 49 CFR 194.101 and 194.103.3. As noted in section 1.0 above, WBI Energy will be updating the company wide emergency operating procedures to include specifics related to the crossing of Lake Sakakawea and proper notifications to the U.S. Army Corps of Engineers. A copy of this plan will be provided to the U.S. Army Corps of Engineers for review at a later date.

Attachment 6

HDD Plan



**WBI ENERGY TRANSMISSION, INC.
North Bakken Expansion Project**

Attachment 6

**Horizontal Directional Drill/Guided Bore
Drilling Fluid Monitoring and Operations Plan**

Draft

February 2020

**WBI ENERGY TRANSMISSION, INC.
 NORTH BAKKEN EXPANSION PROJECT
 HORIZONTAL DIRECTIONAL DRILL/GUIDED BORE
 DRILLING FLUID MONITORING AND OPERATIONS PLAN**

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LIST OF ATTACHMENTS

Attachment A	Lake Sakakawea 24-inch HDD [Horizontal Directional Drill] Crossing Feasibility Memo, Prepared by CCI & Associates Inc.
Attachment B	Land Based Geotech Soil Boring Logs
Attachment C	Draft Detailed Scaled Horizontal Directional Drill Plan and Profile Drawings <i>(Final to be provided with a future draft of this plan)</i>
Attachment D	Drilling Fluid Additive Safety Datasheets <i>(to be provided with a future draft of this plan)</i>

ACRONYMS AND ABBREVIATIONS

CCI	CCI & Associates Inc.
EI	environmental inspector
FERC	Federal Energy Regulatory Commission
HDD	horizontal directional drill
HDD Plan	Horizontal Directional Drill Monitoring, Inadvertent Return Response, and Contingency Plan
Project	North Bakken Expansion Project
WBI Energy	WBI Energy Transmission, Inc.

1.0 INTRODUCTION

This *Horizontal Directional Drill/Guided Bore Drilling Fluid Monitoring and Operations Plan* (HDD Plan) describes procedures that WBI Energy Transmission, Inc. (WBI Energy) and its contractors will follow during horizontal directional drill (HDD) and guided bore crossings associated with the proposed North Bakken Expansion Project (Project). The intent of the HDD Plan is to identify procedures to be implemented that minimize environmental impacts in the event that an inadvertent return of drilling fluids occurs during Project construction. The HDD Plan communicates the roles and responsibilities of personnel involved with the HDD/guided bores, provides monitoring procedures, and describes contingency plans in the event of an unsuccessful HDD/guided bore. *[Note: An updated version of this plan will be filed with the Federal Energy Regulatory Commission (FERC) as more detailed information is finalized.]*

1.1 DESCRIPTION OF LAKE SAKAKAWEA HORIZONTAL DIRECTIONAL DRILL

As part of the Project, WBI Energy proposes to install a 24-inch-diameter natural gas pipeline, referred to as the Tioga-Elkhorn Creek pipeline, beneath Lake Sakakawea using the HDD intersect method in Williams and McKenzie Counties, North Dakota. Table 1.1-1 provides additional details regarding the Lake Sakakawea HDD crossing.

Crossing Name	Estimated Stream Flow During Crossing (cubic feet per second)	Southern Entry (milepost)	Northern Entry (milepost)	Total Length (feet)	Elevation Difference (feet)	Depth of Cover (feet)	Horizontal Setback Distance (Southern Entry/Northern Entry feet)	Subsurface Material
Lake Sakakawea	<i>TBD</i>	25.8	22.9	15,371	38.5	<i>TBD</i> (estimated at approximately 300 feet)	2,100/800	Sand, silt, lean/fat clay, weathered shale, and coal/lignite

CCI & Associates Inc. (CCI) evaluated the feasibility of the proposed HDD crossing of Lake Sakakawea in August 2019. CCI determined that the proposed HDD crossing was feasible based on results of available land-based geotechnical borings and stress analysis. A memo summarizing the results of the feasibility analysis and a preliminary plan and profile drawing is provided in attachment A.

Three land-based geotechnical borings were completed (two near the southern entry site and one near the northern entry site) to depths of between 370 and 400 feet below ground surface. Results of the analysis indicate that the soil types in the area are associated with the Sentinel Butte formation and consist of alluvial deposits, such as poorly graded sands, silt, and clay, and layers of highly weathered shale and coal/lignite beds. Six additional water-based geotechnical borings are planned along the proposed alignment, with a target depth of at least 20 feet below the maximum drill depth. The soil boring logs results from the three land based borings are provided in attachment B.

Based on available information, two water wells are located within 0.25 mile of the southern entry location. The preliminary HDD construction plan and profile drawing provides the locations of the nearby wells (see attachment A). *[Note: The detailed scaled construction plans, crossing profile, and information regarding features that may increase the potential for an inadvertent return are currently pending and will be provided in a future draft of this plan. Draft Detailed Scaled Horizontal Directional Drill Plan and Profile Drawings are provided in attachment C]*

2.0 PERSONNEL AND RESPONSIBILITIES

This section lists the personnel that will be involved with planning and performing the HDD and guided bores, and specifies the responsibilities of WBI Energy and its contractors. Qualified contractors will be retained for completion of HDD and guided bore activities associated with the Project. The contractors (hereafter collectively referred to as “HDD Contractors”) will be trained and knowledgeable of requirements and procedures outlined in this HDD Plan. Environmental inspectors (EI) will work with the HDD Contractors to monitor drilling activities and conduct inspections for potential signs of inadvertent returns. The EI will work with WBI Energy personnel to notify regulatory and/or resource agency staff of any releases that occur. More detailed descriptions of the roles and responsibilities of personnel involved in HDD/guided bore activities are described below.

- HDD Contractors – The HDD Contractors will be responsible for overall operation and monitoring of drill equipment and drilling conditions. The HDD Contractors must be trained and knowledgeable of the requirements and procedures described in this HDD Plan. The HDD Contractors will continually monitor drilling conditions and maintain the records described in this HDD Plan. The HDD Contractors are responsible for communicating loss of drilling fluid circulation and stopping or changing the drill program in the event of an observed or anticipated inadvertent return. *[Note: The HDD Contractor information is currently pending and will be provided with a future draft of this plan.]*
- Environmental Inspector – The EI, in conjunction with the HDD Contractors, will periodically visually inspect the bore alignment for signs of inadvertent returns. In the event of an inadvertent return, the EI will work with the HDD Contractors to implement the remediation activities described in this HDD Plan. The EI will report any inadvertent returns to the designated WBI Energy Representative and work with the WBI Energy Representative to notify regulatory and/or resource agencies of the inadvertent return, as required. The EI will document response and remediation actions taken for the inadvertent return.
- WBI Energy Representative – A designated WBI Energy Representative will be responsible for notifying regulatory and/or resource agencies of inadvertent returns, as required, and working with the agencies, HDD Contractors, EIs, and other Project personnel, as appropriate, to develop and implement any corrective actions associated with an inadvertent return.

3.0 PRECONSTRUCTION ACTIVITIES

3.1 TRAINING

Prior to initiation of Project activities, all contractors and WBI Energy personnel involved in Project construction will be required to attend formal environmental training. The training will include review of the elements and procedures described in this HDD Plan. The WBI Energy Representative will maintain documentation of training topics and personnel in attendance. The EI will provide subsequent training to personnel who arrive on the Project during construction. The level of training received will be commensurate with the roles and responsibilities of the individuals, and will focus on measures to be implemented to minimize risk of an inadvertent return, HDD/guided bore-specific health and safety topics, and inadvertent return containment equipment and materials.

Additional training will be completed in the event that personnel changes or conditions change that affect the implementation of the HDD/guided bore (e.g., weather, scope changes).

3.2 INSPECTION

HDD Contractor personnel and the EI will inspect the land-based portions of the drill path prior to construction to identify any conditions that would impede the visual and pedestrian field inspection and develop modifications to the inspection routine, as needed.

3.3 NOTIFICATION PROCEDURES

3.3.1 Landowner Notification

Prior to commencing the HDD/guided bore, landowners will be notified in writing of the upcoming construction, which will include the anticipated HDD start and end dates, planned access routes to the construction sites, and contact information for WBI Energy personnel. Landowner permission will be obtained prior to conducting the pedestrian survey and land-based inspection of the drill path.

3.3.2 Agency Notification

WBI Energy will notify appropriate agencies, including FERC, the U.S. Army Corps of Engineers, and state agencies, prior to the commencement of the HDD crossing of Lake Sakakawea in accordance with agency requirements. The notification will include the anticipated duration of drilling and contact information for appropriate WBI Energy personnel.

4.0 DOCUMENTATION

This HDD Plan will be available and accessible to all personnel on site during HDD and guided bore activities. Additional documentation that will be available and accessible on site is described in table 4-1.

TABLE 4-1		
North Bakken Expansion Project Documentation to Be Available/Accessible On Site		
Procedure	Responsible Party	Documentation
Employee Training	WBI Energy Representative and EI	Record of employee training detailing when training was conducted, material covered, and employees in attendance.
Visual Monitoring	HDD Contractor and EI	Record name of inspector, time of inspection, and observations for each inspection.
Instrument Logs	HDD Contractor	Logs that document pilot hole progression, drill string axial and torsional loads, annulus pressures, and drilling fluid discharge rate and pressure.
Drilling Fluid Composition	HDD Contractor	Logs of drilling fluid composition and physical properties throughout drilling activities. Safety Data Sheets for drilling fluid and any additives will be maintained.
Public and Agency Correspondence	WBI Energy Representative and EI	Records of communication with the public and agencies and any response actions taken if required.

A summary of HDD/guided bore activities will be included in construction status reports provided to the FERC.

5.0 DRILLING FLUID MANAGEMENT

Drilling fluid (also referred to as drilling mud) will consist of water mixed with in-situ material and/or bentonite, a non-toxic, naturally occurring sedimentary clay. Although not currently proposed, there is potential that the HDD Contractors may propose to use drilling fluid additives. Drilling fluid additives used during construction will be limited to non-petrochemical-based, non-hazardous additives currently certified to the American National Standards Institute/National Sanitation Foundation International Standard 60. Use of additives other than those certified to the American National Standards Institute/National Sanitation Foundation International Standard 60 would not be allowed unless approved by appropriate regulatory authorities. In addition, use of any drilling fluid additive or lost circulation material that has not been previously disclosed would require advance notification to and approval by FERC. Documentation of the composition and properties of all drilling fluids to be used will be maintained at the job site and available for review by WBI Energy and the EI, as well as by any jurisdictional authorities. No fluid additives will be used that do not comply with the permit requirements and environmental regulations applicable to the Project.

[Note: Additional information regarding sources of drilling water and laboratory analysis (as applicable), drilling fluid additives and Safety Data Sheets (attachment D), anticipated volumes, and drilling fluid disposal will be provided in a future draft of this plan.]

6.0 DRILLING OPERATIONAL CONDITIONS AND MONITORING AND RESPONSE ACTIONS

Table 6-1 provides an overview of the drilling operational conditions and corresponding monitoring and response actions. Subsequent sections of this HDD Plan provide details regarding each of the three conditions identified in table 6-1. Although some of this information is specific to Lake Sakakawea, the same general procedures will apply to the proposed guided bore crossings.

TABLE 6-1

North Bakken Expansion Project Overview of Drilling Operational Conditions and Monitoring and Response Actions		
Condition	Status	Actions
Condition 1: Normal Drilling Conditions	Normal drilling fluid circulation is maintained	<ul style="list-style-type: none"> • Perform routine collection of drilling fluid at endpoints. • Perform routine drilling data collection. • Conduct routine visual monitoring.
Condition 2: Loss of Circulation	Loss, or significant reduction, of drilling fluid circulation	<ul style="list-style-type: none"> • Discontinue drilling; continue pumping and rotating, and slowly swab the drill string, if appropriate. • Notify the EI. • Adjust drilling fluid and parameters in an effort to regain circulation. • Perform focused visual monitoring. • Continue drilling if no release to surface is detected.
Condition 3: Drilling Fluid Release and Remediation	Drilling fluid release to surface or Lake Sakakawea is confirmed	<ul style="list-style-type: none"> • Notify EI and the WBI Energy Representative. • Notify regulatory agencies and authorities having jurisdiction. • Discontinue pumping; continue rotating and slowly swab the drill string, if appropriate. • Monitor and document the release area. • Contain and collect the release, if practical. • If the release is contained and collected, resume pumping and drilling. • If containment and collection is not practical, suspend HDD operations. • WBI Energy, in consultation with jurisdictional authorities, will issue a notice to proceed, notice to relocate, or notice to shut down.

6.1 CONDITION 1 – NORMAL DRILLING CONDITIONS

6.1.1 Drilling Operations

Documentation of the composition and properties of all drilling fluids to be used will be maintained at the job site and will be available for review by WBI Energy, its designated representative, and the EI, as well as by authorities having jurisdiction. Documentation shall include complete manufacturer’s literature and Safety Data Sheets. No fluid will be used that does not comply with permit requirements and environmental regulations.

The HDD Contractor shall maximize reuse of drilling fluid surface returns by providing solids control and fluid cleaning equipment of a configuration and capacity that can process surface returns and produce drilling fluid suitable for reuse.

The HDD Contractor shall provide and maintain instrumentation that will accurately locate the pilot hole, measure drill string axial and torsional loads, and measure drilling fluid discharge rate and pressure. Drilling fluid pressure can only be monitored during drilling of the pilot hole. During reaming and swab passes, drilling fluid pressure is negligible due to the open ends of the drill path. WBI Energy and its designated representatives will have access to these instruments and readings at all times. If requested, WBI Energy will provide this information to regulatory agencies having jurisdiction. A log of all recorded readings shall be maintained at the drill rig site and will become a part of the “As-Built” information to be supplied by the HDD Contractor.

6.1.2 Routine Monitoring

Routine monitoring under Condition 1 will consist of a visual examination by HDD Contractor personnel or the EI along the drilled alignment, including observing for turbidity plumes within Lake Sakakawea. These examinations will be made periodically on a time interval not to exceed 4 hours and may be curtailed during hours of darkness. If a sudden loss in drilling fluid pressure is detected, powerboats, unmanned drones, and/or other aerial or over-water equipment will be used to observe and monitor for turbidity plumes at the surface of Lake Sakakawea during the HDD crossing. The HDD Contractor personnel or EI will have appropriate operational communication equipment (e.g., radio, cell phone) available at all times while observing the installation of the HDD crossing. The name of the examiner, time of the examination, and observations shall be kept in a log at the rig site and will be available for inspection by WBI Energy and its designated representatives. Upon request, WBI Energy will also make the logs available to the regulatory agencies having jurisdiction.

If loss of circulation and possible release of drilling fluid to the surface is detected, Condition 2 will be implemented.

6.2 CONDITION 2 – LOSS OF CIRCULATION

6.2.1 Drilling Operations

The following procedures shall be implemented if a loss, or significant reduction, of drilling fluid circulation occurs:

- Discontinue drilling or reaming activities. Continue pumping and rotating, and slowly swab the drill string, if appropriate. Swabbing involves withdrawing the drill string to mechanically clean the drilled hole and reduces chances of the drill string getting stuck.
- The HDD contractor shall immediately notify the EI. The EI will document that operations are continuing under Condition 2 in the daily report and notify the WBI Energy representative as necessary.
- The HDD contractor shall immediately take steps to restore circulation. These steps shall include, but are not limited to, the following:
 - Adjust drilling fluid properties and parameters to encourage annular flow by specifically weighting up or down, increasing viscosity, or adding lost circulation material (walnut shells, mica, or other additives to promote circulation) to plug the seam where fluid is being lost. Flow shall be maintained such that annular velocities promote returns to the drilling pits.
 - At the HDD Contractor's option, employ lost circulation material as long as such materials have been approved by WBI Energy and comply with permit requirements and environmental regulations.
- Perform focused monitoring along the drill path for drilling fluid release to surface.
- If circulation is restored or drilling fluid is not observed at surface, drilling will continue under Condition 2 for a period of not less than 8 drilling hours. If a release

is not identified and loss, or significant reduction, of drilling fluid circulation does not occur, the HDD Contractor shall notify the EI that drilling under Condition 1 has resumed. The EI will document that drilling under Condition 1 has resumed.

- If drilling fluid release is identified through focused monitoring, Condition 3 shall be implemented.
- If circulation cannot be restored, the HDD contractor shall notify the EI and WBI Energy and continue drilling under Condition 2.

6.2.2 Focused Monitoring

Focused monitoring under Condition 2 will consist of continuous visual observation along the drilled alignment by HDD Contractor personnel and/or the EI with no other jobsite responsibilities. Focused monitoring will take place over the minimum 8-hour Condition 2 drilling timeline, as indicated above. The time and results of drilled alignment observations shall be kept in a log at the rig site and shall be available for inspection by WBI Energy and its designated representatives. Upon request, WBI Energy will also make the logs available to the regulatory agencies having jurisdiction. If a drilling fluid release to the surface is detected, Condition 3 shall be implemented.

6.3 CONDITION 3 – DRILLING FLUID RELEASE AND REMEDIATION

6.3.1 Drilling Operations

The following procedures will be implemented if a drilling fluid release to the surface is detected:

- The HDD Contractor will cease drilling immediately and notify the EI. The EI will document the location of the release as well as the containment and cleanup of the release in the daily report. WBI Energy will be notified immediately of any releases into Lake Sakakawea or other sensitive areas, or if a release threatens to enter these areas.
- In the event of a release into Lake Sakakawea, WBI Energy shall immediately notify the following [*names and contact information to be provided in a future draft of this plan*]:

TABLE 6.3.1-1		
North Bakken Expansion Project Inadvertent Release Notification Information		
Agency	Name	Phone Number
FERC	<i>TBD</i>	<i>TBD</i>
U.S. Army Corps of Engineers	<i>TBD</i>	<i>TBD</i>
U.S. Fish and Wildlife Service	<i>TBD</i>	<i>TBD</i>
Department of Health, Division of Water Quality	<i>TBD</i>	<i>TBD</i>
State Water Commission	<i>TBD</i>	<i>TBD</i>
Game and Fish Department	<i>TBD</i>	<i>TBD</i>

- The HDD contractor will discontinue pumping, and will rotate and slowly swab the drill string, if appropriate. Swabbing involves withdrawing the drill string to mechanically clean the drilled hole and reduces chances of the drill string getting stuck.
- If public health and safety are threatened by the inadvertent release, drilling operations will be shut down until the threat is eliminated.
- If the release occurs on land, it shall be contained with hand-placed barriers (e.g., hay bales, sand bags, silt fences) and collected for disposal or reuse. If the amount of the release exceeds that which can be contained with hand-placed barriers, small excavated collection sumps (less than 5 cubic yards) may be used. Pumping and drilling may continue under Condition 2 as long as the release is being contained and collected.
- If the amount of the release occurring on land exceeds that which can be contained and collected using small sumps, drilling operations shall be suspended until released volumes can be brought under control.
- Due to the size of Lake Sakakawea, it is considered generally ineffective and unfeasible to contain drilling fluids that may be released into the waterbody. If the release occurs directly into Lake Sakakawea, natural river currents would dissipate the drilling fluid such that, depending on the fluid volume, it is not anticipated that a release would significantly increase the natural turbidity of Lake Sakakawea. Bentonite would be suspended in the water column and then settle out downstream. However, if the EI determines that the turbidity plume would adversely affect sensitive resources or the plume is excessively large, a floating turbidity curtain or floating silt booms may be implemented over the release to contain the fluid and facilitate settling of the suspended solids. In those areas that can be contained, the underwater release will be collected using pumps.
- If the release occurs near a potable water source or water well, the HDD Contractor will test the water quality and yield for the water well owner, and will provide an alternate supply of water to affected landowners until the water source or well is repaired. Water well repairs will occur at WBI Energy's expense.
- If the amount of any drilling fluid release on land exceeds that which can be practically contained and collected, or if a turbidity plume within Lake Sakakawea is observed to be excessively large, drilling operations shall be suspended and the HDD Contractor will notify WBI Energy that drilling cannot continue without a continuous release of drilling fluid. WBI Energy, in consultation with jurisdictional authorities, will then issue a notice to proceed or issue a notice to shut down until further notice.
- If impacts are noted to be occurring to fish or wildlife due to exposure to released drilling fluids, drilling operations shall be suspended and the HDD Contractor will notify WBI Energy immediately. WBI Energy, in consultation with jurisdictional authorities, will issue a notice to proceed or issue a notice to shut down until further notice.

6.3.2 Focused Monitoring

Focused monitoring under Condition 3 will consist of continuous visual observation along the drilled alignment and at any and all release areas. Focused monitoring shall be conducted by HDD Contractor personnel and/or the EI with no other jobsite responsibilities. The time and results of the focused monitoring observations shall be kept in a written log at the jobsite and shall be available for inspection by WBI Energy and its designated representatives. Upon request, WBI Energy will also make the logs available to the regulatory agencies having jurisdiction.

7.0 RESPONDING TO INADVERTENT RETURNS

7.1 MATERIALS AND EQUIPMENT

Materials that will be stored on site in the event of an inadvertent return include the following:

- wood stakes,
- sandbags;
- plastic sheeting;
- spill sorbent pads and booms;
- certified weed-free straw bales;
- silt fence;
- corrugated plastic pipe;
- shovels; and
- push brooms.

Mechanical equipment that will be either immediately available or staged on site in case of an inadvertent return include:

- vacuum truck;
- centrifugal, trash, and sump pumps;
- rubber-tired or wide-track backhoe;
- storage tanks;
- floating turbidity curtains;
- powerboats, unmanned drones, or other means of monitoring the lake surface; and
- skidsteer, as needed.

7.2 RETURNS WITHIN CERTIFICATED WORKSPACE

Containment and cleanup of returns within uplands and wetlands within the certificated workspace will occur immediately following the discovery. Contractor personnel will utilize the materials described above to contain and control the spread of any released drilling fluid. Drilling fluid will generally be cleaned by hand using hand shovels, buckets, and soft-bristled brooms

where possible to avoid damage to existing vegetation. In heavily impacted areas, mechanized equipment may be utilized and restoration techniques will be implemented in accordance with FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*. Fresh water washes will also be employed if deemed beneficial and feasible. Material will be collected in containers for temporary storage prior to removal from the site.

7.3 RETURNS OUTSIDE CERTIFICATED WORKSPACE

Should an inadvertent return be discovered outside of certificated workspace, WBI Energy will attempt to gather landowner permission, obtain all required environmental clearances, and seek a FERC variance in order to access the impacted area as soon as possible. WBI Energy plans to consult with adjacent landowners prior to construction in order to limit downtime during drilling operations and expedite the environmental response. For the Lake Sakakawea HDD, WBI Energy plans to expand its biological and cultural field survey corridor in areas adjacent to the drill rig entry locations and pre-prepare variance request forms (to be submitted to FERC, as necessary) to expedite access to potential inadvertent returns.

8.0 RESTORATION

If an inadvertent return were to occur, the HDD Plan will be implemented to contain and recover the drilling fluid. Areas that were affected by the inadvertent return will be restored to preconstruction conditions to the extent practicable in accordance with FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures* and the proposed modifications described in table 1.3-1 of Resource Report 1, and the restoration plans prepared for the Project (appendix 1F of Resource Report 1).

9.0 CONTINGENCY PLANNING

If the actions described above do not address the issue, WBI Energy may opt to implement mitigation measures, select a new drill path, or abandon the drill and consider alternate crossing measures. Abandonment procedures and alternative crossing measures will be discussed with appropriate permitting and regulatory agencies, and required approvals will be obtained prior to implementing alternative crossing measures.

9.1 MITIGATION MEASURES

Before identifying alternative crossing locations or techniques, an attempt will be made to identify and assess the reason for the drill failure and implement measures to reduce additional inadvertent returns. Potential mitigation measures include:

- utilize surface (conductor) casing(s);
- use the intersect drill method;
- pre-grout permeable ground or fractured rock;
- install relief wells to provide a preferential pathway for drilling fluids to migrate to the surface; and/or

- plan for use of special drilling fluids, viscosity, pressure, and/or drill speed.

9.2 NEW DRILL PATH

Depending on the nature of the problem, WBI Energy may choose to select a new drill path that mitigates the cause of the problem. This would result in an altered alignment or depth of drill path, which may retain sections of the original drilled path that are not at risk to the problem. For any section of abandoned hole, the abandonment procedures identified in section 9.3 below would apply only to the abandoned section of the hole.

9.3 ABANDONMENT

In the event a drill hole is to be abandoned, the following procedures will be implemented:

- heavy drilling mud or cement mixture will be pumped into the hole as the drill assembly is extracted to seal the abandoned drill hole; and
- the drill end points will be cut and sealed within approximately 5 feet of the surface, filled with soil, and graded to the original contour.

9.4 ALTERNATIVE CROSSING METHODS

WBI Energy's preferred crossing method of Lake Sakakawea is via HDD; however, in the event that the above options have been exhausted WBI Energy is committed to completing the Project in an effective and timely manner and will consider alternative crossing options. In developing an appropriate alternative to the Lake Sakakawea HDD crossing or the proposed guided bores, consideration will be given to:

- stream bank type, flow width, depth, velocity, and flow volume;
- surrounding topography;
- lakebed substrate;
- condition of riparian areas;
- condition and extent of wetlands, if any, on each side of the crossing; and
- aquatic biota.

These and other factors will be considered and discussed with the appropriate regulatory agencies to minimize environmental impact and secure appropriate approvals. WBI Energy will conduct a site-specific analysis to select other feasible crossing methods that do not utilize the HDD method. This could include a new route alignment, trenching and backfilling the pipeline across the lake bed (using plowing, jetting, or conventional bucket dredging), direct-lay, and/or utilizing concrete coating or articulated block mattresses. Final selection of an alternative crossing method will be submitted to FERC and other jurisdictional agencies with supporting data.

NORTH BAKKEN EXPANSION PROJECT

**Horizontal Directional Drill/Guided Bore Drilling Fluid Monitoring and
Operations Plan**

Attachment A

**Lake Sakakawea 24-inch HDD [Horizontal Directional Drill] Crossing
Feasibility Memo, Prepared by CCI & Associates Inc.**



To: WBI Energy Transmission
From: CCI & Associates Inc.
Date: August 1, 2019
Re: North Bakken Expansion – Lake Sakakawea 24-inch HDD Crossing
CCI # 2386-01-FEASIBILITY MEMO-Lake Sakakawea NPS 24 HDD-00

Introduction:

WBI Energy Transmission, Inc. (WBI) is proposing to construct a pipeline crossing of Lake Sakakawea within North Dakota, between the cities of Tioga and Watford City. WBI is proposing that the lake crossing be completed utilizing horizontal directional drilling (HDD) methodologies, if proven technically feasible.

In response to a request from WBI, CCI & Associates Inc. (CCI) has completed a preliminary geometric design of the proposed North Bakken Lake Sakakawea NPS 24 HDD and pullback in order to determine its feasibility. The preliminary HDD and Pullback design drawings completed by CCI [Preliminary CCI HDD Design Drawing Number 2386-EG-0101-D and 2386-EG-0102] is shown in Appendix A.

This report is provided as a general feasibility assessment of site conditions for the proposed HDD, incorporating the available geologic information and geometric review of the proposed NPS 24 HDD alignment. This feasibility assessment is based on information obtained from the review of the site location and alignment, geotechnical land borings and lab analysis, Pipeline Research Council International (PRCI) PR-277-144507-R01 guidelines for calculation of installation and operating loads and stresses, and CCI annular pressure (AP) calculations which model the potential fracture pressure of the overburden formation versus the expected downhole pressures created during the pilot-hole phase. General constructability was reviewed and noted concerns are discussed within this memo.

Crossing Location and Background Information

Lake Sakakawea at the proposed HDD location is within McKenzie and Williams Counties, North Dakota. The pipeline alignment crosses Lake Sakakawea at the proposed location approximately 24 miles north of Watford City and 23 miles east of Williston, ND. The proposed HDD alignment, measuring approximately 15,340 ft in length is shown in Figure 1 below:



Figure 1. Proposed HDD Alignment Location

The proposed entry point is located in a relatively flat area at an elevation of approximately 1,905 feet North American Vertical Datum 88 (NAVD 88) in a cultivated grass field located about 25 miles southeast of Williston, ND. From entry, the HDD alignment trends along the proposed pipeline right-of-way with the ground surface undulating down to Lake Sakakawea Reservoir. From the north bank of the reservoir, the HDD alignment trends north through the proposed pipeline right-of-way with the ground undulating gently up to the proposed exit point at an elevation of approximately 1,870 feet NAVD 88 in a maintained grass field. The pipe string staging and preparation area shown in Figure 2 is located to the north of the exit point (pipe side) within a proposed temporary workspace area. The planned pipe string and pullback alignment continues approximately 15,340 feet to the north of the exit point and will cross 52nd Street NW and continue north across multiple cultivated fields before ending near Highway 1804.



Figure 2. Proposed HDD Pipe Stringing Location

The land near the proposed HDD consists of primarily agricultural fields and grassed areas with very few homes in the immediate vicinity of the construction site.

Geological Setting

The geology of the area consists of thin layers of glacial deposits overlying Tertiary-Aged Sentinel Butte Formation. The Sentinel Butte Formation consists of layers of silt, clay, sand, lignite, carbonaceous shale, and mudstone (Carlson, 1985). The geotechnical materials below the mudline of Lake Sakakawea consists of Holocene-Aged alluvial deposits composed of silt, clay, sand, and gravel underlain by the Sentinel Butte Formation. Based on discussions with the geotechnical consultant, it is understood that the bedrock formation of the Sentinel Butte Formation extends well below the bottom of the boreholes completed for this crossing and the depth of the proposed HDD installation. It is expected that the proposed HDD installation will encounter bedrock materials associated with the Sentinel Butte Formation for the majority of the crossing.

A summary of the subsurface materials encountered at the site is provided below. The descriptions provided below are based on the boring logs. Within these boring logs, the geotechnical descriptions given to the encountered material is reflective of soil and bedrock materials. The formation representative of bedrock materials at depth are based on the presence of coal/lignite layers identified within the boring logs, very high standard penetration test (SPT) values with little sampler advancement, and the presence of bedrock outcrops in the area one-mile east of the entry location on the southern side of Lake Sakakawea. Additionally, based on discussions with the geotechnical consultant, it is understood that



these geotechnical materials will exhibit bedrock properties as opposed to soil properties, especially where high SPT values were observed (high SPT values defined as equal to or greater than 50).

Geotechnical Investigation

CCI sub-contracted Groundwater & Environmental Services, Inc. (GES) to perform a land based, subsurface exploration and laboratory testing program at the proposed HDD site. To support the preliminary feasibility evaluation and design of the Lake Sakakawea crossing the subsurface exploration program consisted of drilling three (3) exploratory borings between April 23, 2019 and May 5, 2019. The borings were completed to nominal depths of 400 feet, 400 feet and 370 feet below ground surface (bgs), respectively. The locations of the three geotechnical borings relative to the HDD alignment are depicted in the design drawing attached. Copies of the preliminary boring logs from GES are attached for reference.

The soils encountered are consistent with the Sentinel Butte Format. Except for the coal, the soil borings did not encounter cobbles and boulders. However, there is the potential to encounter cobbles and boulders which can make drilling difficult.

Additionally, a project specific over-water geotechnical investigation along the proposed alignment is required to further characterize the project area and delineate subsurface conditions. CCI has proposed over-water geotechnical boreholes located strategically along the HDD crossing alignment to be completed in two phases: (1) land-based borings for use in an HDD crossing feasibility analysis and (2) over-water borings for use in detailed HDD design. The proposed water-based boreholes will explore to a target depth of a minimum of 20 ft below the drill path depth.

Upon determination of feasibility of an HDD crossing at this location, six (6) additional boreholes [WB-4 through WB-9], spaced roughly 2000 ft apart, have been proposed along the HDD alignment in order to obtain a more detailed model of the geologic formations for use in detailed design of the HDD. These additional boreholes will allow for a more detailed mapping of the subsurface stratigraphy as well as identify additional risks that exist for HDD construction operations and corresponding mitigative and preventative measures to avoid these risks prior to construction.

The location of the completed land based and proposed over-water boreholes for use in the feasibility analysis and detailed engineering phases, as listed above, can be seen Figure 2 below.



Figure 2. Proposed Borehole Locations

The approximate coordinates and intended depths of exploration for the proposed boreholes are shown in Table 1, below.

Borehole	Phase	Depth (ft)	Latitude	Longitude
LB -1**	Feasibility	400	48° 6' 56.32"N	103° 5' 34.23"W
LB-2**	Feasibility	400	48° 7' 4.36"N	103° 5' 33.31"W
LB-3**	Feasibility	370	48° 9'22.10"N	103° 4'39.62"W
WB-4	Detailed Design	300*	48° 7'23.33"N	103° 5'26.00"W
WB-5	Detailed Design	300*	48° 7'42.26"N	103° 5'15.51"W
WB-6	Detailed Design	300*	48° 8'2.40"N	103° 5'10.78"W
WB-7	Detailed Design	300*	48° 8'21.14"N	103° 5'0.45"W
WB-8	Detailed Design	300*	48° 8'41.44"N	103° 4'55.55"W
WB-9	Detailed Design	300*	48° 9'0.55"N	103° 4'45.03"W

Table 1. Geotechnical Boring Locations and Depths

*Depth may need to be deeper based on actual sample conditions.

**Completed

As mentioned above, it is highly recommended that a geotechnical investigation be performed in order for final feasibility and detailed design to be performed for the HDD crossing of Lake Sakakawea. A geotechnical investigation consisting of the land -based geotechnical borings as well as the over-water borings as listed above would likely yield enough information to greater determine feasibility and produce a final HDD design.

PRCI design guidelines (PR-277-144507-R01) and ASME B31.8-16 requirements (Gas Transmission and Distribution) were utilized to model the bending, hoop, tensile, and combined stresses for the installation and operating conditions imposed on the pipe for the proposed HDD. The calculations consider the pipe diameter, wall thickness, grade, depth, and geometric design of the crossing. The analysis was conducted utilizing the designs completed by CCI. The pipeline specifications, geometry, and operating conditions utilized that were used in the analysis are shown in Table 2, below:

Overall Length	15,340 ft
Nominal Pipe Size (NPS):	24
Wall Thickness:	0.562
Spec/Grade:	API 5L X70
Chosen Design Radius:	5,000 ft.
Minimum Allowable Design Radius (MADR) (CCI calculated):	1,600 ft.
Entry Angle:	12°
Exit Angle:	12°
Borehole Diameter:	36 in.
Maximum Operating Pressure:	1,480 psig
Maximum Operating Temperature (assumed):	100°F
Minimum Installation Temperature (assumed):	23°F
Design Factor:	0.6

Table 2. Pipeline Specifications

The analysis of the operating conditions of the HDD installation with the specified design radius of 5,000 feet determined that the maximum operational shear stress imposed on the pipe within the HDD section is 21,280 psi (67.6% of allowable as per PRCI guidelines) and is therefore acceptable. A summary of calculations can be seen in Appendix B.

The stress analysis of the installation of the product pipe completed by CCI yielded a pull force of approximately 796,000 lbs, which includes a safety factor of 1.5 and assumes the use of buoyancy control during installation. Buoyancy control is highly recommended for any HDD installation of this size and length as it will significantly reduce the required pull force and minimize the potential of pipe and pipe coating damage during installation. The stress analysis completed by CCI produced the following values for the provided design geometry with utilizing buoyancy control, as shown in Table 3:

	Installation Stresses	% of PRCI allowable
Maximum Tensile Stress	19,243 psi	30.5%
Maximum Bending Stress	8,850 psi	19.0%
Maximum Hoop Stress	5,940 psi	62.6%
Maximum Operating Stress	21,280 psi	67.6%
Maximum Combined Installation Stress (tensile and bending)	0.48	48%
Maximum Combined Installation Stress (tensile, bending, and hoop)	0.74	74%
Pull force with buoyancy control	530,600 lbs	
Pull force with buoyancy control (incl. 1.5 x S.F.)	796,000 lbs	
Pull force w/o buoyancy control	1,107,000 lbs	
Pull force w/o buoyancy control (incl. 1.5 x S.F.)	1,660,000 lbs	

Table 3. Installation Stress Analysis (5,000 ft Design Radius)

CCI recommends utilizing a safety factor of 1.5 when calculating anticipated pull force to account for variations in the field regarding drilling practices, geology, etc. and to account for the addition of the reamer and swivel in the pullback bottom hole assembly. Due to the preliminary nature of the design at the time of this report, without full geotechnical data along the full length of the crossing, additional factors have been added to the standard PRCI calculated values for anticipated tensile, bending, and hoop stress. It is anticipated that these additional factors may be removed upon receipt of geotechnical data and final design.

Based on the pipe specifications and conceptual HDD design geometry, the stress analysis completed by CCI shows that the installation and operating stresses will be maintained within allowable limits as per PRCI PR-227-144507 and ASME B31.8-16 specifications for the proposed HDD and is therefore acceptable.

Annular Pressure Analysis

The annular pressure was modeled to simulate the downhole pressure during the pilot hole phase of construction and compare it with the expected fracture pressure of the geologic formations above the drill path. The AP simulation was conducted with CCI's analysis tools which have been developed with

industry standard calculation models (Bingham Plastic, General Overburden, and USACE/Delft model) and additional modified safety factors based on our experience from over 15,000 completed HDD crossings.

The drilling parameters utilized by CCI for the analysis were as follows:

- 12 3/4" pilot hole OD
- 7 5/8" drill pipe OD
- 650 gpm (2.46 m³/min) fluid pump rate
- 9.5 lb/gal fluid density
- 23 lb/100ft² yield point of fluid
- 13 cP plastic viscosity of fluid

A calculated expected annular pressure graph is produced with the above drilling parameters and is modeled in Figure 3 and Figure 4. This annular pressure graph is the basis for establishing whether a proposed HDD crossing is at risk for hydraulic fracture during pilot hole phase. This graph shows a calculated downhole pressure, as well as an *Operating Zone* above the baseline pressure, shown as 125% of the calculated pressure. According to this model, drilling pressures that exceed the overburden fracture pressure don't necessarily indicate a fracture will occur, but rather a higher risk that hydraulic fracture may occur in those areas.

CCI has used the results from the soil sample laboratory testing contained from the land-based geotechnical investigation and developed two geotechnical parameter sets for this crossing. One set represents a "Poorly graded Silt, Clay and Sand" and is modeled as a layer perched on top of the encountered bedrock. The second set represents a "Shale Bedrock" and is used through most of the crossing to conservatively model the bedrock.

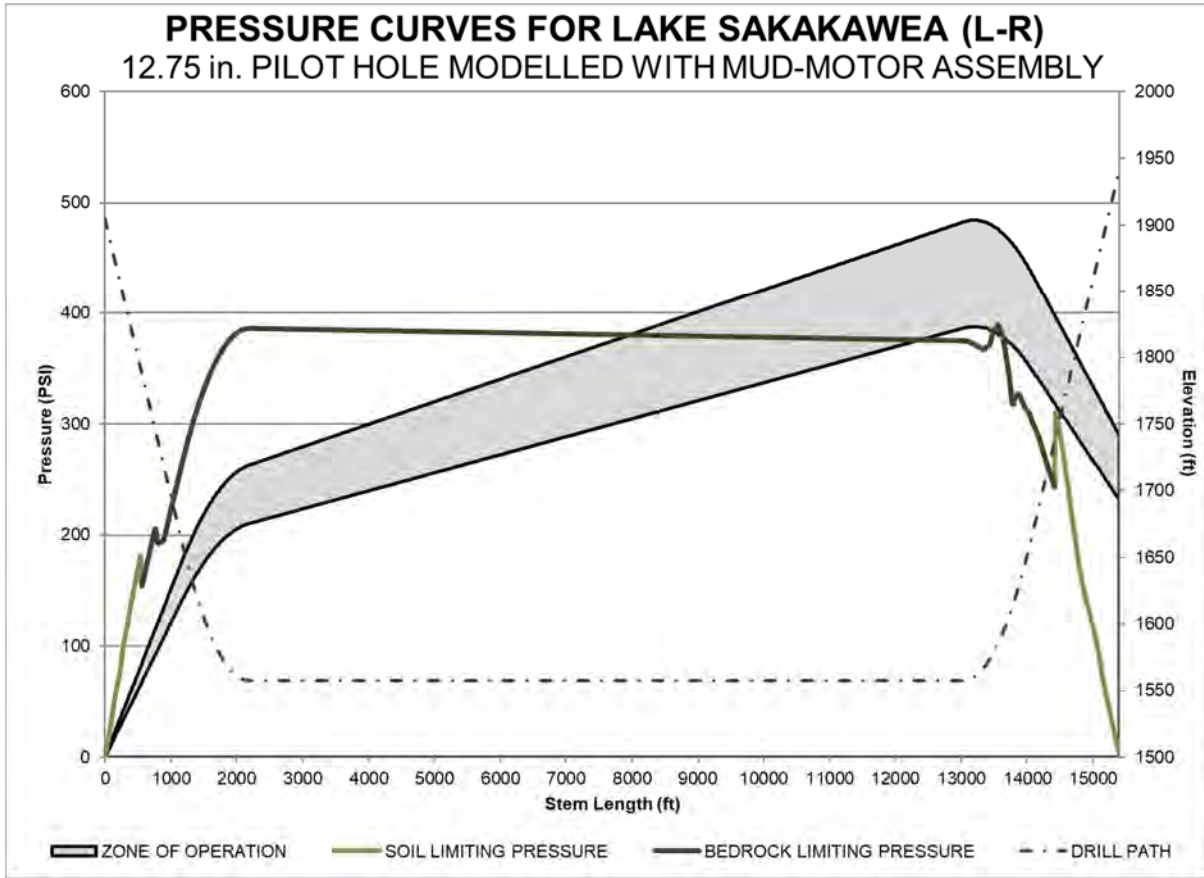
The poorly graded silt, clay and sand geotechnical parameters utilized by CCI were as follows:

- 32° Internal Angle of Friction
- 0 psf Cohesion Coefficient
- 116.3 pcf Unit weight of Soil
- 1,357,553 psf Shear Modulus of the Soil
- Variable Radius of Plastic Zone based on soil parameters

The shale bedrock geotechnical parameters utilized by CCI were as follows:

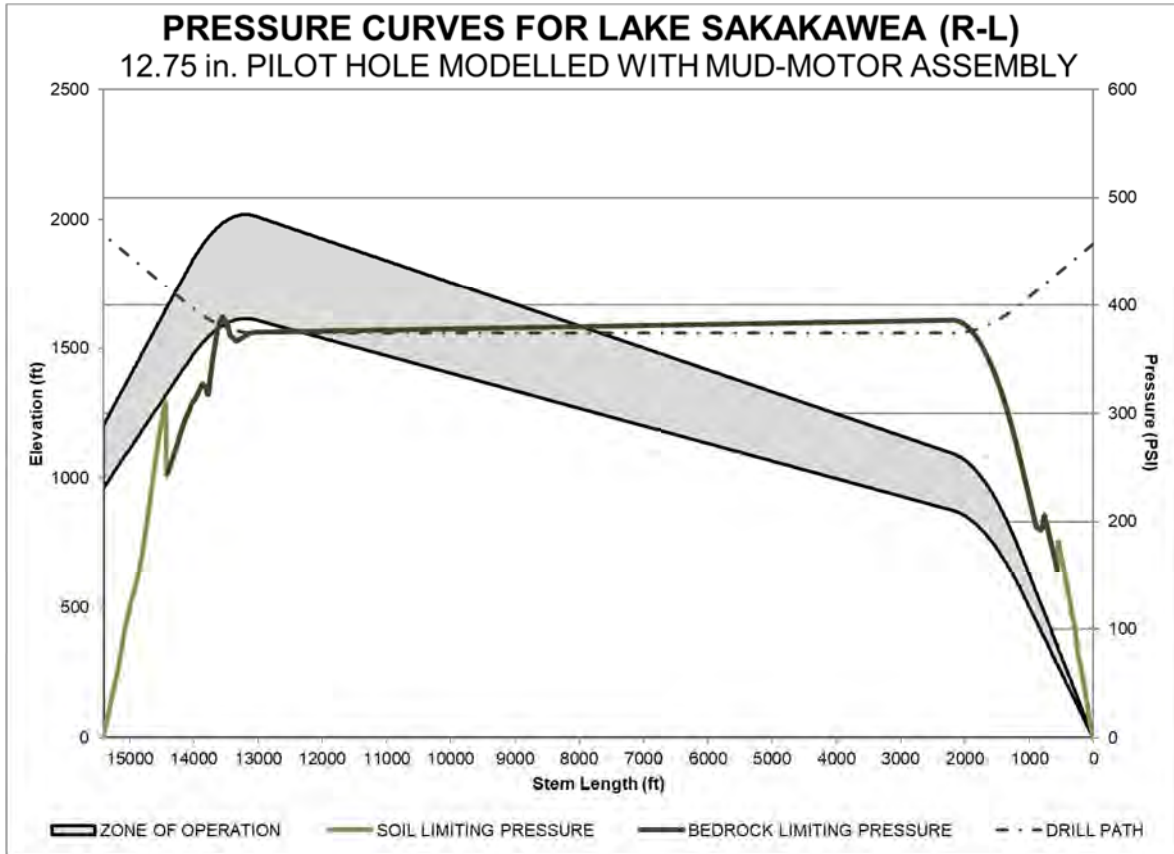
- 26° Internal Angle of Friction
- 996.57 psf Cohesion Coefficient
- 132.3 pcf Bulk Unit weight of Bedrock
- 183,305.2 psf Shear Modulus of the Bedrock
- Variable Radius of Plastic Zone based on soil parameters

Because the N. Bakken Lake Sakakawea HDD is approximately 15,330 ft. in length it will require to be completed as an intersect drill. Figure 7 and Figure 8 shows what the expected annular pressure would look like for the north and south HDD portions of pilot hole, respectively, at the current designed depth utilizing the intersect method.



*Chart data is based on land based Geotech and regional geology.

Figure 3. Modeled Annular Pressure During South Pilot Hole



*Chart data is based on land based Geotech and regional geology.

Figure 4. Modeled Annular Pressure During North Pilot Hole

It should be noted that the validity of the annular pressure analysis results is highly dependant upon the accuracy of the geotechnical information utilized. For this reason, the recommendation that an in-depth over-water geotechnical investigation be performed is further enforced so that problematic geotechnical conditions that may be present along the drill path can be identified which could cause a higher risk of hydraulic fracture or IR during construction such as bedrock fractures, coal seams, cobbles, etc.

This is only a preliminary analysis based on the limited geotechnical information for the project owner's use. The analysis shown should not be used for any regulatory requirements as the assumptions made along the entirety of the HDD alignment are likely to change once the full geotechnical investigation is complete.

Noise Impact Analysis:

Based on available aerial images, a desktop analysis was completed for observable areas that may be impacted by noise during construction operations. Noise sensitive areas (NSAs) include residences, schools or hospitals within ½ mile radius of drilling operations.

Multiple NSAs are present within a ½ mile of the proposed Lake Sakakawea crossing. The majority of residential NSAs appear to be within the proximity of the proposed exit point, with the closest NSA located roughly 480 ft away. A single residential NSA appears to be present within a ½ mile radius near the proposed HDD entry point, which is estimated to be located roughly 2,100 ft away.

The following denotes the typical equipment at the HDD north and south side and most of the listed equipment is considered noise sources associated with the HDD operations:

- Drilling rig and engine-driven hydraulic power unit (i.e., most significant noise source);
- Engine-driven mud pump(s) and engine-driven generator set(s);
- Mud mixing/cleaning equipment and associated fluid systems shale shakers;
- Crane, backhoe, front loader, forklift and/or truck(s);
- Frac tanks (i.e., water & drilling mud storage); engine-driven light plants (nighttime operation).

CCI recommends that WBI develop an HDD noise analysis mitigation and compliance plan for both the north and south side demonstrating that noise due to HDD operations would be below required limits.

Example mitigation measures are listed below:

- Employ a temporary noise barrier (e.g., 16-ft. high) around the entry site workspace;
- As an alternative to a workspace barrier, the entry side workspace could be covered with a large acoustically lined tent (i.e., “noise-reducing tent”);
- Employ “residential-grade” or “hospital-grade” exhaust silencers on engines associated with any of the site HDD equipment [e.g., generators, pumps & hydraulic power unit (“HPU”)];
- Partial noise barrier or enclosure around the hydraulic power unit and engine-driven pumps (e.g., cover sides of equipment with an acoustically lined plywood barrier system);
- Install a partial barrier or partial enclosure around the mud mixing/cleaning system;
- Relocation of specific equipment;
- Employ “low-noise” generators;
- As an alternative to noise mitigation at NSA(s) that are relatively close to the HDD sites (e.g., NSAs located within 200 to 300 feet of an entry site), sometimes temporary housing or equivalent monetary compensation could be discussed and/or offered to the affected landowners.

General Constructability:

Risks contributing to the unsuccessful construction of the HDD could occur during any phase of HDD construction operations. There are several risks directly associated with the site conditions near the Lake Sakakawea crossing location. The following list contains examples of failure modes and cannot be ruled out without further geotechnical information.

Elevation Differential

According to the ground surface topography of the proposed HDD obtained from publicly available LiDAR information, there is an increase in elevation of approximately 37 feet between the entry and exit locations. Though this is desirable from an annular pressure standpoint, as mentioned in the “Annular Pressure” section of the report, this does cause some concern from a general constructability standpoint. One possible risk during construction could be sudden flushing of drilling fluid from the borehole and flooding the exit pad on the north side. If the borehole were to become plugged, the hydrostatic pressure from the column of drilling fluid can burst through the plug, flushing downhole, and discharge through the exit point. This risk could be mitigated by implementing scheduled trips and adhering to an Engineered Drilling Fluid Plan (EDFP) in order to ensure that the borehole does not become plugged. As a

precautionary measure, a pit could be constructed at the exit location to store the discharged drilling fluid in the event that a flush would occur.

Additionally, change in elevation between the entry and exit points is 37-ft. This results in the pipe being pulled approximately 180-feet through a dry hole. The dry hole section would be on the proposed entry side (or high side) of the theoretical crossing. The hole is anticipated to be dry as a result of hydraulic head differential due to the 37-foot elevation difference. The term “dry hole” is defined as a portion of the hole not entirely filled with drilling fluid. This effect would significantly increase the friction between the wall of the drilled hole and the carrier pipe within this section of the borehole during the pullback phase of construction. This could present future maintenance issues if the pipeline coating is compromised by a boulder or cobble.

Pilot Hole

A possible mode of failure during pilot hole installation is the borehole collapse on the drill pipe string. This is typically caused by failure to maintain the appropriate rheological properties with the drilling fluid and/or an unfavorable drilling stratum containing glacial till, highly fractured rock, high concentrations of gravel, non-cohesive alluvial material, or cobbles. Friction on the drill pipe surface is significantly increased by such collapse or the inability to maintain an opened hole in unconsolidated materials. The torque required to rotate, and the pull/push force required to move the drill pipe will increase as the friction increases. The required torque and pulling load may exceed the capacity of the drill rig causing the drill pipe to be stuck inside the pilot hole. Or, it may exceed the strength of the drill pipe and cause the drill pipe to shear or twist into two pieces. The probability of this type of failure increases with the increase in drill length.

Water ingress could also increase the likelihood of borehole collapse, as excess water would dilute the drilling fluid, thus impairing the rheologic properties of the drilling fluid. Borehole stability could be maintained by implementing scheduled trips to ensure that borehole remains stable and open. Interruptions during pilot hole operations should be avoided, maintaining steady progression, while advancing through the overburden layer.

Based on publicly available geological and geotechnical information, project specific land-based geotechnical investigations and conservatively assumed geologic formations and stratigraphy, the proposed drill path is expected to remain within drillable subsurface strata for the entirety of the crossing. The current depth provides adequate overburden pressure to reduce the risk of hydraulic fracture during the pilot hole phase along the majority of the length of the drill path, based on CCI’s modified annular pressure model. By adhering to an engineered drilling fluid plan (EDFP) and use of an annular pressure tool to constantly monitor drilling pressures, as described earlier in the report, operating pressures should be maintained within allowable limits and the likelihood and impact of any IRs can be reduced. It is recommended to have equipment available on site to contain and clean drilling fluid in the event that a fracture to surface occurs near the entry or exit point.

Reaming

In rock formations, there are two primary modes of failure: failure of hole-opening tools due to excessive wear on the tool and/or collapse of weathered rock, cobbles, unconsolidated material, etc. into the hole. Collapse or swelling of the borehole may cause downhole tooling to get stuck or lost. The use of a proper EDFP and scheduled trips would minimize the risk of cuttings buildup which could result in a stuck reamer. The tail-string (drill pipe extending out of the exit borehole) should be utilized such that in the event a

twist-off occurs, drill pipe attached to the reamer will still extend all the way to surface on one side so that the reamer can be extracted. This crossing is anticipated to be conducted as an intersect with a rig on either side, which would alleviate this concern.

It is expected that a significant volume of cuttings will be produced in the construction of this crossing and there will also be a significant amount of fluid to be managed. Disposal sites for cuttings and fluid should be identified prior to construction for this crossing.

Product Pipe Pullback

Failure of the pullback process can occur when the pipe becomes lodged within the borehole and is unable to be moved in either direction. The collapse of the borehole wall within the overburden or rock formation, as described earlier, could cause the pipe to become lodged within the borehole.

CCI recommends that the product pipe be installed as one continuous section to minimize the risk of the pipe becoming stuck within the borehole during pullback due to possible swelling clays or sloughing sands present along the shallower depths along the drill path. The sloughing or swelling of soil around the borehole produces an excess of friction on the pipe during pullback which increases the amount of required pullback force on the product pipe and can cause damage to pipe and pipe coating. Obstruction of the borehole due to sloughing soils can be addressed by completing swab passes throughout the reaming process, and a final wiper trip in the direction of pipe pullback just prior to product pipe installation. To further reduce the risk of borehole obstruction, it is recommended that the contractor avoid interruptions as much as possible during pullback to maintain steady pull on the product pipe.

Completing pullback of product pipe at the proposed exit location is considered feasible. There also appears to be sufficient workspace to allow for pullback to be performed in one continuous section, with no intermediate welds. However, pullback along the proposed alignment would require the temporary closure of an unnamed road and 52nd St NW. The proposed pullback alignment also crosses an un-named creek which would likely require two (2) additional side booms to support the pipe from either side of the creek bed. The creek may be required to be diverted, bridged, or infilled within the temporary workspace in order to support machinery traffic and equipment. From an initial desktop study, most of the designated workspace that is planned to be used during pullback will travel through cleared land, so minimal clearing will be required.

Based on CCI's stress analysis, the minimum allowable overbend radius of the pullback section is roughly 1,500 ft for the NPS 24 pipe. The stress analysis also yielded a maximum boom spacing and roller spacing of 80 ft and 40 ft respectively, assuming adequately sized supports will be used. The overbend radius and maximum support spacing was chosen so that the stress imposed on the NPS 24 product pipe during pullback will not exceed 80% of allowable stress as per PRCI allowable limits, which is more conservative than the industry standard allowable limit of 90% of SMYS. The pullback alignment described above encounters a relatively level topography, with one geographically noticeable hill approximately 2,800 ft north along the pipe stringing alignment. The hill gradually increases and decreases at a rate which is not believed to affect pullback operations. Given the 12-degree exit angle and the minimum vertical overbend radius of 1,500 ft, the height of the pullback overbend would reach approximately 20 ft above ground surface.

Workspace

The proposed entry location appears to have adequate workspace for the rig spread and equipment. There also appears to be adequate access to the site at both the entry and exit locations. It is

recommended that the contractor review the existing workspace on-site to ensure that the entry and exit points allow adequate room for setup of equipment. It is anticipated that the proposed workspaces for the proposed HDD are in line with the minimum requirements to safely operate the HDD equipment and provide adequate workspace for the rig and associated auxiliary equipment. Since the majority of each workspace appears to be located in open, maintained areas, required site preparation other than minor tree and ground cover clearing prior to construction is anticipated to be minimal. Figure 5 and 6, below, shows the proposed workspaces for the proposed HDD alignment.



Figure 5. Proposed HDD Entry Workspace (Rig Side)



Figure 6. Proposed HDD Exit Workspace (Pipe Side)

HDD Geometry

The proposed 5,000 ft design radius meets all stress analysis requirements. Due to the length of this crossing, there is a high risk that the pipe section could become stuck in the borehole and/or the pullforce could exceed the theoretical model due to the difficulty of maintaining an open borehole in such a long crossing. Excessive interruptions during the drilling process can create a risk of borehole instability and IR. Properly sized equipment, a detailed engineered drilling fluid plan, planning mechanical cleaning trips during drilling/reaming, and utilizing swab passes to condition the hole prior to pullback will all assist with the successful completion of the drill.

Summary:

Based on our assessment of the regional geology and design basis, we anticipate Lake Sakakawea crossing to be geometrically feasible. CCI recommends that a project specific geotechnical investigation is performed before an HDD at this location can be fully considered to be technically feasible.

The results of the stress analysis performed by CCI for the proposed HDD indicates that the product pipe will not be overstressed during installation or operation as per PRCI and ASME allowable limits, assuming the designed radii are adhered to.

As mentioned previously, it is recommended to install the product pipe using buoyancy control, as this will reduce the required pull force. A minimum rig size of 1,000,000 lbs is recommended for completion of the proposed crossing. This rig is capable of the required length and ream size and will provide adequate torque, pull/push force, and flow rates, if equipped with suitable pumps and drill stem.

In order to minimize the risk of product pipe becoming stuck within the borehole, it is recommended to install the product pipe in one continuous section and to minimize interruptions during installation of product pipe.

Overall, the current HDD design meets the minimum requirements of PRCI and ASME code, and the recommendations in regards to implementing preventative and mitigative measures in regards to drilling fluid pressure monitoring, steering, groundwater management and maintaining a stable and open borehole as outlined in this report would increase the likelihood of successful installation, based on the available geotechnical information.

The proposed HDD design is considered feasible based on the preliminary evaluation, geotechnical land-based investigation and regional geology and is considered to have a high probability of successful construction.

Based on the length of the crossing, current limits of HDD technology and the results of the hydraulic fracture and inadvertent returns analysis, the pilot hole intersect method will be required for completion of this HDD. Although conventional HDDs can be accomplished for lengths greater than 8,000-feet; drilling fluid pressures can be a major challenge beyond 4,000-feet.

The list below is a non-exhaustive list of significantly long (> 6,000') HDD installations that have been completed. Although many HDD crossings of small diameter pipe (<12") have been completed at significantly longer lengths than those shown in the table, they have not been included on this list. Crossings of 12" and larger pipe have been included, and the crossings of 20"-42" are of particular relevance to the feasibility of large diameter, long distance HDDs. Additionally, this list is heavily focused towards North American installations and contractors.

Project Year	Diameter	Length	Crossing	Location	Owner	Contractor
2013	28 (dual)	10,824	Yangtze River	China	China Petroleum	unknown
2008	42	7,800	Sabine Lake Shore Appr.	TX/LA	Kinder Morgan	REM Directional Drilling
2015	42	7,205	Athabasca River	Canada	TransCanada	Michels, Inc.
2009	42	6,678	Intracoastal Waterway	Louisiana	Kinder Morgan	Laney
2015	36	9,038	Mississippi River	Missouri	Enbridge	Michels, Inc.
2014	36	7,313	Trinity River	Texas	TransCanada	Laney
2017	36	7,194	Ohio River	Ohio	Energy Transfer Comp	Michels, Inc.
2012	36	6,575	St. Johns River	Florida	Jacksonville Electric	Michels, Inc.
2019	30	7,300	Nueces Bay	Texas	NuStar	Hard Rock Directional Drilling
2016	30	6,500	Illinois River	Illinois	Energy Transfer Comp	The HDD Company
2007	30	10,330	Berri Causeway	Saudi Arabia	Saudi Aramco	Al Robaya Est.
2009	24	7,352	Elizabeth River	Virginia	Virginia Natural Gas	Mears Group, Inc.
2016	20	9,899	Corpus Christi Ship Channel	Texas	Oxy Midstream	Laney
2015	18	12,459	Houston Ship Channel	Texas	Phillips 66	Michels, Inc.
2014	12	11,625	Houston Ship Channel	Texas	NuStar	Laney
2016	12	11,397	Lake Sakakawea	North Dakota	Paradigm Midstream	Michels, Inc.
2016	12	11,229	Lake Sakakawea	North Dakota	Paradigm Midstream	Michels, Inc.
2013	12	9,306	Residential Area	Missouri	Boardwalk Pipeline	REM Directional Drilling
2017	12	9,000	Barnegat Bay	New Jersey	New Jersey Natural Gas	Laney
2013	12	6,425	Willamette River	Oregon	NW Natural	The HDD Company

Houston Office

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Houston, TX 77070
P: 832-210-1032



To CCI's knowledge a horizontal directional drill as long as 15,340 ft has never been completed for a 24" pipe before. Due to this consequential length, the concerns noted above hold an even higher risk than similar risks within shorter drill lengths. Although the length is exceptional, if proper design and construction practices are utilized, the crossing should be able to be completed successfully.

Regards,

A handwritten signature in blue ink, appearing to read 'Justin Taylor', with a long horizontal flourish extending to the right.

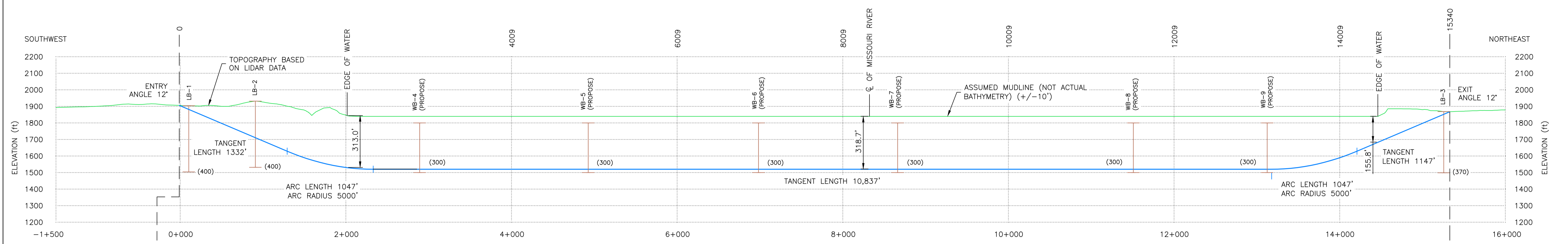
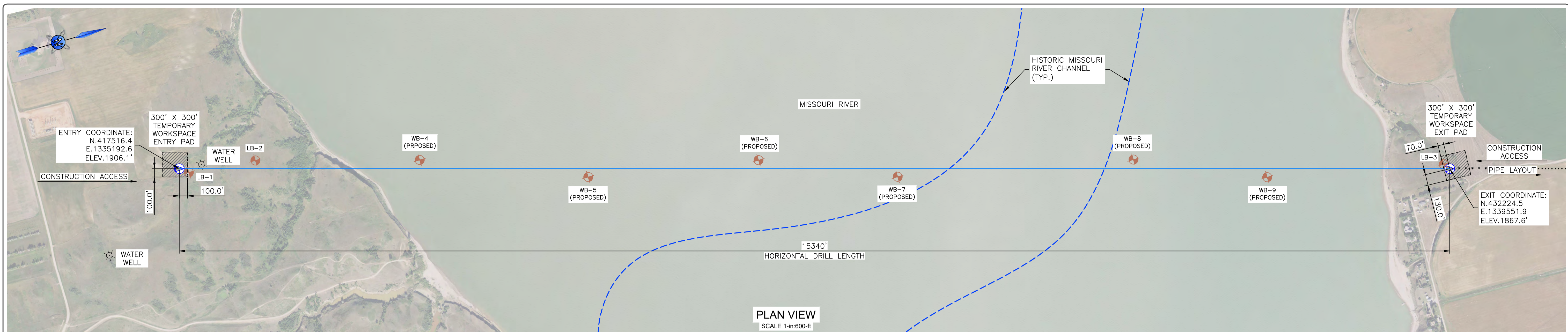
Justin Taylor, P.E.
VP of Engineering

A handwritten signature in blue ink, appearing to read 'B. Kerby Primm', with a long horizontal flourish extending to the right.

B. Kerby Primm, P.E.
Project Manager

Appendix A: HDD Design Drawings

File Name: S:\Current_Jobs\2386-WBI-N-Bakken_Expansion\Eng_Drawings\01-Loke_Sakakawa\Missouri_River\Preliminary\2386-EG-0101-D.dwg Date: 31-Jul-19 / 6:42:49 PM Last Saved By: Kerby,Primm



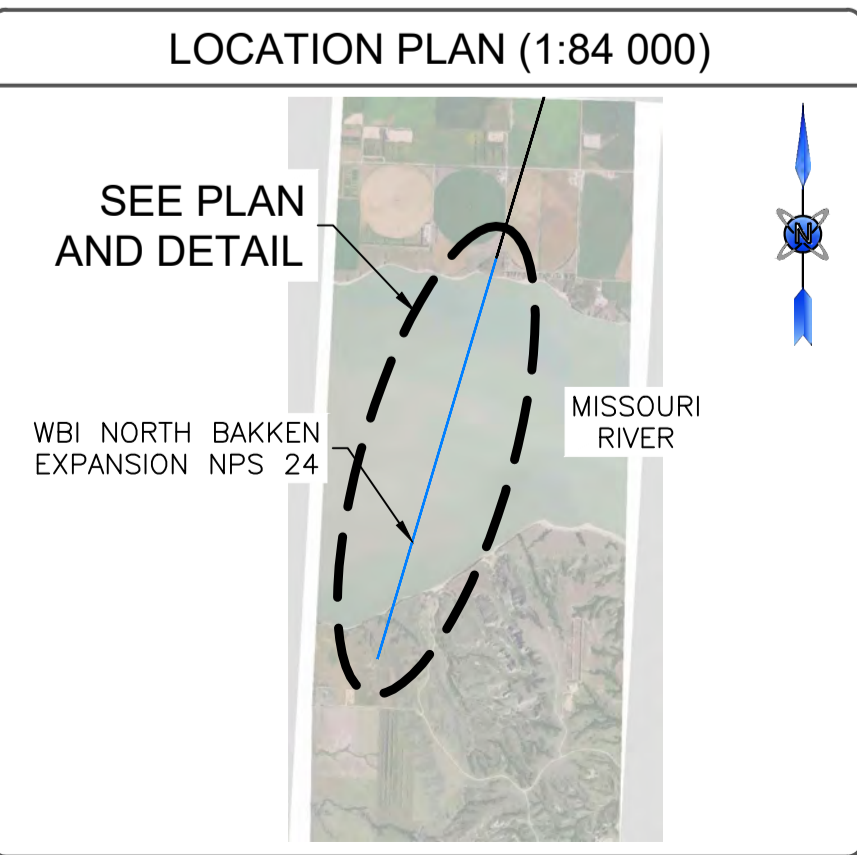
REFERENCE DOCUMENT NO.	DATE
1.	

PRELIMINARY
NOT FOR
CONSTRUCTION

PIPELINE SPECIFICATIONS	
OUTSIDE DIAMETER (OD)(in)	24
WALL THICKNESS (WT)(in)	0.562
GRADE (psi)	70,000
PRODUCT	NATURAL GAS
MATERIAL	STEEL
SPECIFICATIONS	API 5L
INTERNAL COATING	N/A
OUTER COATING	DUAL FBE
MAX. OPER. PRESSURE (psi)	1,480
MIN. TEST PRESSURE (psi)	1,850
MAX. OPER. TEMP (°F)	100
MIN. INSTALLATION TEMP (°F)	23

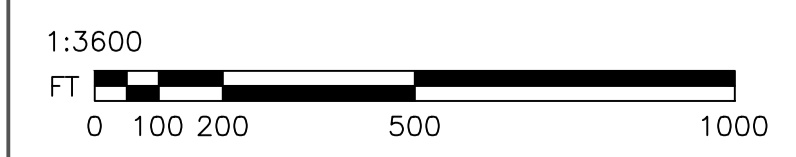
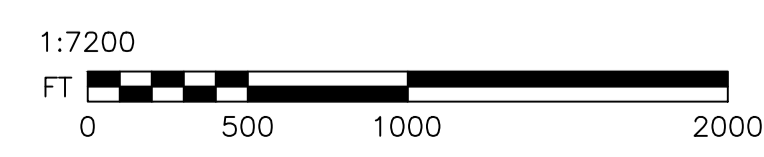
STEERING TOLERANCES		
30ft	100ft	330ft
MINIMUM RADIUS (ft)	1000	1450
	4500	

PULL FORCE / RIG SIZE / STRESS							
PULL FORCE (w/ BUOYANCY CONTROL):						796,000 lbs (w/sf)	
MINIMUM RECOMMENDED RIG SIZE:						1,000,000 lbs	
COMBINED STRESS UNITY CHECK:						0.74	
OPERATING STRESS						67.6%	




ND83-NF			
WBI NORTH BAKKEN EXPANSION PROJECT MISSOURI RIVER HDD CROSSING PLAN AND PROFILE WATFORD CITY / TIOGA, NORTH DAKOTA			
SCALE AS SHOWN	DWG. # 2386-EG-0101	REVISION D	SHEET 1 OF 2

CCI & Associates Inc.
20333 State Highway 249, Suite 480
Houston, TX 77070
COR F-18518



DRAWING STATUS	DATE	DRN	CHK	DES	GEO	APR	CR
PRELIMINARY	2019-07-25	TL	MAL	KP		KP	
PRELIMINARY	2019-06-14	RL		KP		KP	
PRELIMINARY	2019-06-11	RL		KP		KP	
PRELIMINARY	2019-03-11	AN		CG		KP	

Appendix B: **Stress Analysis Summaries**

Owner:	WBI Energy Transmission	
Project:	North Bakken Expansion	
Date:	7/23/2019	
Calculation Description:	Stress Assessment NPS 24 HDD	
Applicable Crossings:	Lake Sakakawea	

Completed By: KP Reviewed By: JT Sheet Revision: R19.1

Pipe Information			Design Criteria				Crossing Characteristics	
Pipe Diameter (in)	Pipe W.T. (in)	Pipe Grade (psi)	MOP (psi)	Max. Operating Temperature (°F)	Installation Temperature (°F)	Design Radius (ft)	Maximum Depth From Entry Location (ft)	HDD Length (ft)
24	0.562	70000	1,480	100	23	5000	386	15409

PRELIMINARY

The pipe section installed stresses are modelled in 5 sections (exit tangent (5), exit arc (4), bottom tangent (3), entry arc (2), entry tangent (1)) incorporating effects of buoyancy, soil friction, curvature, fluidic drag and pipe weight. The calculated stresses are evaluated using the AGA method (PRCI). Operating stresses incorporate hoop, bending, tensile, and thermal expansion.

Variable Definitions:

- F_y - Specified Minimum Yield Strength
- D - Outer Diameter of Product Pipe
- E - Young's Modulus (Steel)
- t - Wall Thickness of Product Pipe

Tensile Stress:

Section	Stress (psi)	PRCI 5.1.1, 5.5	% of Allowable
5	12247.4	Allowable Tensile Stress $F_t = (0.9) * F_y$ $= 63000 \text{ psi}$	19.4%
4	12548.7		19.9%
3	17190.7		27.3%
2	18124.8		28.8%
1	19243.4		30.5%

Bending Stress:

Section	Stress (psi)	PRCI 5.2.2	% of Allowable
5	442.5	$f_b = (E/D)/(2R)$ Allowable Bending Stress $F_b = \{0.72 - (0.58 F_y D / (E t))\} F_y$ $= 46457.6 \text{ psi}$	1.0%
4	8850.0		19.0%
3	442.5		1.0%
2	8850.0		19.0%
1	442.5		1.0%

Hoop Stress:

Section	Stress (psi)	PRCI 5.2.3	% of Allowable
5	4194.5	$f_h = P_{ext}D/2t$ Allowable Hoop Stress $F_{hc} = [0.88 \times E \times (t/D)^2] / 1.5$ $= 9489.9 \text{ psi}$	44.2%
4	5939.2		62.6%
3	5939.2		62.6%
2	5939.2		62.6%
1	4194.5		44.2%

Operating Stresses:

Section	Stress (psi)	PRCI 5.4.4.2:	% of Allowable
5	18477.1	Allowable Shear Stress $F(v) = 45\% \text{ of } F_y$ $F(v) = 31500 \text{ psi}$	58.7%
4	21279.6		67.6%
3	18477.1		58.7%
2	21279.6		67.6%
1	18477.1		58.7%

Combined Stress (Tensile and Bending)


Section	Stress Ratio	PRCI 5.2.4	% of Allowable
5	0.20	$f_t/0.9F_y + f_b/F_b \leq 1$	20%
4	0.39		39%
3	0.28		28%
2	0.48		48%
1	0.31		31%

Combined Stress (Tensile, Bending, and Hoop)

Section	Stress Ratio	PRCI 5.2.4	% of Allowable
5	0.28	$A^2 + B^2 + 2v A B \leq 1$ $A = ((f_t + f_b - 0.5f_h)1.25)/F_y$ $B = 1.5f_h/F_{hc}$	28%
4	0.62		62%
3	0.56		56%
2	0.74		74%
1	0.38		38%

Estimated Pull Force (with Buoyancy Control)
530,611 lbs

795,917 lbs (including 1.5x Safety Factor)

Owner:	WBI Energy Transmission	
Project:	North Bakken Expansion	
Date:	08/01/2019	
Calculation Description:	HDD Pipe Pullback Analysis NPS 24	
Applicable Crossings:	Lake Sakakawea	

Completed By:	KP	Reviewed By:	JT	Sheet Revision:	R19.1
---------------	----	--------------	----	-----------------	-------

Pipe Information			Design Criteria					
Pipe Diameter (in)	Pipe W.T. (in)	Pipe Grade (psi)	Overbend Radius (ft)	Total Supported Weight (lbs/ft)	Maximum Support Spacing (ft)	Roller Spacing (ft)	Maximum Unsupported Overhang (ft)	Estimated Pullforce (lbs)
24.00	0.562	70000	1,500	154.7	80	60	70	795,073

The pipe pullback is modelled such that the pipe is not over-stressed due to the combination of bending, tensile, and shear stresses throughout the pullback section, both in the spans between supports and at the support locations. The pullback is also modelled such that the supports are not overloaded with the weight of the pipe at any point during the pipe installation, including as the tailing end passes from support to support.

Definitions:

- SMYS - Specified Minimum Yield Strength
- Overhang - Where Unsupported Tail End of Pipe Extends Beyond Support
- Full Span - Where Pipe Is Supported Between 2 Supports at Maximum Support Spacing Shown Above

SUPPORT LOADING

<u>Vertical Load at Each Boom/Crane Support</u>	<u>% of Support Capacity *</u>
At Support With Full Span: 15,700 kg 34,600 lbs	61.3%
At Support With Overhang: 10,600 kg 23,300 lbs	41.4%

<u>Longitudinal Load at Each Boom/Crane Support</u>	* based on load capacity of Darby 24"-36" Rolli-Cradle
1570.0 kg 3,460 lbs	

<u>Horizontal Load at Each Boom/Crane Support</u>	<u>Horizontal Load at Each Roller Support</u>
296 kg 652 lbs	222 kg 489 lbs

PIPE STRESS

<u>Bending Stress</u>	<u>% SMYS</u>	<u>% of Allowable (PRCI)</u>
At Support With Full Span: 23447.8 psi	33.5%	50.7%
At Support with Overhanging Pipe: 34959.2 psi	49.9%	75.5%

<u>Tensile Stress</u>		
10414.8 psi	14.9%	16.5%

<u>Combined Stress (Tensile and Bending)</u>		
33862.6 psi	48.4%	67%

NORTH BAKKEN EXPANSION PROJECT

**Horizontal Directional Drill/Guided Bore Drilling Fluid Monitoring and
Operations Plan**

**Attachment B
Land Based Geotech Soil Boring Logs**



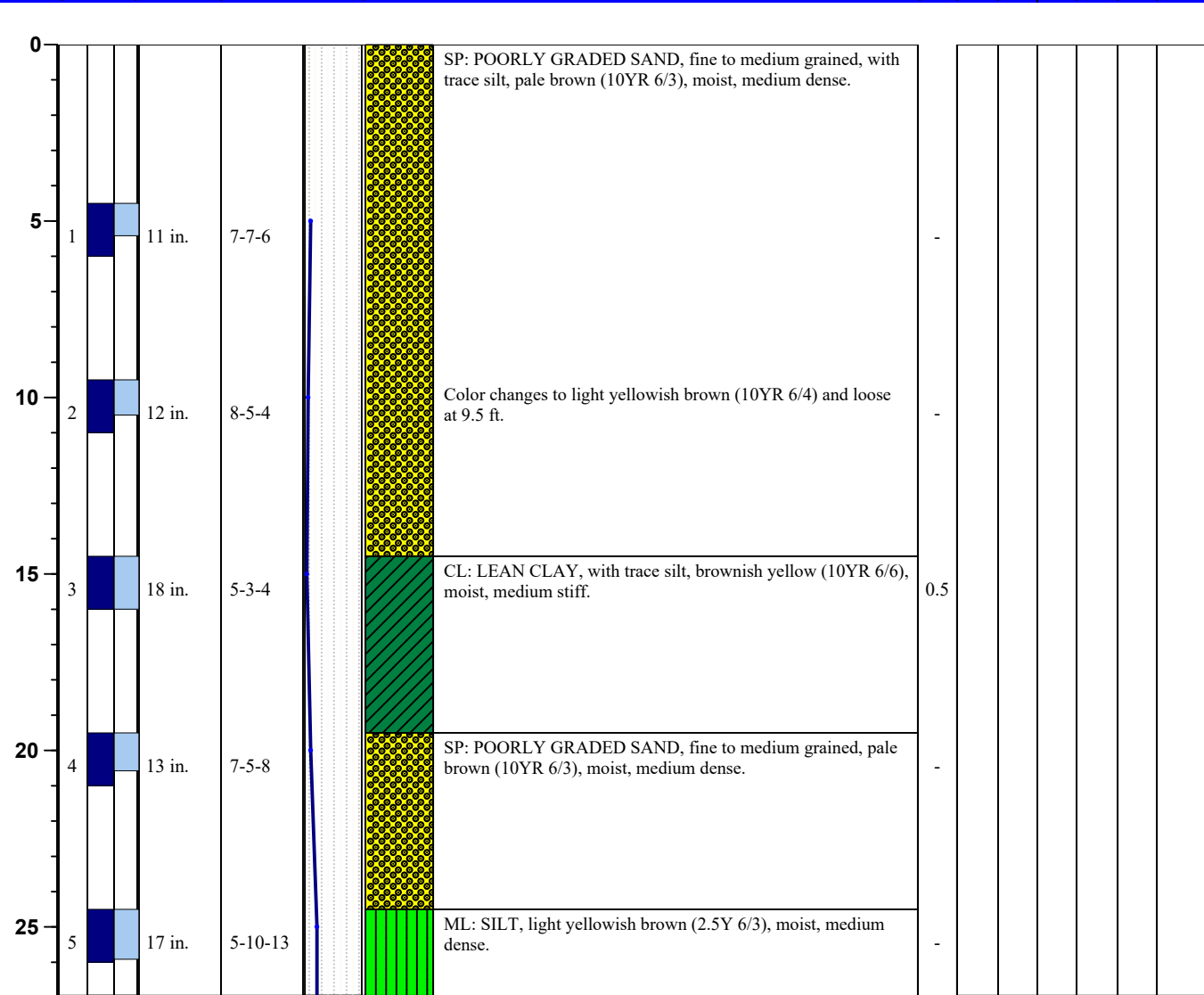
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 1 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl	Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 6' 56.33"
 Lon: 103° 5' 34.23"



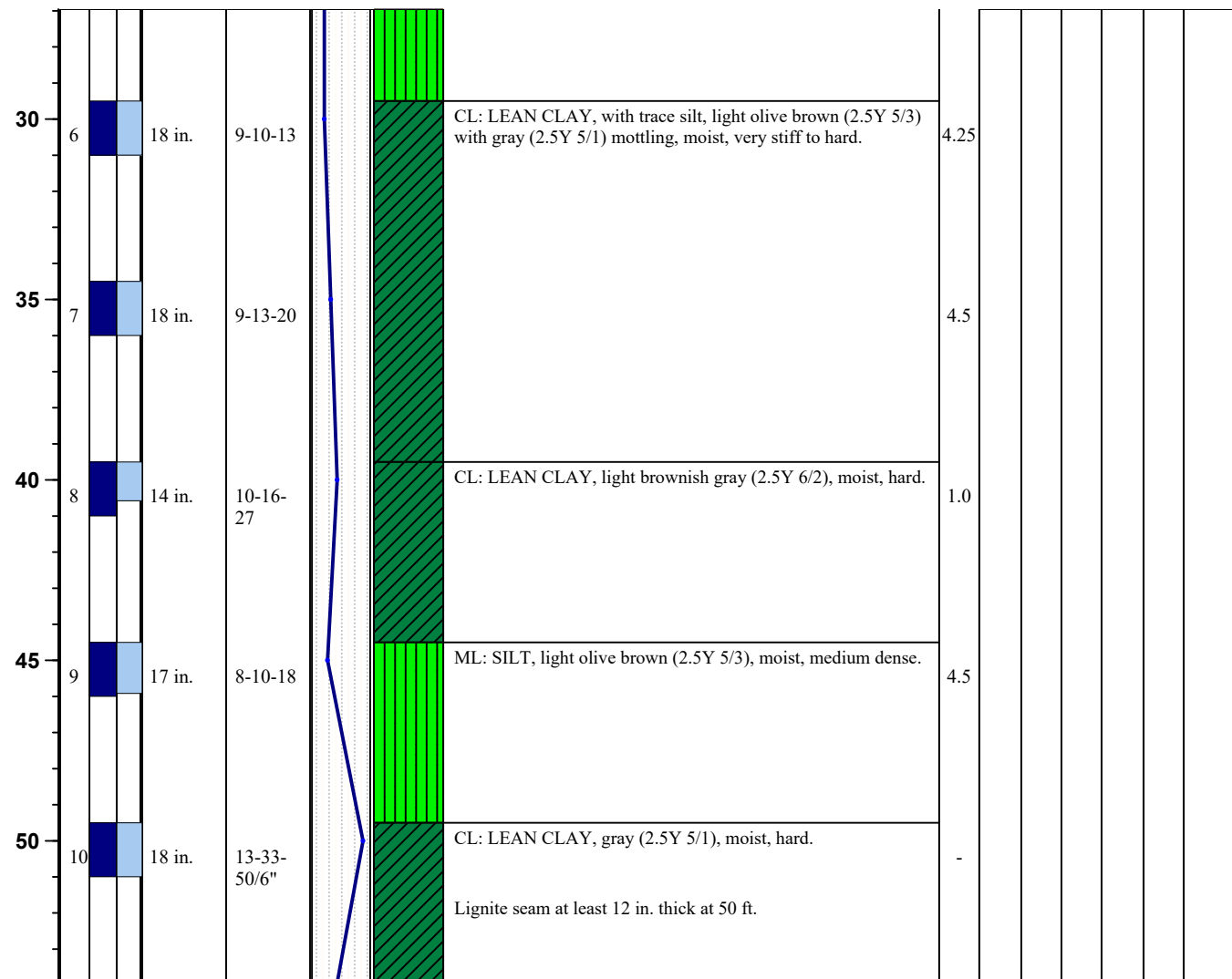
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 2 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19	
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Total Depth: 403 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

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 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 6' 56.33"
 Lon: 103° 5' 34.23"



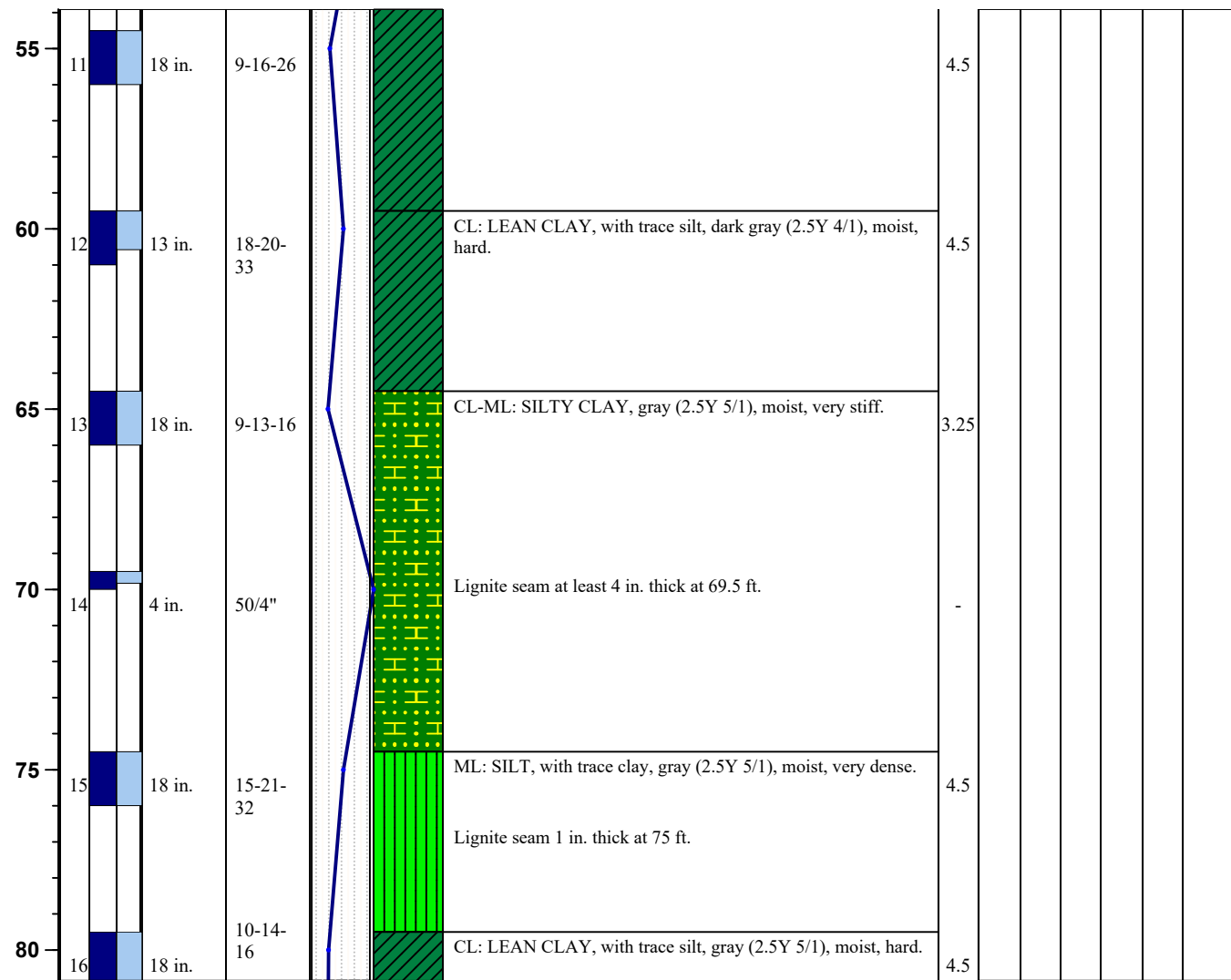
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 3 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.
Address: NA	GES Job #: 3502056
County: McKenzie	GES Project Mgr: Rob Jenson
Logged By: Nick Schlagel	Date Drilled: 4/24/19 through 4/28/19 Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 6' 56.33"
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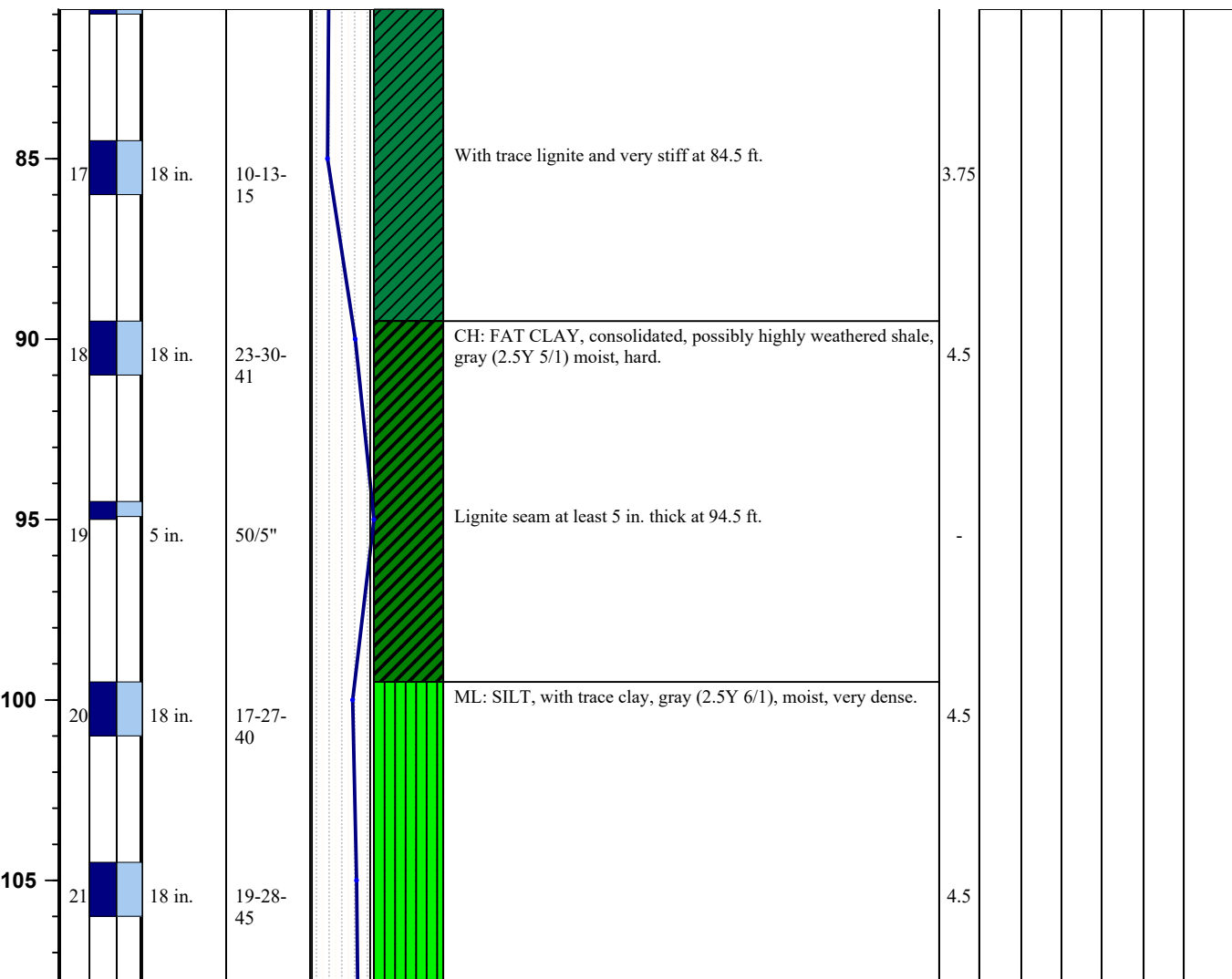
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 4 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlagerl	Date Drilled: 4/24/19 through 4/28/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl	Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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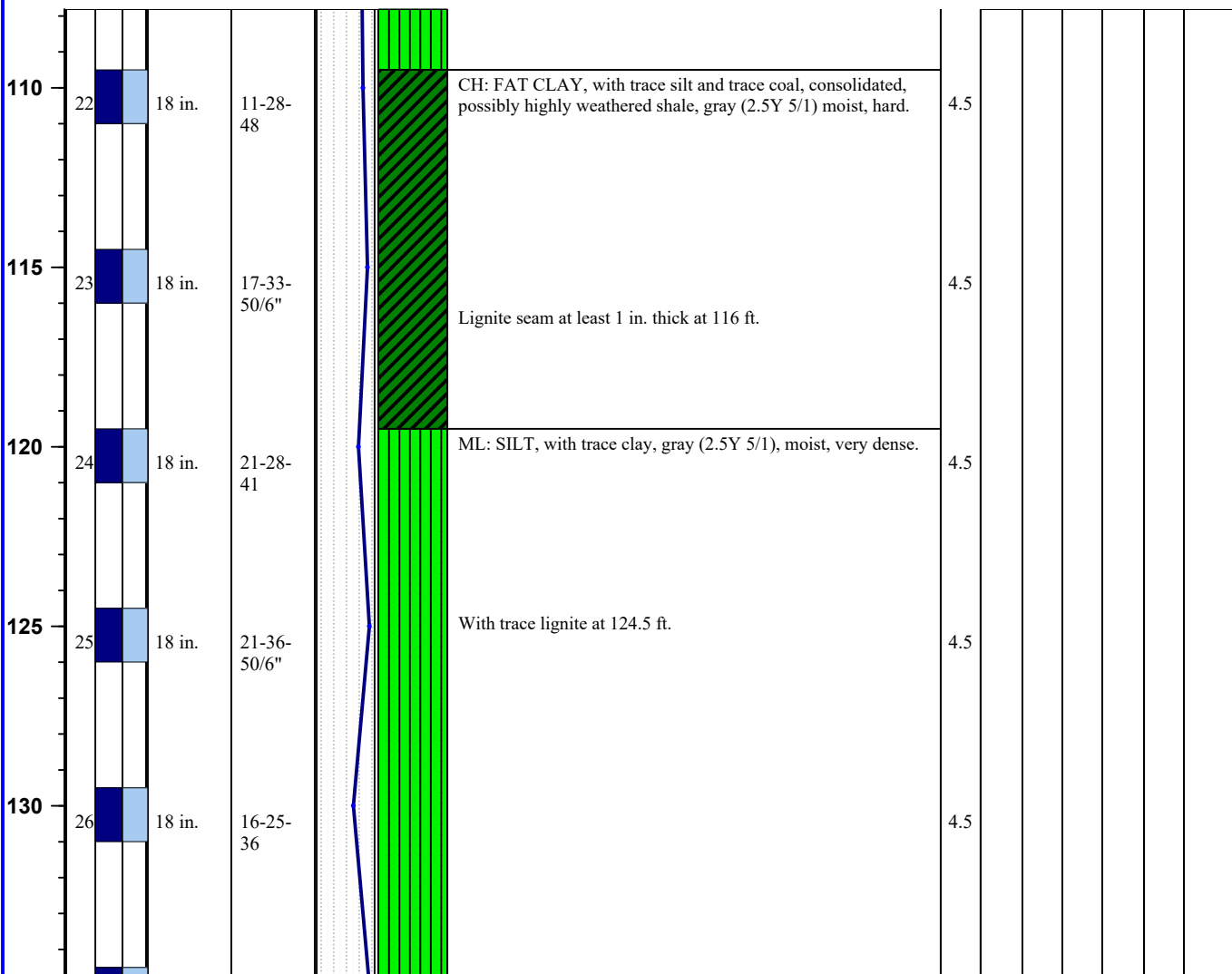
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 5 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl	Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 4/28/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 6 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.
Address: NA	GES Job #: 3502056
County: McKenzie	GES Project Mgr: Rob Jenson
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19 Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			
135	27	15 in.	21-36-50/3"		4.5						
140	28	18 in.	22-35-43		4.5						
145	29	17 in.	24-36-50/5"		4.5						
150	30	18 in.	24-36-50/6"		4.5						
155	31	17 in.	27-43-50/5"		4.5						
160	32	12 in.	27-33-50/6"	4.5							

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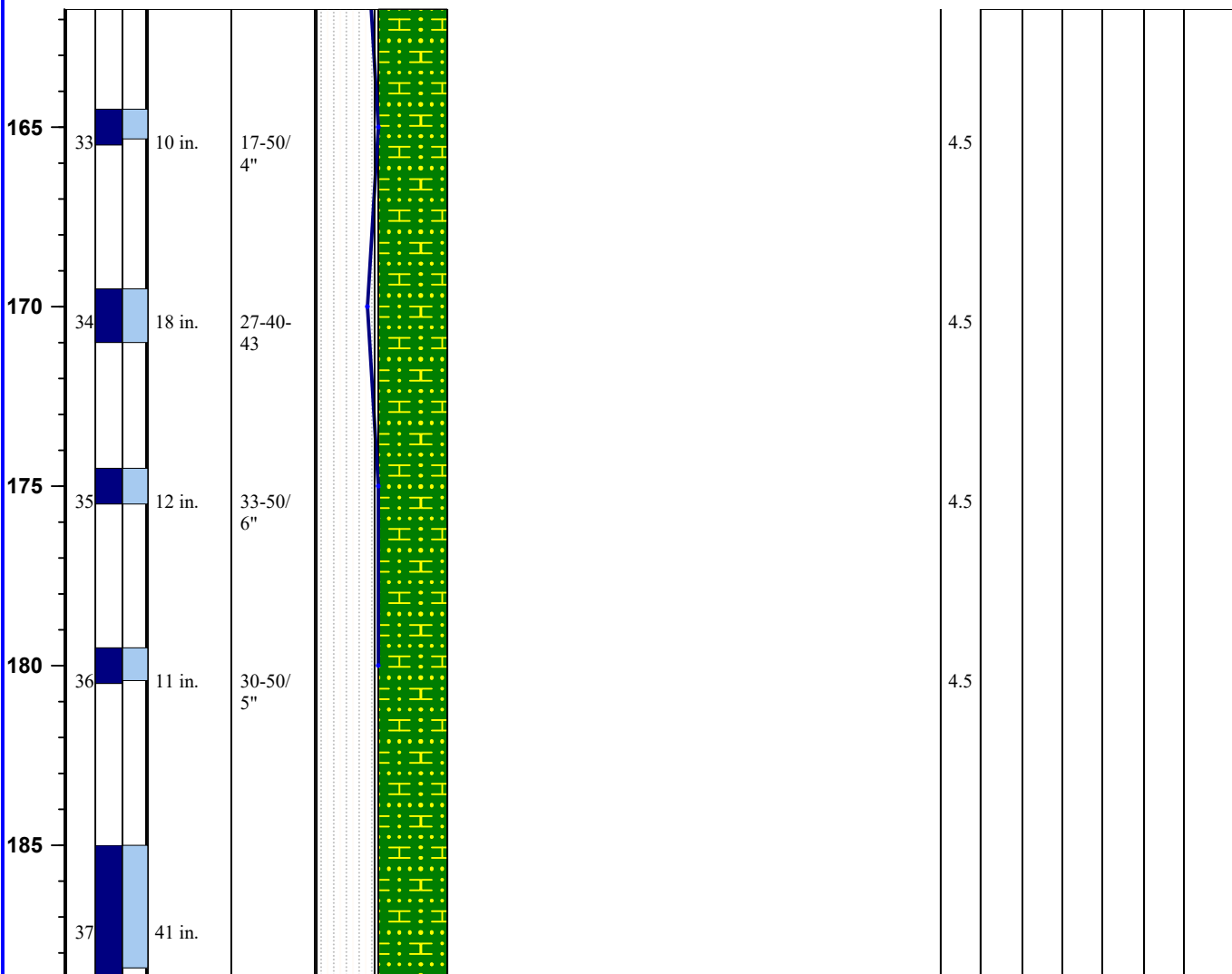
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 7 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl	Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 4/28/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

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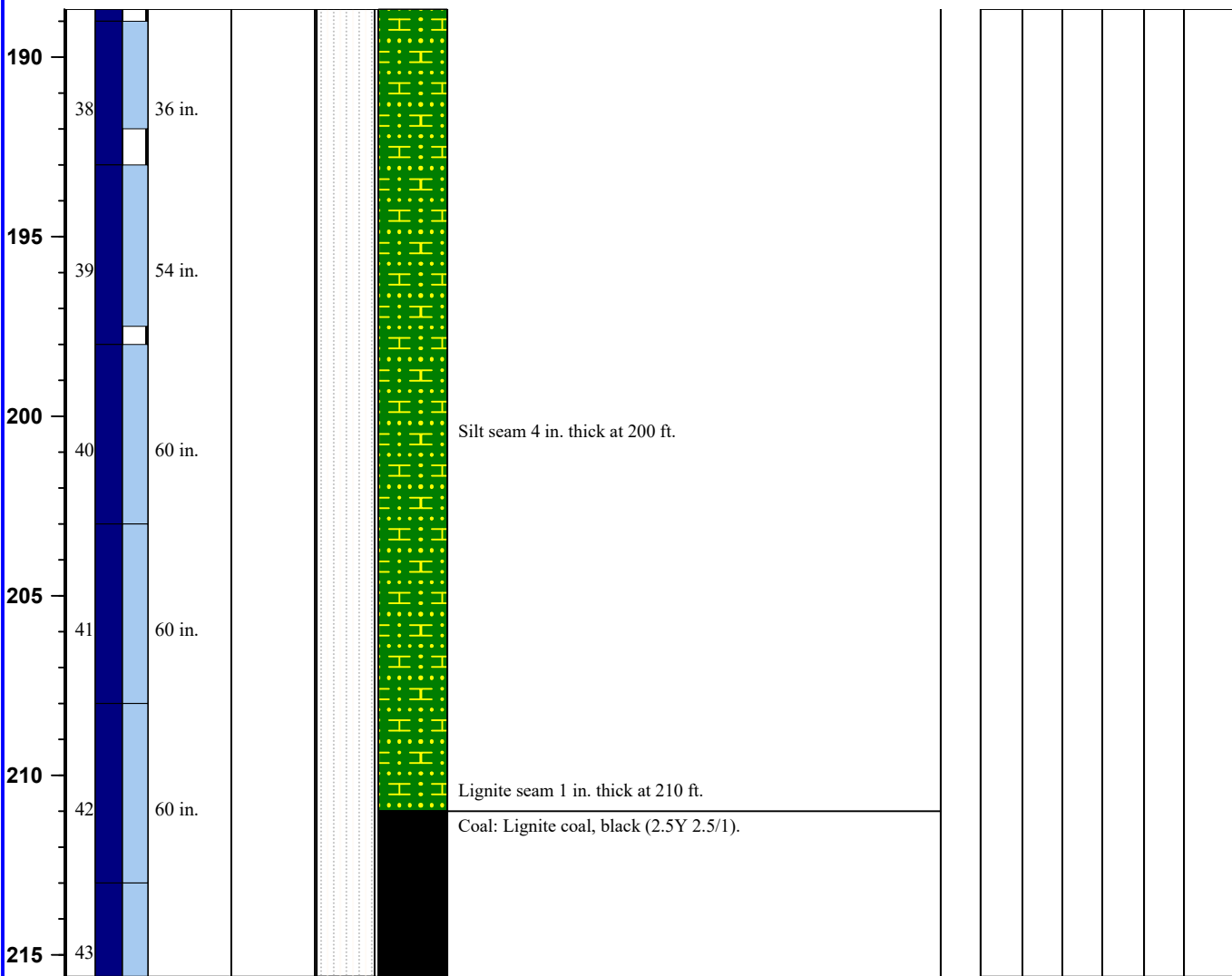
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 8 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl	Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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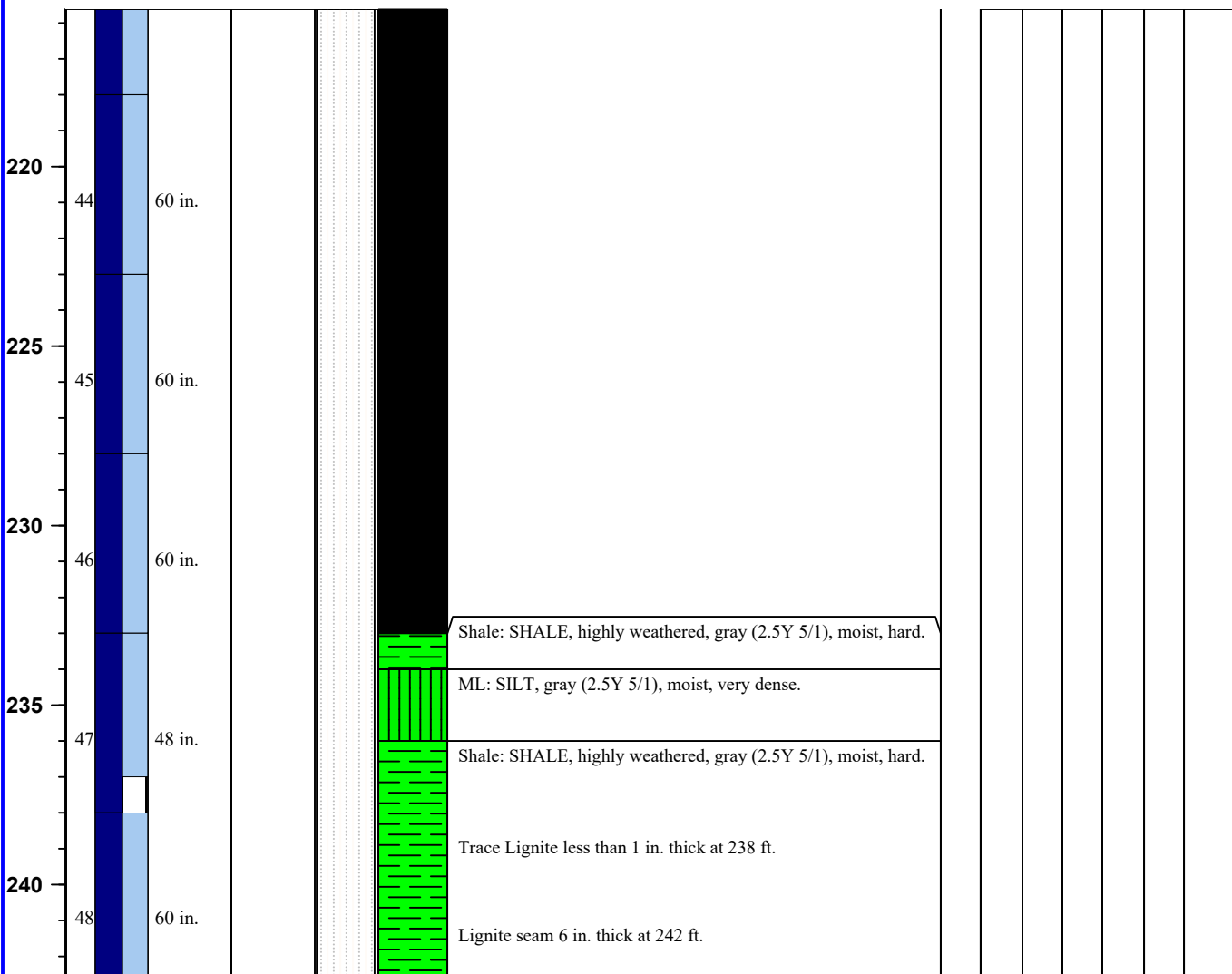
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 9 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.
Address: NA	GES Job #: 3502056
County: McKenzie	GES Project Mgr: Rob Jenson
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19 Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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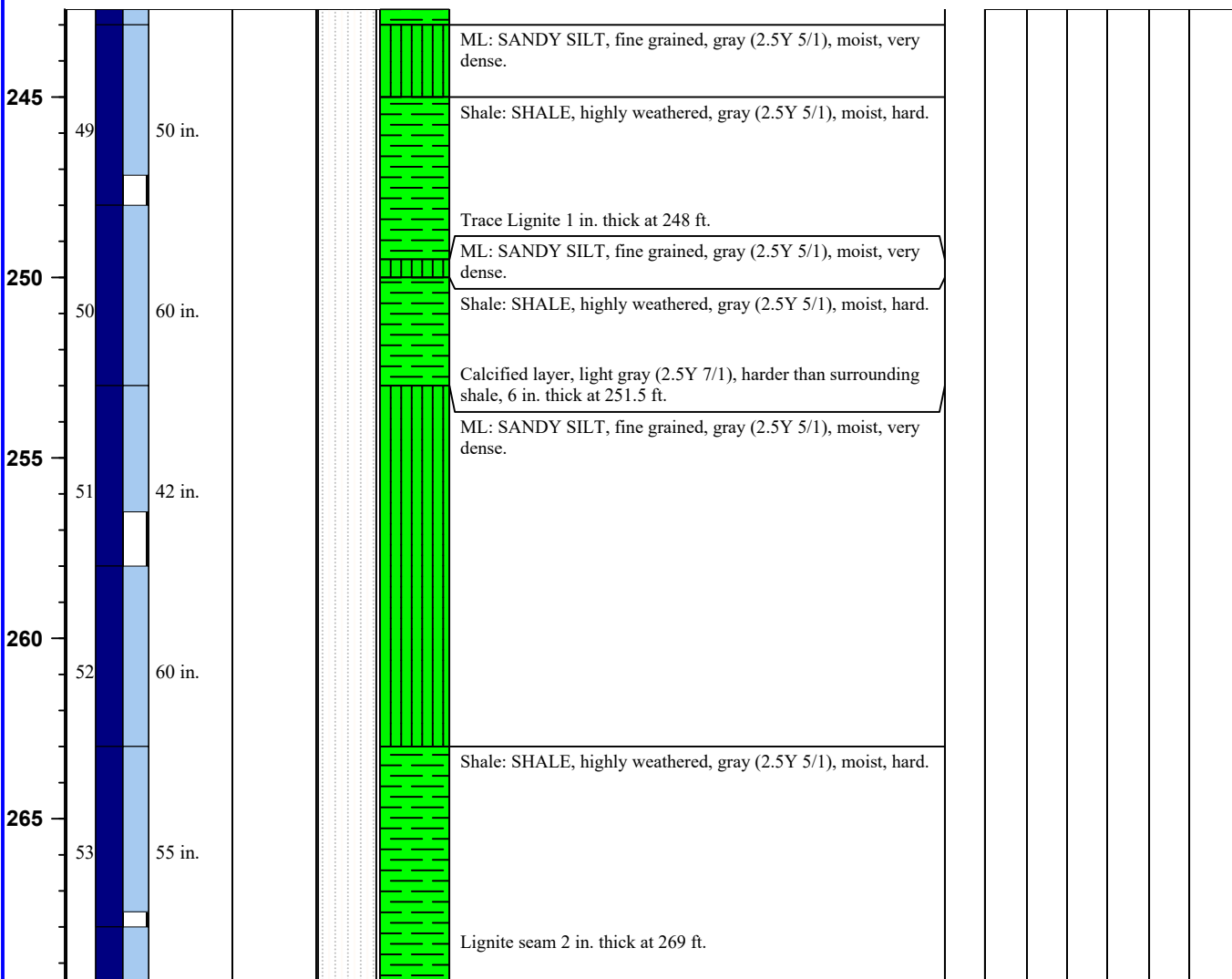
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 10 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl	Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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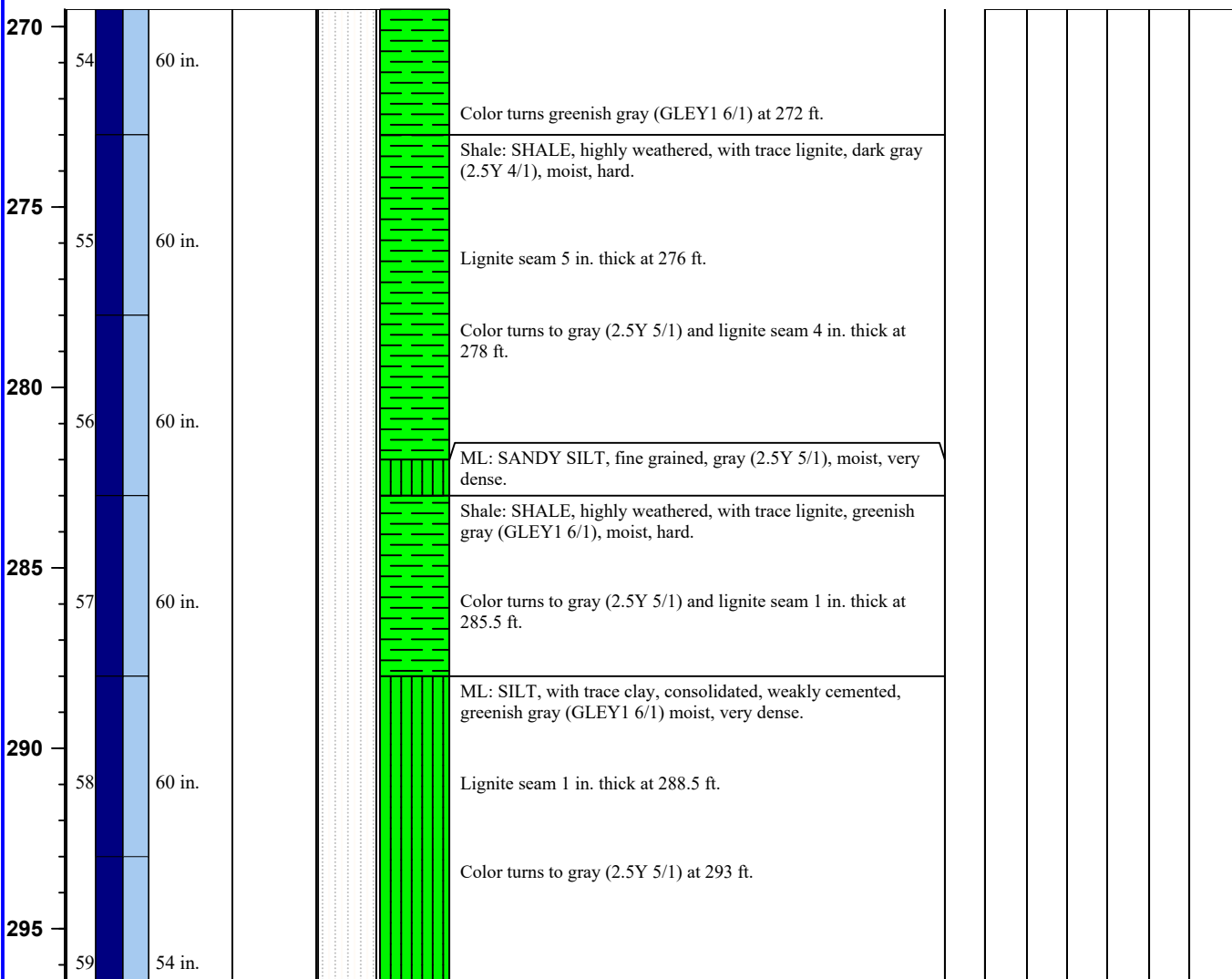
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 11 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.
Address: NA	GES Job #: 3502056
County: McKenzie	GES Project Mgr: Rob Jenson
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19 Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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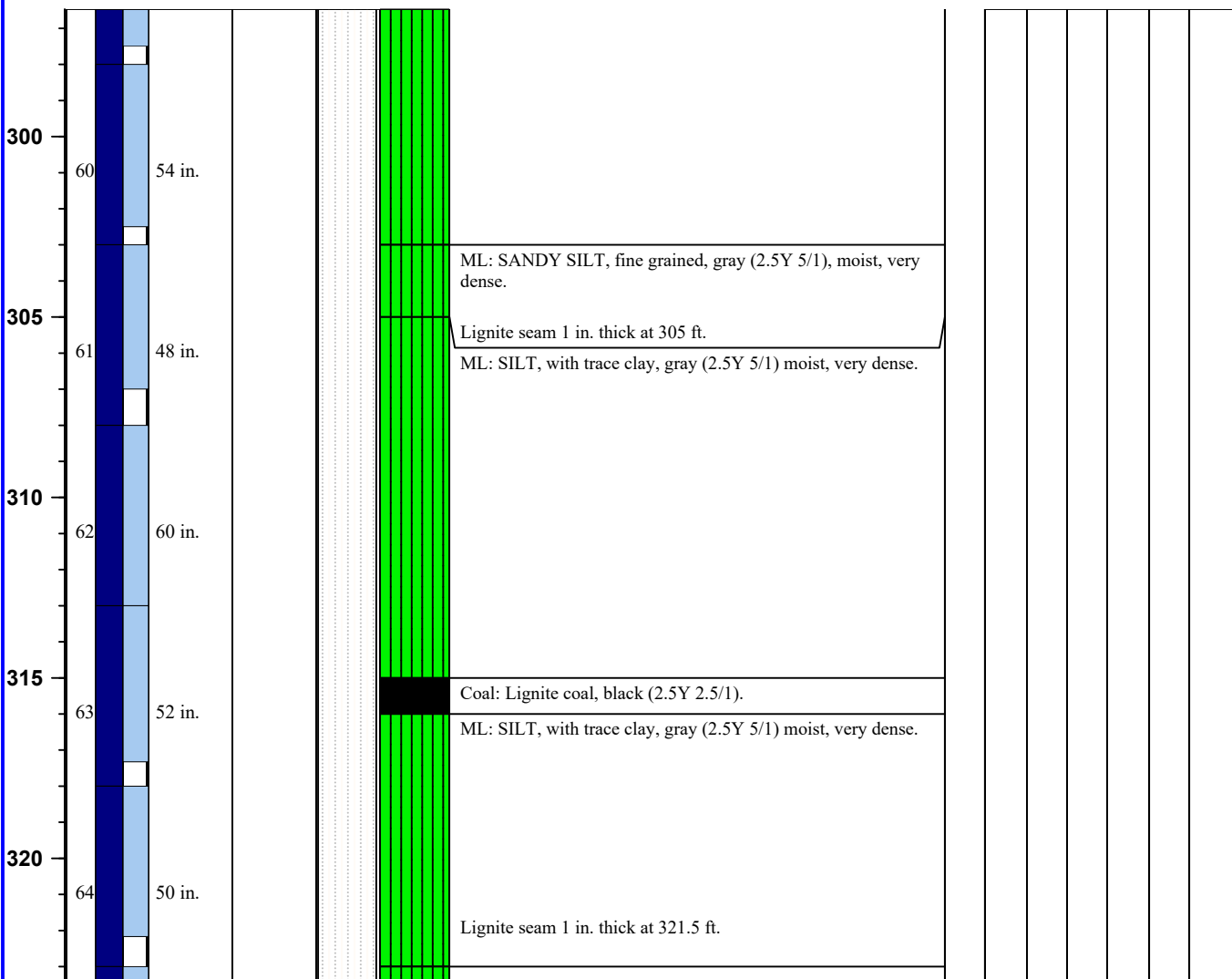
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 12 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.
Address: NA	GES Job #: 3502056
County: McKenzie	GES Project Mgr: Rob Jenson
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19 Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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GPS Coordinates

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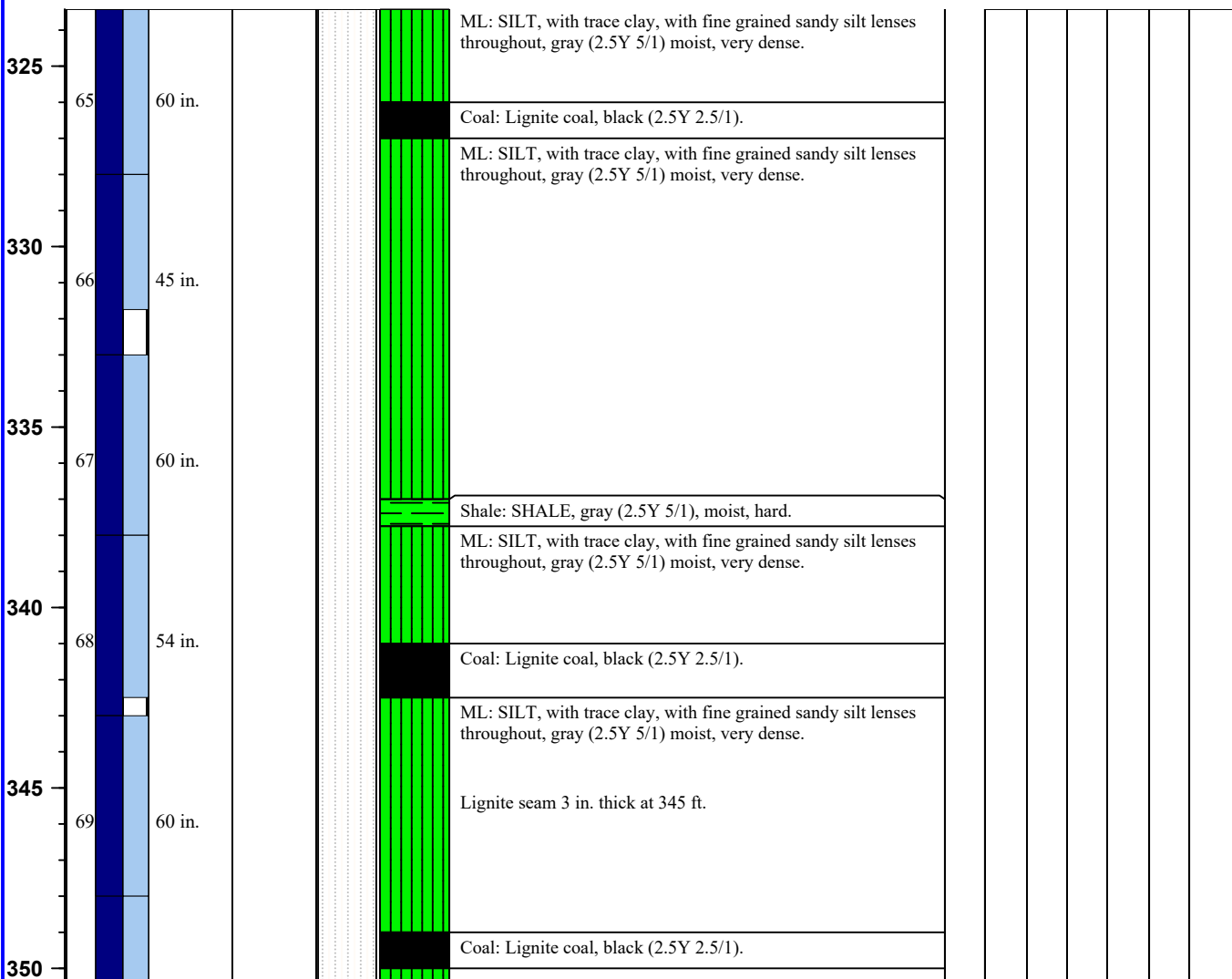
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 13 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/24/19 through 4/28/19	Soil Classification System: USCS
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Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl	Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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 Lat: 48° 6' 56.33"
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LB-1 (DRAFT) p. 13 of 15



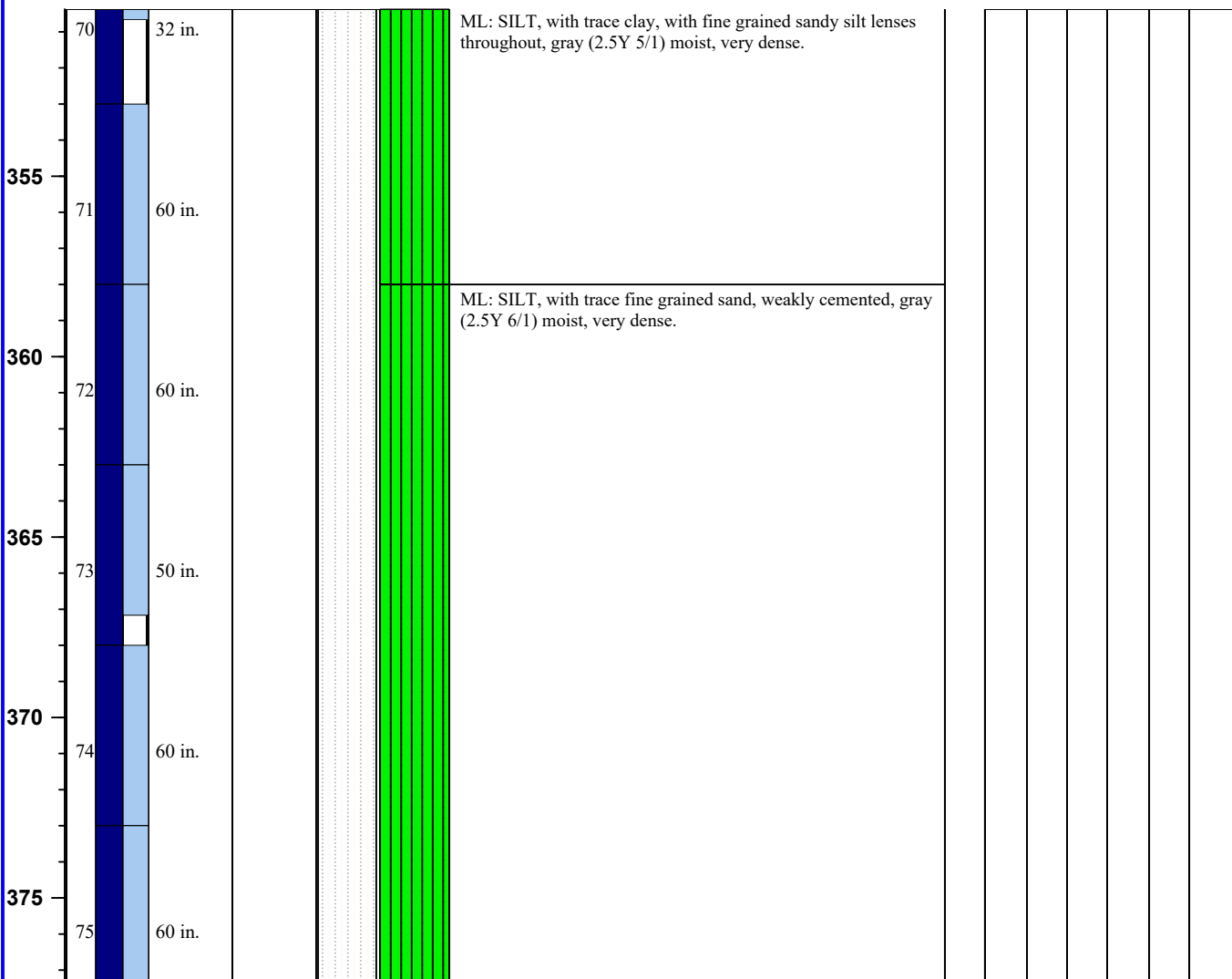
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 14 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.
Address: NA	GES Job #: 3502056
County: McKenzie	GES Project Mgr: Rob Jenson
Logged By: Nick Schlagel	Date Drilled: 4/24/19 through 4/28/19 Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 185 ft.), NQ Rock Core (185 to 403 ft.)
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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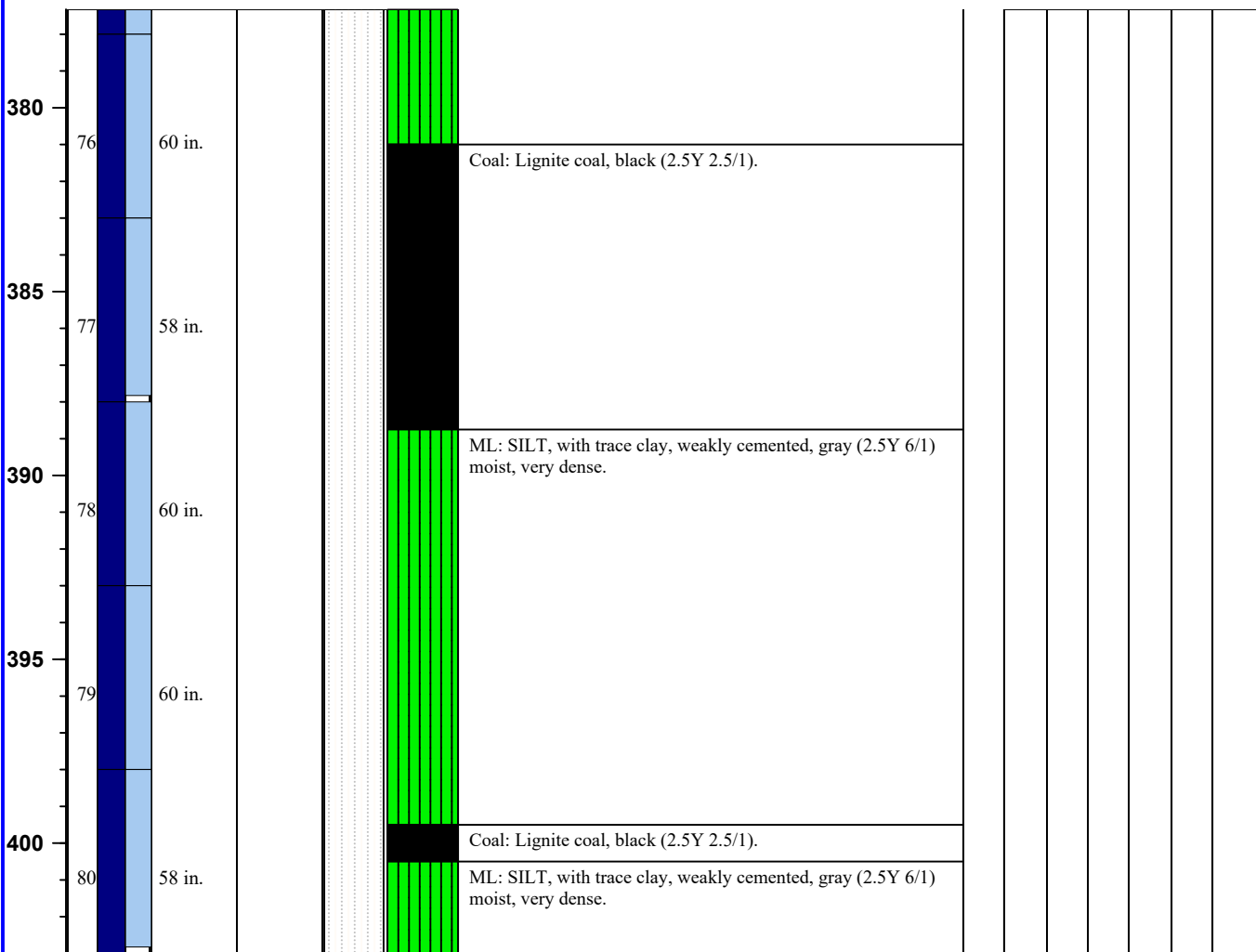
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-1 (DRAFT)** Page 15 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlagel	Date Drilled: 4/24/19 through 4/28/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 4/28/19	
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Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,908 ft. msl	Abandonment Method: Tremie
Total Depth: 403 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 4/28/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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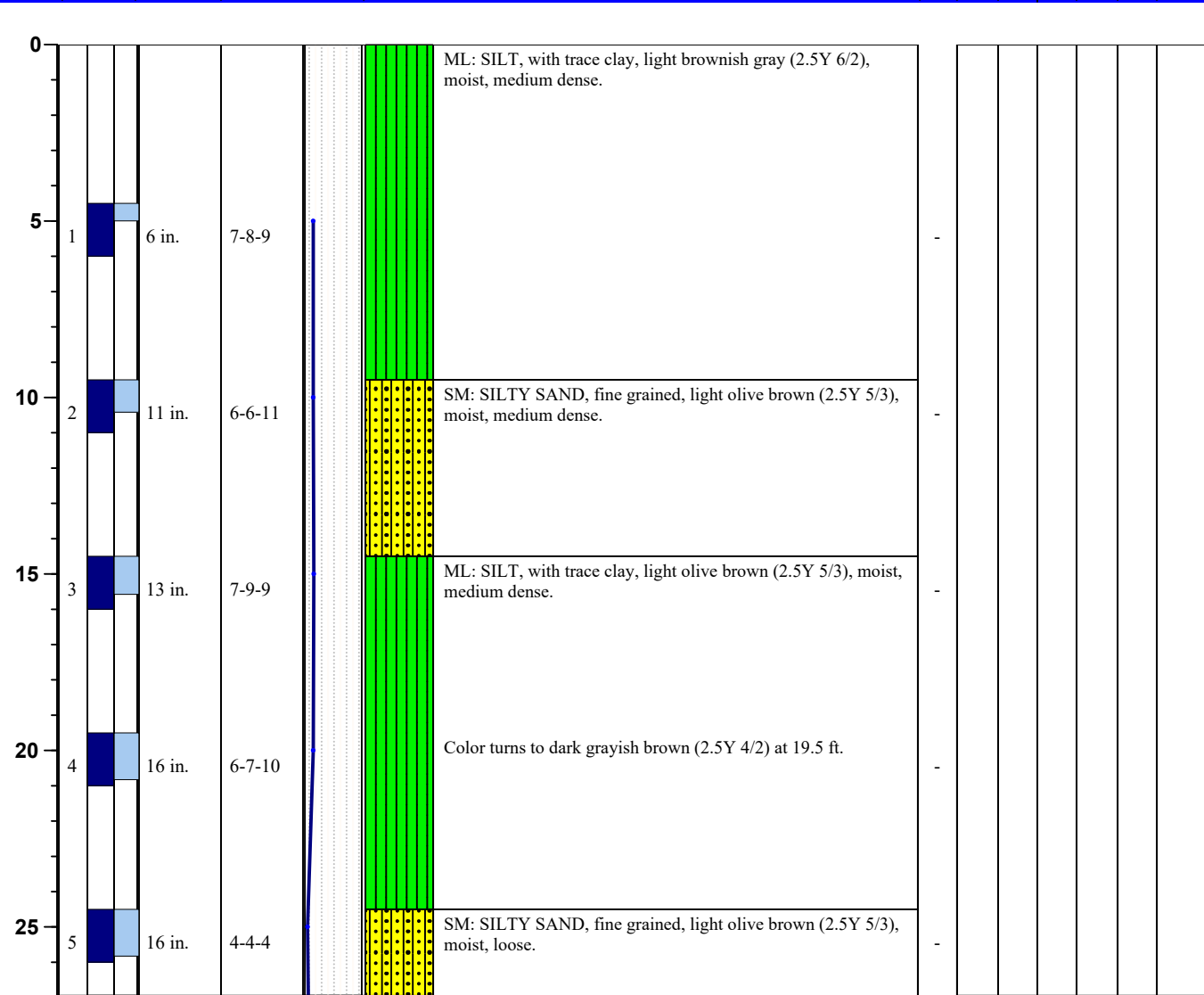
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 1 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 7' 3.56"
 Lon: 103° 5' 33.40"



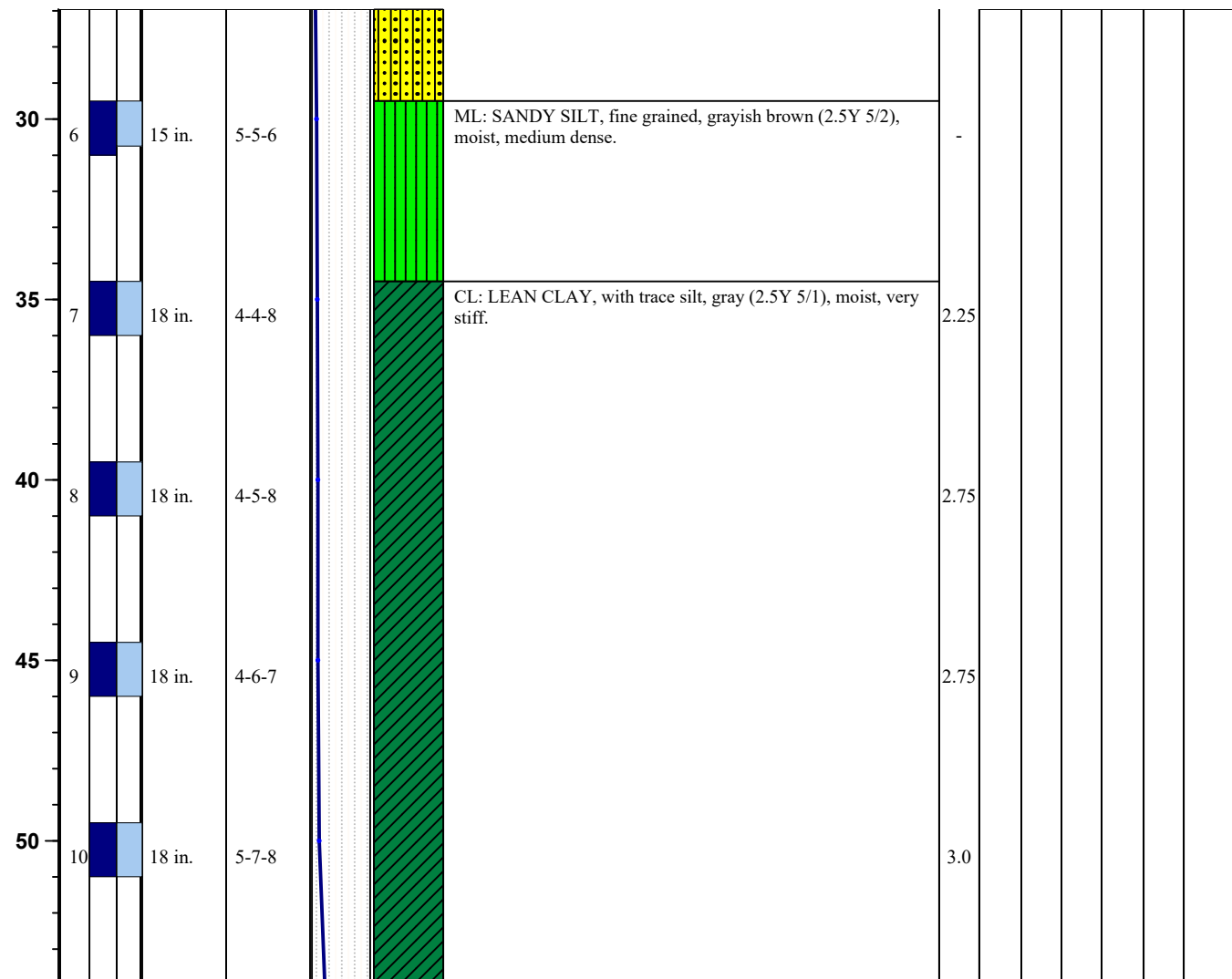
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 2 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

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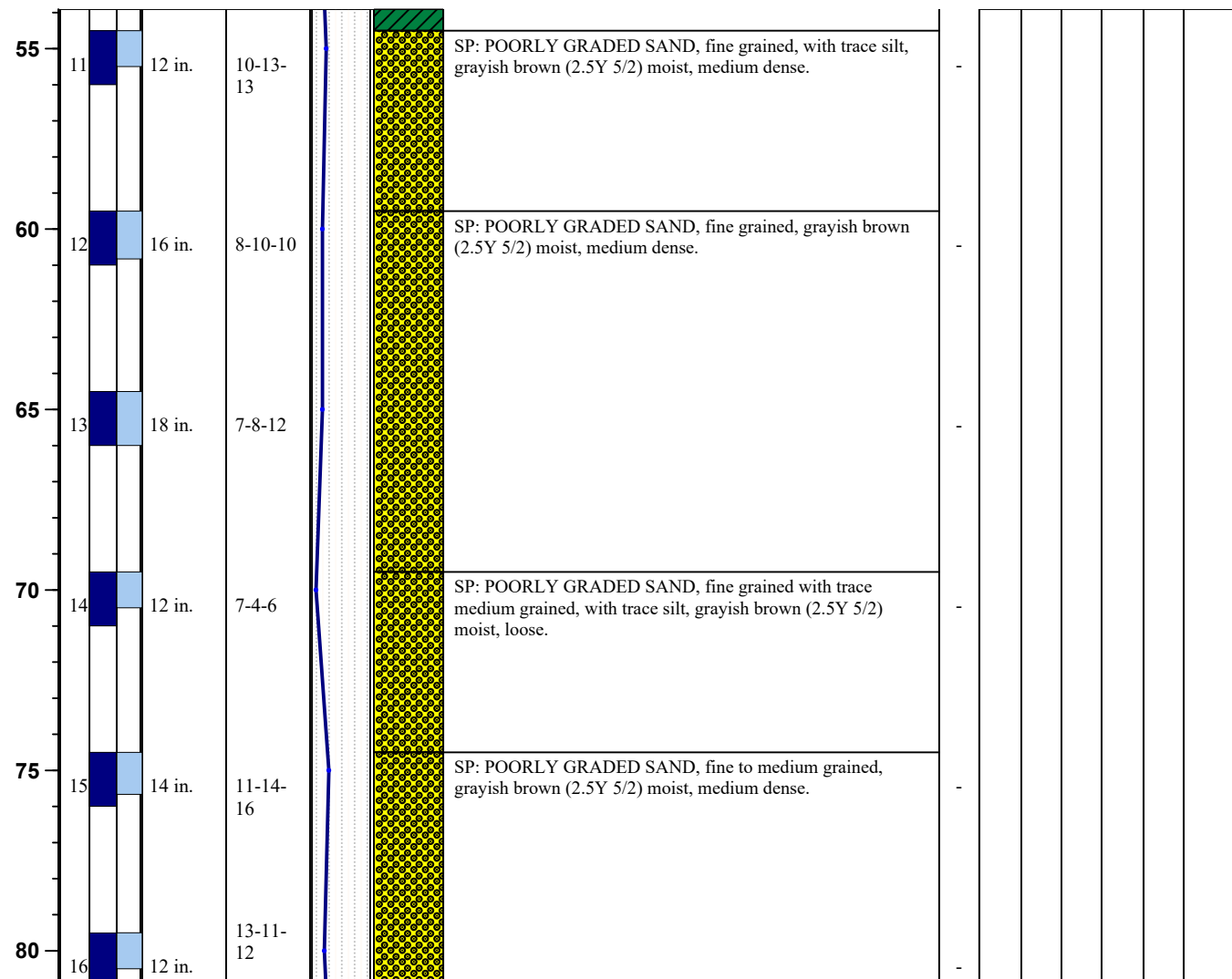
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 3 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 7' 3.56"
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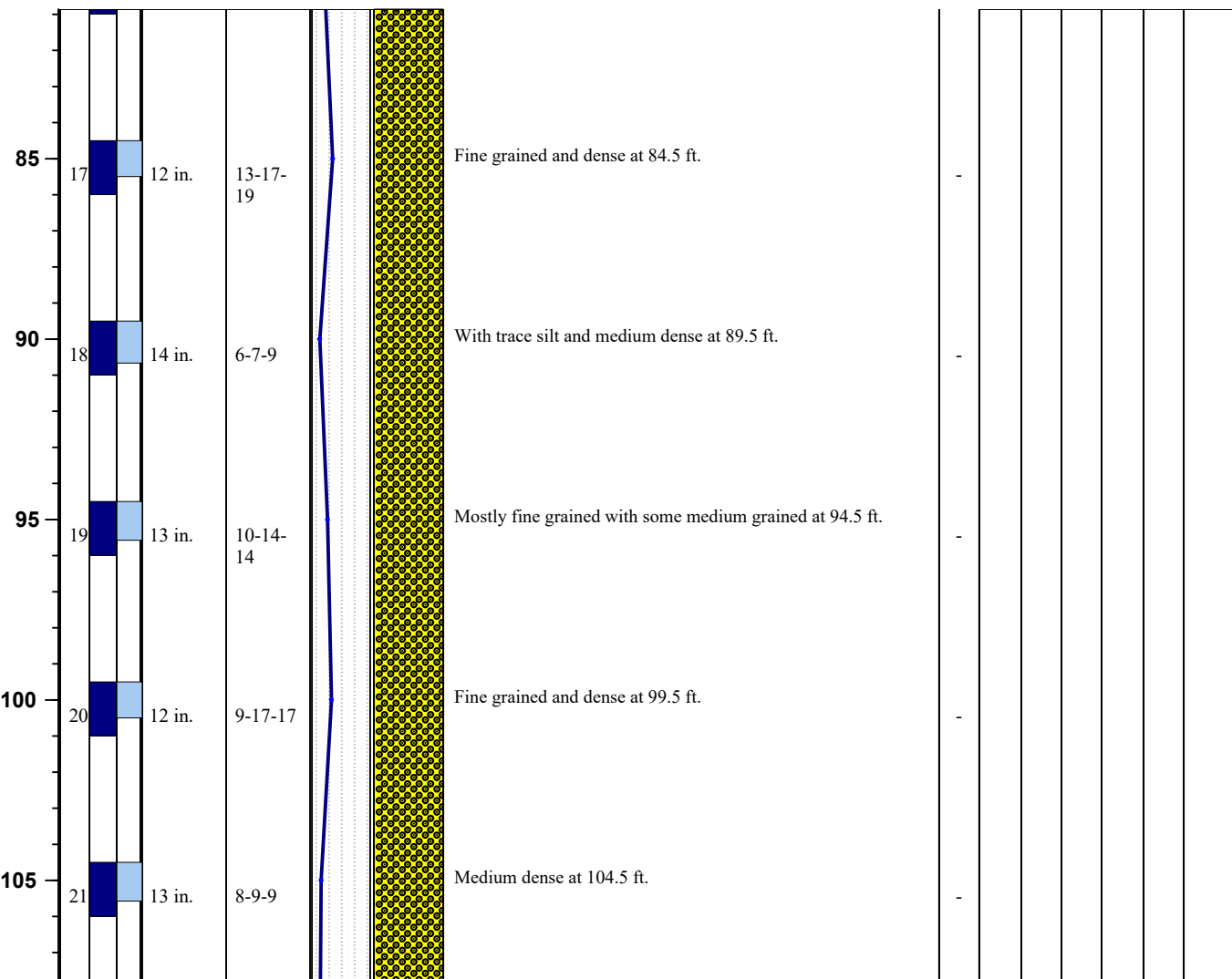
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 4 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlagerl	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 5/1/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 7' 3.56"
 Lon: 103° 5' 33.40"



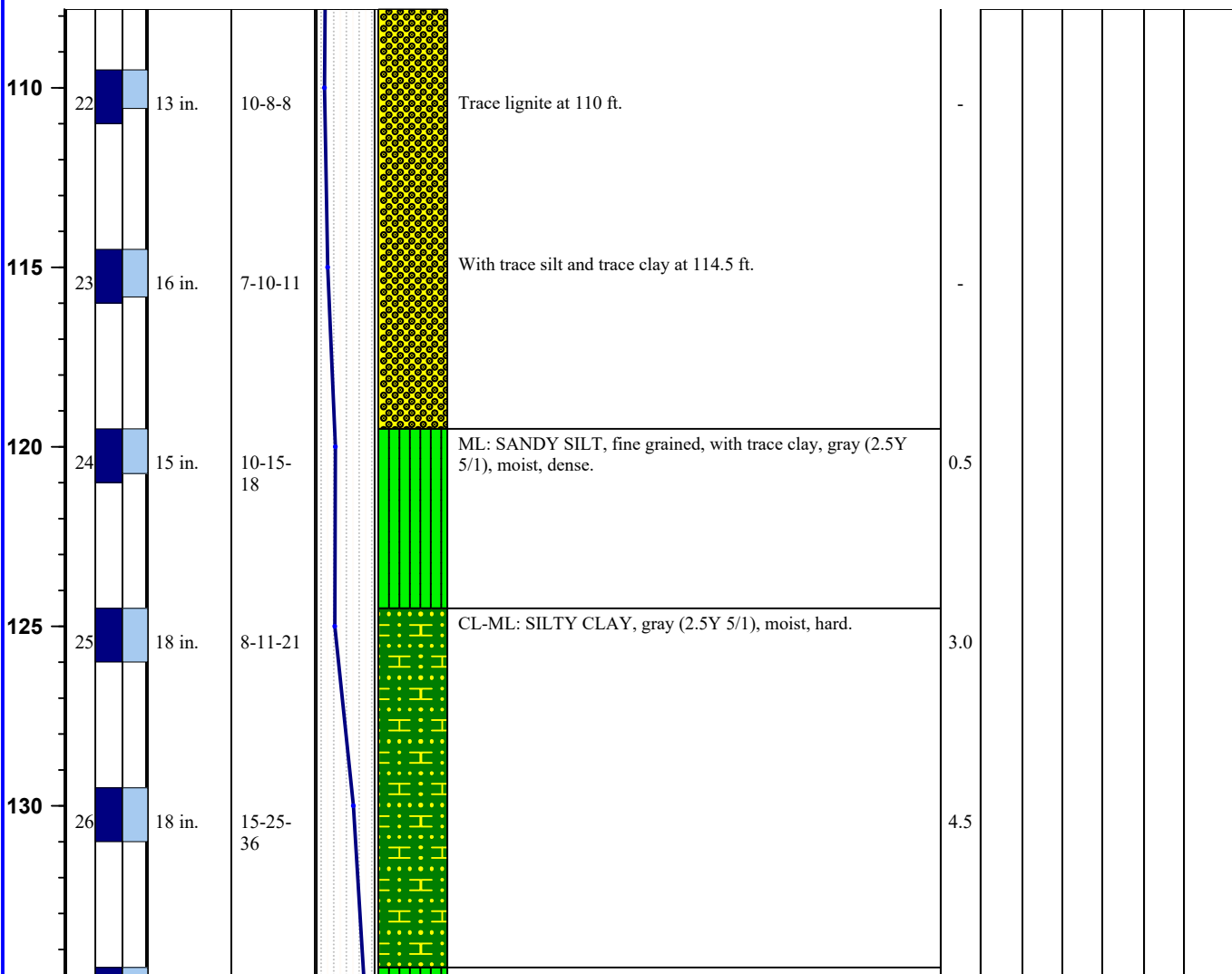
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 5 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 5/1/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

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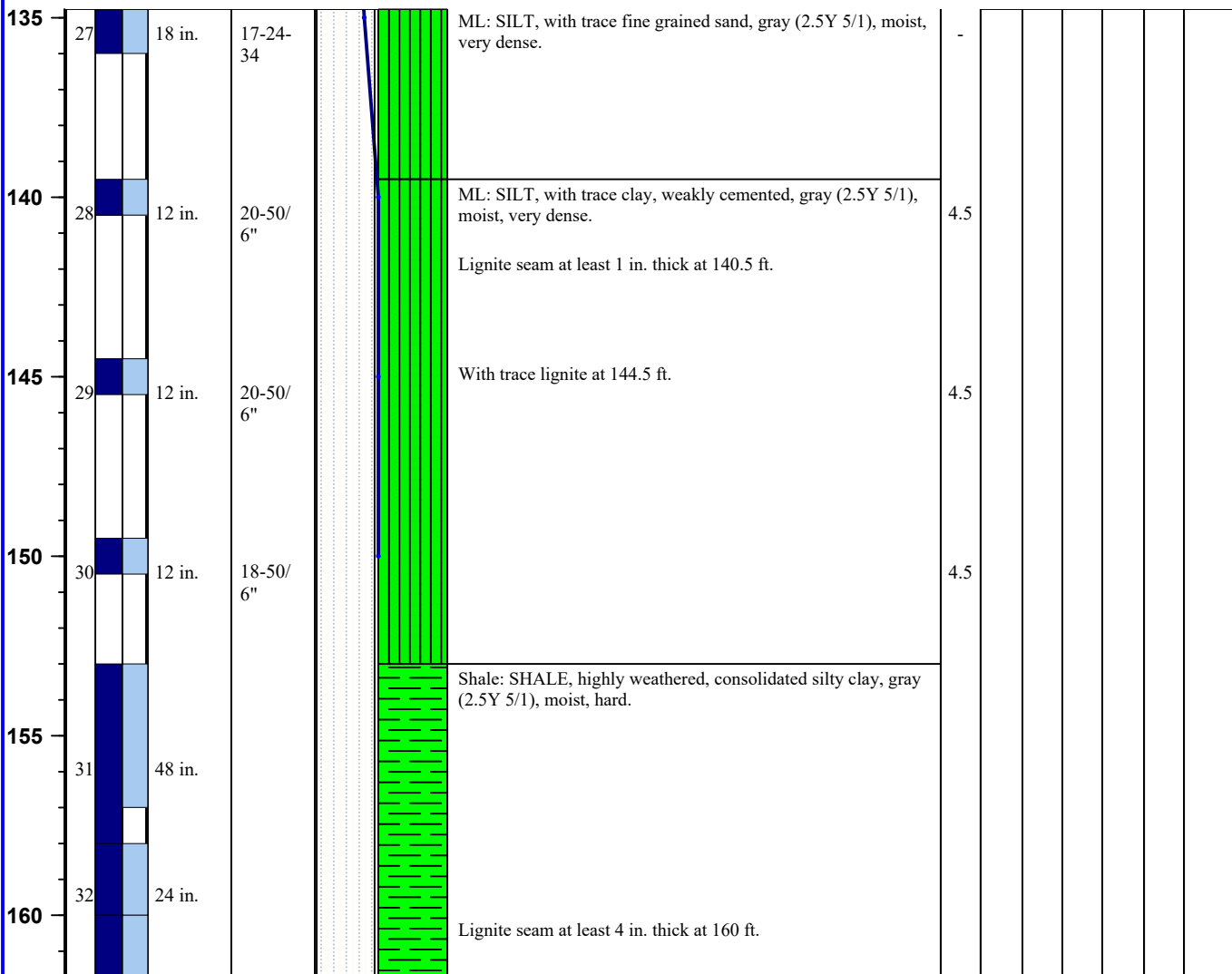
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 6 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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GPS Coordinates

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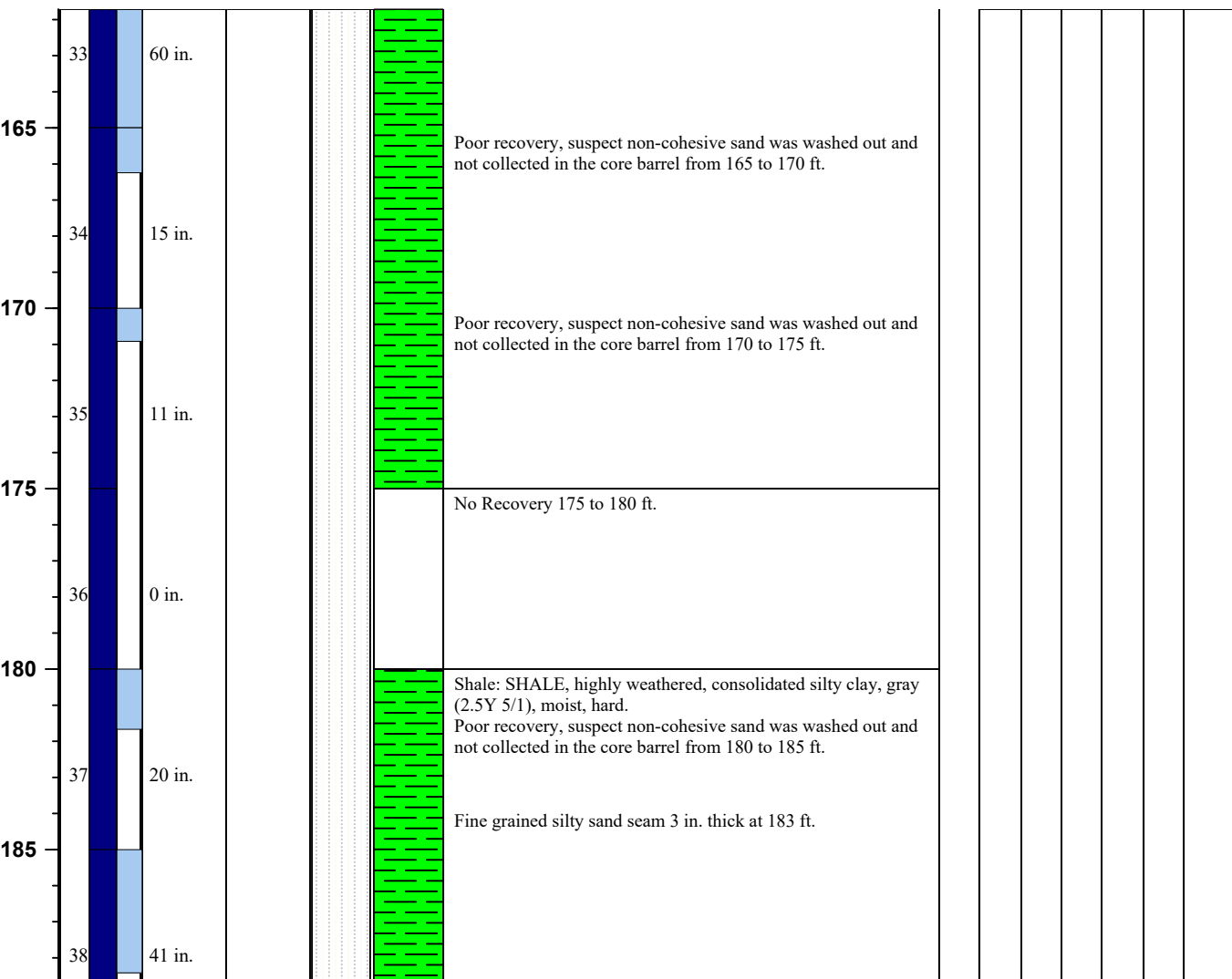
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 7 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



<p><u>Notes:</u></p> <p>Soil Lithologies based on field observations and laboratory analysis.</p> <p>NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level</p> <p>Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)</p> <p>PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)</p> <p>M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)</p>	<p><u>GPS Coordinates</u></p> <p>Lat: 48° 7' 3.56"</p> <p>Lon: 103° 5' 33.40"</p>
	<p>LB-2 (DRAFT) p. 7 of 15</p>



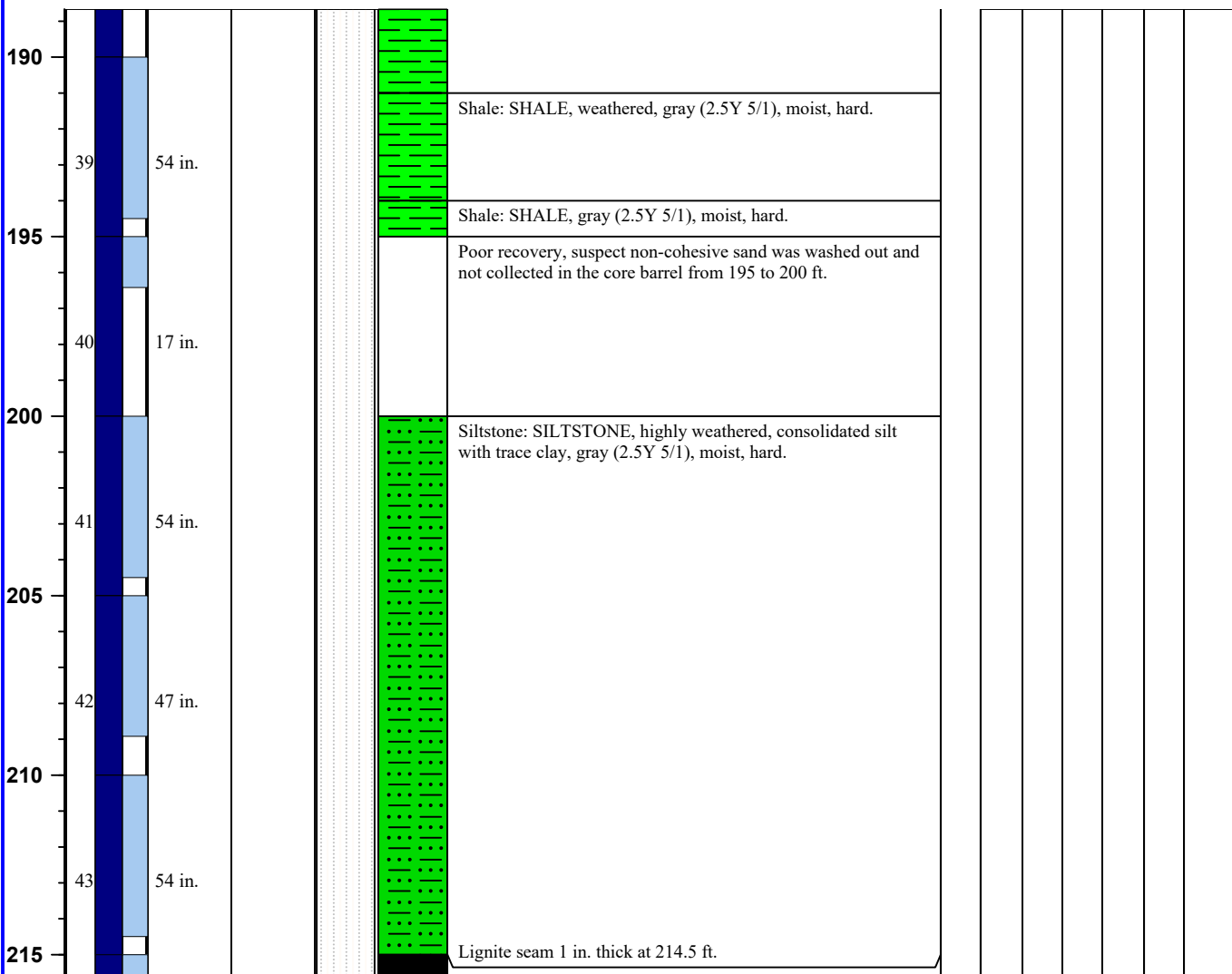
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 8 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 7' 3.56"
 Lon: 103° 5' 33.40"



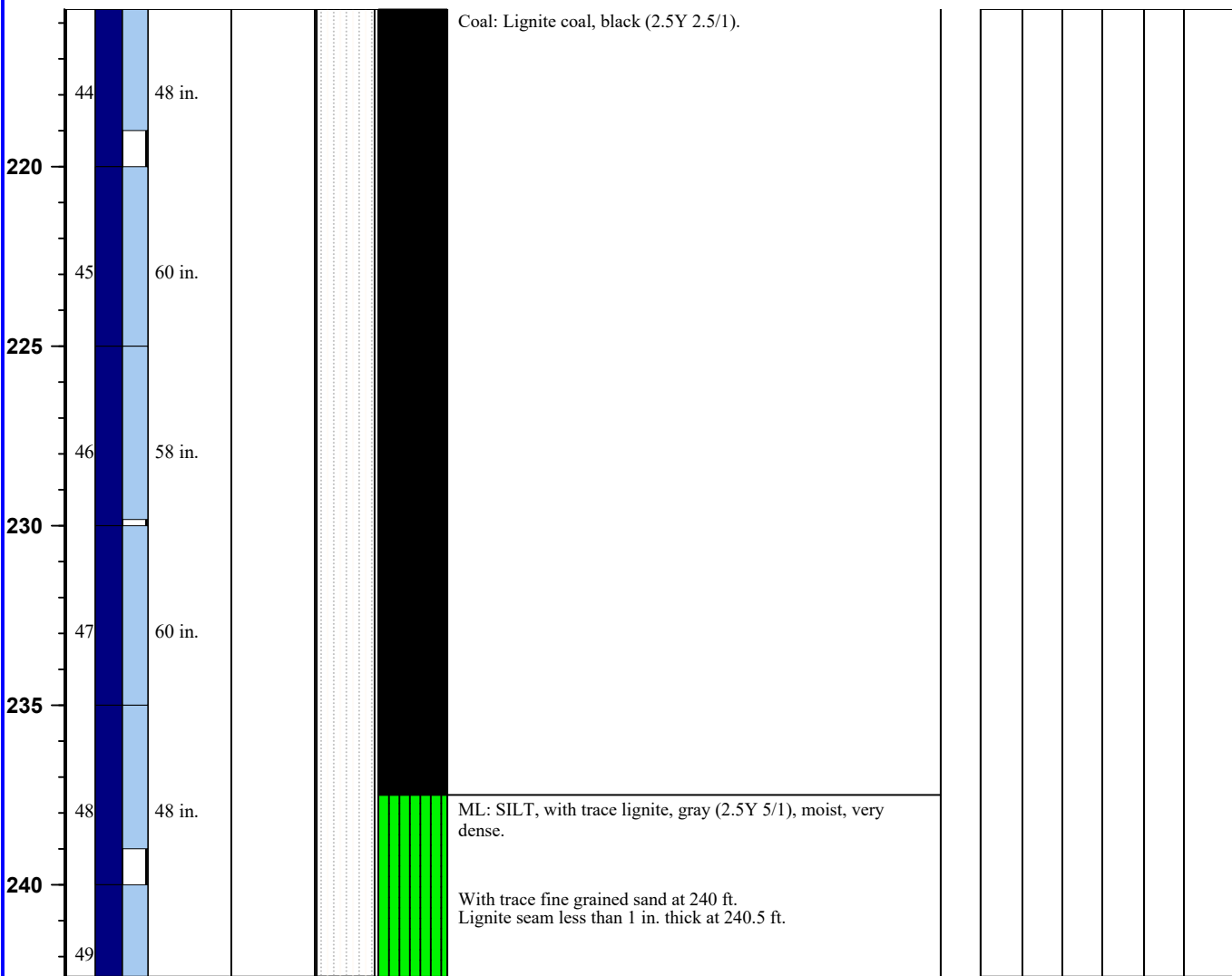
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 9 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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GPS Coordinates

Lat: 48° 7' 3.56"
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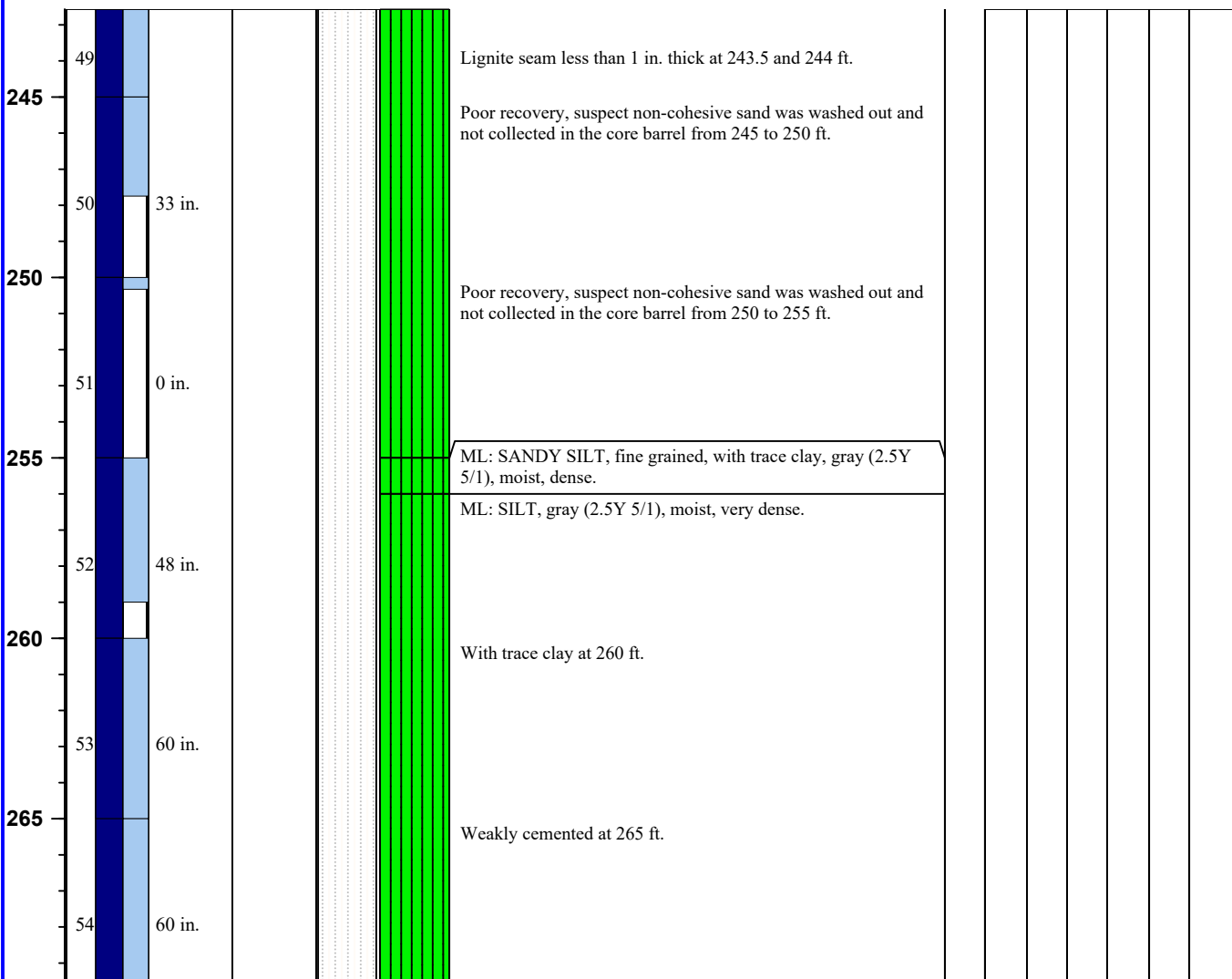
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 10 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

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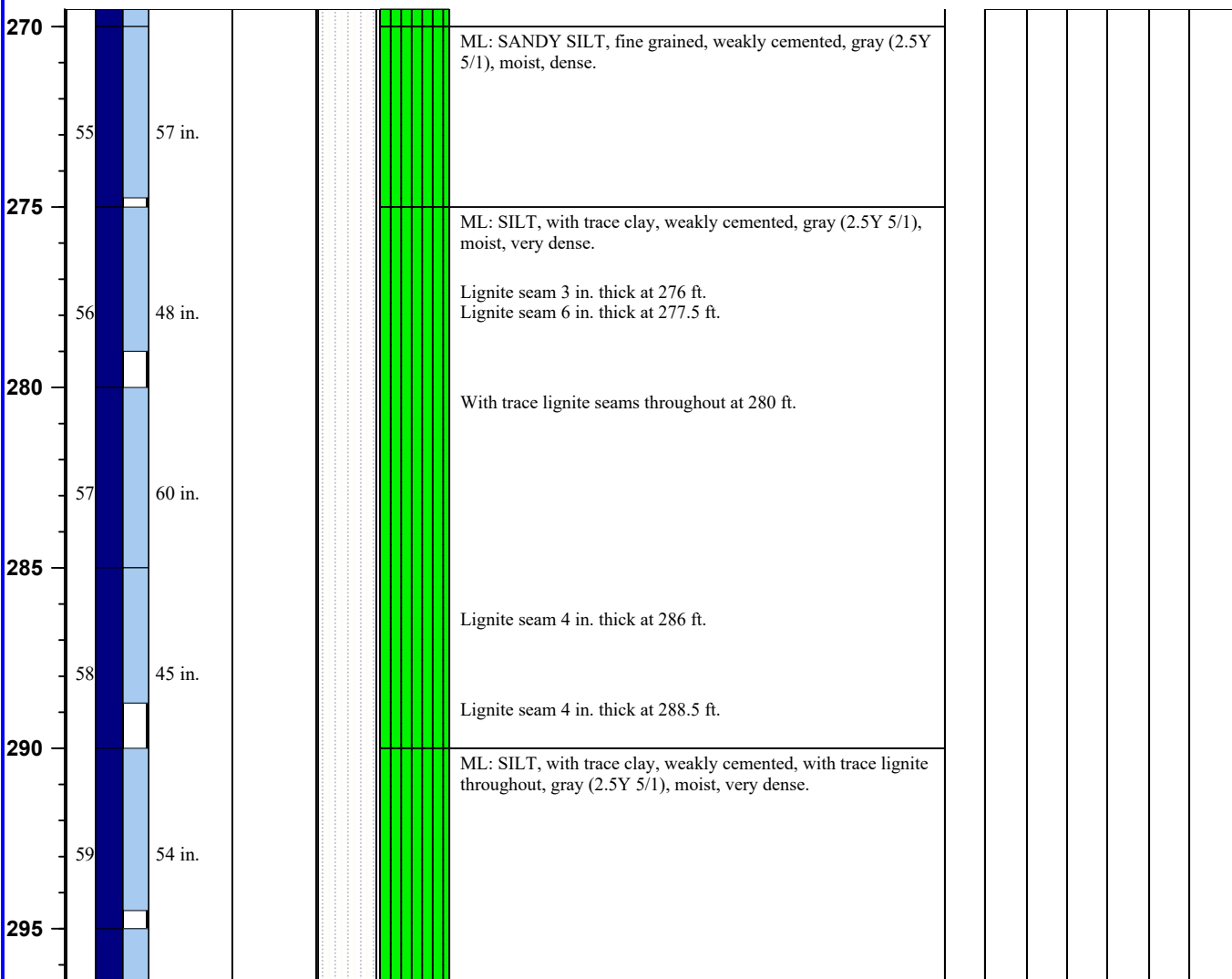
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 11 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

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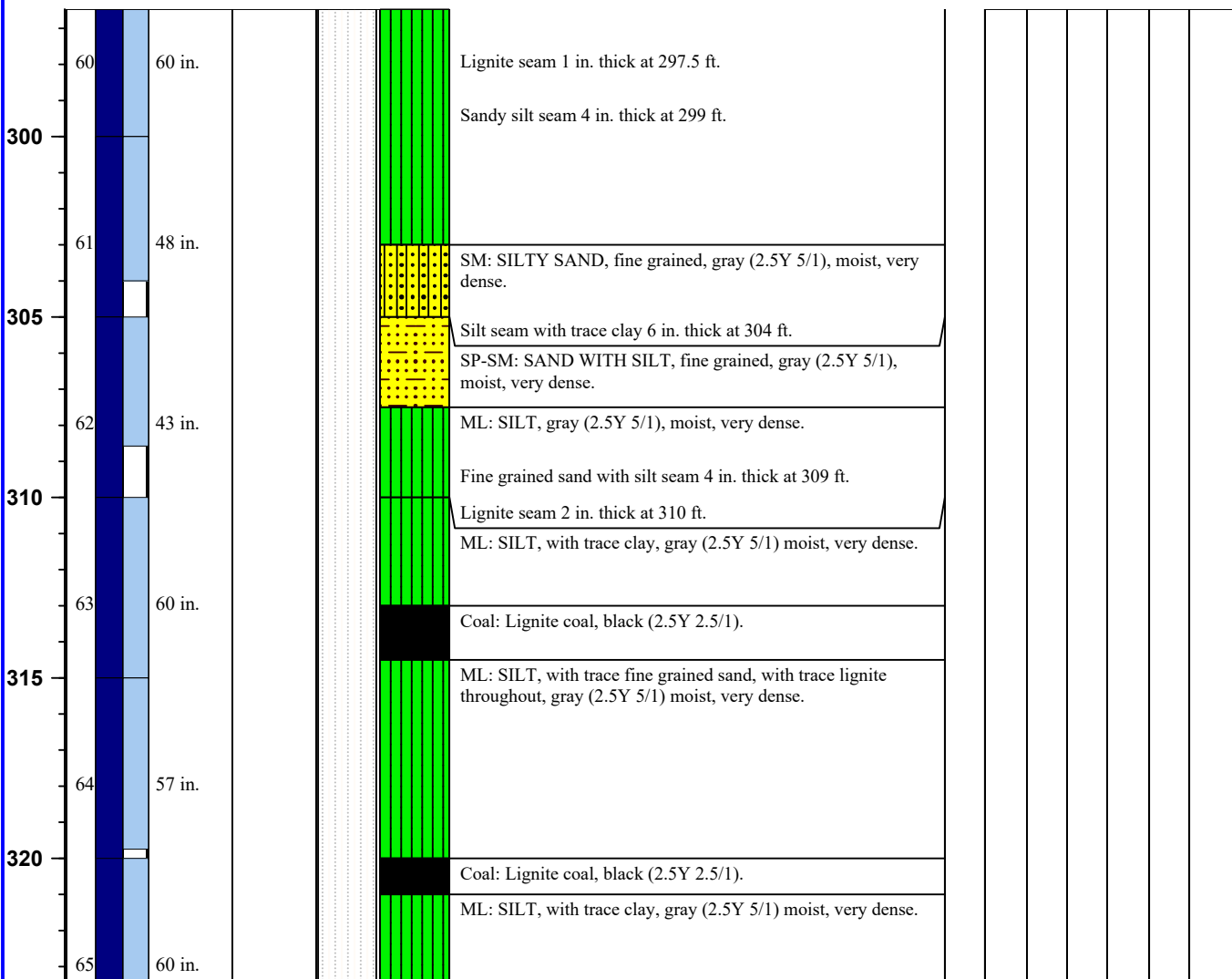
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 12 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
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GPS Coordinates

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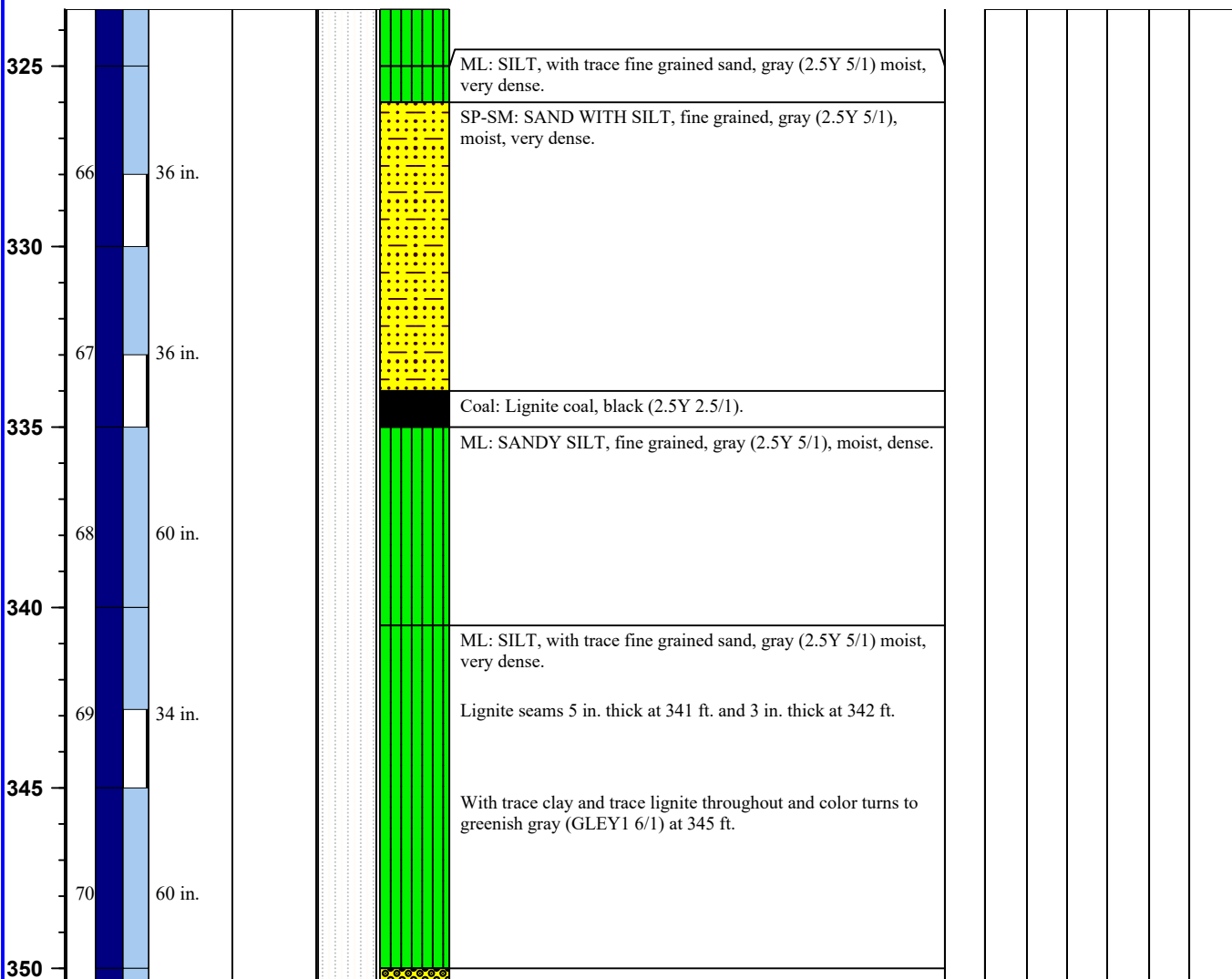
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 13 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



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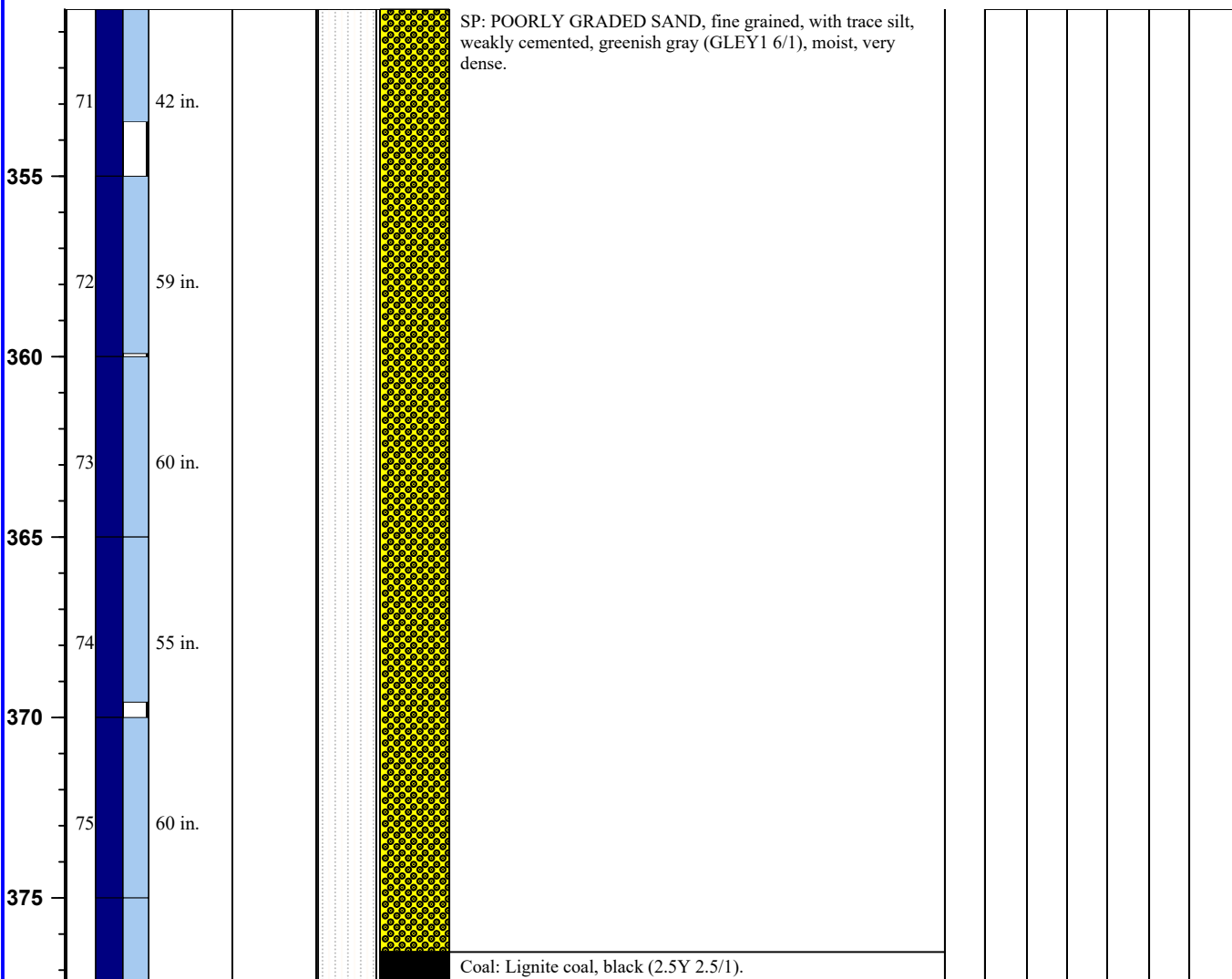
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 14 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 7' 3.56"
 Lon: 103° 5' 33.40"



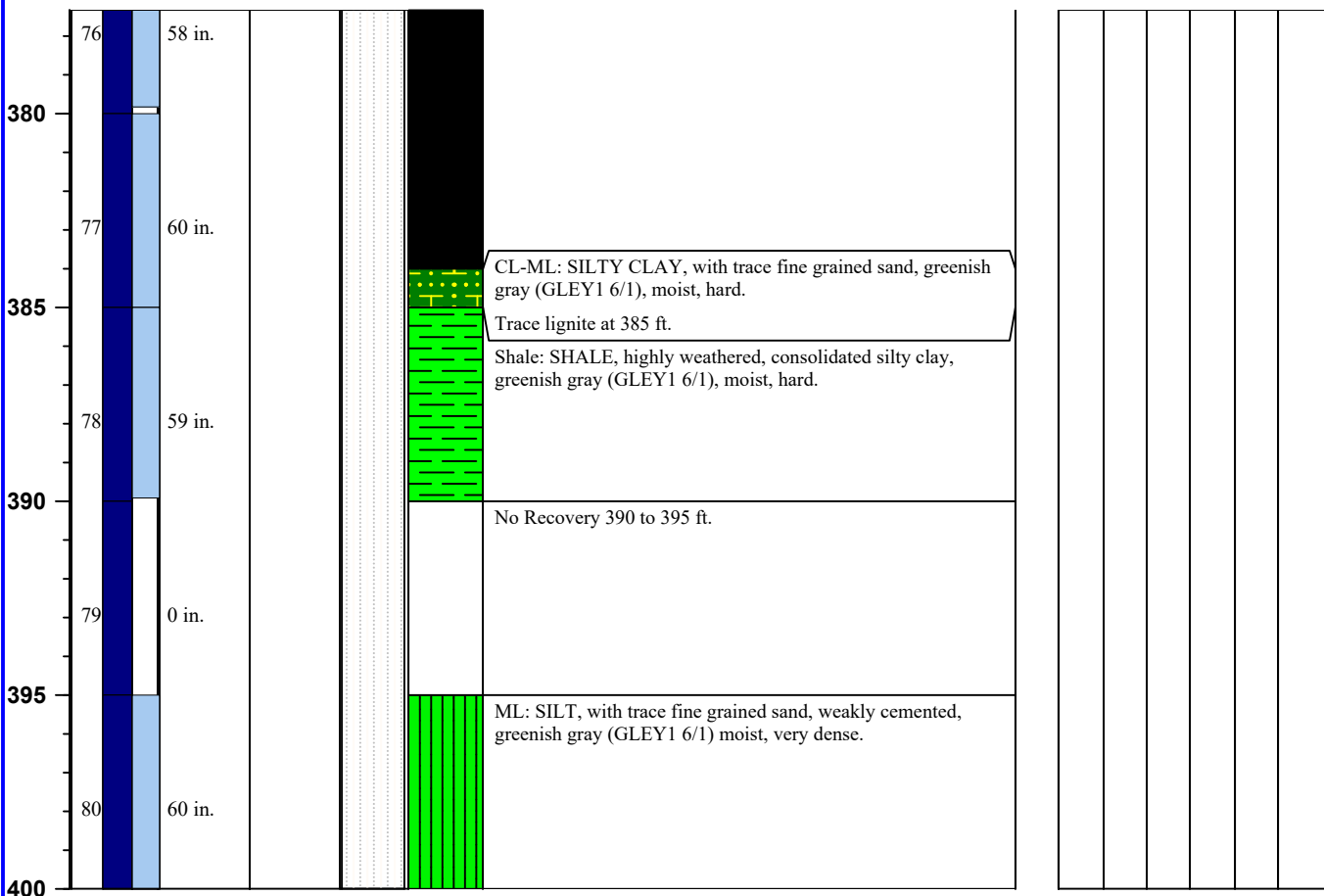
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-2 (DRAFT)** Page 15 of 15

Project: Lake Sakakwea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: McKenzie	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 4/28/19 through 5/1/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/1/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 25 ft.), Fluid Rotary (25 to 153 ft.), NQ Rock Core (153 to 400 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,920 ft. msl	Abandonment Method: Tremie
Total Depth: 400 ft.	Approximate Water Depth: Not Encountered	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/1/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 7' 3.56"
 Lon: 103° 5' 33.40"



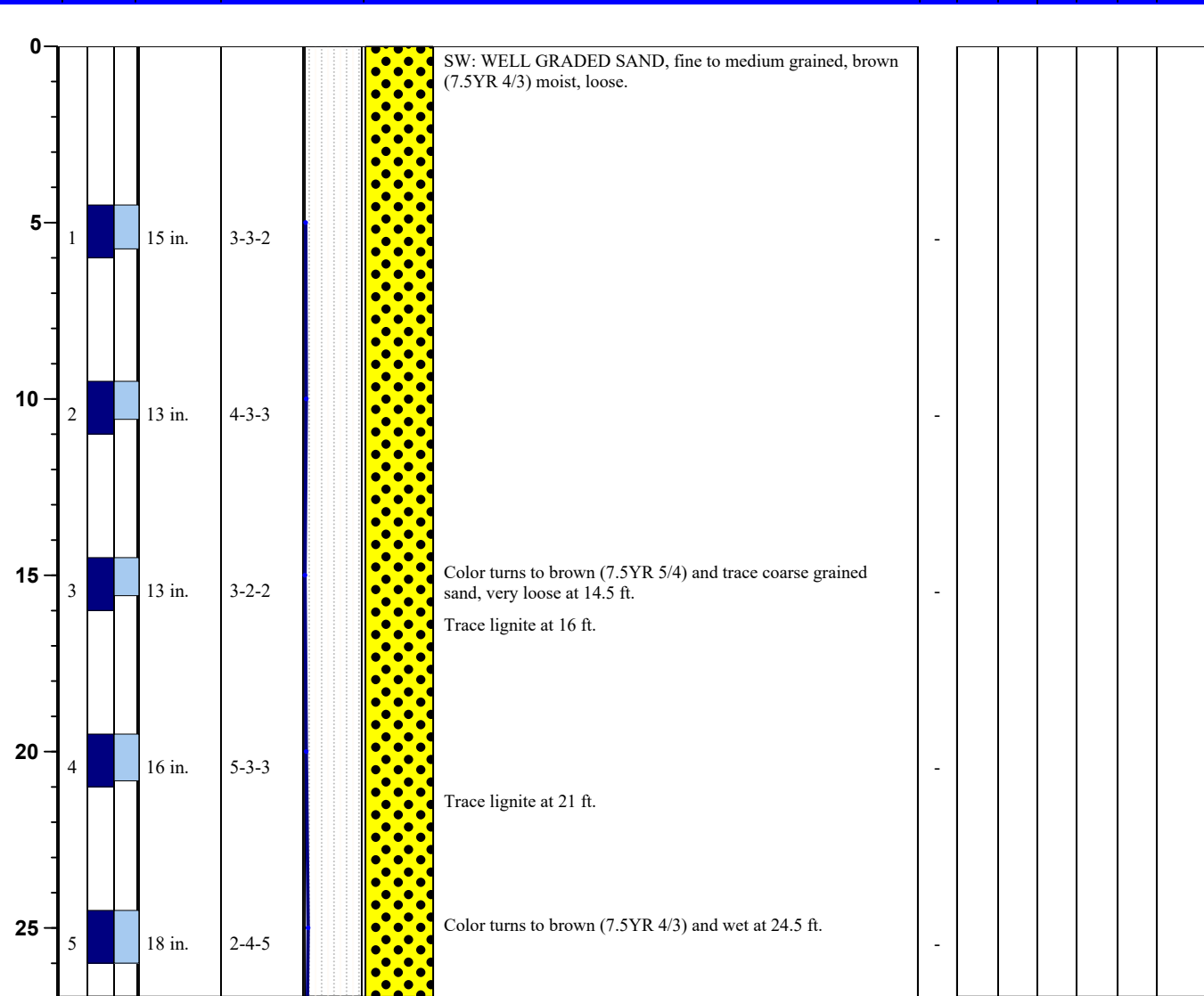
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 1 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation	Client: CCI & Associates Inc.	
Address: NA	GES Job #: 3502056	
County: Williams	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager	Date Drilled: 5/3/19 through 5/4/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/5/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,870 ft. msl	Abandonment Method: Tremie
Total Depth: 372 ft.	Approximate Water Depth: 24.5 ft.	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.

NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level

Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)

PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)

M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
Lon: 103° 4' 39.62"



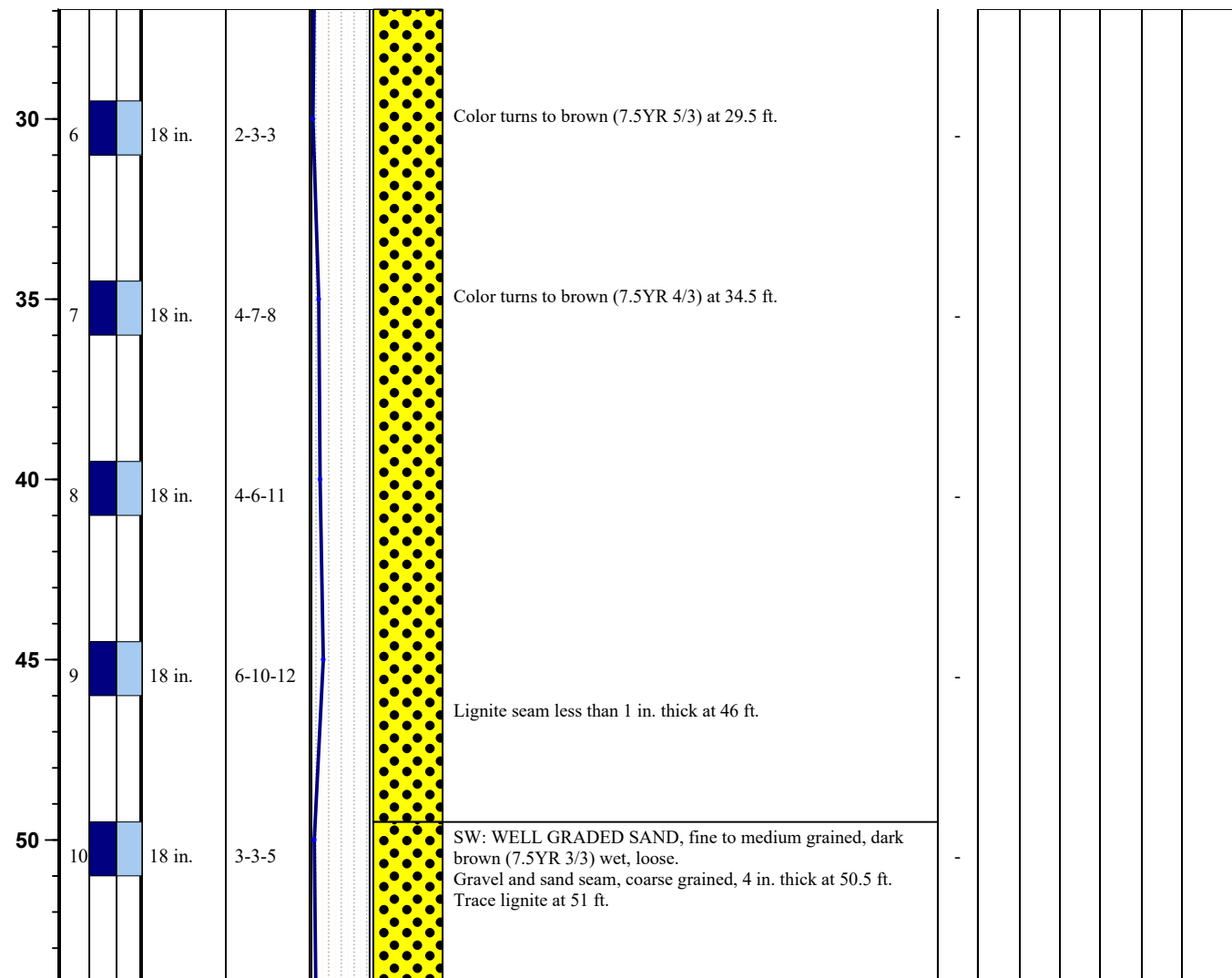
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 2 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation Client: CCI & Associates Inc.		
Address: NA	GES Job #: 3502056	
County: Williams	GES Project Mgr: Rob Jenson	
Logged By: Nick Schlagel	Date Drilled: 5/3/19 through 5/4/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/5/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,870 ft. msl	Abandonment Method: Tremie
Total Depth: 372 ft.	Approximate Water Depth: 24.5 ft.	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"



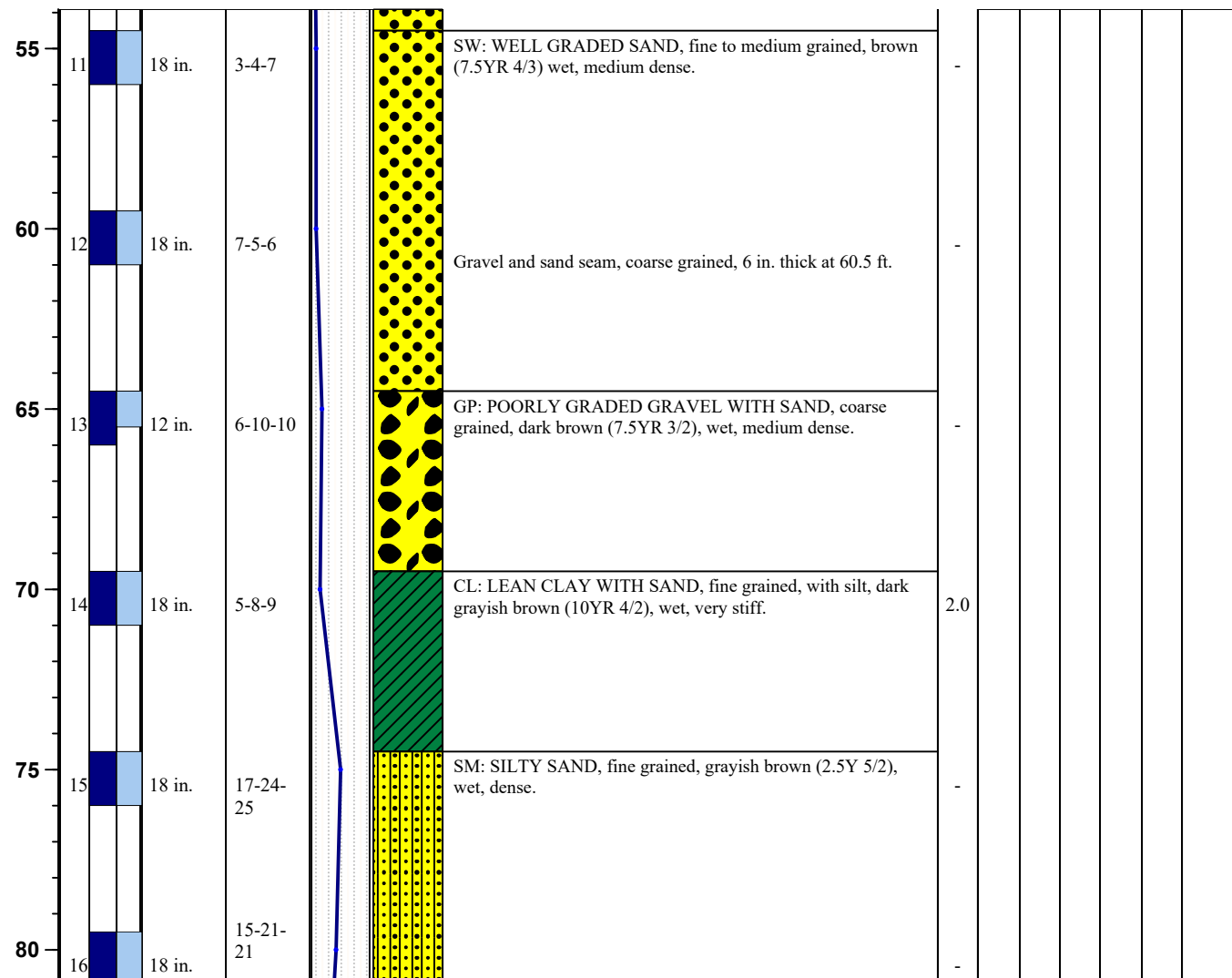
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 3 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation		Client: CCI & Associates Inc.	
Address: NA		GES Job #: 3502056	
County: Williams		GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager		Date Drilled: 5/3/19 through 5/4/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services		Completion Date: 5/5/19	
Drill Operator: Jared Zak		Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)	
Drill Rig Type: Diedrich D50		Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.		Surface Elevation: 1,870 ft. msl	Abandonment Method: Tremie
Total Depth: 372 ft.		Approximate Water Depth: 24.5 ft.	Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"



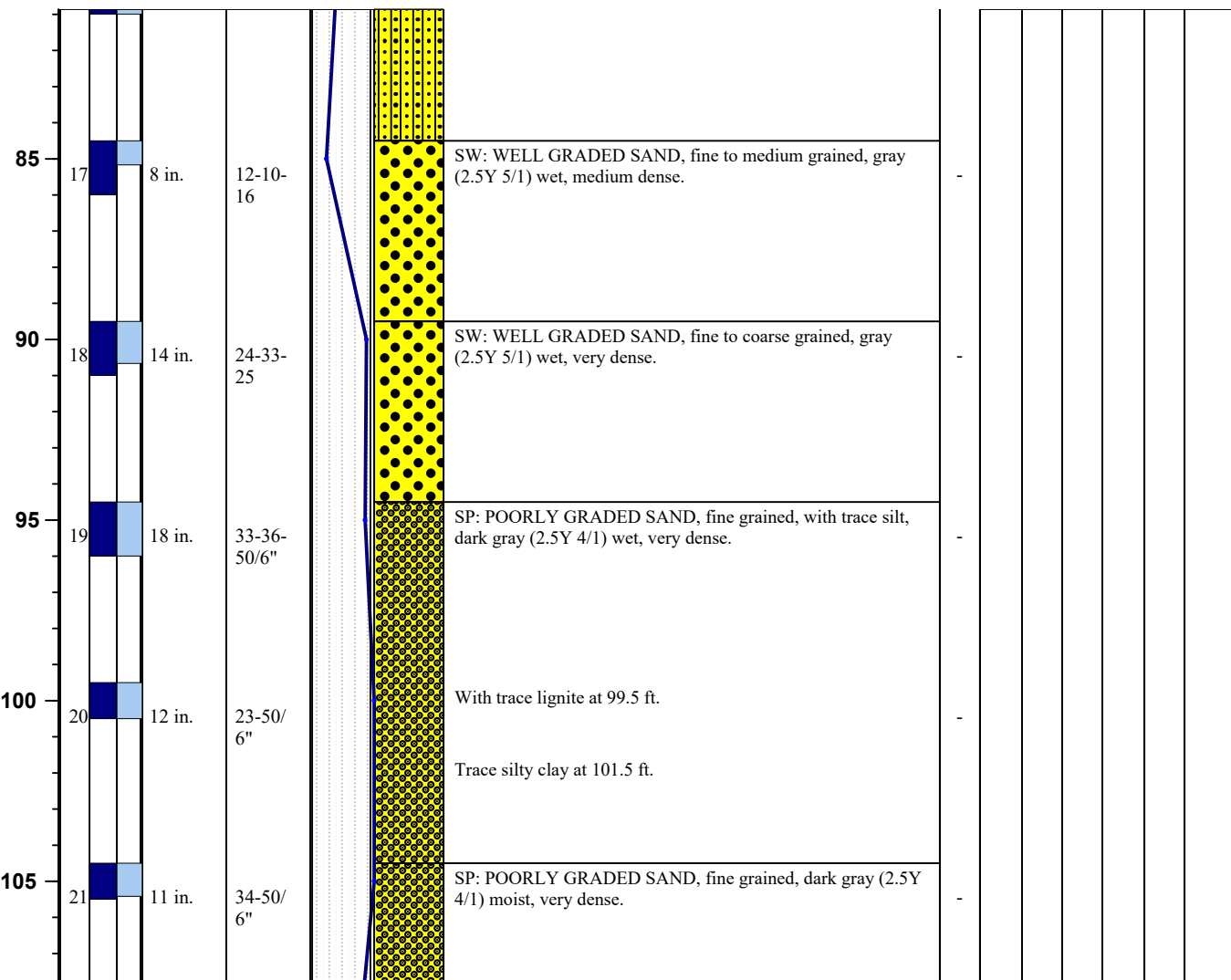
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 4 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation		Client: CCI & Associates Inc.	
Address: NA		GES Job #: 3502056	
County: Williams		GES Project Mgr: Rob Jenson	
Logged By: Nick Schlagel		Date Drilled: 5/3/19 through 5/4/19	
Drilling Company: Interstate Drilling Services		Soil Classification System: USCS	
Drill Operator: Jared Zak		Completion Date: 5/5/19	
Drill Rig Type: Diedrich D50		Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)	
Borehole Diameter: 8 in. to 4 in.		Surface Elevation: 1,870 ft. msl	
Total Depth: 372 ft.		Abandonment Method: Tremie	
Refusal Depth: NA		Approximate Water Depth: 24.5 ft.	
		Backfill Material: Portland Cement	
		Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"



SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 5 of 14

Project: **Lake Sakakawea HDD Geotechnical Investigation** Client: **CCI & Associates Inc.**

Address: **NA**

GES Job #: **3502056**

County: **Williams**

GES Project Mgr: **Rob Jenson**

Logged By: **Nick Schlagel**

Date Drilled: **5/3/19 through 5/4/19**

Soil Classification System: **USCS**

Drilling Company: **Interstate Drilling Services**

Completion Date: **5/5/19**

Drill Operator: **Jared Zak**

Drilling Method: **HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)**

Drill Rig Type: **Diedrich D50**

Sampling Method: **Split Spoon & NQ Rock Core**

Borehole Diameter: **8 in. to 4 in.**

Surface Elevation: **1,870 ft. msl**

Abandonment Method: **Tremie**

Total Depth: **372 ft.**

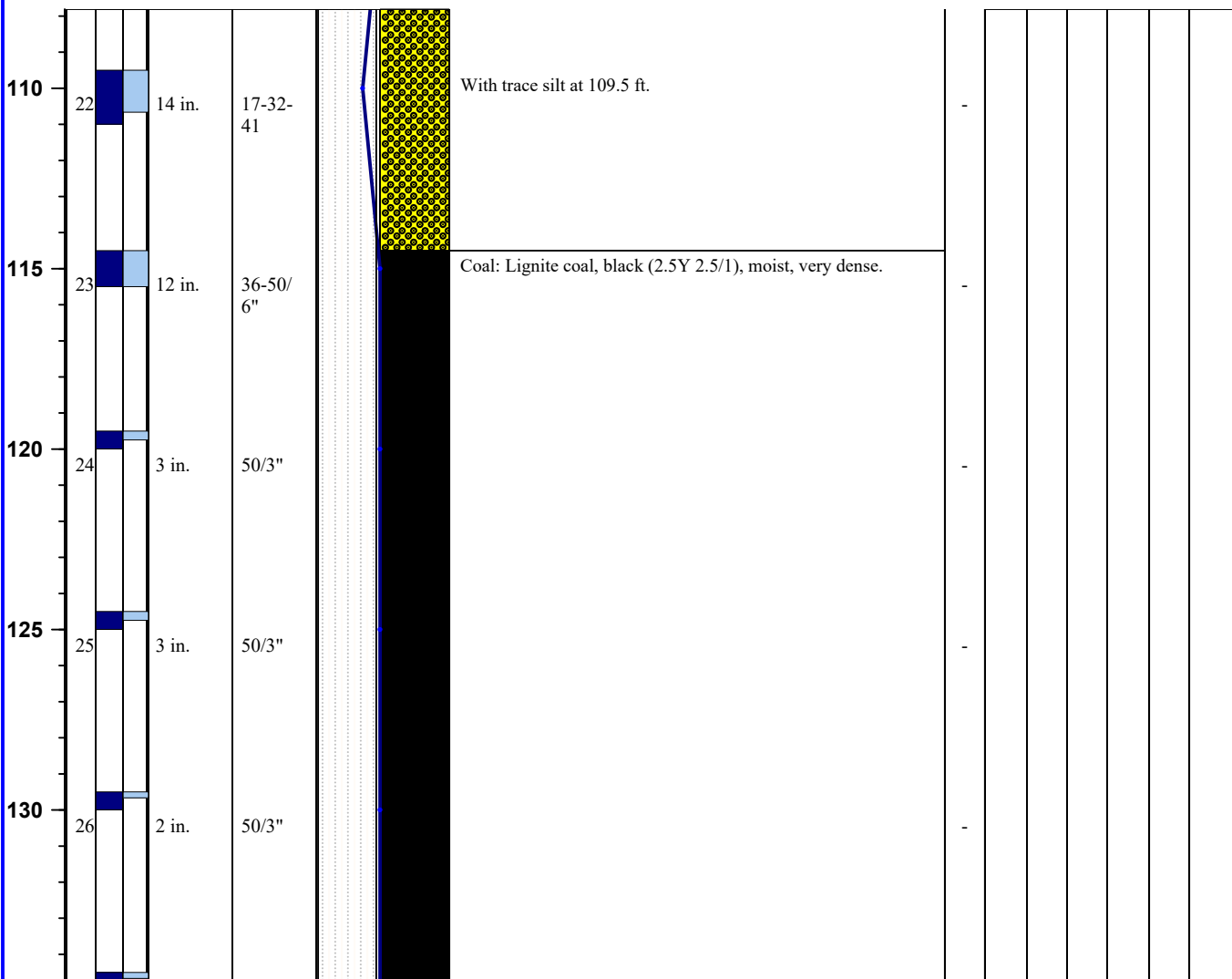
Approximate Water Depth: **24.5 ft.**

Backfill Material: **Portland Cement**

Refusal Depth: **NA**

Abandonment Completion Date: **5/5/19**

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.

NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level

Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)

PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)

M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"

Lon: 103° 4' 39.62"



SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 6 of 14

Project: **Lake Sakakawea HDD Geotechnical Investigation** Client: **CCI & Associates Inc.**

Address: **NA**

GES Job #: **3502056**

County: **Williams**

GES Project Mgr: **Rob Jenson**

Logged By: **Nick Schlager**

Date Drilled: **5/3/19 through 5/4/19**

Soil Classification System: **USCS**

Drilling Company: **Interstate Drilling Services**

Completion Date: **5/5/19**

Drill Operator: **Jared Zak**

Drilling Method: **HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)**

Drill Rig Type: **Diedrich D50**

Sampling Method: **Split Spoon & NQ Rock Core**

Borehole Diameter: **8 in. to 4 in.**

Surface Elevation: **1,870 ft. msl**

Abandonment Method: **Tremie**

Total Depth: **372 ft.**

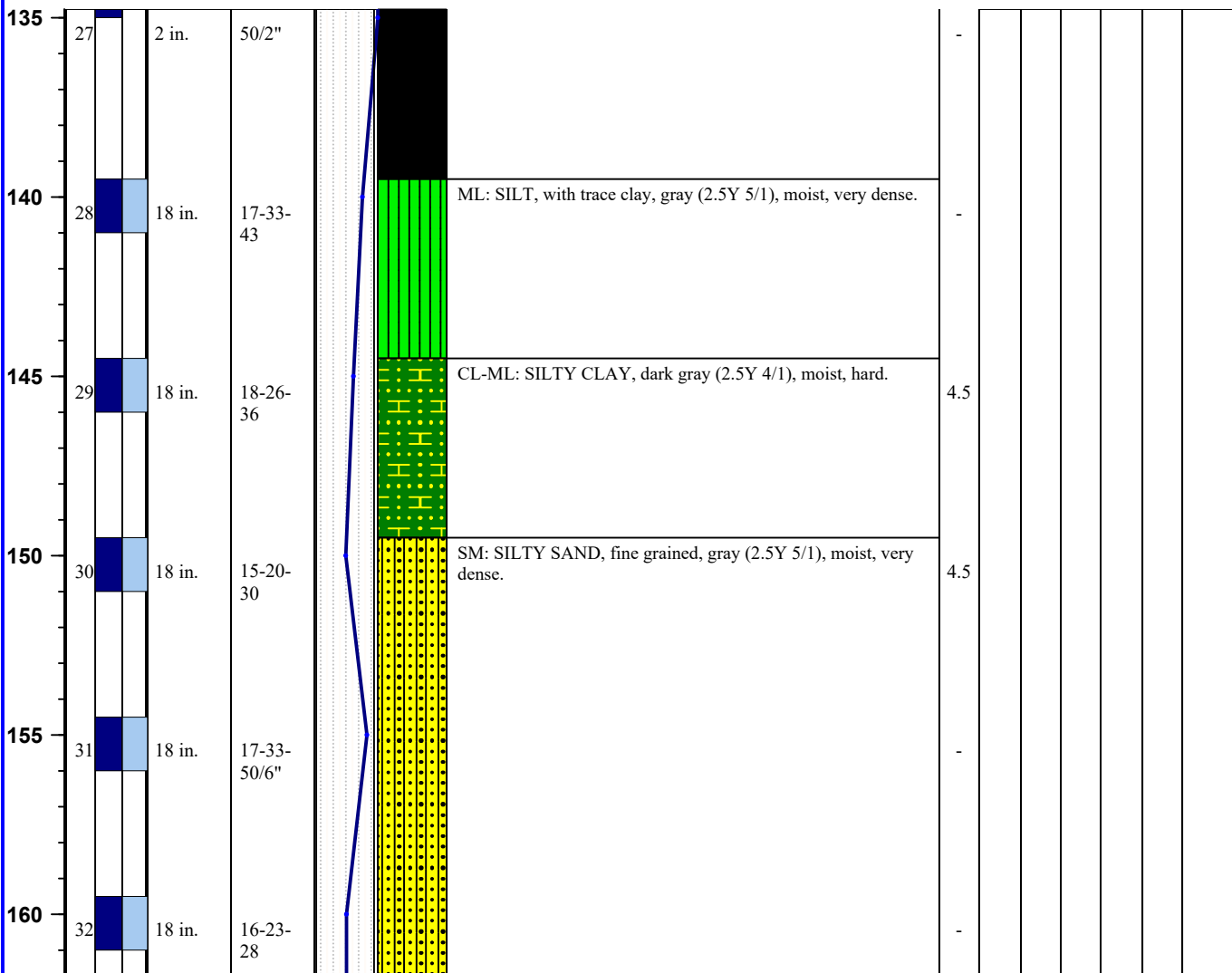
Approximate Water Depth: **24.5 ft.**

Backfill Material: **Portland Cement**

Refusal Depth: **NA**

Abandonment Completion Date: **5/5/19**

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.

NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level

Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)

PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)

M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"

Lon: 103° 4' 39.62"



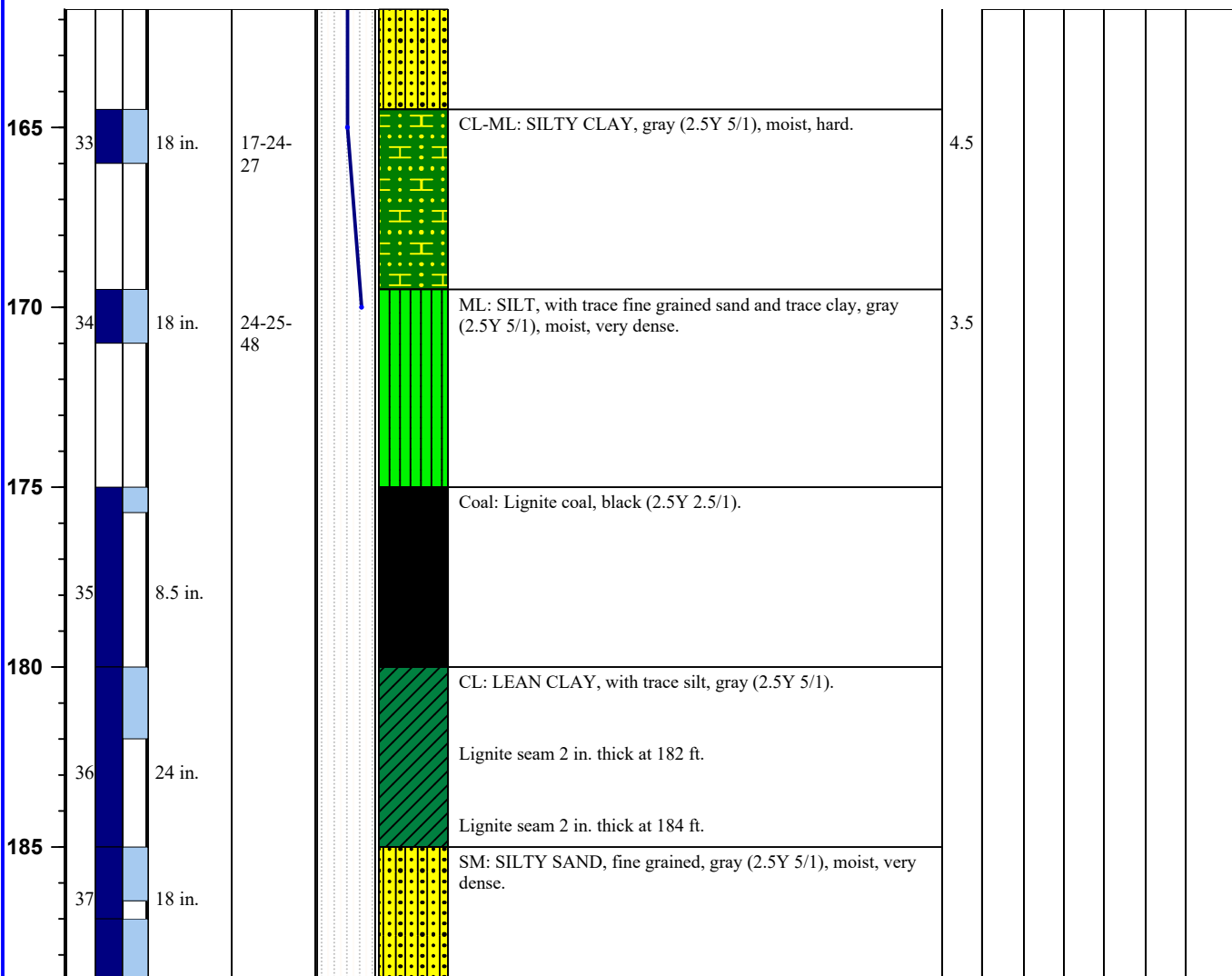
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 7 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation		Client: CCI & Associates Inc.	
Address: NA		GES Job #: 3502056	
County: Williams		GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager		Date Drilled: 5/3/19 through 5/4/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services		Completion Date: 5/5/19	
Drill Operator: Jared Zak		Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)	
Drill Rig Type: Diedrich D50		Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.		Surface Elevation: 1,870 ft. msl	Abandonment Method: Tremie
Total Depth: 372 ft.		Approximate Water Depth: 24.5 ft.	Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"



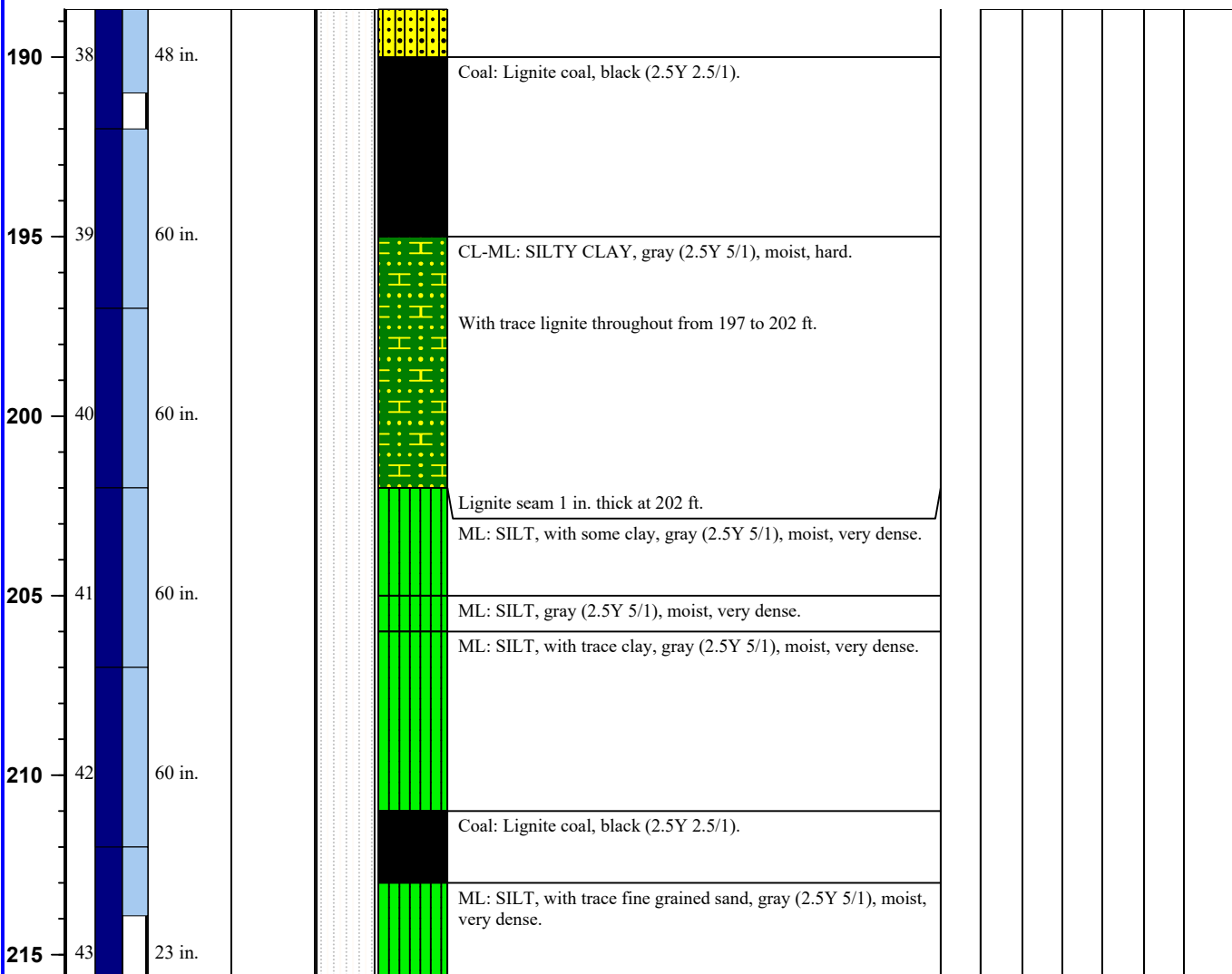
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 8 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation		Client: CCI & Associates Inc.	
Address: NA		GES Job #: 3502056	
County: Williams		GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager		Date Drilled: 5/3/19 through 5/4/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services		Completion Date: 5/5/19	
Drill Operator: Jared Zak		Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)	
Drill Rig Type: Diedrich D50		Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.		Surface Elevation: 1,870 ft. msl	Abandonment Method: Tremie
Total Depth: 372 ft.		Approximate Water Depth: 24.5 ft.	Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"



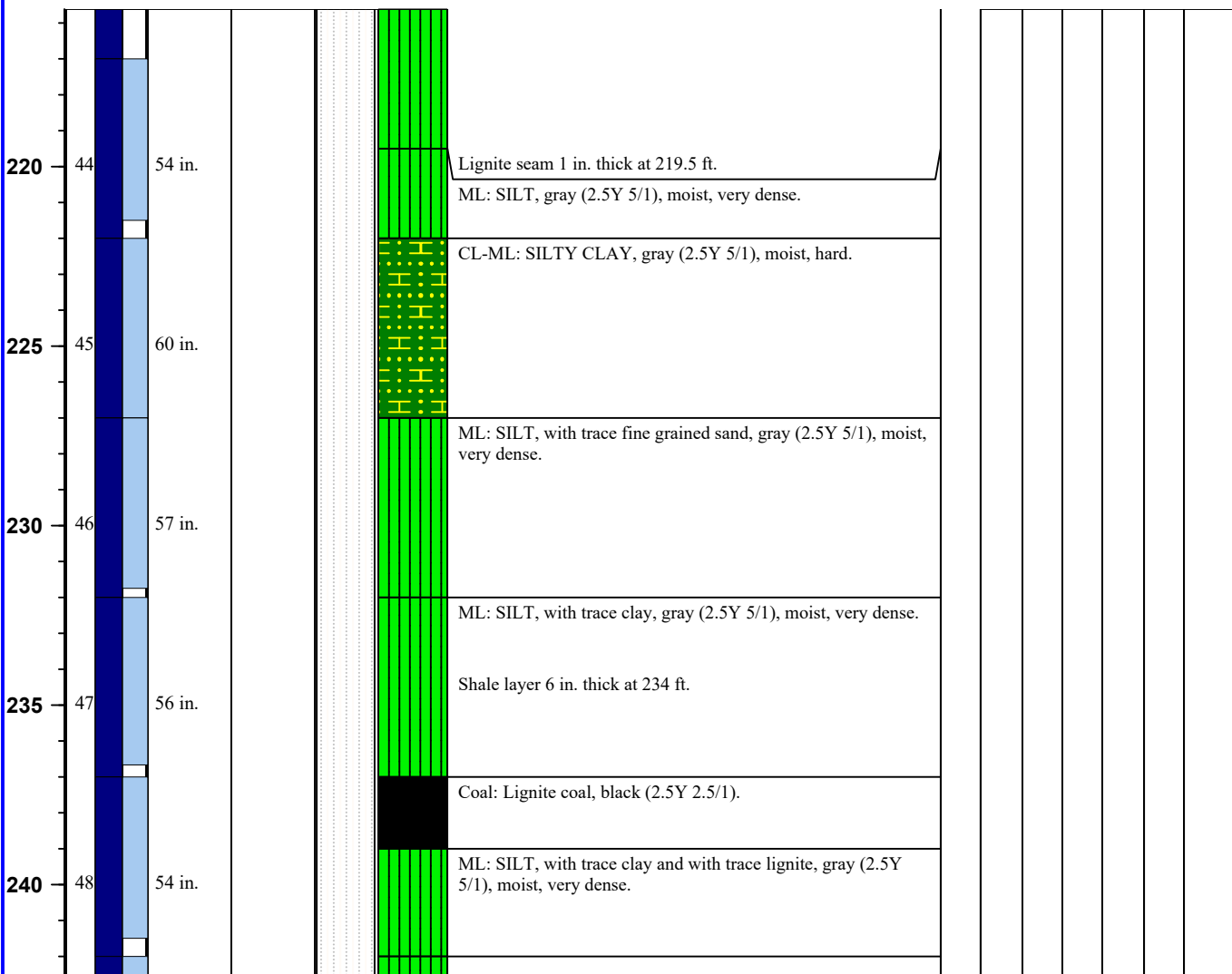
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 9 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation		Client: CCI & Associates Inc.	
Address: NA		GES Job #: 3502056	
County: Williams		GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager		Date Drilled: 5/3/19 through 5/4/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services		Completion Date: 5/5/19	
Drill Operator: Jared Zak		Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)	
Drill Rig Type: Diedrich D50		Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.		Surface Elevation: 1,870 ft. msl	Abandonment Method: Tremie
Total Depth: 372 ft.		Approximate Water Depth: 24.5 ft.	Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

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 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"



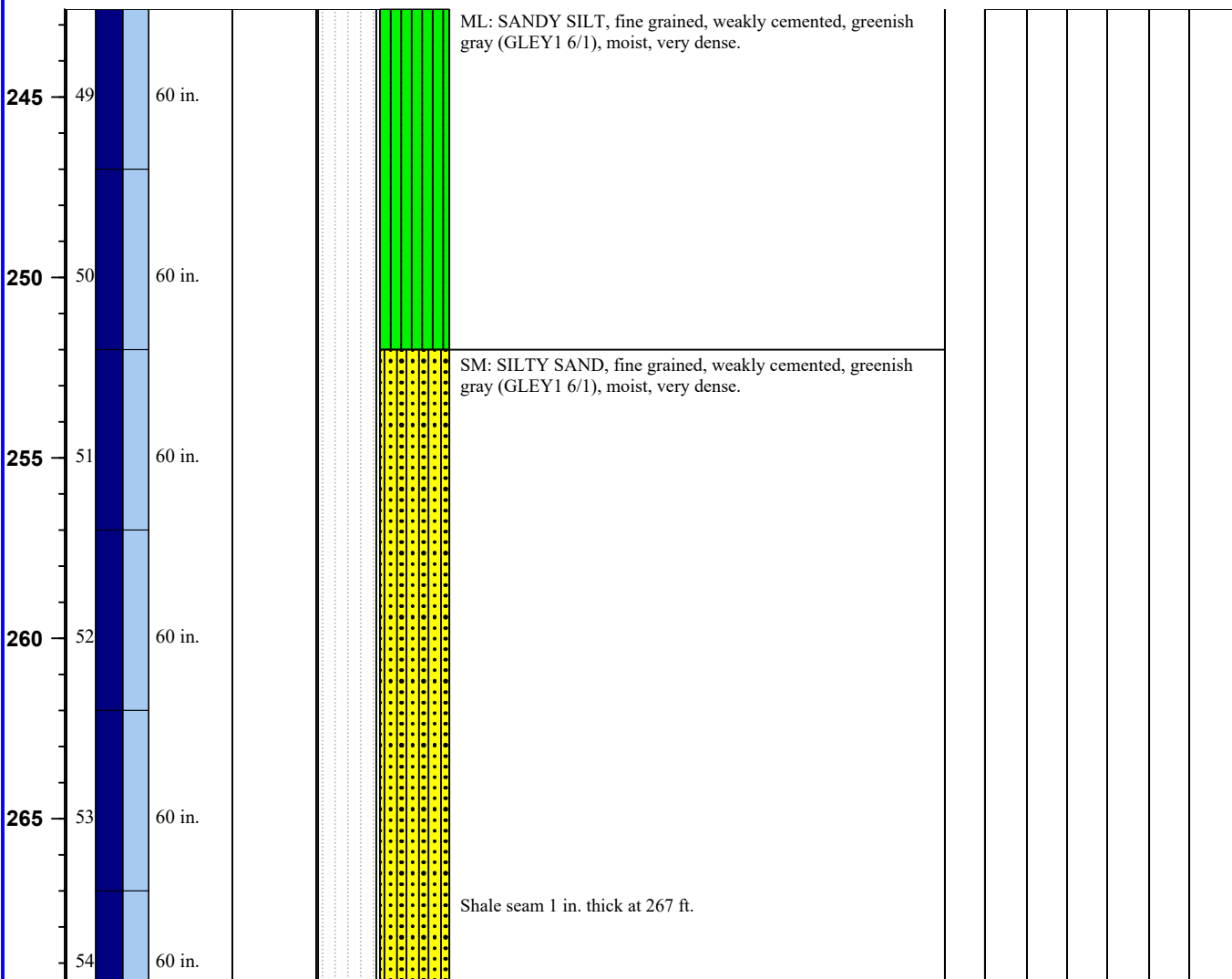
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 10 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation Client: CCI & Associates Inc.		
Address: NA		GES Job #: 3502056
County: Williams		GES Project Mgr: Rob Jenson
Logged By: Nick Schlager	Date Drilled: 5/3/19 through 5/4/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services Completion Date: 5/5/19		
Drill Operator: Jared Zak Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)		
Drill Rig Type: Diedrich D50 Sampling Method: Split Spoon & NQ Rock Core		
Borehole Diameter: 8 in. to 4 in.		Surface Elevation: 1,870 ft. msl Abandonment Method: Tremie
Total Depth: 372 ft.		Approximate Water Depth: 24.5 ft. Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 5/5/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

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 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"



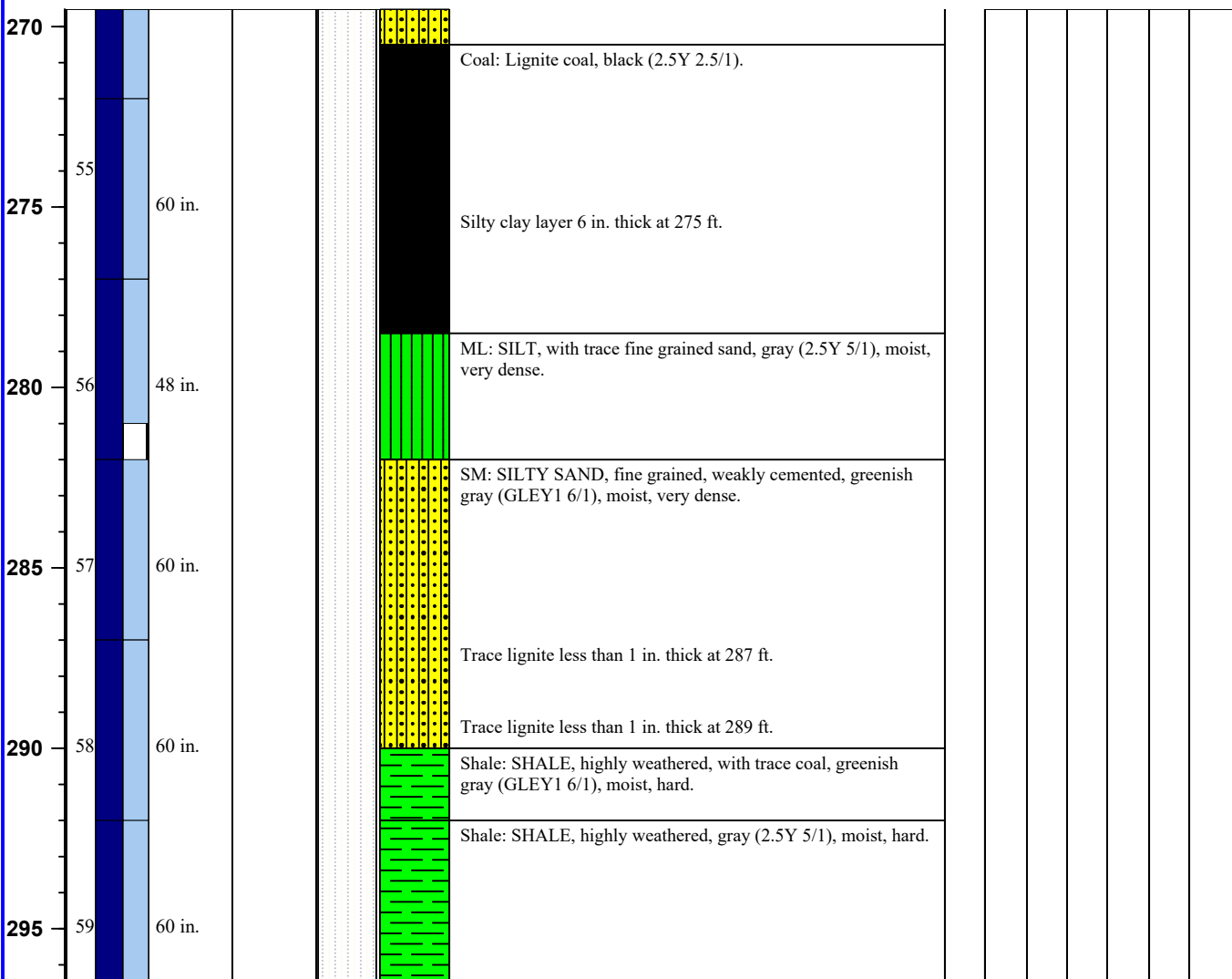
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 11 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation		Client: CCI & Associates Inc.	
Address: NA		GES Job #: 3502056	
County: Williams		GES Project Mgr: Rob Jenson	
Logged By: Nick Schlager		Date Drilled: 5/3/19 through 5/4/19	
Drilling Company: Interstate Drilling Services		Soil Classification System: USCS	
Drill Operator: Jared Zak		Completion Date: 5/5/19	
Drill Rig Type: Diedrich D50		Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)	
		Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.		Surface Elevation: 1,870 ft. msl	
		Abandonment Method: Tremie	
Total Depth: 372 ft.		Approximate Water Depth: 24.5 ft.	
Refusal Depth: NA		Backfill Material: Portland Cement	
		Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"



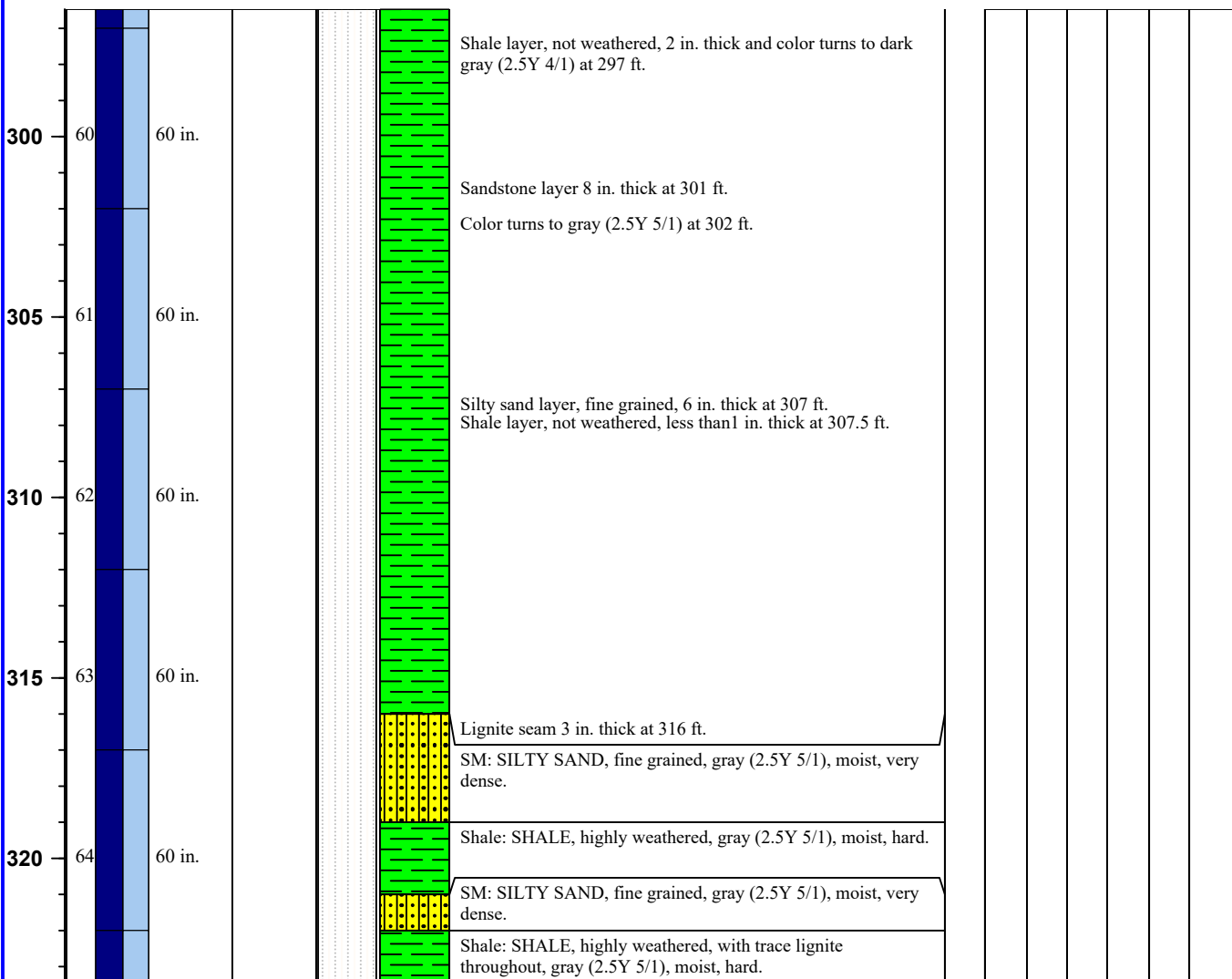
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 12 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation Client: CCI & Associates Inc.		
Address: NA		GES Job #: 3502056
County: Williams		GES Project Mgr: Rob Jenson
Logged By: Nick Schlager	Date Drilled: 5/3/19 through 5/4/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services	Completion Date: 5/5/19	
Drill Operator: Jared Zak	Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)	
Drill Rig Type: Diedrich D50	Sampling Method: Split Spoon & NQ Rock Core	
Borehole Diameter: 8 in. to 4 in.	Surface Elevation: 1,870 ft. msl	Abandonment Method: Tremie
Total Depth: 372 ft.	Approximate Water Depth: 24.5 ft.	Backfill Material: Portland Cement
Refusal Depth: NA	Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"



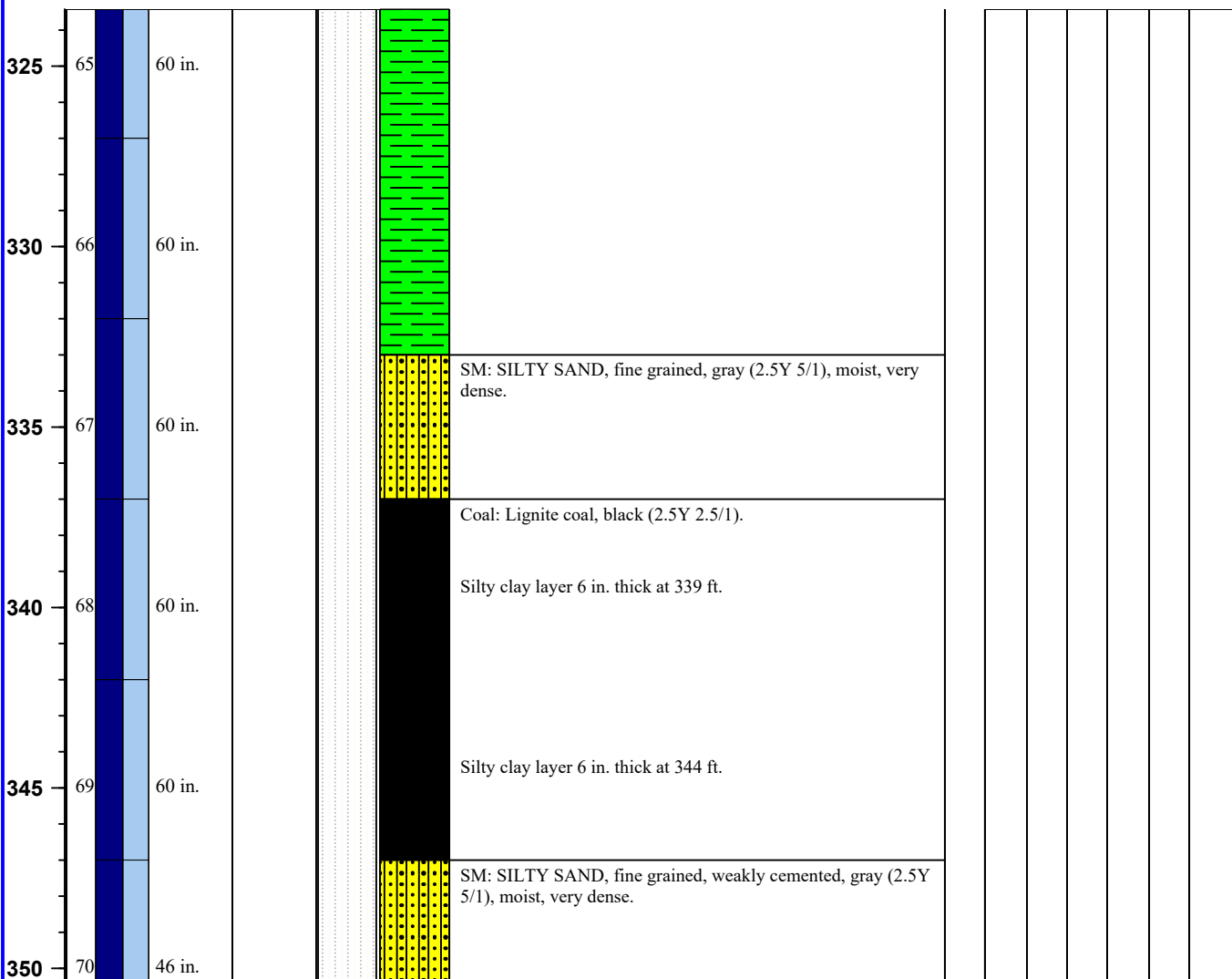
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 13 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation Client: CCI & Associates Inc.		
Address: NA		GES Job #: 3502056
County: Williams		GES Project Mgr: Rob Jenson
Logged By: Nick Schlagel	Date Drilled: 5/3/19 through 5/4/19	Soil Classification System: USCS
Drilling Company: Interstate Drilling Services		Completion Date: 5/5/19
Drill Operator: Jared Zak		Drilling Method: HSA (0 to 65 ft.), Fluid Rotary (65 to 175 ft.), NQ Rock Core (175 to 370 ft.)
Drill Rig Type: Diedrich D50		Sampling Method: Split Spoon & NQ Rock Core
Borehole Diameter: 8 in. to 4 in.		Surface Elevation: 1,870 ft. msl Abandonment Method: Tremie
Total Depth: 372 ft.		Approximate Water Depth: 24.5 ft. Backfill Material: Portland Cement
Refusal Depth: NA		Abandonment Completion Date: 5/5/19

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
 Qp/Qu = unconfined compressive strength (tons / square foot); G = Gravel Content (%)
 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
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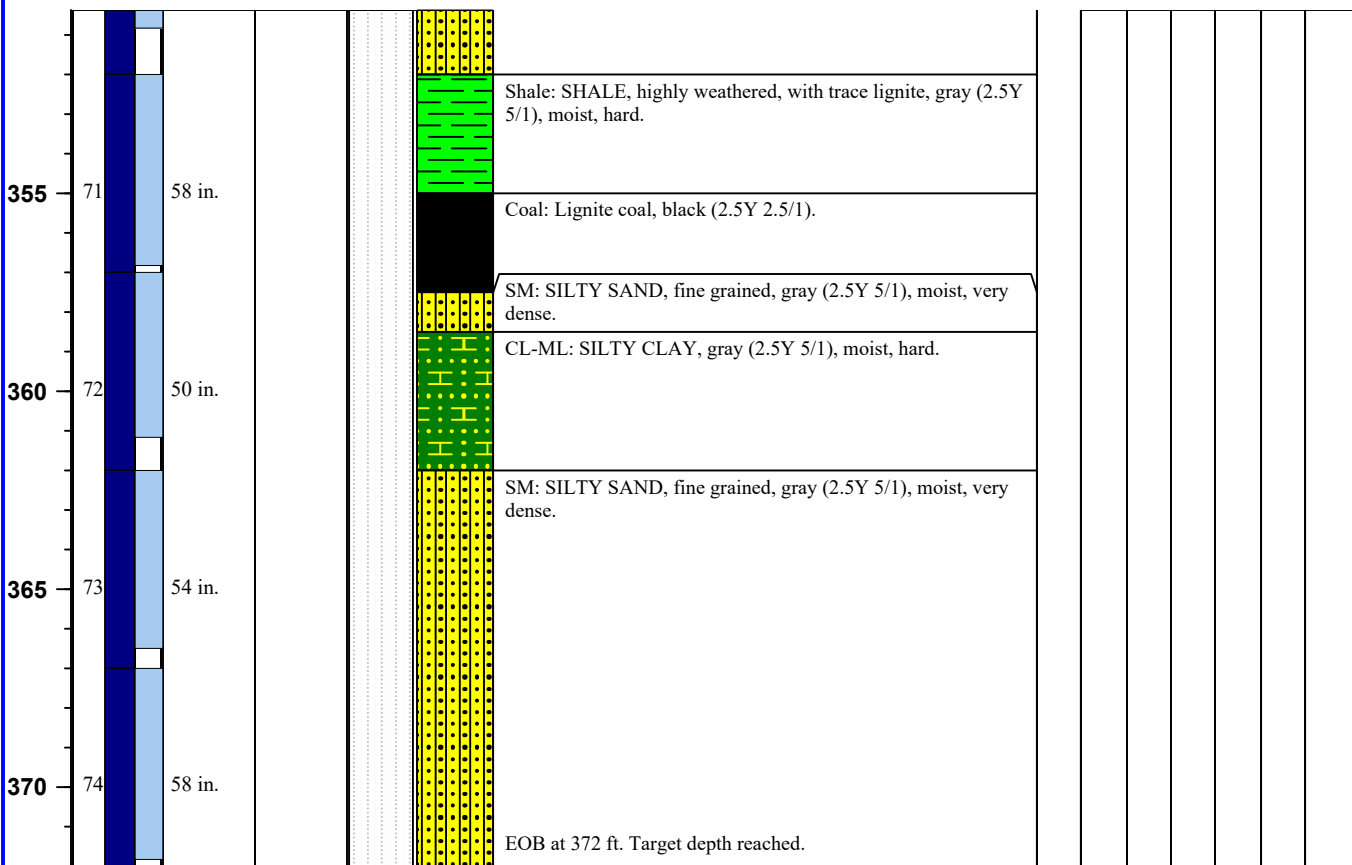
SOIL BORING LOG

Groundwater & Environmental Services, Inc.

ID NO. **LB-3 (DRAFT)** Page 14 of 14

Project: Lake Sakakawea HDD Geotechnical Investigation		Client: CCI & Associates Inc.	
Address: NA		GES Job #: 3502056	
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Refusal Depth: NA		Approximate Water Depth: 24.5 ft.	
		Backfill Material: Portland Cement	
		Abandonment Completion Date: 5/5/19	

Depth (feet)	Sample Interval	Recovery (inches)	Blows / RQD <u>1 100</u>	Geologic Description	Qp /Qu	Atterbergs			G	S	M/C
						PL	LL	PI			



Notes:

Soil Lithologies based on field observations and laboratory analysis.
 NA = not applicable; fbg. = feet below grade; in. = inches; ft. = feet; msl = mean sea level
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 PL = Plastic Limit (%); LL = Liquid Limit (%); PI = Plasticity Index (%); S = Sand Content (%)
 M/C = Silt or Clay Content (%); Blows = blows per 6 inches; RQD = rock quality index (%)

GPS Coordinates

Lat: 48° 9' 22.10"
 Lon: 103° 4' 39.62"

NORTH BAKKEN EXPANSION PROJECT

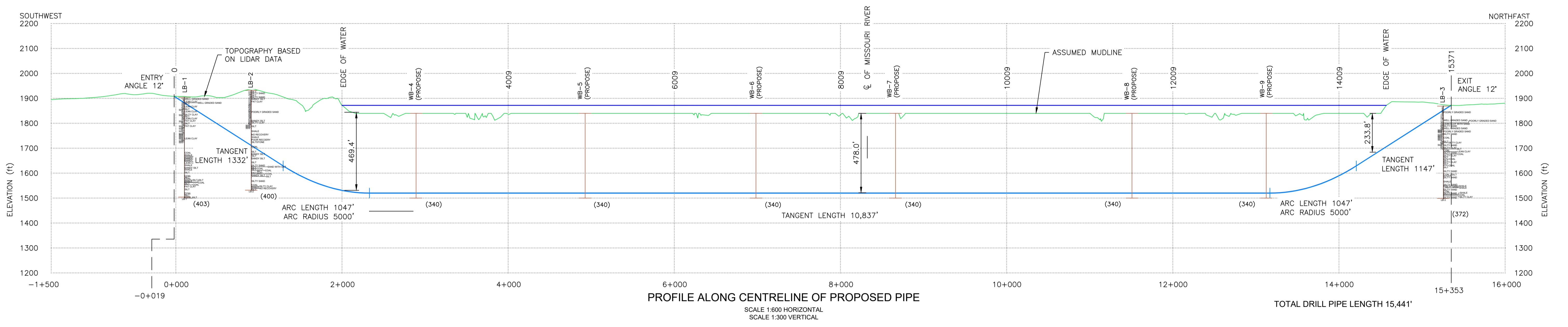
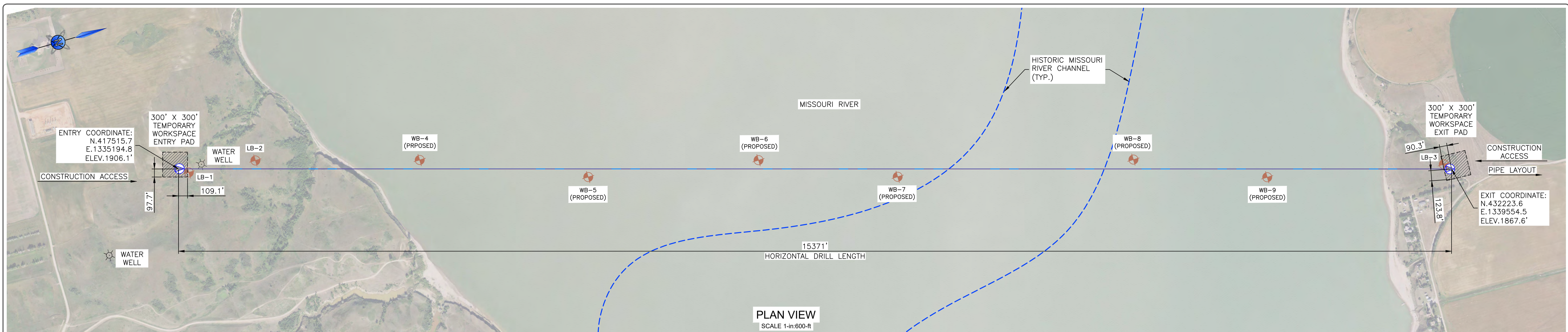
**Horizontal Directional Drill/Guided Bore Drilling Fluid Monitoring and
Operations Plan**

Attachment C

**Draft Detailed Scaled Horizontal Direction Drill Plan and Profile
Drawings**

(Final to be provided with a future draft of this plan)

File Name: S:\Current_Jobs\2386-WBI-N.Bakken_Expansion\Eng_Drawings\01-Loke_Sakakaveon\Missouri_River\2386-EG-0101-E_MS.dwg Date/Time: 30-Oct-19 / 4:42:16 PM Last Saved By: Matthew Smith



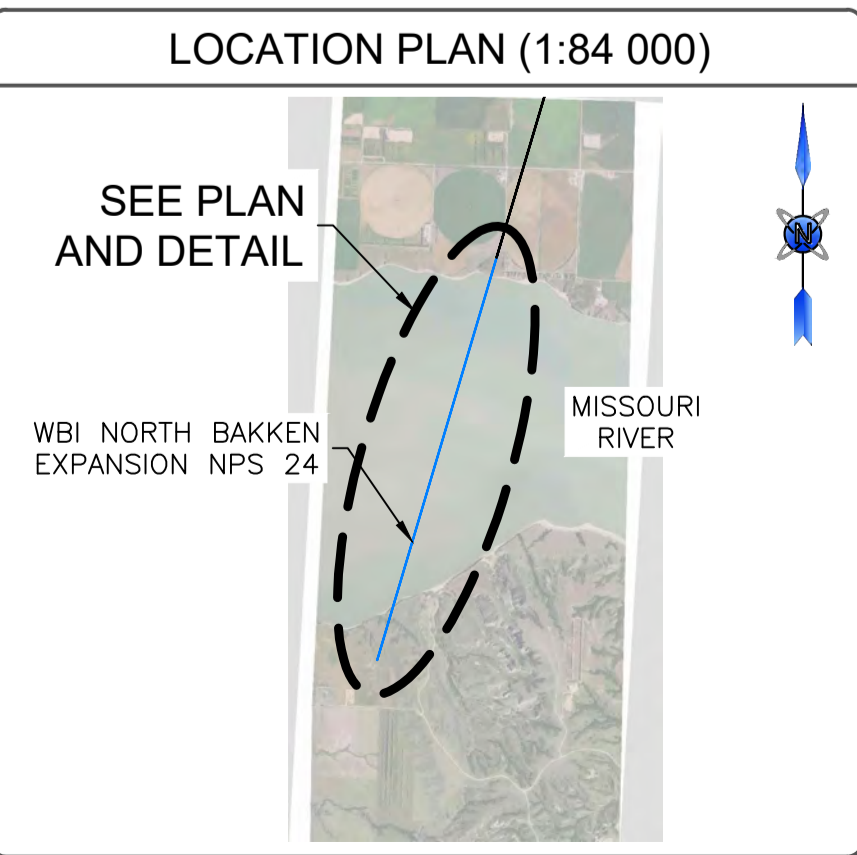
REFERENCE DOCUMENT NO.	DATE
1.	

PRELIMINARY
NOT FOR
CONSTRUCTION

PIPELINE SPECIFICATIONS	
OUTSIDE DIAMETER (OD)(in)	24
WALL THICKNESS (WT)(in)	0.562
GRADE (psi)	70,000
PRODUCT	NATURAL GAS
MATERIAL	STEEL
SPECIFICATIONS	API 5L
INTERNAL COATING	N/A
OUTER COATING	DUAL FBE
MAX. OPER. PRESSURE (psi)	1,480
MIN. TEST PRESSURE (psi)	1,850
MAX. OPER. TEMP (°F)	100
MIN. INSTALLATION TEMP (°F)	23

STEERING TOLERANCES		
30ft	100ft	330ft
MINIMUM RADIUS (ft)	1000	1450
	4500	

PULL FORCE / RIG SIZE / STRESS								
PULL FORCE (w/ BUOYANCY CONTROL):				796,000 lbs (w/sf)				
MINIMUM RECOMMENDED RIG SIZE:				1,000,000 lbs				
COMBINED STRESS UNITY CHECK:				0.74				
OPERATING STRESS				67.6%				
DRAWING STATUS		DATE	DRN	CHK	DES	GEO	APR	CR
PRELIMINARY		2019-10-23	MS		KP			KP
PRELIMINARY		2019-07-25	TL	MAL	KP			KP
PRELIMINARY		2019-06-14	RL		KP			KP
PRELIMINARY		2019-06-11	RL		KP			KP
PRELIMINARY		2019-03-11	AN		CG			KP

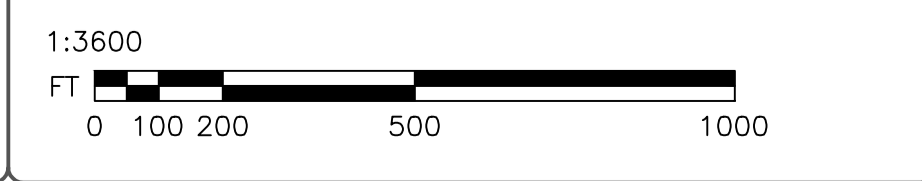
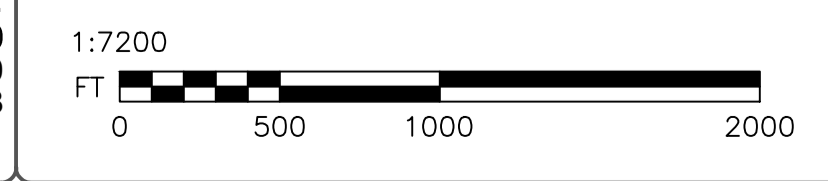


ND83-NF

WBI NORTH BAKKEN EXPANSION PROJECT
MISSOURI RIVER HDD CROSSING
PLAN AND PROFILE
WATFORD CITY / TIOGA, NORTH DAKOTA

SCALE AS SHOWN	DWG. # 2386-EG-0101	REVISION E	SHEET 1 OF 2
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CCI & Associates Inc.
20333 State Highway 249, Suite 480
Houston, TX 77070
COR F-18518



NORTH BAKKEN EXPANSION PROJECT

**Horizontal Directional Drill/Guided Bore Drilling Fluid Monitoring and
Operations Plan**

Attachment D

**Drilling Fluid Additive Safety Datasheets
*(to be provided with a future draft of this plan)***

Attachment 7
Operation and Maintenance Plan



**WBI ENERGY TRANSMISSION, INC.
North Bakken Expansion Project**

Attachment 7

Operation and Maintenance Plan

Draft

February 2020

**WBI ENERGY TRANSMISSION, INC.
NORTH BAKKEN EXPANSION PROJECT**

WBI Energy Transmission, Inc. (WBI Energy) proposes to construct and operate the North Bakken Expansion Project (or Project), which consists of an approximately 61.9-mile-long, new 24-inch-diameter natural gas pipeline from new facilities at WBI Energy's Tioga Compressor Station near Tioga, North Dakota, to a new compressor station (Elkhorn Creek Compressor Station) southeast of Watford City, North Dakota.

The Project also involves construction of approximately 0.3 mile of new 24-inch-diameter natural gas pipeline between the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company, approximately 20.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 25, approximately 9.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 30, approximately 0.5 mile of new 20-inch-diameter receipt lateral to the Tioga Compressor Station, and uprating of WBI Energy's Line Section 25. The Project includes additional horsepower at the Tioga Compressor Station; the installation of new and modifications to existing delivery, receipt and transfer stations along WBI Energy's pipeline routes; the replacement of small segments of pipeline facilities; and the installation of block valves, pig launcher/receiver stations and other associated appurtenances.

The Project will require crossing of the Lake Sakakawea Reservoir, which is managed by the U.S. Army Corps of Engineers (USACE), along with USACE-owned lands adjacent to Lake Sakakawea. WBI Energy proposes to install the natural gas pipeline under Lake Sakakawea and USACE lands using the horizontal directional drill (HDD) construction method, a trenchless method designed to avoid direct impacts to sensitive features. The HDD workspaces will be located adjacent to USACE-owned lands on the north side of the lake, and 840 feet from USACE-owned lands on the south side of Lake Sakakawea. No surface impact to USACE lands is anticipated for this Project during installation and operation of the pipeline; all temporary surface impacts will be located outside of USACE lands. Access in the area of the proposed HDD will be along public and private roads.

WBI Energy has acquired [insert contractor name once available] to perform the horizontal direction drilling operations for installation of the pipeline beneath Lake Sakakawea. Two drilling rigs will be used (both on private land), located on either side of Lake Sakakawea. The drilling rigs will be installed on matting and minimal surface disturbance outside of the proposed drill box locations is anticipated to occur. No excavation will occur on USACE lands and no tracked equipment will be used on USACE lands.

WBI Energy shall manage the operation and maintenance of the Project by implementing the WBI Energy Transmission Gas System Operations and Maintenance Manual. This manual will be updated to include specifics related to the operations and maintenance of the crossing of Lake Sakakawea and proper notifications to the U.S. Army Corps of Engineers. A copy of this plan will be provided to the U.S. Army Corps of Engineers for review at a later date.

Attachment 8

Reclamation and Monitoring Plan



WBI ENERGY TRANSMISSION, INC.

North Bakken Expansion Project

Attachment 8

Reclamation and Monitoring Plan

Draft

February 2020

**WBI ENERGY TRANSMISSION, INC.
NORTH BAKKEN EXPANSION PROJECT
RECLAMATION AND MONITORING PLAN**

WBI Energy Transmission, Inc. (WBI Energy) proposes to construct and operate the North Bakken Expansion Project (or Project), which consists of an approximately 61.9-mile-long, new 24-inch-diameter natural gas pipeline from new facilities at WBI Energy's Tioga Compressor Station near Tioga, North Dakota, to a new compressor station (Elkhorn Creek Compressor Station) southeast of Watford City, North Dakota.

The Project also involves construction of approximately 0.3 mile of new 24-inch-diameter natural gas pipeline between the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company, approximately 20.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 25, approximately 9.4 miles of new 12-inch-diameter natural gas pipeline looping along WBI Energy's Line Section 30, approximately 0.5 mile of new 20-inch-diameter receipt lateral to the Tioga Compressor Station, and uprating of WBI Energy's Line Section 25. The Project includes additional horsepower at the Tioga Compressor Station; the installation of new and modifications to existing delivery, receipt and transfer stations along WBI Energy's pipeline routes; the replacement of small segments of pipeline facilities; and the installation of block valves, pig launcher/receiver stations and other associated appurtenances.

The Project will require crossing of the Lake Sakakawea Reservoir, which is managed by the U.S. Army Corps of Engineers (USACE), along with USACE-owned lands adjacent to Lake Sakakawea. WBI Energy proposes to install the natural gas pipeline under Lake Sakakawea and USACE lands using the horizontal directional drill (HDD) construction method, a trenchless method designed to avoid direct impacts to sensitive features. The HDD workspaces will be located adjacent to USACE-owned lands on the north side of the lake, and 840 feet from USACE-owned lands on the south side of Lake Sakakawea. No surface impact to USACE lands is anticipated for this Project during installation and operation of the pipeline; all temporary surface impacts will be located outside of USACE lands. Access in the area of the proposed HDD will be along public and private roads.

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No excavation will occur on USACE lands and no tracked equipment will be used on USACE lands. In the advent of an inadvertent return on federal lands, WBI Energy will implement the measures outlined in the Horizontal Direction Drill/Guided Bore Drilling Fluid Monitoring and Operations Plan filed with the Section 408 Application. This plan is currently in a draft format and will continue to be updated as additional information is available from bore contractors and the results of the over-water geotechnical survey work to be completed in the spring of 2020. An updated plan will be submitted to USACE for review and comment.

Based on the technical analysis completed to date, WBI Energy does not anticipate an inadvertent return of drilling fluid into Lake Sakakawea. In the unlikely event of an inadvertent return of drilling fluid within Lake Sakakawea, WBI Energy would implement emergency

procedures outlined in their Emergency Response Plan and Horizontal Direction Drill/Guided Bore Drilling Fluid Monitoring and Operations Plan. Notifications would be made to the appropriate federal and state contacts within one hour of identification. Specialized crews would mobilize and deploy appropriate turbidity curtains to contain the release to the smallest impact.

In the absence of an inadvertent return on USACE lands, WBI Energy is requesting that the post-construction monitoring requirement be waived on USACE lands. No surface improvements (e.g., fencing, recreation facilities) will be impacted by the proposed Project. Should an inadvertent return occur on USACE lands, WBI Energy would restore the affected area in coordination with the USACE Garrison Project office.

On lands impacted by typical pipeline construction (outside of the HDD path) WBI Energy will restore Project work areas to pre-construction conditions as required in the Federal Energy Regulatory Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures* which have been provided for reference as attachments to the Erosion and Sediment Control Plan included for the Project. No land disturbance occurring on USACE land is anticipated to occur, however in the unlikely event of an inadvertent return, any land disturbance occurring on USACE land will be restored and revegetated in coordination with USACE requirements.

Attachment 9
Risk Assessment



**WBI ENERGY TRANSMISSION, INC.
North Bakken Expansion Project**

Attachment 9

Risk Assessment Plan

Draft

February 2020

**WBI ENERGY TRANSMISSION, INC.
NORTH BAKKEN EXPANSION PROJECT
RISK ASSESSMENT PLAN**

1.0 PROJECT DESCRIPTION

WBI Energy Transmission, Inc. (WBI Energy) proposes to construct and operate the North Bakken Expansion Project (or Project), which consists of an approximately 61.9-mile-long, new 24-inch-diameter natural gas pipeline from new facilities at WBI Energy's Tioga Compressor Station near Tioga, North Dakota, to a new compressor station (Elkhorn Creek Compressor Station) southeast of Watford City, North Dakota.

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2.0 RISK ASSESSMENT OVERVIEW

A Risk Assessment Plan will be provided to the USACE in a subsequent draft of the 408 Permit Application once an HDD contractor has been selected. An outline of what will be included in this plan is provided below.

- Pipeline Design
 - Regulatory Framework
 - Project Design Specifications
 - WBI Energy's Safety Record
- Construction and Installation Risks
 - Construction Methodology
 - Project Location
 - Drilling

- Pullback Location
- Operation and Maintenance of the Pipeline
- Abandonment and Decommissioning of the Pipeline

Ashley Bromberg

From: Ashley Bromberg
Sent: Wednesday, April 1, 2020 3:11 PM
To: Horner, Laura M.
Subject: RE: Floodplain development permit

Thanks Laura, that's really helpful!

Best,

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Horner, Laura M. <lmhorner@nd.gov>
Sent: Wednesday, April 1, 2020 2:32 PM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: Re: Floodplain development permit

Ashley,

From what I see from the project map, you will need to seek out a Floodplain Development permit from the City of Tioga and Williams County. The other reaches do not have any mapped regulatory floodplains mapped that I was able to find.

Thanks,

Laura Horner, CFM

North Dakota RiskMAP Coordinator

Regulatory Division

701.328.2759 • 701.328.3696 (fax) • lmhorner@nd.gov • www.swc.nd.gov

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Dakota | Water Commission & State Engineer
Be Legendary.™

701.328.2750 • swc@nd.gov • mapservice.swc.nd.gov • 900 East Boulevard Avenue • Bismarck, ND 58505



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Date: Wednesday, April 1, 2020 at 12:58 PM
To: "Horner, Laura M." <lmhorner@nd.gov>
Subject: RE: Floodplain development permit

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

No problem, see attached jpg map.

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Horner, Laura M. <lmhorner@nd.gov>
Sent: Wednesday, April 1, 2020 10:54 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: Re: Floodplain development permit

Ashley,

I am sorry, but today I am working from home and do not have the setup to view a .kmz file. Would you be able to grab a screenshot or save it as a .pdf or .picture file?

Sorry for being difficult,

Laura Horner, CFM

*North Dakota RiskMAP Coordinator
Regulatory Division*

701.328.2759 • 701.328.3696 (fax) • lmhorner@nd.gov • www.swc.nd.gov



701.328.2750 • swc@nd.gov • mapservice.swc.nd.gov • 900 East Boulevard Avenue • Bismarck, ND 58505



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Date: Wednesday, April 1, 2020 at 12:49 PM
To: "Horner, Laura M." <lmhorner@nd.gov>
Subject: RE: Floodplain development permit

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Laura,

Please see the attached kmz file of the proposed project centerline.

Thanks,

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Horner, Laura M. <lmhorner@nd.gov>
Sent: Wednesday, April 1, 2020 10:47 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: Re: Floodplain development permit

Hello Ashley,

Would you be able to provide me a site map for the project?

Laura Horner, CFM

*North Dakota RiskMAP Coordinator
Regulatory Division*

701.328.2759 • 701.328.3696 (fax) • lmhorner@nd.gov • www.swc.nd.gov

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Dakota** | **Water Commission & State Engineer**
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ND 58505



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Date: Wednesday, April 1, 2020 at 12:32 PM
To: "Horner, Laura M." <lmhorner@nd.gov>
Subject: Floodplain development permit

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Laura,

I have been in contact with Williams, McKenzie, Mountrail, and Burke counties regarding floodplain development permit requirements for construction of a natural gas pipeline through those counties. The project would also involve a bore crossing of Lake Sakakawea. I've determined that Williams County is the only county with a floodplain permit requirement. I wanted to check with you that this is correct, and if there are any other floodplain permit requirements you are aware of that may be triggered by this project.

Thank you,

Ashley Bromberg

Consultant I, Scientist

Environmental Resources Management (ERM)

1050 SW 6th Ave Suite 1650 | Portland, OR 97204

M +1 253-229-4255 | T +1 971-279-6679

W www.erm.com



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Please visit ERM's web site: <http://www.erm.com>. To find out how ERM manages personal data, please review our [Privacy Policy](#)

Lisa DiNicolantonio

From: Andrea Thornton
Sent: Tuesday, May 12, 2020 2:25 PM
To: Persinger, Ashley C.
Cc: Heiser, Gerald R.
Subject: RE: Sovereign Land Application Update

Thank you for the update Ashley, it was a pleasure working with you as well.

Gerald – I will keep you in the loop regarding the schedule for submitting updated information for the Sovereign Land Permit based on the results of the geotech work. If you could please keep us informed of the discussions surrounding a potential scour analysis that would be helpful.

Thank you,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Tuesday, May 12, 2020 12:58 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Heiser, Gerald R. <gheiser@nd.gov>
Subject: Re: Sovereign Land Application Update

Hey Andrea,

The need for a scour is still being discussed. That's good news on the Geotech, keep us posted. Just another update I will be passing this project onto my supervisor Mr. Gerald Heiser, Sovereign Land Manger for the solicitation process and management going forward. I accepted a new position and my last day with the SWC is this upcoming Friday.

It was a pleasure to work with you and best of luck on your project,

Ashley C. Persinger
Sovereign Land Specialist

701.328.4988 • 701.328.3696 (fax) • apersinger@nd.gov • www.swc.nd.gov



From: Andrea Thornton <Andrea.Thornton@erm.com>
Date: Monday, May 11, 2020 at 5:08 PM
To: Ashley Persinger <apersinger@nd.gov>
Subject: RE: Sovereign Land Application Update

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Ashley –

I hope all is well with you. I wanted to check in to see if there were any updates on the need for a scour analysis for the North Bakken Expansion Project. The geotech work in the lake is currently underway and we will provide you with update information based on those bores once the information is in hand.

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Friday, March 27, 2020 9:31 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: Re: Sovereign Land Application Update

Thanks Andrea. I will begin review of this next week and get you a project number. Discussions on the need for a scour analysis will continue and I will let you know any developments on that front asap. Just FYI our State Engineer is retiring on Tuesday. Our Deputy State Engineer will continue as interim until the position is filled by the Governor.

Ashley C. Persinger

Sovereign Land Specialist

701.328.4988 • 701.328.3696 (fax) • apersinger@nd.gov • www.swc.nd.gov



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From: Andrea Thornton <Andrea.Thornton@erm.com>

Date: Friday, March 27, 2020 at 9:37 AM

To: Ashley Persinger <apersinger@nd.gov>

Subject: RE: Sovereign Land Application Update

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Ashley –

I submitted the Sovereign Land Permit this morning via email (sovereignlands@nd.gov). As we've discussed, we will continue to send you more information on the crossing and updated plans once the geotech work on the lake is completed. This work is currently scheduled to start at the end of April. The location/depth of the crossing is not expected to change. Any preliminary information that you can provide on the need for a scour analysis would be appreciated. Based on the information in the criteria provided on the application form, it still sounds like it would not apply for the project

Please reach out if you have any questions or concerns. I'm going to be taking a couple of days off but will still be checking in.

I hope you have a good weekend,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Friday, March 20, 2020 12:59 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Heiser, Gerald R. <gheiser@nd.gov>
Subject: Re: Sovereign Land Application Update

Hi Andrea. Thanks for the update! For now our state offices are closed to the public and a great majority of staff, including myself and my direct supervisor Jerry, fully transitioned to remote work. I will be able to check voicemails remotely, but that yet has to be set-up. For now email is the best way to get connected with us.

That's good to hear on your application. We are looking forward to getting that project going here. I'm looking into the size limit question on the emails and will get back to you on that.

We are not anticipating changes in review timeframes at this point. We will be pushing document review in the same systems and they seem to be working on point remotely.

Ashley C. Persinger
Sovereign Land Specialist

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Date: Friday, March 20, 2020 at 12:02 PM
To: Ashley Persinger <apersinger@nd.gov>
Subject: Sovereign Land Application Update

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Hi Ashley –

I hope you and your family are doing well in this interesting time we are in. I wanted to let you know that I will be working from home full time for the foreseeable future as ERM has temporarily closed all of our offices in North America. Are your offices still open? We are still on track for submitting the Sovereign Land Application this month. Do you know if there is a file size limit for the sovereignlands@nd.gov email submittal?

While I know we are in uncharted waters here, I wanted to see if you had any insights on changes in review time periods given our current situation. Any information that you may have would be helpful.

Thank you and I hope you have a good weekend.

-Andrea

Andrea Thornton
Principal Consultant

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1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Wednesday, February 12, 2020 9:32 AM
To: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: Re: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

Hi Dawn,

Thanks for the presentation today. The slides will be helpful for future reference as I have done lots of pipelines in state but never crossing state lines. Just confirming that the Water Commission does not need to be a cooperating agency. Our sovereign land permit process and application will give us all the information we need on the crossing of Lake Sakakawea. Andrea and I have been working towards submittal of the sovereign land application for the pipeline crossing. We will be kicking off that process in March which takes average about 90 days.

Andrea thanks for the message yesterday I did receive it this morning before the call. All sounds like we are on track. Discussions happening internally here about the scour analysis policy. Everyone will be in the loop when your application arrives here.

Ashley C. Persinger
Sovereign Land Specialist

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From: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Date: Wednesday, February 12, 2020 at 8:49 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>, "Renschler, Jason J CIV USARMY CENWO (USA)" <Jason.J.Renschler@usace.army.mil>, "Thury, Jeremy J CIV USARMY CENWO (USA)" <Jeremy.J.Thury@usace.army.mil>, "[jessica n johnson@fws.gov](mailto:jessica_n_johnson@fws.gov)" <jessica_n_johnson@fws.gov>, "[jerry reinisch@fws.gov](mailto:jerry_reinisch@fws.gov)" <jerry_reinisch@fws.gov>, "Jackson, Seth" <sajackson@blm.gov>, "Bickerdyke, Cale E -FS" <cale.bickerdyke@usda.gov>, "Grotte, Kim -FS" <kim.grotte@usda.gov>, "Wax, Peter N." <pwax@nd.gov>, Tina Lyons <Tina.Lyons@erm.com>, "Linn, Dave" <Dave.Linn@WBIEnergy.com>, "Linn, Jill" <Jill.Linn@wbienergy.com>, "Huncovsky, Greg" <Greg.Huncovsky@WBIEnergy.com>, "Myerchin, Lori" <Lori.Myerchin@WBIEnergy.com>, "Lueder, Gay Lynn" <GayLynn.Lueder@WBIEnergy.com>, "Stennes, David" <David.Stennes@WBIEnergy.com>, "Stefka, Kyle" <Kyle.Stefka@WBIEnergy.com>, Ashley Persinger <apersinger@nd.gov>
Cc: "Morris, Michael P CIV USARMY CENWO (USA)" <Michael.P.Morris@usace.army.mil>, "Wallace, Arthur L Jr CIV USARMY CENWO (US)" <A.Luke.Wallace@usace.army.mil>, "Rogers, Richard R II CIV USARMY CENWO (US)" <Richard.R.Rogers@usace.army.mil>, "ekraft@blm.gov" <ekraft@blm.gov>, Shannon Crosley <Shannon.Crosley@ferc.gov>, "Riely, Debbie - FS" <debbie.riely@usda.gov>, "Kenninger, Kate - FS" <Kate.Kenninger@usda.gov>
Subject: RE: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

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--

Good morning everyone,

Attached is the FERC process presentation we will be going over during the call today, along with some guidance for federal and state agencies involved in FERC natural gas projects.

Thanks,
Dawn

Dawn Ramsey
Federal Energy Regulatory Commission
Dawn.Ramsey@ferc.gov
202-502-6856

-----Original Appointment-----

From: Andrea Thornton <Andrea.Thornton@erm.com>
Sent: Wednesday, August 14, 2019 10:04 AM
To: Andrea Thornton; Renschler, Jason J CIV USARMY CENWO (USA); Thury, Jeremy J CIV USARMY CENWO (USA); jessica_n_johnson@fws.gov; jerry_reinisch@fws.gov; Jackson, Seth; Bickerdyke, Cale E -FS; Grotte, Kim -FS; Wax, Peter N.; Tina Lyons; Linn, Dave; Linn, Jill; Huncovsky, Greg; Myerchin, Lori; Lueder, Gay Lynn; Stennes, David; Stefka, Kyle; Persinger, Ashley C.
Cc: Dawn Ramsey; Morris, Michael P CIV USARMY CENWO (USA); Wallace, Arthur L Jr CIV USARMY CENWO (US); Rogers, Richard R II CIV USARMY CENWO (US); ekraft@blm.gov; Shannon Crosley; Riely, Debbie - FS; Kenninger, Kate - FS
Subject: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call
When: Wednesday, February 12, 2020 8:00 AM-9:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting
Importance: High

Hello Everyone –

As we discussed on our January 29, 2020 bi-weekly call, the last North Bakken Expansion Project pre-filing call will be on February 12th. In addition to the standard information we have been providing on these calls, FERC will be providing an overview of the FERC process moving forward once WBI Energy’s application is filed. Additionally we will be doing an overview of agency comments on the preliminary draft of the applicant prepared EA. We have extended the duration of the call from 1 hour to 1.5 hours to include this additional information.

We encourage all agencies to attend this call! Please let us know if there are any questions.

-Andrea

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Lisa DiNicolantonio

From: Andrea Thornton
Sent: Monday, June 8, 2020 3:09 PM
To: Heiser, Gerald R.
Subject: RE: Sovereign Land Application Update

Hi Gerald –

Are there any updates on the potential need for a scour analysis for the North Bakken Expansion Project, or a timeframe as to when this information will be available?

Thanks,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Tuesday, May 12, 2020 12:58 PM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Cc: Heiser, Gerald R. <gheiser@nd.gov>
Subject: Re: Sovereign Land Application Update

Hey Andrea,

The need for a scour is still being discussed. That's good news on the Geotech, keep us posted. Just another update I will be passing this project onto my supervisor Mr. Gerald Heiser, Sovereign Land Manger for the solicitation process and management going forward. I accepted a new position and my last day with the SWC is this upcoming Friday.

It was a pleasure to work with you and best of luck on your project,

Ashley C. Persinger
Sovereign Land Specialist

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From: Andrea Thornton <Andrea.Thornton@erm.com>
Date: Monday, May 11, 2020 at 5:08 PM
To: Ashley Persinger <apersinger@nd.gov>
Subject: RE: Sovereign Land Application Update

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Hi Ashley –

I hope all is well with you. I wanted to check in to see if there were any updates on the need for a scour analysis for the North Bakken Expansion Project. The geotech work in the lake is currently underway and we will provide you with update information based on those bores once the information is in hand.

Thanks again,
Andrea

Andrea Thornton
Principal Consultant

Environmental Resources Management (ERM)
1050 SW 6th Avenue, Suite 1650 | Portland, Oregon | 97204
M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Friday, March 27, 2020 9:31 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: Re: Sovereign Land Application Update

Thanks Andrea. I will begin review of this next week and get you a project number. Discussions on the need for a scour analysis will continue and I will let you know any developments on that front asap. Just FYI our State Engineer is retiring on Tuesday. Our Deputy State Engineer will continue as interim until the position is filled by the Governor.

Ashley C. Persinger
Sovereign Land Specialist



From: Andrea Thornton <Andrea.Thornton@erm.com>
Date: Friday, March 27, 2020 at 9:37 AM
To: Ashley Persinger <apersinger@nd.gov>
Subject: RE: Sovereign Land Application Update

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Thank you and I hope you have a good weekend.

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M 503-459-6864
E andrea.thornton@erm.com | **W** www.erm.com

From: Persinger, Ashley C. <apersinger@nd.gov>
Sent: Wednesday, February 12, 2020 9:32 AM
To: Dawn Ramsey <Dawn.Ramsey@ferc.gov>
Cc: Andrea Thornton <Andrea.Thornton@erm.com>
Subject: Re: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

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Date: Wednesday, February 12, 2020 at 8:49 AM
To: Andrea Thornton <Andrea.Thornton@erm.com>, "Renschler, Jason J CIV USARMY CENWO (USA)" <Jason.J.Renschler@usace.army.mil>, "Thury, Jeremy J CIV USARMY CENWO (USA)"

<Jeremy.J.Thury@usace.army.mil>, "[jessica n johnson@fws.gov](mailto:jessica_n_johnson@fws.gov)" <jessica_n_johnson@fws.gov>, "[jerry reinisch@fws.gov](mailto:jerry_reinisch@fws.gov)" <jerry_reinisch@fws.gov>, "Jackson, Seth" <sajackson@blm.gov>, "Bickerdyke, Cale E -FS" <cale.bickerdyke@usda.gov>, "Grotte, Kim -FS" <kim.grotte@usda.gov>, "Wax, Peter N." <pwax@nd.gov>, Tina Lyons <Tina.Lyons@erm.com>, "Linn, Dave" <Dave.Linn@WBIEnergy.com>, "Linn, Jill" <Jill.Linn@wbienergy.com>, "Huncovsky, Greg" <Greg.Huncovsky@WBIEnergy.com>, "Myerchin, Lori" <Lori.Myerchin@WBIEnergy.com>, "Lueder, Gay Lynn" <GayLynn.Lueder@WBIEnergy.com>, "Stennes, David" <David.Stennes@WBIEnergy.com>, "Stefka, Kyle" <Kyle.Stefka@WBIEnergy.com>, Ashley Persinger <apersinger@nd.gov>

Cc: "Morris, Michael P CIV USARMY CENWO (USA)" <Michael.P.Morris@usace.army.mil>, "Wallace, Arthur L Jr CIV USARMY CENWO (US)" <A.Luke.Wallace@usace.army.mil>, "Rogers, Richard R II CIV USARMY CENWO (US)" <Richard.R.Rogers@usace.army.mil>, "ekraft@blm.gov" <ekraft@blm.gov>, Shannon Crosley <Shannon.Crosley@ferc.gov>, "Riely, Debbie - FS" <debbie.riely@usda.gov>, "Kenninger, Kate - FS" <Kate.Kenninger@usda.gov>

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Thanks,
Dawn

Dawn Ramsey

Federal Energy Regulatory Commission

Dawn.Ramsey@ferc.gov

202-502-6856

-----Original Appointment-----

From: Andrea Thornton <Andrea.Thornton@erm.com>

Sent: Wednesday, August 14, 2019 10:04 AM

To: Andrea Thornton; Renschler, Jason J CIV USARMY CENWO (USA); Thury, Jeremy J CIV USARMY CENWO (USA); jessica_n_johnson@fws.gov; jerry_reinisch@fws.gov; Jackson, Seth; Bickerdyke, Cale E -FS; Grotte, Kim -FS; Wax, Peter N.; Tina Lyons; Linn, Dave; Linn, Jill; Huncovsky, Greg; Myerchin, Lori; Lueder, Gay Lynn; Stennes, David; Stefka, Kyle; Persinger, Ashley C.

Cc: Dawn Ramsey; Morris, Michael P CIV USARMY CENWO (USA); Wallace, Arthur L Jr CIV USARMY CENWO (US); Rogers, Richard R II CIV USARMY CENWO (US); ekraft@blm.gov; Shannon Crosley; Riely, Debbie - FS; Kenninger, Kate - FS

Subject: North Bakken Expansion Project - FERC Pre-Filing Bi-Weekly Call

When: Wednesday, February 12, 2020 8:00 AM-9:30 AM (UTC-08:00) Pacific Time (US & Canada).

Where: Microsoft Teams Meeting

Importance: High

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overview of agency comments on the preliminary draft of the applicant prepared EA. We have extended the duration of the call from 1 hour to 1.5 hours to include this additional information.

We encourage all agencies to attend this call! Please let us know if there are any questions.

-Andrea

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NORTH BAKKEN EXPANSION PROJECT

**Agency Correspondence – Local
Agencies**



Call Log

Log of Telephone Conversation

Call To/From Whom	To: Matthew Fischer
Phone number	(701) 328-4779
Company	North Dakota Public Service Commission
ERM Contact	Lauren Colwell
Phone number	(612) 359-5681
Date	2/13/2020
Time of Conversation	3:45pm
Reference	Abandoned Mine Locations near the North Bakken Expansion Project

Signature

LOG OF CONVERSATION

I called Mr. Fischer from the Abandoned Mine Lands Division of the Public Service Commission. I asked if Mr. Fischer could provide any additional information regarding the locations and/or boundaries of three abandoned surface and subsurface mines located in Williams and McKenzie counties for an environmental review of a proposed project.

I provided the names of the Quality Coal Mine in Williams County and the Skogheim Coal Mine and John Gustafson Mine in McKenzie County. Mr. Fischer indicated that the Quality Coal Mine location is based only on a USGS point location and there is no additional AML information regarding the mine. Mr. Fischer conducted an additional check of available aerial imagery and could not confirm the existence, location, or boundaries of the Quality Coal Mine (labeled as an underground mine in AML files).

Mr. Fischer looked at the Skogheim Coal Mine location in McKenzie County and was not able to confirm the presence, location, or boundaries of the surface coal mine based on available aerial imagery. Mr. Fischer indicated that there was no indication of a steep mine wall from a former surface coal mine that suggests that the mine is present at the point location.

Finally, Mr. Fischer evaluated the John Gustafson surface coal mine location in McKenzie County and confirmed that aerial imagery and high-low topography confirms that the point location represents the eastern extent of the mine. He asked how close the project will be to the mine, and I confirmed that the proposed corridor is located on the north side of the tributary to Tobacco Garden Creek. Mr. Fischer confirmed that based on available information, he would not have concerns about the mine extending toward the project area across the waterbody.

Mr. Fischer reiterated that he would not be too concerned about surface coal mines because the steep topography associated with historic surface mine walls would dictate the project route. I thanked Mr. Fischer for his time and ended the call.

From: [Ashley Bromberg](#)
To: [Bertram, LaRissa](#)
Subject: RE: Floodplain Development Permitting in McKenzie County
Date: Thursday, March 5, 2020 12:54:00 PM
Attachments: [image001.png](#)
[image003.png](#)

Hi LaRissa,

Thank you for confirming we are not within your jurisdiction, I will contact Dana for McKenzie County permitting.

Best,

Ashley Bromberg

Consultant I, Scientist

T +1 971-279-6679

From: Bertram, LaRissa <lbertram@nd.gov>
Sent: Thursday, March 5, 2020 12:06 PM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: RE: Floodplain Development Permitting in McKenzie County

Good Afternoon Ashley,

I just wanted to confirm that you are in fact not in Watford City Proper or our ETA so any permits you will need for this project will need to be pulled from McKenzie County.

I have left their Contacts Below.

Dana Roff
(701) 444-7162

Thank you,
LaRissa Bertram

LaRissa Bertram
Assistant City Planner



CITY OF WATFORD CITY

213 2nd St NE/PO Box 494
Watford City, ND 58854
Direct Phone: (701)444-8406
Fax: 1(701)444-3004
Email: lbertram@nd.gov
Website: www.cityofwatfordcity.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Thursday, March 5, 2020 1:25 PM
To: Bertram, LaRissa <bertram@nd.gov>
Subject: Floodplain Development Permitting in McKenzie County

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi there,

We spoke earlier about a proposed natural gas pipeline that will run through McKenzie County. I've attached a KMZ file of the pipeline centerline. The pipeline will be buried but an aboveground compressor station would be located at the southern terminus of the pipeline in McKenzie County and would include underground storage tanks as well as aboveground facilities.

Please confirm if the portion of the project in McKenzie County is within your jurisdiction. If not, do you know whose jurisdiction it is under? It would also be helpful to know if the building or occupancy permits you mentioned are required. PDFs of any required permits would be appreciated as well.

Thank you,

Ashley Bromberg
Consultant I, Scientist

Environmental Resources Management (ERM)
1050 SW 6th Ave Suite 1650 | Portland, OR 97204
M +1 253-229-4255 | T +1 971-279-6679
W www.erm.com



ERM *The business of sustainability*

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Call Log

Log of Telephone Conversation



Call To/From Whom	To: LaRissa Bertram
Phone number	(701) 444-2533
Company	Watford City County Planning and Zoning Department
ERM Contact	Ashley Bromberg
Phone number	(253) 229-4255
Date	03/05/2020
Time of Conversation	11:10 am
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

I called and spoke with LaRissa Bertram, who is listed as a McKenzie County floodplain administrator with the State Water Commission. I asked her about floodplain permitting requirements in McKenzie County, and she stated that she only handles such permits within Watford City and its EFA. She stated that if the project were to fall within her jurisdiction a floodplain development permit and possibly building and occupancy permits would be required. She requested that I send her a shapefile of the proposed project to confirm that none of the project facilities would be within her jurisdiction. I agreed and later followed up with an email containing the requested information.

ERM1050 SW 6th Ave
Suite 1650
Portland, OR 97204

Telephone: +1 603 488 5282

www.erm.com

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Dana Roff
Phone number	(701) 444-7162
Company	McKenzie County Planning Department
ERM Contact	Ashley Bromberg
Phone number	(253) 229-4255
Date	03/06/2020
Time of Conversation	10:45am
Reference	Floodplain Permitting Requirements for the North Bakken Expansion Project

Signature**LOG OF CONVERSATION**

I called Dana Roff to inquire about floodplain development permit requirements for McKenzie County. The call went to voicemail. I left a message for Ms. Roff requesting for her to call me back to discuss floodplain development permitting requirements that could be triggered by the project.

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www.erm.com

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Dana Roff
Phone number	(701) 444-7162
Company	McKenzie County Planning Department
ERM Contact	Ashley Bromberg
Phone number	(253) 229-4255
Date	03/12/2020
Time of Conversation	1:10pm
Reference	Floodplain Permitting Requirements for the North Bakken Expansion Project

Signature

LOG OF CONVERSATION

I called Dana Roff to follow up on the voicemail I left on 03/06/2020 about floodplain development permit requirements for McKenzie County. The call went to voicemail. I left a message for Ms. Roff requesting for her to call me back to discuss floodplain development permitting requirements that could be triggered by the project.

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Ashley Bromberg

From: Kameron Hymer <kameronh@co.williams.nd.us>
Sent: Tuesday, March 31, 2020 10:57 AM
To: Ashley Bromberg
Subject: RE: Floodplain Development Permit

Please see my responses below in red.

Thank you,

Kameron Hymer

Development Services Director
206 East Broadway, Williston, ND 58801
701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Tuesday, March 31, 2020 12:25 PM
To: Kameron Hymer <kameronh@co.williams.nd.us>
Subject: RE: Floodplain Development Permit

CAUTION: This email originated from outside our organization. Please take care when opening attachments or clicking on links.

Hi Kameron,

I do have a few follow-up questions about floodplain permitting, can you please provide:

- the duration of the permit; **1 year**
- any fees associated with permitting; **No fee for floodplain, fee's if building permit needed**
- a timeline for review of the permit application; **No set timeline, they are reviewed on a case by case basis, with current events could take 2 to 3 weeks**
- a copy of the Certification of Fill Form if it would be required; and **I'll have to try and find an example, as this is something the applicant provides, not the County**
- clarify if a newspaper ad or other public notice would be required. **No advertising required**

Thank you,

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Kameron Hymer <kameronh@co.williams.nd.us>
Sent: Tuesday, March 31, 2020 9:02 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: RE: Floodplain Development Permit

Ashley,

I apologize for the delayed response. With going under Lake Sak., FEMA requires the previously attached floodplain development application to be filled out. Although the surface is not being disturbed, the work will be done in a designated "floodway". McKenzie County and the State will also most likely need the same.

Williams County does not permit gas pipelines or associated aboveground structures, as long as the structures are directly for the pipeline (if a structure were to include an office, bathrooms, etc., it will need a County building permit).

Our previous Floodplain Administrator is no longer with the County. Our Emergency Manager, is also a Floodplain Administrator and I can reach out to him with any further questions. The COVID-19 pandemic is keeping him extremely busy, so my responses will be delayed.

Thank you,

Kameron Hymer

Development Services Director
206 East Broadway, Williston, ND 58801
701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Tuesday, March 24, 2020 2:47 PM
To: Kameron Hymer <kameronh@co.williams.nd.us>
Subject: RE: Floodplain Development Permit

CAUTION: This email originated from outside our organization. Please take care when opening attachments or clicking on links.

Hi Kameron,

This would be permitting for construction of a natural gas pipeline and associated aboveground facilities. I've attached a KMZ file of the project location, can you please review it and see if this would trigger any floodplain development permitting requirements within Williams County? If so, what would those requirements be?

Thank you,

Ashley Bromberg

M 253 229 4255
www.erm.com

From: Kameron Hymer <kameronh@co.williams.nd.us>
Sent: Friday, March 20, 2020 7:51 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: RE: Floodplain Development Permit

Ashley,

I'll try and answer your questions as best I can.

Are you speaking of building permitting?

We don't have a fee for the floodplain permit and advertising is not required. We don't have a set timeline for permit processing, however in a typical situation it can be done within a week or so. The certification of fill form is provided by the applicant when required, as found in #6 on the application.

Thank you,

Kameron Hymer

Development Services Director
206 East Broadway, Williston, ND 58801
701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Thursday, March 19, 2020 5:44 PM
To: Kameron Hymer <kameronh@co.williams.nd.us>
Subject: RE: Floodplain Development Permit

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Hi Kameron,

No has reached out yet, but I understand that things are probably not operating normally right now. Is someone still available to discuss permitting?

Thanks,

Ashley Bromberg

M 253 229 4255
www.erm.com

From: Kameron Hymer <kameronh@co.williams.nd.us>
Sent: Monday, March 16, 2020 8:09 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: RE: Floodplain Development Permit

Hi Ashley,

If they have not already, someone should be reaching out to you shortly to help with your questions.

Thank you,

Kameron Hymer

Development Services Director
206 East Broadway, Williston, ND 58801
701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Wednesday, March 11, 2020 2:54 PM
To: Kameron Hymer <kameronh@co.williams.nd.us>
Cc: Doug Lalim <DougL@co.williams.nd.us>
Subject: RE: Floodplain Development Permit

CAUTION: This email originated from outside our organization. Please take care when opening attachments or clicking on links.

Hi Kameron,

I have a few follow-up questions regarding the floodplain development permit. First, can you please review the attached KMZ of the proposed LNG pipeline project and let me know if it would trigger the permit requirement for Williams County based on its location?

If so, can you please provide:

- the duration of the permit;
- any fees associated with permitting;
- a timeline for review of the permit application;
- a copy of the Certification of Fill Form
- if a newspaper ad or other public notice would be required.

Any additional pertinent information or permitting pitfalls would be appreciated as well.

Thank you,

Ashley Bromberg
Consultant I, Scientist
T +1 971-279-6679

From: Kameron Hymer <kameronh@co.williams.nd.us>
Sent: Tuesday, March 10, 2020 10:54 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Cc: Doug Lalim <DougL@co.williams.nd.us>
Subject: RE: Floodplain Development Permit

Please see attached.

Thank you,

Kameron Hymer
Development Services Director
206 East Broadway, Williston, ND 58801
701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Tuesday, March 10, 2020 10:32 AM

To: Beth M. Innis <BethI@co.williams.nd.us>

Subject: Floodplain Development Permit

CAUTION: This email originated from outside our organization. Please take care when opening attachments or clicking on links.

Hi there,

Can you please provide information regarding the floodplain development permitting requirements for construction with a floodplain in Williams County?

Thank you,

Ashley Bromberg

Consultant I, Scientist

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Ashley Bromberg

From: Curt Huus <chuus@co.mckenzie.nd.us>
Sent: Wednesday, April 1, 2020 10:14 AM
To: Ashley Bromberg
Subject: RE: Floodplain Development Permit

You should check with the ND Department of Health (Storm Water Program). The contact info I have is for Dallas Grossman dgrossma@nd.gov (701) 328-5242.

Thanks,
Curt

From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Wednesday, April 1, 2020 12:11 PM
To: Curt Huus <chuus@co.mckenzie.nd.us>
Subject: RE: Floodplain Development Permit

Hi Curt,

Thank you for the information. Do you happen to know if there are any floodplain development permit requirements at the state level?

Thanks!

Ashley Bromberg
M 253 229 4255
www.erm.com

From: Curt Huus <chuus@co.mckenzie.nd.us>
Sent: Wednesday, April 1, 2020 10:05 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: RE: Floodplain Development Permit

Good Morning Ashley,

McKenzie County does not have a floodplain development permit process. We have not adopted and are not a part of the FEMA Floodplain Mapping program.

Having said that, McKenzie County relies on State and Federal guidelines, as well as best engineering practices for SWPPP and drainage design. We are currently evaluating our current process (or lack of).

Let me know if you have any questions comments.

Thanks!

Curt Huus, PE/LS
Planning and Zoning Director

(701) 444-7167

1300 12th St SE, Ste 214
Watford City, ND 58854



From: Ashley Bromberg <Ashley.Bromberg@erm.com>

Sent: Tuesday, March 31, 2020 12:39 PM

To: Curt Huus <chuus@co.mckenzie.nd.us>

Subject: Floodplain Development Permit

Hi Curt,

I am trying to determine any floodplain development permitting requirements for construction of a natural gas pipeline that would be partially located within McKenzie County. Can you please review the attached KMZ of the proposed project and let me know if it would trigger floodplain development permit requirements for McKenzie County based on its location?

If so, please provide:

- a copy of the permit application;
- the duration of the permit;
- any fees associated with permitting;
- a timeline for review of the permit application; and
- if a newspaper ad or other public notice would be required.

Thank you,

Ashley Bromberg
Consultant I, Scientist

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Ashley Bromberg

From: Ashley Bromberg
Sent: Thursday, April 2, 2020 2:36 PM
To: Dan Larson
Subject: RE: Floodplain development permit

Yes, I'll contact the county for additional maps. Thanks for your help!

Best,

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Dan Larson <CommunityServices@cityoftioga.com>
Sent: Thursday, April 2, 2020 1:58 PM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: Re: Floodplain development permit

Ashley,

The mapped route on the south 'yellow' line is out of the flood plain. The northernly line is outside of the current Flood Plain Mapping according to the maps I have. To be sure maybe check with the county if they have any flood plain maps for there jurisdiction.

Dan Larson

Community Services Director

CommunityServices@CityofTioga.com

Office: (701) 664-2807 opt 4

Cell: (701) 641-2461

From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Thursday, April 2, 2020 3:36 PM
To: Dan Larson <CommunityServices@cityoftioga.com>
Subject: RE: Floodplain development permit

Dan,

I've attached a few zoomed in shots of the area you marked. The yellow route is south of the existing pipeline scar so I think we are out of the floodway there. However, I'm concerned that the blue eastern route may cross the floodway around mile post 2.4. It appears to be just outside of it but I was hoping you could verify.

Thanks!

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Dan Larson <CommunityServices@cityoftioga.com>
Sent: Thursday, April 2, 2020 11:27 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: Re: Floodplain development permit

Ashley,

I attached two maps to hopefully show more precisely the flood plain and floodway. I drew a white line on the colored map approximately where the tioga's flood plain map ends. There is a pipe line that does go along the same route as you are proposing. The current line which was installed about two years ago and that was located just inside the flood plain. If your new pipeline is located near this pipeline and just to the south of the existing line, then you may be outside of the flood plain and floodway.

Dan Larson
Community Services Director
CommunityServices@CityofTioga.com
Office: (701) 664-2807 opt 4
Cell: (701) 641-2461

From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Thursday, April 2, 2020 11:13 AM
To: Dan Larson <CommunityServices@cityoftioga.com>
Subject: RE: Floodplain development permit

Hi Dan,

Thank you for reviewing the project, I've attached a couple screenshots of a more detailed view of the crossing in Tioga. Can you tell from these images if floodways are crossed? The FEMA FIRM mapping tool says there is no data available for Tioga so I am unsure of where the floodways within the city are located.

Thanks,

Ashley Bromberg
M 253 229 4255
www.erm.com

From: Dan Larson <CommunityServices@cityoftioga.com>
Sent: Thursday, April 2, 2020 7:50 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: Re: Floodplain development permit

Good morning Ashley,

In reviewing the overview map, it generally appears that the pipeline on the south side of Tioga would cross thru one or two Floodways. A more detailed map of where the pipeline is located on the south side of town would need to verify if pipeline does cross the floodway in the jurisdiction of Tioga. If so.. For your convenience I have attached an application for Flood Plain Development Permit and also the State Engineers Floodway Review, Floodway No-Rise Certification. There is a \$200.00 application fee to City of Tioga due upon submission of application to the City of Tioga. Any further questions please let me know. Thank you.

Dan Larson
Community Services Director
CommunityServices@CityofTioga.com
Office: (701) 664-2807 opt 4
Cell: (701) 641-2461

From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Wednesday, April 1, 2020 5:15 PM
To: Dan Larson <CommunityServices@cityoftioga.com>
Subject: Floodplain development permit

Hi there,

Can you please advise if the City of Tioga would require a floodplain development permit for construction of the proposed natural gas pipeline shown in the attached map and shapefile? The project plans to seek a floodplain development permit through Williams County, is there an additional requirement for the City of Tioga?

Thank you,

Ashley Bromberg
Consultant I, Scientist

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FLOODWAY "NO-RISE" CERTIFICATION
OFFICE OF THE STATE ENGINEER
REGULATORY - FLOODPLAIN
SFN 61173 (1/2017)

This document is to certify that I am a duly qualified, registered professional engineer, licensed to practice in the State of North Dakota.

This document is to further certify that the attached technical data supports the fact that the proposed

Name of Development

will not impact the base flood elevations, floodway elevations, or floodway widths on

Name of Stream

at the published cross sections in the Flood Insurance Study for

Name of Community	Study Date
-------------------	------------

and will not impact the base flood elevations, floodway elevations, or floodway widths at unpublished cross-sections in the vicinity of the proposed development.

Attached are the following documents to support my findings:
--

Name		
Title		
Address		
Address		
City	State	ZIP Code

SEAL, SIGNATURE, AND DATE



**APPLICATION FOR THE STATE
ENGINEER'S FLOODWAY REVIEW**

OFFICE OF THE STATE ENGINEER
REGULATORY - FLOODPLAIN
SFN 61171 (1/2017)

FOR STATE USE ONLY

Project Number 1721-05

Date Received

N.D.C.C. § 61-16.2-14 requires that the community responsible for permitting or authorizing a use in a regulatory floodway must notify the state engineer of the proposed use before issuing the permit or authorization.

1. PERMITTING COMMUNITY

Community Name	Floodplain Administrator's Name		
Address	City	State	ZIP Code
Telephone Number	Email Address		

2. APPLICANT (if different than Permitting Community)

Company/Agency	Contact Name		
Address	City	State	ZIP Code
Telephone Number	Email Address		

3. DEVELOPMENT INFORMATION

Location	
FIRM Panel	FIRM Date
Flood Source (stream name)	
Purpose	
Development Description (attach additional documents as needed)	
Anticipated Construction Start Date	Anticipated Construction Completion Date

4. FLOODWAY ANALYSIS

Floodway Development Federal and State Regulations:

44 CFR 60.3(d)(3) requires that communities must prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

N.D.C.C. § 61-16.2-6 requires that upon delineation of the floodway under the National Flood Insurance Program [42 U.S.C. 4001 et seq.], uses shall be permitted within the floodway to the extent that they do not cause any measurable decrease in the hydraulic conveyance in the affected area.

Please provide the following documentation (note that additional documentation may be required).	
	A map showing the proposed development location, compensatory storage, and all hydraulic cross sections used in the analysis.
	A description of the mitigation measures taken to restore conveyance. Provide volumetric calculations demonstrating compensatory storage, if applicable.
	Completed "No-Rise" Certificate.
	The hydraulic analysis results, including calculated conveyance and any other properties that may be pertinent. Please include at least one cross section both upstream and downstream of the development site, as well as all cross sections used at the development site (at least one). These are needed for both pre-and post-development conditions.

5. SIGNATURES

Submit this document and all attachments to the Office of the State Engineer to request a floodway review as required by North Dakota Century Code § 61-16.2-14. Furthermore, I understand a permit issued from the local floodplain Administrator is required before any development may commence.

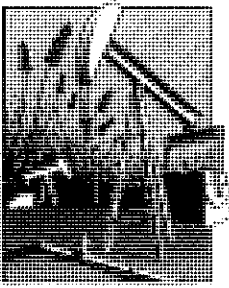
Applicant's Signature (if not Floodplain Administrator)	Date
---	------

Before issuing a permit or authorization to allow a use in a regulatory floodway, the community responsible for permitting or authorizing such development shall notify the State Engineer of the proposed development. With a signature from the local floodplain administrator, this form will serve as official notification.

Floodplain Administrator's Signature	Date
--------------------------------------	------

Mail this application & supplemental forms to:

Office of the State Engineer
North Dakota State Water Commission
Floodplain Management Division
900 E Boulevard Ave, Dept 770
Bismarck, ND 58505-0850



City of Tioga
 P.O. Box 218
 Tioga, ND 58852
 701-664-2807
 Citytio@nccray.com

OFFICE USE ONLY	
Floodplain Permit #	

FLOODPLAIN DEVELOPMENT APPLICATION AND PERMIT

OWNER AND PROPERTY INFORMATION

Applicant/Owner Name:		Email:	
Address:		Phone:	
City:	State:	Zip:	
Engineer/Contractor Name:		Email:	
Address:		Phone:	
City:	State:	Zip:	

PROJECT INFORMATION

Location of Development:	City:
Section/Township/Range:	

Building

- | | | | |
|--|--------------------------------------|---|--------------------------------------|
| <input type="checkbox"/> New Structure | <input type="checkbox"/> Alteration | <input type="checkbox"/> Removal/Demolition | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Replacement | <input type="checkbox"/> Remodel/Renovate | _____ |

Structure Type

- | | | | |
|--|--|--|--------------------------------------|
| <input type="checkbox"/> Single Family Residential | <input type="checkbox"/> Manufactured Home | <input type="checkbox"/> Non-residential | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Multifamily Residential | | | _____ |

Activity

- | | | |
|--|--|--|
| <input type="checkbox"/> Fill Placement (fill brought in from outside the floodplain) | <input type="checkbox"/> Landscaping (cut and fill, fill borrow and placement) | <input type="checkbox"/> Removal of fill, embankment, or dike |
| <input type="checkbox"/> Excavation (where subgrade fill is removed from floodplain) | <input type="checkbox"/> Construction or maintenance of a dike/levee/floodwall | <input type="checkbox"/> Watercourse alterations (river/stream channel modifications, rip-rap) |
| <input type="checkbox"/> Road or bridge construction (new repair/replacement, realignment) | <input type="checkbox"/> Drainage improvements (including culvert work) | <input type="checkbox"/> Mining (removal of gravel, rock, fill, or other natural minerals) |
| <input type="checkbox"/> Installation of utilities (water, sewer, gas, electric, communications) | <input type="checkbox"/> Tower Construction (communications tower, antennae) | <input type="checkbox"/> Well drilling (water, oil, natural gas, etc.) |
| <input type="checkbox"/> Subdivision (new or expansion of existing subdivision) | <input type="checkbox"/> Pipeline Construction (temporary construction activity) | <input type="checkbox"/> Other (please specify) _____ |

Proposed Development: *check all that apply*

Description of project: _____

Floodplain Development Application and Permit Form

Remodels and Redevelopment Only

Cost of Improvement for this project: \$ _____
 (submit itemized cost list (labor and materials) or projected appraised value upon completion)

Existing market value of structure: \$ _____

Substantial Improvement: Yes No (Yes, if cost of project ≥50% of market values)

FLOODPLAIN INFORMATION	
FIRM (Flood Insurance Rate Map) Panel #:	FIRM Date:
FEMA Flood Zone Designation <input type="checkbox"/> A <input type="checkbox"/> AE <input type="checkbox"/> AO <input type="checkbox"/> AH <input type="checkbox"/> X(shaded) <input type="checkbox"/> X(unshaded) <input type="checkbox"/> D	
Base Flood Elevation: <input type="checkbox"/> NGVD (29) <input type="checkbox"/> NAVD (88)	
Floodway: <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, engineering analysis required.)	
Description of extent to which water course will be altered:	
Note: If the proposed development is shown to impact the watercourse, floodway, or BFE, the applicant shall apply for and must receive approval from FEMA a Conditional Letter of Map Revision (CLOMR), prior to construction.	

REGULATORY REQUIREMENTS	
Structure is: <input type="checkbox"/> Elevated <input type="checkbox"/> Floodproofed <input type="checkbox"/> Vented <input type="checkbox"/> N/A (Residential structures may not be floodproofed.)	
Elevation Certificate: <input type="checkbox"/> Yes <input type="checkbox"/> No	
If floodproofed, describe method:	
Lowest floor elevation: <input type="checkbox"/> NGVD (29) <input type="checkbox"/> NAVD (88)	
Enclosed area (not floodproofed or elevated) square feet	
Number of vents:	Area of vents: square inches

Additional Information

Required with all applications:	<input type="checkbox"/>	Plans drawn to scale showing the nature, location, dimensions, and elevations of the areas in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing.
Required with all applications involving flood proofing:	<input type="checkbox"/>	Certification by a registered professional engineer or architect that the Floodproofing methods for any non-residential structure meet the Floodproofing criteria.
		Elevation to which any structure is to be floodproofed: _____
Required with all applications in the floodway:	<input type="checkbox"/>	Certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of a base flood discharge.

Floodplain Development Application and Permit Form

By signing, I attest that this application request is complete and accurate to the best of my knowledge. I understand the regulations set forth in the City of Tioga Code of Ordinances as they pertain to this request(s). Permits will be required to fulfill local, state, and federal regulatory requirements.

Note: After development is completed, an elevation certificate or non-residential flood proofing certificate must be submitted to verify as-built conditions match the application. A certificate of compliance will be issued upon verification.

Applicant Signature

Date

City Of Tioga

The above request for a floodplain permit was granted on this _____ day of _____, _____ by the Tioga Commission Board.
(Day) (Month) (Year)

Commission President Drake McClelland

Date

City Auditor

Date

Ashley Bromberg

From: Ashley Bromberg
Sent: Thursday, April 2, 2020 9:32 AM
To: Kameron Hymer
Subject: RE: Floodplain Development Permit
Attachments: HDD Technical Drawings.pdf

Hi Kameron,

In the floodplain development permit application there is a requirement for 1ft contour lines in the figure of the proposed work. Will the attached technical drawing of the HDD crossing of Lake Sakakawea be sufficient for review of the permit application?

Thanks,

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Kameron Hymer <kameronh@co.williams.nd.us>
Sent: Tuesday, March 31, 2020 10:57 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: RE: Floodplain Development Permit

Please see my responses below in red.

Thank you,

Kameron Hymer

Development Services Director

206 East Broadway, Williston, ND 58801

701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Tuesday, March 31, 2020 12:25 PM
To: Kameron Hymer <kameronh@co.williams.nd.us>
Subject: RE: Floodplain Development Permit

CAUTION: This email originated from outside our organization. Please take care when opening attachments or clicking on links.

Hi Kameron,

I do have a few follow-up questions about floodplain permitting, can you please provide:

- the duration of the permit; **1 year**
- any fees associated with permitting; **No fee for floodplain, fee's if building permit needed**

- a timeline for review of the permit application; **No set timeline, they are reviewed on a case by case basis, with current events could take 2 to 3 weeks**
- a copy of the Certification of Fill Form if it would be required; and **I'll have to try and find an example, as this is something the applicant provides, not the County**
- clarify if a newspaper ad or other public notice would be required. **No advertising required**

Thank you,

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Kameron Hymer <kameronh@co.williams.nd.us>

Sent: Tuesday, March 31, 2020 9:02 AM

To: Ashley Bromberg <Ashley.Bromberg@erm.com>

Subject: RE: Floodplain Development Permit

Ashley,

I apologize for the delayed response. With going under Lake Sak., FEMA requires the previously attached floodplain development application to be filled out. Although the surface is not being disturbed, the work will be done in a designated "floodway". McKenzie County and the State will also most likely need the same.

Williams County does not permit gas pipelines or associated aboveground structures, as long as the structures are directly for the pipeline (if a structure were to include an office, bathrooms, etc., it will need a County building permit).

Our previous Floodplain Administrator is no longer with the County. Our Emergency Manager, is also a Floodplain Administrator and I can reach out to him with any further questions. The COVID-19 pandemic is keeping him extremely busy, so my responses will be delayed.

Thank you,

Kameron Hymer

Development Services Director

206 East Broadway, Williston, ND 58801

701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>

Sent: Tuesday, March 24, 2020 2:47 PM

To: Kameron Hymer <kameronh@co.williams.nd.us>

Subject: RE: Floodplain Development Permit

CAUTION: This email originated from outside our organization. Please take care when opening attachments or clicking on links.

Hi Kameron,

This would be permitting for construction of a natural gas pipeline and associated aboveground facilities. I've attached a KMZ file of the project location, can you please review it and see if this would trigger any floodplain development permitting requirements within Williams County? If so, what would those requirements be?

Thank you,

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Kameron Hymer <kameronh@co.williams.nd.us>

Sent: Friday, March 20, 2020 7:51 AM

To: Ashley Bromberg <Ashley.Bromberg@erm.com>

Subject: RE: Floodplain Development Permit

Ashley,

I'll try and answer your questions as best I can.

Are you speaking of building permitting?

We don't have a fee for the floodplain permit and advertising is not required. We don't have a set timeline for permit processing, however in a typical situation it can be done within a week or so. The certification of fill form is provided by the applicant when required, as found in #6 on the application.

Thank you,

Kameron Hymer

Development Services Director

206 East Broadway, Williston, ND 58801

701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>

Sent: Thursday, March 19, 2020 5:44 PM

To: Kameron Hymer <kameronh@co.williams.nd.us>

Subject: RE: Floodplain Development Permit

CAUTION: This email originated from outside our organization. Please take care when opening attachments or clicking on links.

Hi Kameron,

No has reached out yet, but I understand that things are probably not operating normally right now. Is someone still available to discuss permitting?

Thanks,

Ashley Bromberg

M 253 229 4255

www.erm.com

From: Kameron Hymer <kameronh@co.williams.nd.us>
Sent: Monday, March 16, 2020 8:09 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>
Subject: RE: Floodplain Development Permit

Hi Ashley,

If they have not already, someone should be reaching out to you shortly to help with your questions.

Thank you,

Kameron Hymer
Development Services Director
206 East Broadway, Williston, ND 58801
701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Wednesday, March 11, 2020 2:54 PM
To: Kameron Hymer <kameronh@co.williams.nd.us>
Cc: Doug Lalim <DougL@co.williams.nd.us>
Subject: RE: Floodplain Development Permit

CAUTION: This email originated from outside our organization. Please take care when opening attachments or clicking on links.

Hi Kameron,

I have a few follow-up questions regarding the floodplain development permit. First, can you please review the attached KMZ of the proposed LNG pipeline project and let me know if it would trigger the permit requirement for Williams County based on its location?

If so, can you please provide:

- the duration of the permit;
- any fees associated with permitting;
- a timeline for review of the permit application;
- a copy of the Certification of Fill Form
- if a newspaper ad or other public notice would be required.

Any additional pertinent information or permitting pitfalls would be appreciated as well.

Thank you,

Ashley Bromberg
Consultant I, Scientist
T +1 971-279-6679

From: Kameron Hymer <kameronh@co.williams.nd.us>
Sent: Tuesday, March 10, 2020 10:54 AM
To: Ashley Bromberg <Ashley.Bromberg@erm.com>

Cc: Doug Lalim <DougL@co.williams.nd.us>
Subject: RE: Floodplain Development Permit

Please see attached.

Thank you,

Kameron Hymer

Development Services Director
206 East Broadway, Williston, ND 58801
701.577.4567 | www.williamsnd.com



From: Ashley Bromberg <Ashley.Bromberg@erm.com>
Sent: Tuesday, March 10, 2020 10:32 AM
To: Beth M. Innis <BethI@co.williams.nd.us>
Subject: Floodplain Development Permit

CAUTION: This email originated from outside our organization. Please take care when opening attachments or clicking on links.

Hi there,

Can you please provide information regarding the floodplain development permitting requirements for construction with a floodplain in Williams County?

Thank you,

Ashley Bromberg
Consultant I, Scientist

Environmental Resources Management (ERM)
1050 SW 6th Ave Suite 1650 | Portland, OR 97204
M +1 253-229-4255 | T +1 971-279-6679
W www.erm.com



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North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes

Tribe	Date	Summary	Filing Date	
Standing Rock Sioux Tribe	4-15-19	Introductory letter, including a description and map of the North Bakken Expansion Project (Project), and request for comment on the Project, sent to the Chairman.	2-14-20	
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the Tribal Historic Preservation Office (THPO).	2-14-20	
	5-10-19	Follow-up phone call to the Chairman's office; voice mailbox full.	2-14-20	
	5-10-19	Follow-up phone call to the THPO; voicemail message.	2-14-20	
	5-15-19	Follow-up phone call to the Chairman's office and the THPO.	2-14-20	
	6-27-19	Follow-up phone call to the THPO; voicemail message.	2-14-20	
	6-27-19	Follow-up email to the THPO transmitting a copy of the 4-15-19 introductory letter.	2-14-20	
	7-17-19	Letter inviting the Chairman to participate in WBI Energy Transmission, Inc.'s (WBI Energy) open houses.	2-14-20	
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20	
	7-30-19	Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20	
	2-28-20	Letter to the Chairman regarding the filing of WBI Energy's application with FERC.	This filing	
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing	
	Sisseton-Wahpeton Oyate of the Lake Traverse Reservation	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the Chairwoman.	2-14-20
		4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
		5-10-19	Follow-up phone call to the THPO; an additional copy of the 4-15-19 introductory letter was requested.	2-14-20
5-10-19		Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20	
5-15-19		Follow-up email sent to the Chairman transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20	
6-27-19		Follow-up phone call to the THPO; voicemail message left.	2-14-20	
6-27-19		Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20	
7-17-19		Letter inviting the Chairwoman to participate in WBI Energy's open houses.	2-14-20	
7-17-19		Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20	
7-30-19		Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20	
2-28-20		Letter to the Chairman regarding the filing of WBI Energy's application with FERC.	This filing	
2-28-20		Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing	

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
Turtle Mountain Band of Chippewa Indians	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the Chairman.	2-14-20
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
	5-10-19	Follow-up phone call to the THPO; an additional copy of the 4-15-19 introductory letter was requested.	2-14-20
	5-10-19	Follow-up email to the Chairman transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	5-10-19	Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	6-27-19	Follow up phone call to the THPO; the tribe does not plan to comment on the Project.	2-14-20
	7-17-19	Letter inviting the Chairman to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	2-28-20	Letter to the Chairman regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
Three Affiliated Tribes of the Fort Berthold Reservation	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the Chairman.	2-14-20
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
	5-10-19	Follow-up phone call to the Chairman's office, who confirmed receipt of the 4-15-19 introductory letter.	2-14-20
	5-10-19	Follow-up phone call to THPO; no answer.	2-14-20
	5-10-19	Follow-up phone call to THPO; no answer.	2-14-20
	5-15-19	Follow-up email to the THPO transmitting a copy of the 4-15-19 introductory letter.	2-14-20
	6-26-19	Follow-up phone call to the THPO; an additional copy of the 4-15-19 introductory letter was requested.	2-14-20
	6-26-19	Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	7-17-19	Letter inviting the Chairman to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-30-19	Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	8-5-19	Phone call from the Director of the Tree Affiliated Tribes Pipeline Authority (TAT Pipeline Authority) regarding the Project.	2-14-20
	8-6-19	Email from the Director of the TAT Pipeline Authority regarding the Project open houses.	2-14-20
	8-6-19	Email to the Director of the TAT Pipeline Authority requesting a meeting.	2-14-20
	8-7-19	Meeting with the Director of the TAT Pipeline Authority at the Project open house in Watford City, North Dakota, to discuss the Project and pipeline safety.	2-14-20

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
	8-23-19	Phone call to the THPO regarding tribal participation in the field survey of U.S. Army Corps of Engineers (COE) and other lands in the Project area.	2-14-20
	8-23-19	Email to the THPO regarding tribal participation in the field survey of COE and other lands in the Project area and transmitting copies of previous correspondence.	2-14-20
	9-3-19	Email from the TAT Pipeline Authority requesting plan and profile alignment sheets for the proposed crossing of the Missouri River (Lake Sakakawea).	2-14-20
	9-5-19	Email to the TAT Pipeline Authority transmitting a preliminary bore profile for the proposed crossing of the Missouri River (Lake Sakakawea).	2-14-20
	12-10-19	Email to the Director of the TAT Pipeline Authority regarding the status of the Project and the proposed HDD at the Missouri River (Lake Sakakawea).	4-20-20
	2-14-20	Letter to the THPO transmitting the Class III Archaeological Survey Report, standalone archaeological survey report for USFS lands, and Class III Historic Structures Report. (Note: The delivery receipt for this report, dated 2-19-20, was filed on 4-20-20).	2-14-20
	2-28-20	Letter to the Chairman regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	3-3-20	Email to the Director of the TAT Pipeline Authority regarding the status of the Project and the proposed HDD at the Missouri River (Lake Sakakawea).	4-20-20
	3-3-20	Letter to the Director of the TAT Pipeline Authority regarding the filing of WBI Energy's application with FERC.	4-20-20
	3-3-20	Letter to the TAT Pipeline Authority regarding the filing of WBI Energy's application with FERC.	4-20-20
	3-30-20	Email to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-30-20	Letter to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-30-20	Email from the THPO confirming the tribe's interest in participating in the 2020 field surveys.	4-20-20
	3-30-20	Emails with the THPO coordinating a call to discuss the tribe's participation in the 2020 field surveys.	4-20-20
	3-31-20	Invitation email to the THPO for a call on 4-2-20 to discuss the Project and the tribe's participation in the 2020 field surveys.	4-20-20
	3-31-20	Email accepting WBI Energy's invitation to participate in a call on 4-2-20 to discuss the Project and the tribe's participation in the 2020 field surveys.	4-20-20
	4-2-20	Call to the THPO to coordinate a meeting to discuss the Project and the tribe's participation in the 2020 field surveys; voice mail message.	4-20-20
	4-2-20	Email to the THPO to coordinate a meeting to discuss the Project and the tribe's participation in the 2020 field surveys.	4-20-20
	4-8-20	Call to the THPO to coordinate a meeting to discuss the Project and the tribe's participation in the 2020 field surveys; voice mail message.	4-20-20
	4-8-20	Email to the THPO to coordinate a meeting to discuss the Project and the tribe's participation in the 2020 field surveys.	4-20-20

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
Spirit Lake Sioux Tribe	4-22-20	Email (with read receipt) to the THPO providing an update on the survey plans for 2020.	This filing
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the Chairwoman.	2-14-20
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
	5-10-19	Follow-up phone call to the THPO; voice mailbox full.	2-14-20
	5-10-19	Follow-up phone call to the Chairwoman; voicemail unavailable.	2-14-20
	5-10-19	Follow-up email to the Chairwoman transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	5-15-19	Follow-up phone call to THPO; an additional copy of the 4-15-19 introductory letter was requested.	2-14-20
	5-15-19	Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	6-27-19	Follow-up phone call to the THPO; voicemail message.	2-14-20
	6-27-19	Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	7-17-19	Letter inviting the Chairwoman to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-30-19	Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	Yankton Sioux Tribe	3-2-20	Call from the THPO; voice mail message requesting a return call.
3-3-20		Return call to the THPO; voice mail message.	This filing
3-4-20		Call from the THPO requesting an additional copy of WBI Energy's letter dated 2-28-20.	This filing
3-4-20		Email to the THPO transmitting a copy of WBI Energy's letter dated 2-28-20.	This filing
4-15-19		Introductory letter, including a Project description and map, and request for comment on the Project, sent to the Chairman.	2-14-20
4-15-19		Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
5-10-19		Follow-up phone call to the THPO; voicemail message.	2-14-20
5-10-19		Follow-up phone call to the Chairman; voicemail message.	2-14-20
6-27-19		Follow-up phone call to the THPO; an additional copy of the 4-15-19 introductory letter was requested.	2-14-20
6-27-19		Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
6-27-19		Phone call from THPO regarding previous email.	2-14-20
6-27-19		Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter and requesting a copy of the tribe's consultation protocols.	2-14-20

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
Northern Cheyenne Tribe	7-17-19	Letter inviting the Chairman to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-30-19	Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	2-28-20	Letter to the Chairman regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the President.	2-14-20
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
	5-10-19	Follow-up phone call to the THPO; message left.	2-14-20
	5-10-19	Follow-up phone call to the President's office, voicemail message.	2-14-20
	5-14-19	Email from the THPO transmitting a response letter.	2-14-20
	5-14-19	Letter from the THPO requesting copies of survey reports for review.	2-14-20
	5-20-19	Email acknowledging receipt of the THPO's 5-14-19 letter.	2-14-20
	7-17-19	Letter inviting the President to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-30-19	Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	8-30-19	Email to the THPO regarding tribal involvement in field surveys and reiterating WBI Energy's previous commitment to provide copies of reports.	2-14-20
	9-5-19	Phone call to the THPO regarding the Project and survey logistics; voice mail message. (Note: This call is documented in WBI Energy's email to the THPO on 9-5-19.)	2-14-20
	9-5-19	Email to the THPO regarding the Project and survey logistics.	2-14-20
	9-6-19	Phone call to the THPO regarding the Project and survey logistics; message left.	2-14-20
	10-9-19	Email from the THPO regarding the status of field surveys	2-14-20
	10-9-19	Email from the THPO regarding the status of field surveys	2-14-20
	10-10-19	Email to the THPO regarding the status of field surveys	2-14-20
	2-14-20	Letter to the THPO transmitting the Class III Archaeological Survey Report, standalone archaeological survey report for USFS lands, and Class III Historic Structures Report. (Note: The delivery receipt for this report, dated 2-21-20, was filed on 4-20-20).	2-14-20
	2-28-20	Letter to the President regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	3-13-20	Phone call from the THPO regarding the status of the tribe's review of the Class III Archaeological Survey Report.	4-20-20
	3-19-20	Phone call from the THPO regarding the status of the tribe's review of the Class III Archaeological Survey Report and the tribe's interest in participating in the 2020 field surveys.	4-20-20

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
	3-30-20	Phone call to the THPO to confirm contact information for the tribe.	4-20-20
	3-30-20	Email to the THPO transmitting a letter regarding the status of the Project and plans for field survey and site testing in 2020.	4-20-20
	3-30-20	Letter to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-31-20	Phone call to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20 and to schedule a meeting to discuss the tribe's participation in the 2020 field surveys.	4-20-20
	3-31-20	Invitation email to the THPO for a call on 4-7-20 to discuss the Project and the tribe's participation in the 2020 field surveys.	4-20-20
	4-7-20	Teleconference to discuss the tribe's participation in the 2020 field surveys.	4-20-20
	4-22-20	Email (with read receipt) to the THPO providing an update on the survey plans for 2020.	This filing
Cheyenne River Sioux Tribe	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the Chairman.	2-14-20
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
	5-10-19	Follow-up phone call to the THPO; message left.	2-14-20
	5-10-19	Follow-up phone call to the Chairman's office; message left.	2-14-20
	7-17-19	Letter inviting the Chairman to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-30-19	Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	2-28-20	Letter to the THPO transmitting the Class III Archaeological Survey Report, standalone archaeological survey report for USFS lands, and Class III Historic Structures Report. (Note: The delivery receipt for this report, dated 3-4-20, was filed on 4-20-20).	4-20-20
	2-28-20	Letter to the Chairman regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	3-30-20	Email to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-30-20	Letter to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	4-8-20	Email to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	4-20-20
	4-13-20	Phone call to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; message left.	4-20-20
	4-22-20	Email to the THPO requesting confirmation of the THPO's receipt of WBI Energy's letter dated 3-3-20 and email sent on 4-8-20 and providing information on the survey plans for 2020.	This filing
Fort Peck Assiniboine and Sioux Tribes	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the Chairman.	2-14-20
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
	5-10-19	Follow-up phone call to THPO.	2-14-20
	5-10-19	Follow-up email to the Chairman transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	5-15-19	Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	5-15-19	Email from the THPO requesting additional information on the Project and a meeting with WBI Energy.	2-14-20
	5-16-19	Email to the THPO responding to the THPO's request for additional information and transmitting an updated introductory letter dated 5-16-19.	2-14-20
	5-16-19	Updated introductory letter, including a Project description and map, and request for comment on the Project; sent to the THPO.	2-14-20
	6-13-19	Meeting to discuss the Project and cultural resources field surveys. (Note: The THPO from The Fort Belknap Indian Community also participated in this meeting.)	2-14-20
	6-27-19	Email to the THPO transmitting a scope of work (letter dated 6-27-19) for tribal surveys for the Project.	2-14-20
	6-27-19	Letter to the THPO providing a scope of work for tribal surveys for the Project.	2-14-20
	7-15-19	Email from the THPO advising WBI Energy that the tribe will not participate in field surveys for the Project.	2-14-20
	7-17-19	Letter inviting the Chairman to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-18-19	Email to the THPO acknowledging receipt of the THPO's 7-15-19 email regarding field surveys.	2-14-20
	7-30-19	Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	9-4-19	Email from the THPO requesting an update on the status of the cultural resources survey.	2-14-20
	9-5-19	Email to the THPO providing an update on the status of the archaeological survey and advising the THPO of an upcoming survey of COE lands.	2-14-20
	2-14-20	Letter to the THPO transmitting the Class III Archaeological Survey Report, standalone archaeological survey report for USFS lands, and Class III Historic Structures Report. (Note: The delivery receipt for this report, dated 2-21-20, was filed on 4-20-20).	2-14-20
	2-28-20	Letter to the Chairman regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	3-30-20	Email to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-30-20	Letter to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-31-20	Phone call to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; voice mail message.	4-20-20
	4-8-20	Email to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	4-20-20

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
Rosebud Sioux Tribe	4-13-20	Phone call to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; voice mail message.	4-20-20
	4-22-20	Email to the THPO providing an update on the Project and survey plans for 2020.	This filing
	4-27-20	Call with the THPO to discuss the Class III survey reports sent to the THPO on 2-28-20 and the tribe's participation in the 2020 field surveys.	This filing
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the President.	2-14-20
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
	5-10-19	Follow-up phone call to the President; message left.	2-14-20
	5-10-19	Follow-up phone call to the THPO; message left.	2-14-20
	6-27-19	Follow-up phone call to the THPO; an additional copy of the 4-15-19 introductory letter was requested.	2-14-20
	6-27-19	Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	6-27-19	Email response from the THPO; the tribe is interested in the Project and will participate in future Project meetings.	2-14-20
	6-28-19	Email acknowledging receipt of the THPO's request to participate in future meetings and expression of interest in the Project.	2-14-20
	6-28-19	Phone call from the THPO's office requesting information on the Project and an additional copy of the 4-15-19 introductory letter.	2-14-20
	6-28-19	Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	7-17-19	Letter inviting the President to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-30-19	Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	8-23-19	Phone call to the THPO regarding tribal participation in the field survey of COE and other lands in the Project area; voicemail message.	2-14-20
	8-23-19	Phone call to the THPO regarding tribal participation in the field survey of COE and other lands in the Project area; voicemail message.	2-14-20
	8-29-19	Email to the THPO regarding tribal participation in the field survey of COE and other lands in the Project area.	2-14-20
	8-30-19	Email from the THPO confirming the tribe's interest in participating in the field survey of COE lands.	2-14-20
	9-4-19	Phone call from the THPO confirming the tribe's interest in participating in the field survey of COE lands.	2-14-20
	9-5-19	Phone call to the THPO to coordinate the tribe's participation in the field survey of COE lands. (Note: This call is documented in WBI Energy's email to the THPO on 9-5-19.)	2-14-20
	9-5-19	Email to the THPO to coordinate the tribe's participation in the field survey of COE lands.	2-14-20
	9-5-19	Email from the THPO to coordinate the tribe's participation in the field survey of COE lands.	2-14-20
	9-17-19	Phone call to the THPO to coordinate the tribe's participation in the field survey of COE lands.	2-14-20

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
	9-17-19	Email from the THPO to coordinate the tribe's participation in the field survey of COE lands.	2-14-20
	9-17-19	Email to the THPO to coordinate the tribe's participation in the field survey of COE lands.	2-14-20
	9-19-19	Email to the THPO (and COE) to coordinate the tribe's participation in the field survey of COE lands.	2-14-20
	9-19-19	Phone call from the THPO to coordinate the tribe's participation in the field survey of COE lands.	2-14-20
	9-23-19	Phone call from the THPO to coordinate the tribe's participation in the field survey of COE lands.	2-14-20
	9-23-19	Email to the THPO to coordinate the tribe's participation in the field survey of COE lands.	2-14-20
	9-23-19	Email to the THPO to coordinate the tribe's participation in the field survey of COE lands.	2-14-20
	10-9-19	Phone call to the THPO to coordinate the tribe's participation in field surveys	2-14-20
	2-14-20	Letter to the THPO transmitting the Class III Archaeological Survey Report, standalone archaeological survey report for USFS lands, and Class III Historic Structures Report. (Note: The delivery receipt for this report, dated 2-21-20, was filed on 4-20-20).	2-14-20
	2-28-20	Letter to the President regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	3-30-20	Email to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-30-20	Letter to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-31-20	Phone call to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; voice mail message.	4-20-20
	4-8-20	Email to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	4-20-20
	4-13-20	Phone call to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; voice mail message.	4-20-20
	4-22-2	Email to the THPO providing an update on the Project and survey plans for 2020.	This filing
Oglala Sioux Tribe	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the President.	2-14-20
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
	5-10-19	Follow-up phone call to the THPO, message left.	2-14-20
	5-10-19	Follow-up phone call to the President's office; an additional copy of the 4-15-19 introductory letter was requested.	2-14-20
	5-10-19	Follow-up email to the President transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	6-27-19	Follow-up phone call to the THPO.	2-14-20
	6-28-19	Follow-up phone call to the THPO, who confirmed receipt of the 4-15-19 introductory letter.	2-14-20

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
	7-17-19	Letter inviting the President to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-30-19	Project update letter to the THPO, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	2-14-20	Letter to the THPO transmitting the Class III Archaeological Survey Report, standalone archaeological survey report for USFS lands, and Class III Historic Structures Report. (Note: The delivery receipt for this report, dated 3-16-20, was filed on 4-20-20).	2-14-20
	2-28-20	Letter to the President regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	3-13-20	Phone call to the THPO to confirm receipt of the Class III reports; voice mail message.	4-20-20
	3-30-20	Email to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-30-20	Letter to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	4-8-20	Email to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	4-20-20
	4-13-20	Phone call to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; there was no answer and the voice mailbox was full.	4-20-20
	4-22-20	Email requesting confirmation of the THPO's receipt of WBI Energy's letter dated 3-3-20 and email sent on 4-8-20, and providing information on the survey plans for 2020.	This filing
Northern Arapaho Tribe of Wind River Indian Reservation	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the Chairman.	2-14-20
	4-15-19	Introductory letter, including a Project description and map, and request for comment on the Project, sent to the THPO.	2-14-20
	5-10-19	Follow-up phone call to the THPO; voicemail message.	2-14-20
	6-27-19	Follow-up phone call to the THPO; an additional copy of the 4-15-19 introductory letter was requested.	2-14-20
	6-27-19	Follow-up email to the THPO transmitting an additional copy of the 4-15-19 introductory letter.	2-14-20
	7-17-19	Letter inviting the President to participate in WBI Energy's open houses.	2-14-20
	7-17-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-30-19	Project update letter, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	2-28-20	Letter to the Chairman regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	4-22-20	Email to the THPO providing an update on the Project and information on the survey plans for 2020.	This filing

North Bakken Expansion Project

Summary of Communications with Federally Recognized Indian Tribes (continued)

Tribe	Date	Summary	Filing Date
Fort Belknap Indian Community	6-13-19	Meeting to discuss the Project and cultural resources field surveys. (Note: This meeting was hosted by the Assiniboine and Sioux Tribes of the Fort Peck Reservation.)	2-14-20
	6-27-19	Email to the THPO transmitting a scope of work (letter dated 6-27-19) for tribal surveys for the Project.	2-14-20
	6-27-19	Letter to the THPO providing a scope of work for tribal surveys for the Project.	2-14-20
	7-29-19	Letter inviting the THPO to participate in WBI Energy's open houses.	2-14-20
	7-30-19	Project update letter, including a Project description and map, and a renewed request for comment on the Project.	2-14-20
	2-14-20	Letter to the THPO transmitting the Class III Archaeological Survey Report, standalone archaeological survey report for USFS lands, and Class III Historic Structures Report. (Note: The delivery receipt for this report, dated 2-19-20, was filed on 4-20-20).	2-14-20
	2-28-20	Letter to the President regarding the filing of WBI Energy's application with FERC.	This filing
	2-28-20	Letter to the THPO regarding the filing of WBI Energy's application with FERC.	This filing
	3-30-20	Email to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	3-30-20	Letter to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	4-20-20
	4-8-20	Email to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	4-20-20
	4-13-20	Phone call to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	4-20-20
	4-15-20	Phone call to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	4-20-20
	4-15-20	Email to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	4-20-20
	4-17-20	Phone call to the THPO confirming the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; the THPO said he had no questions or comments on the 2019 field surveys or Class III reports provided to the tribe in February 2020.	This filing
4-22-20	Email to the THPO providing information the survey plans for 2020.	This filing	

Standing Rock Sioux Tribe



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Mike Faith
Chairman
Standing Rock Sioux Tribe
PO Box D
Fort Yates, ND 58538-0523

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

Dear Mr. Faith:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

WBI Energy is a natural gas company engaged in the gathering, transportation and storage of natural gas in Montana, North Dakota, South Dakota, Wyoming, and Minnesota. WBI Energy also operates underground storage reservoirs in the Cedar Creek (Baker) Field, Montana; the Elk Basin Field, Wyoming; and the Billy Creek Field, Wyoming to serve its natural gas system.

The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga Compressor Station; (vi) uprating WBI Energy's Line Section 25; (vii) installing additional

horsepower at the Tioga Compressor Station; (viii) constructing a new compressor station, the Elkhorn Creek Compressor Station, in McKenzie County; and (ix) installing new and modifying existing delivery, receipt, and transfer stations along WBI Energy's existing pipeline routes, replacing small segments of pipeline facilities and installing block valves, pig launcher/receiver stations and other associated appurtenances.

The North Bakken Expansion Project will provide incremental firm transportation capacity from natural gas processing plants to a proposed interconnect with Northern Border. New pipeline infrastructure in the Williston Basin is of critical importance for the transportation of increasing levels of associated natural gas production and to aid in the reduction of natural gas flaring in northwest North Dakota as well as enhance system reliability for WBI Energy's existing and new customers. If approved, WBI Energy plans to construct the facilities in 2021 and have the new facilities in service by November 1, 2021. WBI Energy will need to secure appropriate easements and land purchases prior to commencing construction.

In accordance with FERC regulations, 18 C.F.R. § 157.6(d)(3), the following informational materials are enclosed for your reference:

- A map of the general location of the Project facilities.
- The Commission's notice of WBI Energy's application. This notice provides the date by which timely motions to intervene in this proceeding are due, together with information on how to intervene or participate in this proceeding.
- A pamphlet prepared by the FERC entitled "*An Interstate Natural Gas Facility on My Land? What Do I Need to Know?*" The pamphlet explains the Commission's certificate process and addresses the basic concerns of landowners.

A copy of the North Bakken Expansion Project application to the FERC is available online at WBI Energy's Project website at <https://www.wbienergy.com/wbienergy/transmission/north-bakken-expansion-project>. The application is also available online at FERC's website using the "eLibrary" link at www.ferc.gov. WBI Energy has made the documents available for public viewing at the following locations:

- Williston Community Library (Williston, ND);
- Auditor/Treasurer Office, McKenzie County Courthouse (Watford City, ND);
- Stanley Public Library (Stanley, ND); and
- Burke County Courthouse (Bowbells, ND).

WBI Energy endeavors to work in partnership with landowners and to negotiate easement and land purchase agreements, as applicable, which satisfy both the landowner and WBI Energy. However, occasionally negotiations fail, and no compromise can be reached. If such is the case, and the FERC has approved WBI Energy's application, WBI Energy can obtain access to the necessary right-of-way through the applicable eminent domain (condemnation) laws. The landowner has the right to challenge such access and to obtain and be represented by legal counsel. The eminent domain (condemnation) laws for North Dakota can be found in Chapter 32-15 of the North Dakota Century Code at <https://www.legis.nd.gov/cencode/t32c15.pdf>.

North Bakken Expansion Project

February 28, 2020

Page 3 of 3

Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

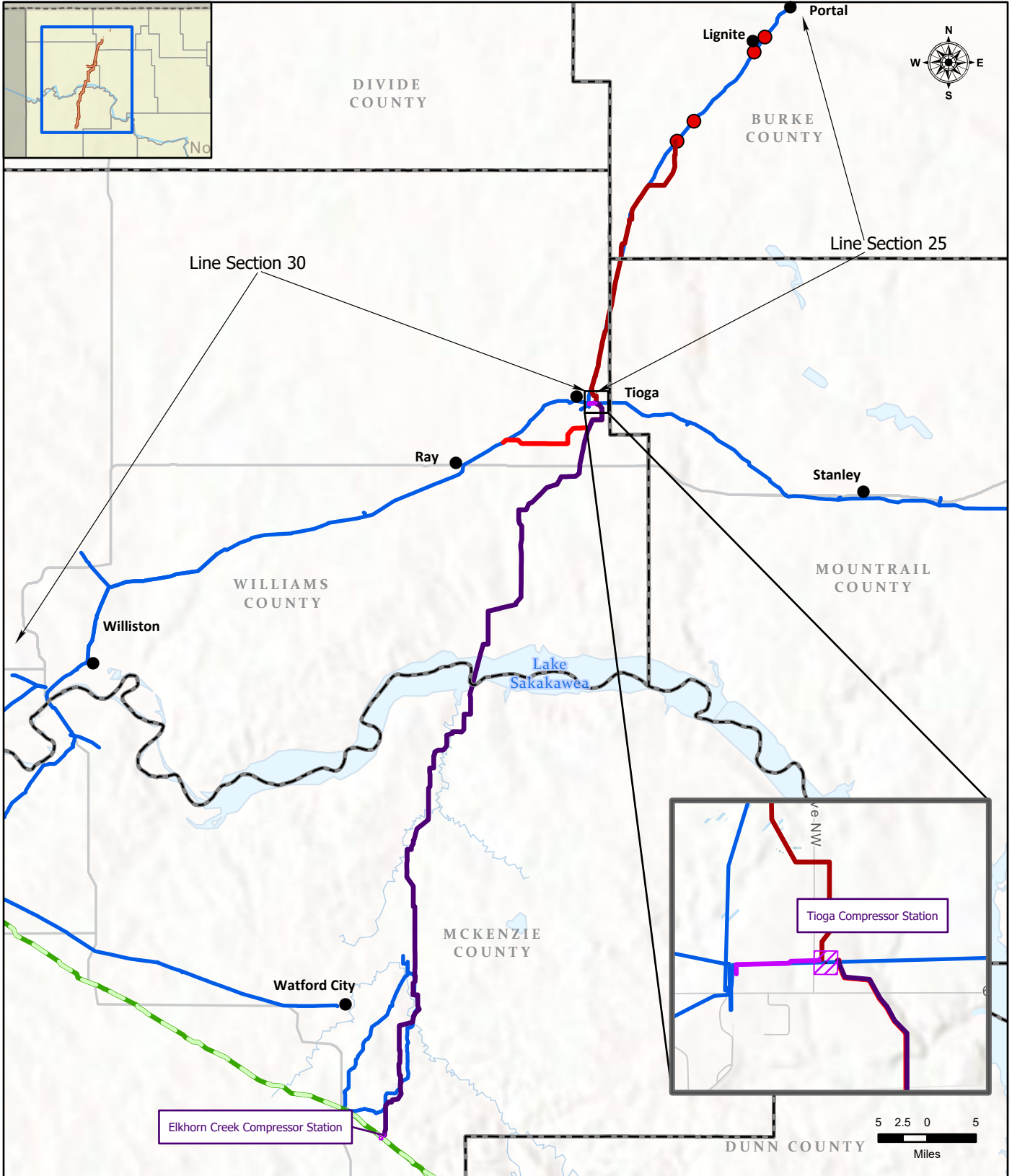
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- | | |
|---|--|
|  Proposed Line Section 25 Loop |  Proposed Uprate Bore |
|  Proposed Line Section 30 Loop |  Northern Border Pipeline |
|  Proposed Tioga-Elkhorn Creek Pipeline |  WBI Existing Pipeline |
|  Proposed Tioga Compressor Lateral |  County Boundary |
|  Proposed Elkhorn Creek-Northern Border Pipeline |  Compressor Station |

North Bakken Expansion Project Overview Project Map

1:900,000





1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Jon Eagle
Tribal Historic Preservation Officer
Standing Rock Sioux Tribe
PO Box D
Fort Yates, ND 58538-0522

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

Dear Mr. Eagle:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

WBI Energy is a natural gas company engaged in the gathering, transportation and storage of natural gas in Montana, North Dakota, South Dakota, Wyoming, and Minnesota. WBI Energy also operates underground storage reservoirs in the Cedar Creek (Baker) Field, Montana; the Elk Basin Field, Wyoming; and the Billy Creek Field, Wyoming to serve its natural gas system.

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horsepower at the Tioga Compressor Station; (viii) constructing a new compressor station, the Elkhorn Creek Compressor Station, in McKenzie County; and (ix) installing new and modifying existing delivery, receipt, and transfer stations along WBI Energy's existing pipeline routes, replacing small segments of pipeline facilities and installing block valves, pig launcher/receiver stations and other associated appurtenances.

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- Williston Community Library (Williston, ND);
- Auditor/Treasurer Office, McKenzie County Courthouse (Watford City, ND);
- Stanley Public Library (Stanley, ND); and
- Burke County Courthouse (Bowbells, ND).

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

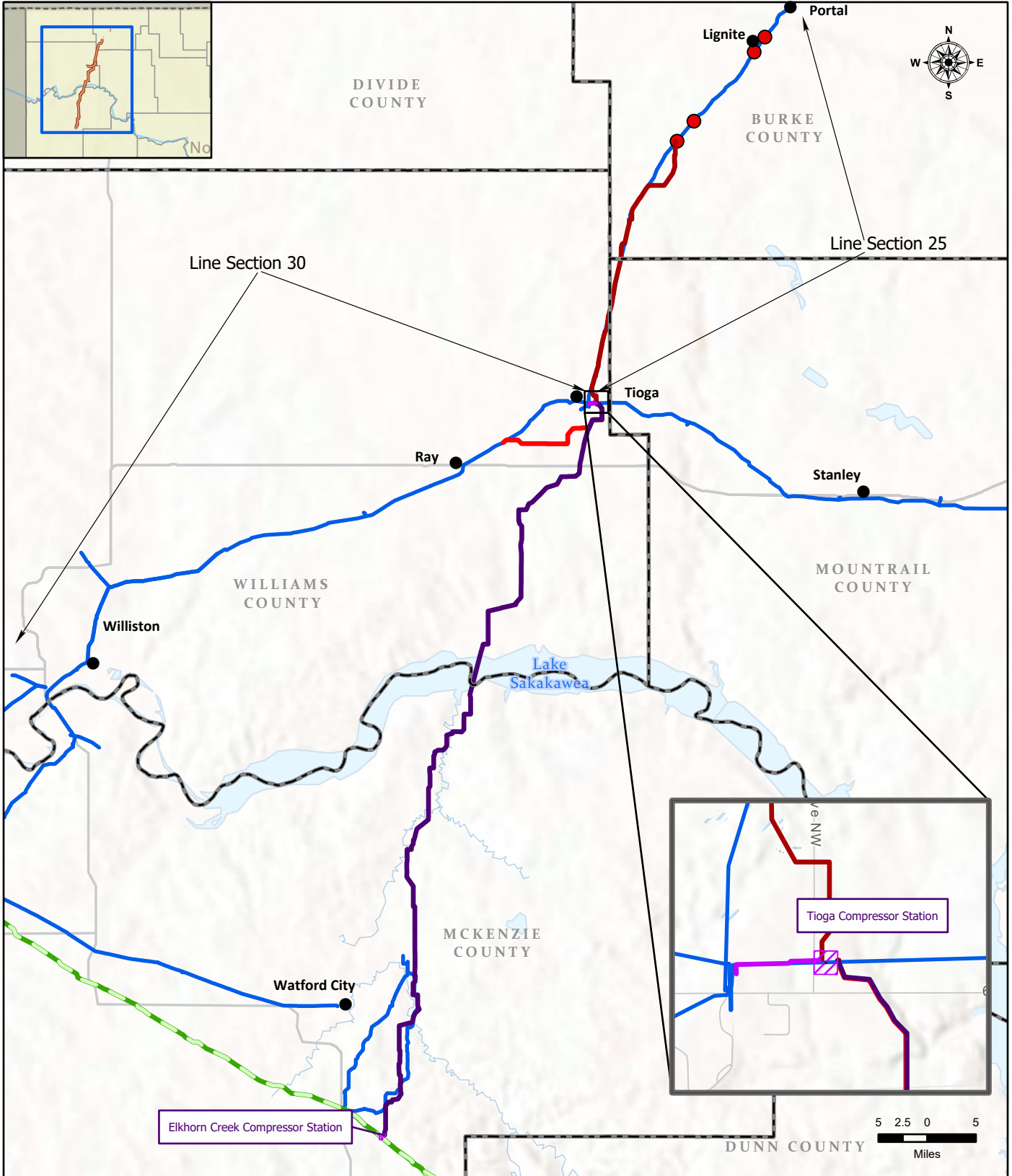
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- | | |
|---|--------------------------|
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| Proposed Line Section 30 Loop | Northern Border Pipeline |
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| Proposed Elkhorn Creek-Northern Border Pipeline | Compressor Station |

North Bakken Expansion Project Overview Project Map

1:900,000



Sisseton-Wahpeton Oyate of the Lake Traverse Reservation



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Donovan White
Chairman
Sisseton-Wahpeton Oyate
PO Box 509
12554 BIA HWY 711
Agency Village, SD 57262

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

Dear Mr. White:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

WBI Energy is a natural gas company engaged in the gathering, transportation and storage of natural gas in Montana, North Dakota, South Dakota, Wyoming, and Minnesota. WBI Energy also operates underground storage reservoirs in the Cedar Creek (Baker) Field, Montana; the Elk Basin Field, Wyoming; and the Billy Creek Field, Wyoming to serve its natural gas system.

The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga

Compressor Station; (vi) upgrading WBI Energy's Line Section 25; (vii) installing additional horsepower at the Tioga Compressor Station; (viii) constructing a new compressor station, the Elkhorn Creek Compressor Station, in McKenzie County; and (ix) installing new and modifying existing delivery, receipt, and transfer stations along WBI Energy's existing pipeline routes, replacing small segments of pipeline facilities and installing block valves, pig launcher/receiver stations and other associated appurtenances.

The North Bakken Expansion Project will provide incremental firm transportation capacity from natural gas processing plants to a proposed interconnect with Northern Border. New pipeline infrastructure in the Williston Basin is of critical importance for the transportation of increasing levels of associated natural gas production and to aid in the reduction of natural gas flaring in northwest North Dakota as well as enhance system reliability for WBI Energy's existing and new customers. If approved, WBI Energy plans to construct the facilities in 2021 and have the new facilities in service by November 1, 2021. WBI Energy will need to secure appropriate easements and land purchases prior to commencing construction.

In accordance with FERC regulations, 18 C.F.R. § 157.6(d)(3), the following informational materials are enclosed for your reference:

- A map of the general location of the Project facilities.
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A copy of the North Bakken Expansion Project application to the FERC is available online at WBI Energy's Project website at <https://www.wbienergy.com/wbienergy/transmission/north-bakken-expansion-project>. The application is also available online at FERC's website using the "eLibrary" link at www.ferc.gov. WBI Energy has made the documents available for public viewing at the following locations:

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Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

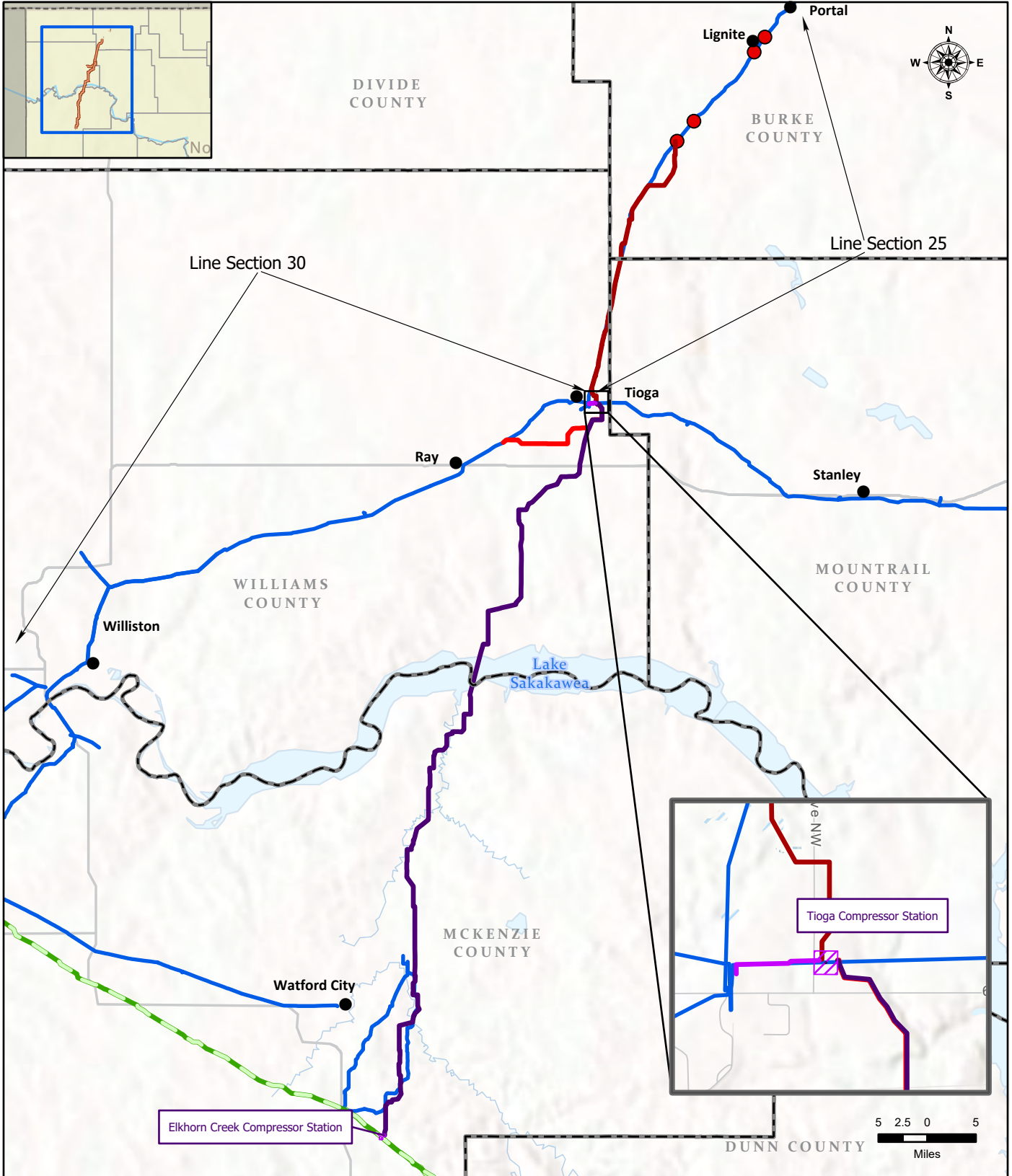
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Ms. Dianne Desrosiers
Tribal Historic Preservation Office
Sisseton-Wahpeton Oyate
PO Box 907
205 Oak St. E.
Suite 121
Sisseton, SD 57262-0907

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

Dear Ms. Desrosiers:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

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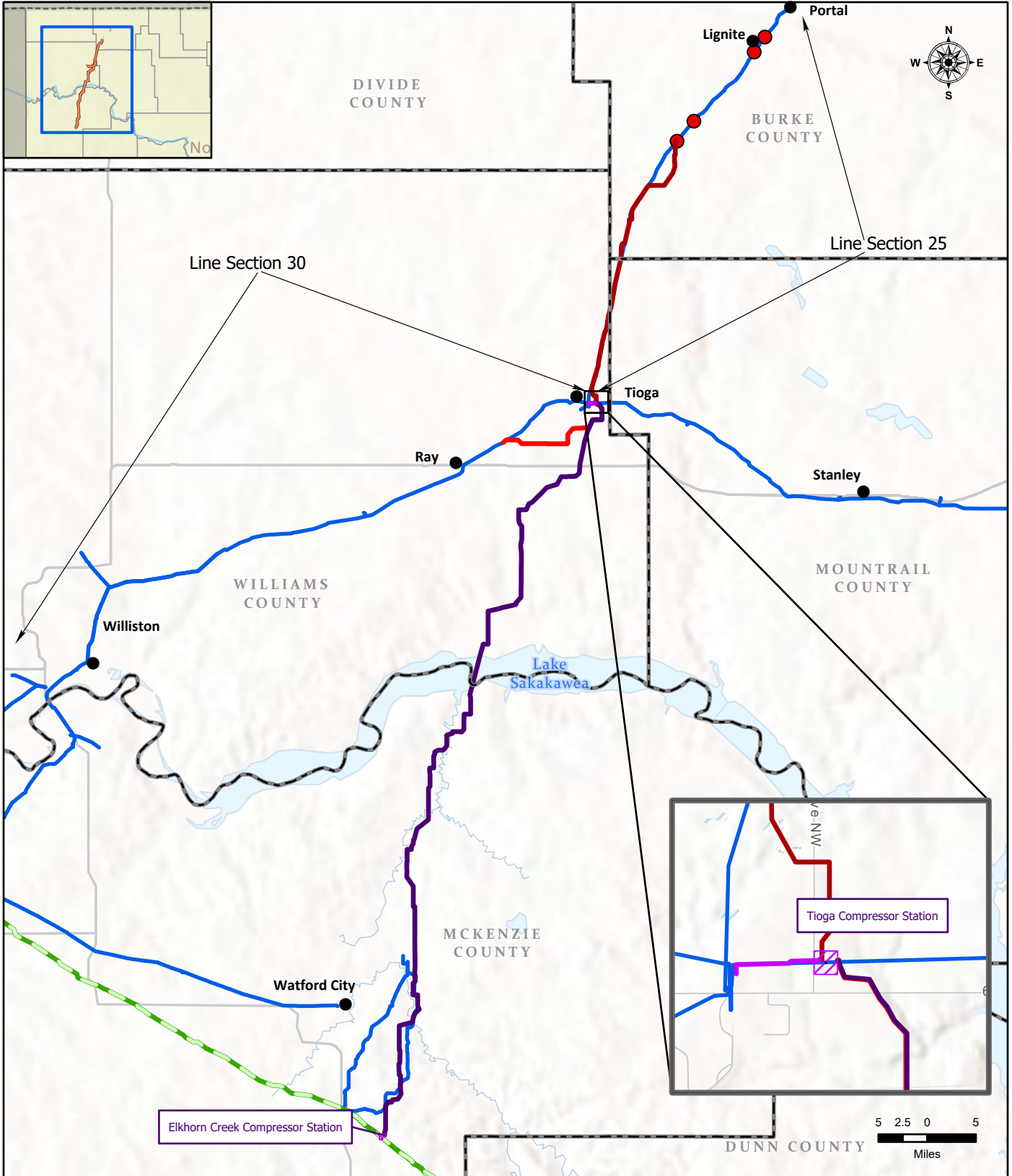
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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North Bakken Expansion Project Overview Project Map

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Turtle Mountain Band of Chippewa Indians



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Jamie Azure
Chairman
Turtle Mountain Band of Chippewa Indians
PO Box 901
4180 Hwy 281
Belcourt, ND 58316

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

Dear Mr. Azure:

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

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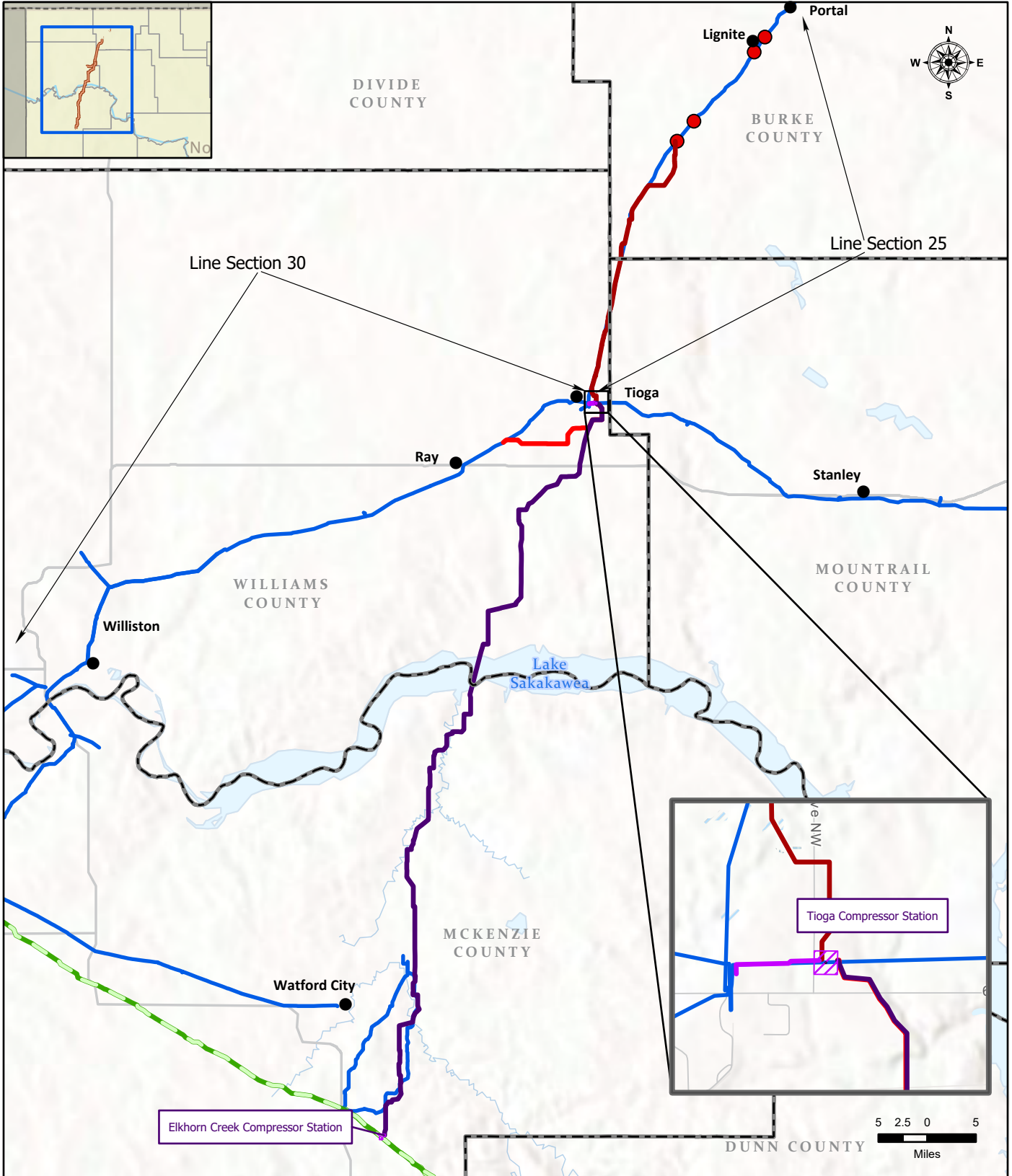
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- | | |
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North Bakken Expansion Project Overview Project Map

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1250 West Century Avenue
Mailing Address:
P. O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Ms. Elaine Nadeau
Tribal Historic Preservation Office
Turtle Mountain Band of Chippewa Indians
PO Box 900
4180 Hwy 281
Belcourt, ND 58316

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

Dear Ms. Nadeau:

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

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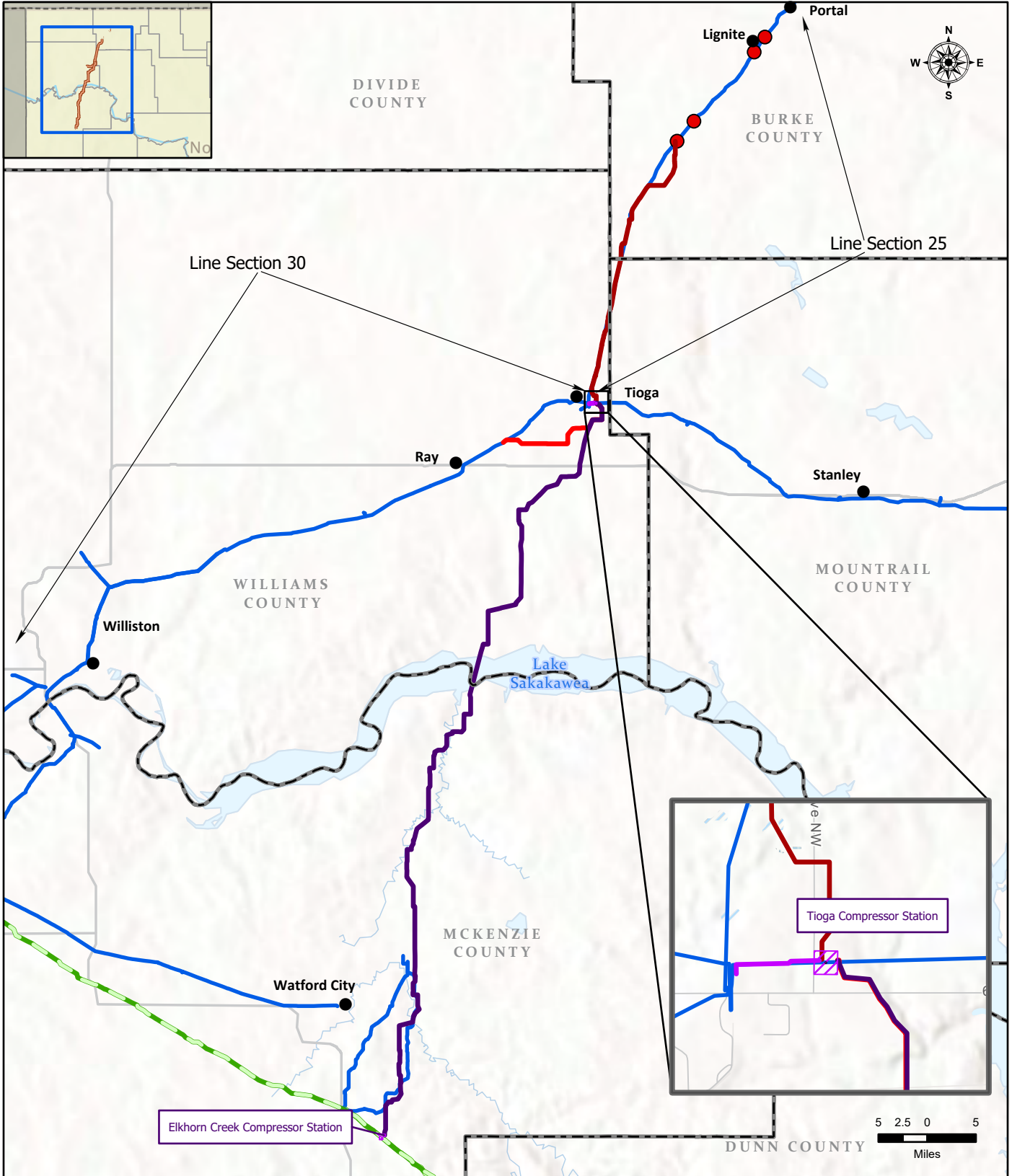
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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Three Affiliated Tribes of the Fort Berthold Reservation



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Mark Fox
Chairman
Three Affiliated Tribes
404 Frontage Road
New Town, ND 58763-9404

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

Dear Mr. Fox:

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

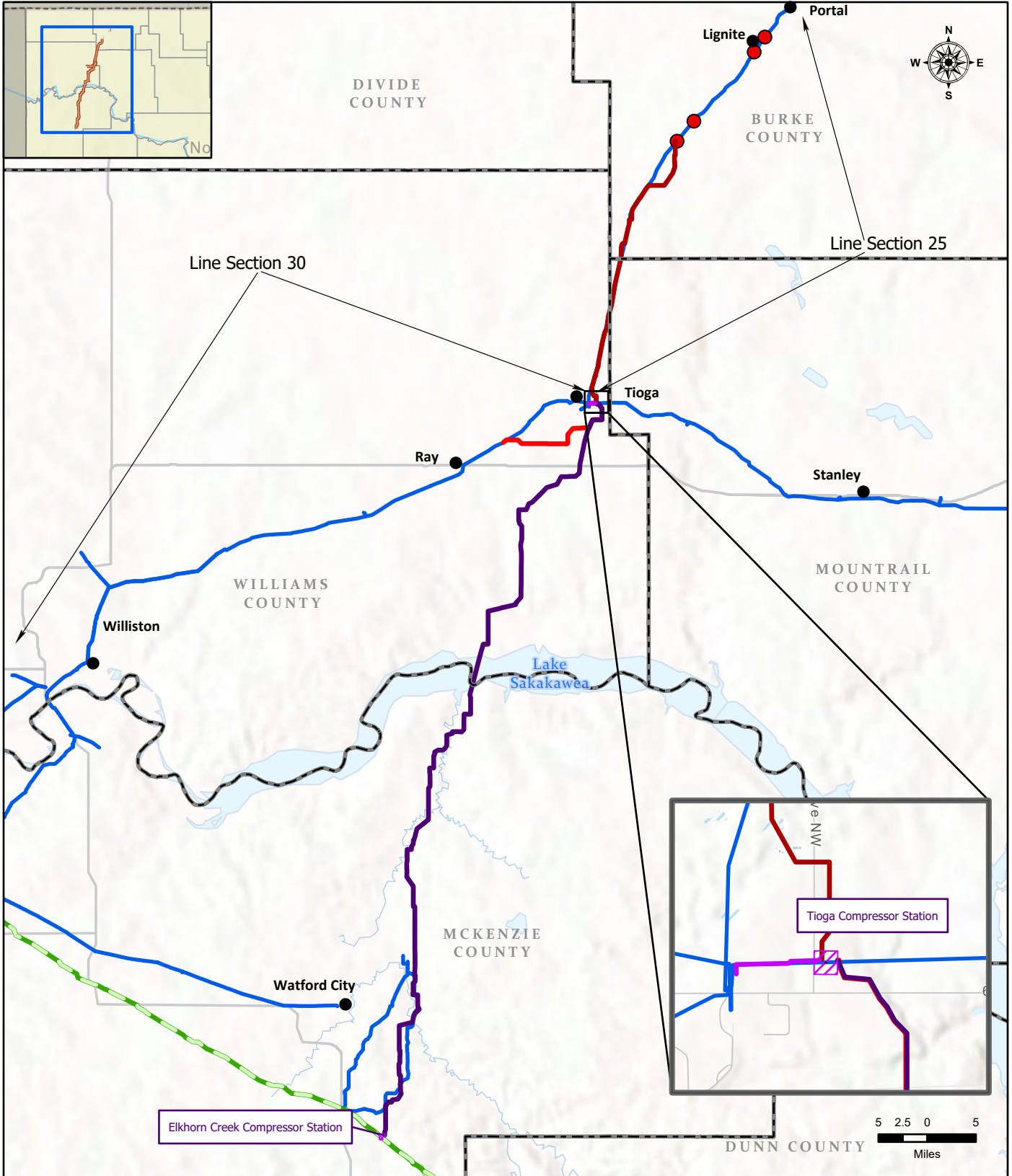
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- | | |
|---|--|
|  Proposed Line Section 25 Loop |  Proposed Uprate Bore |
|  Proposed Line Section 30 Loop |  Northern Border Pipeline |
|  Proposed Tioga-Elkhorn Creek Pipeline |  WBI Existing Pipeline |
|  Proposed Tioga Compressor Lateral |  County Boundary |
|  Proposed Elkhorn Creek-Northern Border Pipeline |  Compressor Station |

North Bakken Expansion Project Overview Project Map

1:900,000





1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Elgin Crowsbreast
Director, Tribal Historic Preservation Office
Three Affiliated Tribes
1 Minne-Tohe Drive
New Town, ND 58763-9404

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

Dear Mr. Crowsbreast:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

WBI Energy is a natural gas company engaged in the gathering, transportation and storage of natural gas in Montana, North Dakota, South Dakota, Wyoming, and Minnesota. WBI Energy also operates underground storage reservoirs in the Cedar Creek (Baker) Field, Montana; the Elk Basin Field, Wyoming; and the Billy Creek Field, Wyoming to serve its natural gas system.

The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga Compressor Station; (vi) uprating WBI Energy's Line Section 25; (vii) installing additional

horsepower at the Tioga Compressor Station; (viii) constructing a new compressor station, the Elkhorn Creek Compressor Station, in McKenzie County; and (ix) installing new and modifying existing delivery, receipt, and transfer stations along WBI Energy's existing pipeline routes, replacing small segments of pipeline facilities and installing block valves, pig launcher/receiver stations and other associated appurtenances.

The North Bakken Expansion Project will provide incremental firm transportation capacity from natural gas processing plants to a proposed interconnect with Northern Border. New pipeline infrastructure in the Williston Basin is of critical importance for the transportation of increasing levels of associated natural gas production and to aid in the reduction of natural gas flaring in northwest North Dakota as well as enhance system reliability for WBI Energy's existing and new customers. If approved, WBI Energy plans to construct the facilities in 2021 and have the new facilities in service by November 1, 2021. WBI Energy will need to secure appropriate easements and land purchases prior to commencing construction.

In accordance with FERC regulations, 18 C.F.R. § 157.6(d)(3), the following informational materials are enclosed for your reference:

- A map of the general location of the Project facilities.
- The Commission's notice of WBI Energy's application. This notice provides the date by which timely motions to intervene in this proceeding are due, together with information on how to intervene or participate in this proceeding.
- A pamphlet prepared by the FERC entitled "*An Interstate Natural Gas Facility on My Land? What Do I Need to Know?*" The pamphlet explains the Commission's certificate process and addresses the basic concerns of landowners.

A copy of the North Bakken Expansion Project application to the FERC is available online at WBI Energy's Project website at <https://www.wbienergy.com/wbienergy/transmission/north-bakken-expansion-project>. The application is also available online at FERC's website using the "eLibrary" link at www.ferc.gov. WBI Energy has made the documents available for public viewing at the following locations:

- Williston Community Library (Williston, ND);
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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

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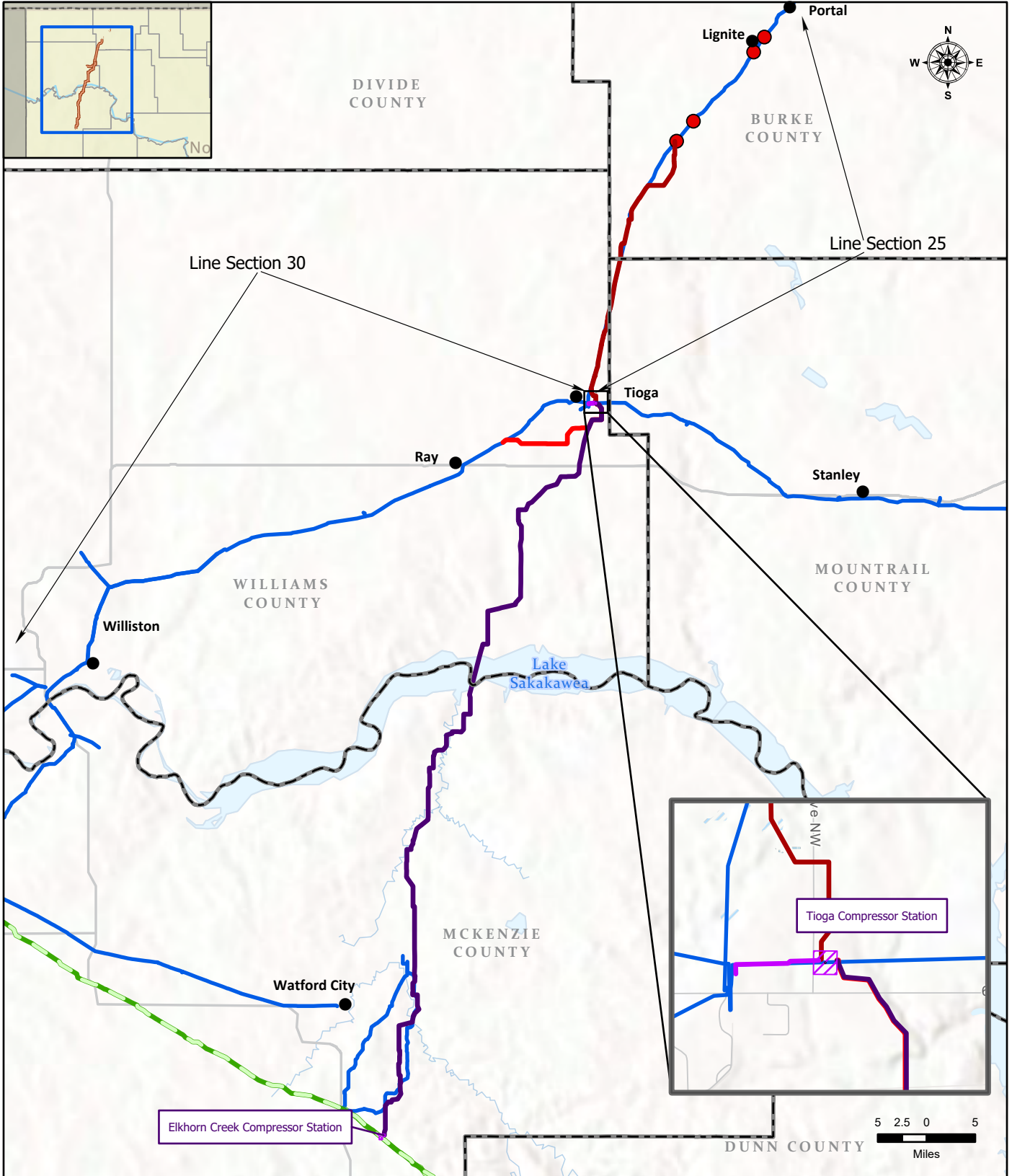
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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North Bakken Expansion Project Overview Project Map

1:900,000



Kevin Malloy

From: Kevin Malloy
Sent: Wednesday, April 22, 2020 12:15 PM
To: Pete Coffey
Subject: WBI Energy, North Bakken Expansion Project - Follow-Up

Mr. Coffey,

Per your email to me on March 30, 2020, we understand the Three Affiliated Tribes plans to participate in the 2020 field surveys for WBI Energy's North Bakken Expansion Project. We are reaching out to provide you with an update on the anticipated survey schedule for 2020 and also to ask if you have any questions or comments on the Class III report for the Project (on the results from the 2019 survey season) that WBI Energy sent to you in February 2020.

The 2020 fieldwork will include survey of route and other Project changes adopted after completion of the 2019 surveys; additional testing of sites recommended by WBI Energy or the North Dakota SHPO; and geomorphological testing to assess the potential for deeply buried sites at select waterbody crossings. For the survey and site testing, WBI Energy is planning to deploy two field crews beginning on June 1. The field work is expected to take about 4 to 6 weeks to complete. The survey crews will work 10 hour days Monday through Saturday. A second mobilization is possible later in the summer.

The deep testing is planned to occur in late May or early June (date to be determined) and take approximately two weeks to complete. The deep testing most likely will overlap with a portion of the survey and site testing.

In recent discussions with WBI Energy, the Northern Cheyenne Tribe, who plans to participate in the 2020 fieldwork, suggested a pre-survey meeting and asked to visit some of the sites identified in 2019. The meeting and site visits are tentatively planned to occur one week prior to the start of field surveys (starting on or about May 25).

Based on the above, we assume that two tribal representatives will be needed for about 5 to 7 weeks for the field survey, including the pre-survey meeting and visits to sites identified in 2019. A representative from WBI Energy will contact you directly regarding contracting for this work.

Sincerely,

Kevin Malloy

Kevin Malloy

From: Pete Coffey <pcoffey@mhanation.com>
To: Kevin Malloy
Sent: Wednesday, April 22, 2020 2:22 PM
Subject: Read: WBI Energy, North Bakken Expansion Project - Follow-Up

Your message

To: Pete Coffey
Subject: WBI Energy, North Bakken Expansion Project - Follow-Up
Sent: Wednesday, April 22, 2020 12:14:44 PM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, April 22, 2020 2:21:56 PM (UTC-06:00) Central Time (US & Canada).

Spirit Lake Sioux Tribe



1250 West Century Avenue
Mailing Address:
P. O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Ms. Peggy Cavanaugh
Chairperson
Spirit Lake Tribe
PO Box 359
Fort Totten, ND 58335-0359

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

Dear Ms. Cavanaugh:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

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The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga Compressor Station; (vi) upgrading WBI Energy's Line Section 25; (vii) installing additional

horsepower at the Tioga Compressor Station; (viii) constructing a new compressor station, the Elkhorn Creek Compressor Station, in McKenzie County; and (ix) installing new and modifying existing delivery, receipt, and transfer stations along WBI Energy's existing pipeline routes, replacing small segments of pipeline facilities and installing block valves, pig launcher/receiver stations and other associated appurtenances.

The North Bakken Expansion Project will provide incremental firm transportation capacity from natural gas processing plants to a proposed interconnect with Northern Border. New pipeline infrastructure in the Williston Basin is of critical importance for the transportation of increasing levels of associated natural gas production and to aid in the reduction of natural gas flaring in northwest North Dakota as well as enhance system reliability for WBI Energy's existing and new customers. If approved, WBI Energy plans to construct the facilities in 2021 and have the new facilities in service by November 1, 2021. WBI Energy will need to secure appropriate easements and land purchases prior to commencing construction.

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

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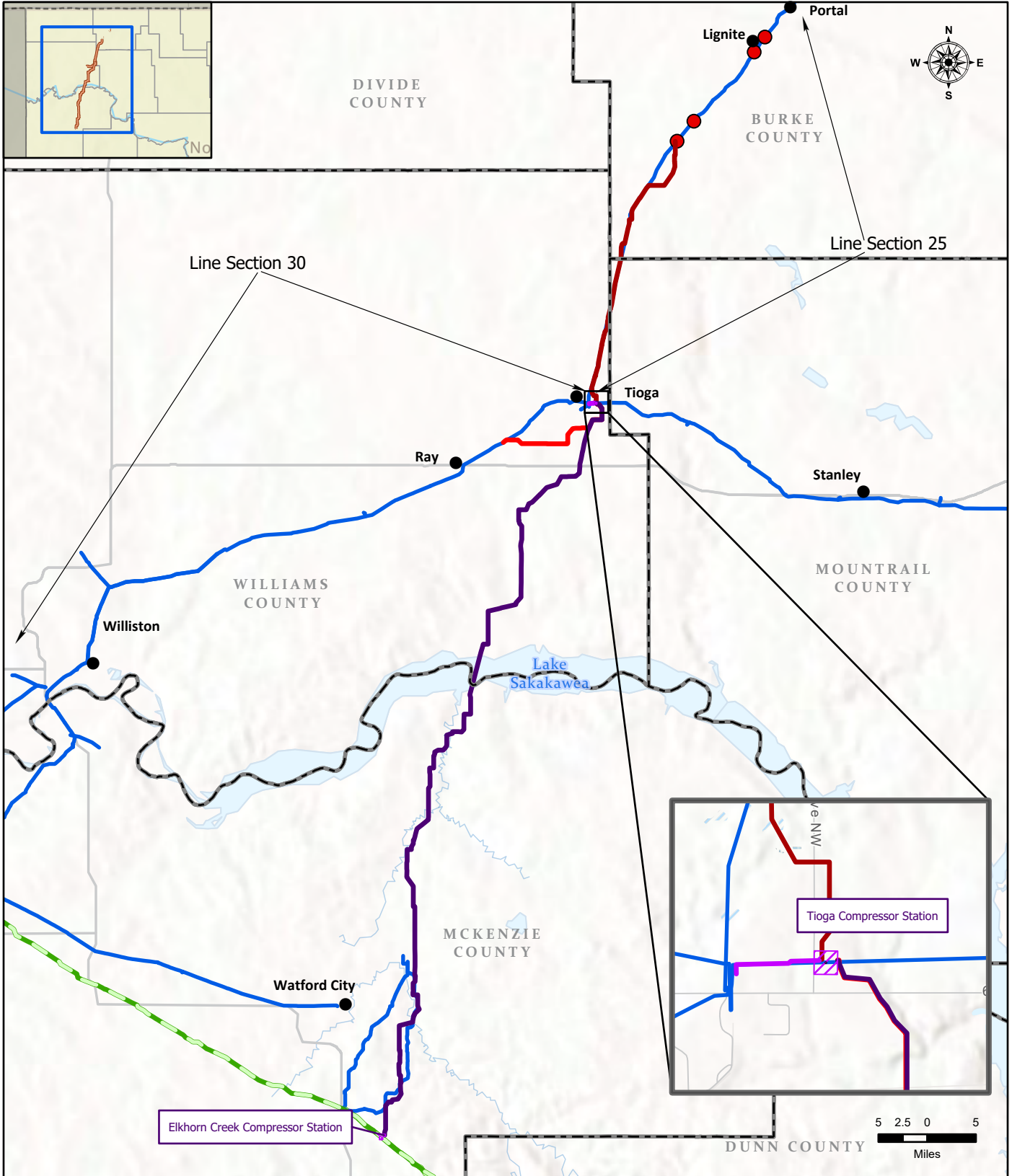
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- | | |
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North Bakken Expansion Project Overview Project Map

1:900,000





1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Dr. Erich Longie
Tribal Historic Preservation Office
Spirit Lake Tribe
PO Box 76
Fort Totten, ND 58335-0076

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

Dear Dr. Longie:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

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North Bakken Expansion Project

February 28, 2020

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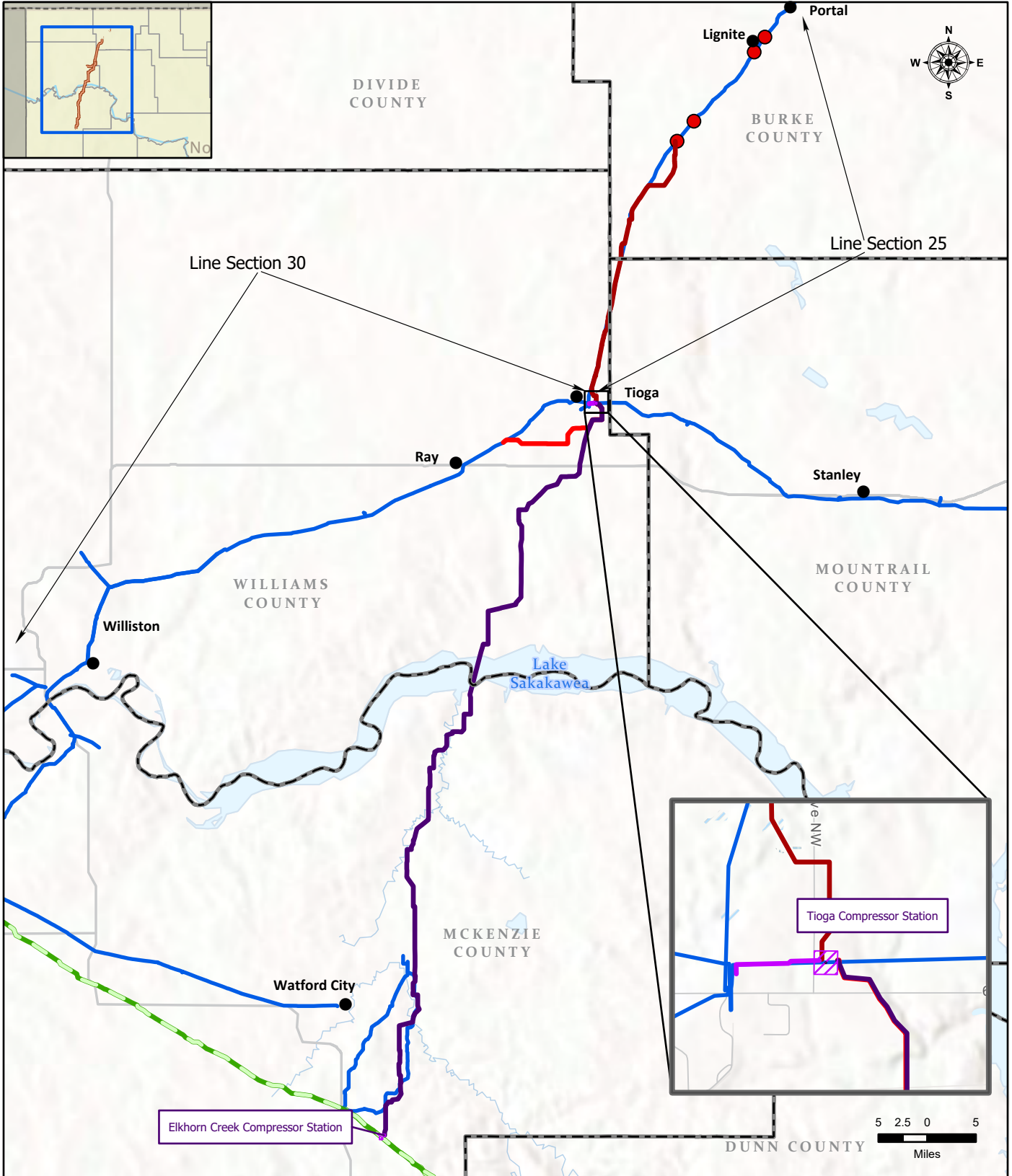
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures

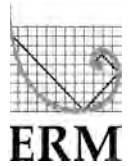


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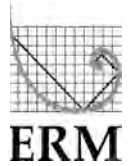
Call To/From Whom	To: Spirit Lake Sioux Tribe THPO – Erich Longie
Phone number	701-351-2175
Company	Spirit Lake Sioux Tribe
WBI Energy Contact	Dave Linn
Phone number	406-359-7333
Date	March 2, 2020
Time of Conversation	2:00 p.m.
Reference	North Bakken Expansion Project

Signature

LOG OF CONVERSATION

Dr. Longie left a voice mail message for Dave Linn requesting a call back.

CONFIDENTIALITY NOTICE This Call Log contains information which may be confidential, proprietary, privileged, or otherwise protected by law from disclosure or use by a third party. If you have received this facsimile transmission in error, please contact us immediately at the number listed above and take the steps necessary to dispose of this information. Thank you.



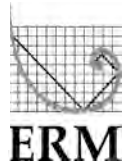
Call To/From Whom	To: Spirit Lake Sioux Tribe THPO – Erich Longie
Phone number	701-351-2175
Company	Spirit Lake Sioux Tribe
WBI Energy Contact	Dave Linn
Phone number	406-359-7333
Date	March 3, 2020
Time of Conversation	9:00 a.m.
Reference	North Bakken Expansion Project

Signature

LOG OF CONVERSATION

Dave Linn returned Dr. Longie's call from 3/2/20, leaving a voice mail message.

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Call To/From Whom	To: Spirit Lake Sioux Tribe THPO – Erich Longie
Phone number	701-351-2175
Company	Spirit Lake Sioux Tribe
WBI Energy Contact	Dave Linn
Phone number	406-359-7333
Date	March 4, 2020
Time of Conversation	8:00 a.m.
Reference	North Bakken Expansion Project

Signature**LOG OF CONVERSATION**

I (Dave Linn) received a call back from Erich Longie, Spirit Lake Sioux Tribe, THPO. Dr. Longie couldn't remember calling WBI Energy or seeing the project letter/information package and requested another copy by email. Dr. Longie said he would review the letter/package and get back to me if he had further questions.

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From: Linn, Dave
Sent: Wednesday, March 4, 2020 7:54 AM
To: 'thpo@gondtc.com' <thpo@gondtc.com>
Subject: North Bakken Expansion Project

Erich, see attached letter and information packet that was mailed out last week. Let me know if you receive this email and give me a call if you have further questions.

David Linn PE PMP

North Bakken Expansion Project Manager
WBI Energy
2010 Montana Ave
Glendive Montana 59330
Ph (406) 359-7333
e-mail dave.linn@wbienenergy.com



Yankton Sioux Tribe



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Robert Flying Hawk
Chairman
Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380

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

Dear Mr. Flying Hawk:

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

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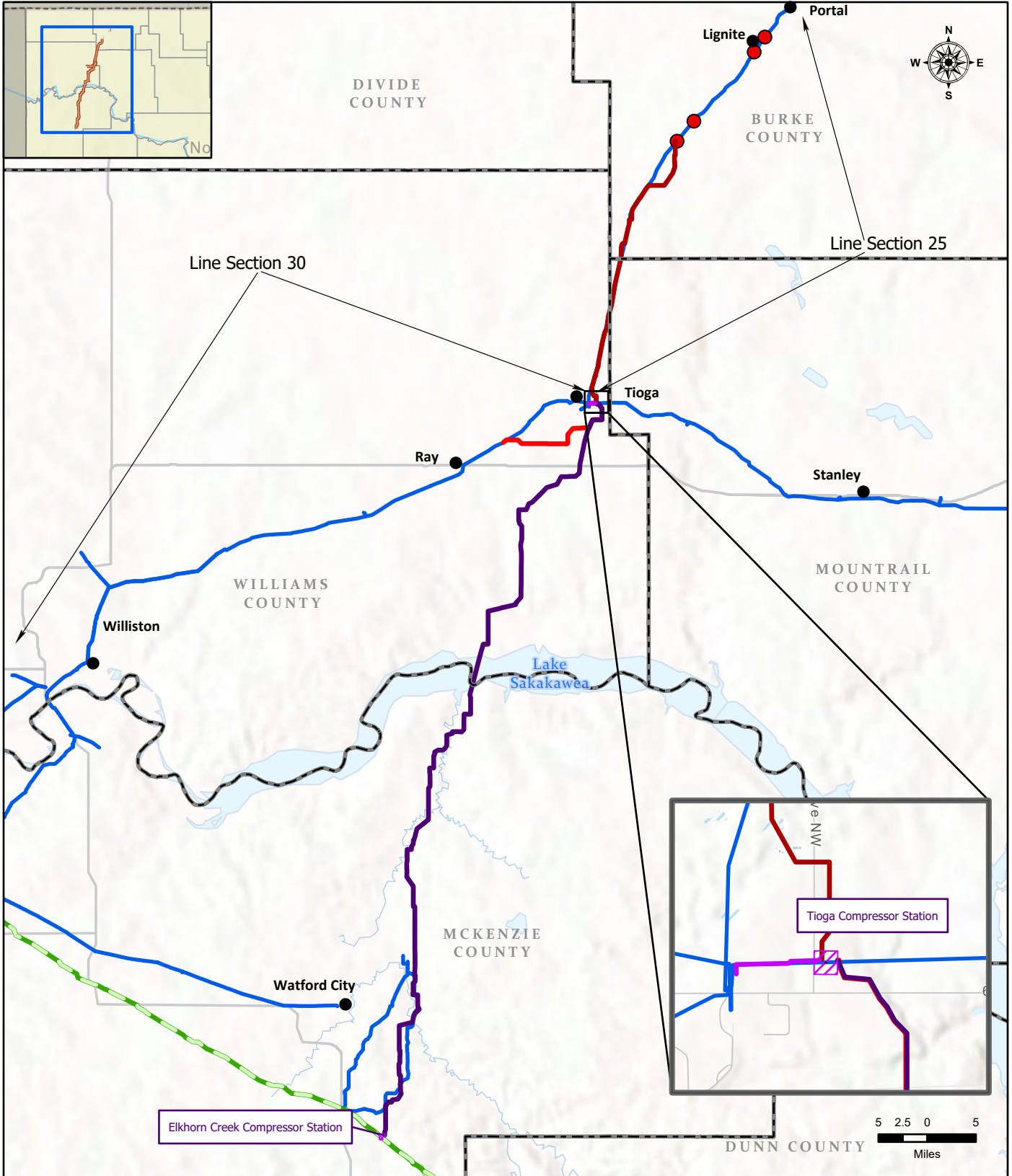
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- Proposed Line Section 25 Loop
- Proposed Line Section 30 Loop
- Proposed Tioga-Elkhorn Creek Pipeline
- Proposed Tioga Compressor Lateral
- Proposed Elkhorn Creek-Northern Border Pipeline
- Proposed Uprate Bore
- Northern Border Pipeline
- WBI Existing Pipeline
- County Boundary
- Compressor Station

North Bakken Expansion Project Overview Project Map

1:900,000





1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Kip Spotted Eagle
Tribal Historic Preservation Office
Yankton Sioux Tribe
PO Box 1153
Wagner, SD 57380

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

Dear Mr. Spotted Eagle:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

WBI Energy is a natural gas company engaged in the gathering, transportation and storage of natural gas in Montana, North Dakota, South Dakota, Wyoming, and Minnesota. WBI Energy also operates underground storage reservoirs in the Cedar Creek (Baker) Field, Montana; the Elk Basin Field, Wyoming; and the Billy Creek Field, Wyoming to serve its natural gas system.

The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga Compressor Station; (vi) upgrading WBI Energy's Line Section 25; (vii) installing additional

horsepower at the Tioga Compressor Station; (viii) constructing a new compressor station, the Elkhorn Creek Compressor Station, in McKenzie County; and (ix) installing new and modifying existing delivery, receipt, and transfer stations along WBI Energy's existing pipeline routes, replacing small segments of pipeline facilities and installing block valves, pig launcher/receiver stations and other associated appurtenances.

The North Bakken Expansion Project will provide incremental firm transportation capacity from natural gas processing plants to a proposed interconnect with Northern Border. New pipeline infrastructure in the Williston Basin is of critical importance for the transportation of increasing levels of associated natural gas production and to aid in the reduction of natural gas flaring in northwest North Dakota as well as enhance system reliability for WBI Energy's existing and new customers. If approved, WBI Energy plans to construct the facilities in 2021 and have the new facilities in service by November 1, 2021. WBI Energy will need to secure appropriate easements and land purchases prior to commencing construction.

In accordance with FERC regulations, 18 C.F.R. § 157.6(d)(3), the following informational materials are enclosed for your reference:

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North Bakken Expansion Project

February 28, 2020

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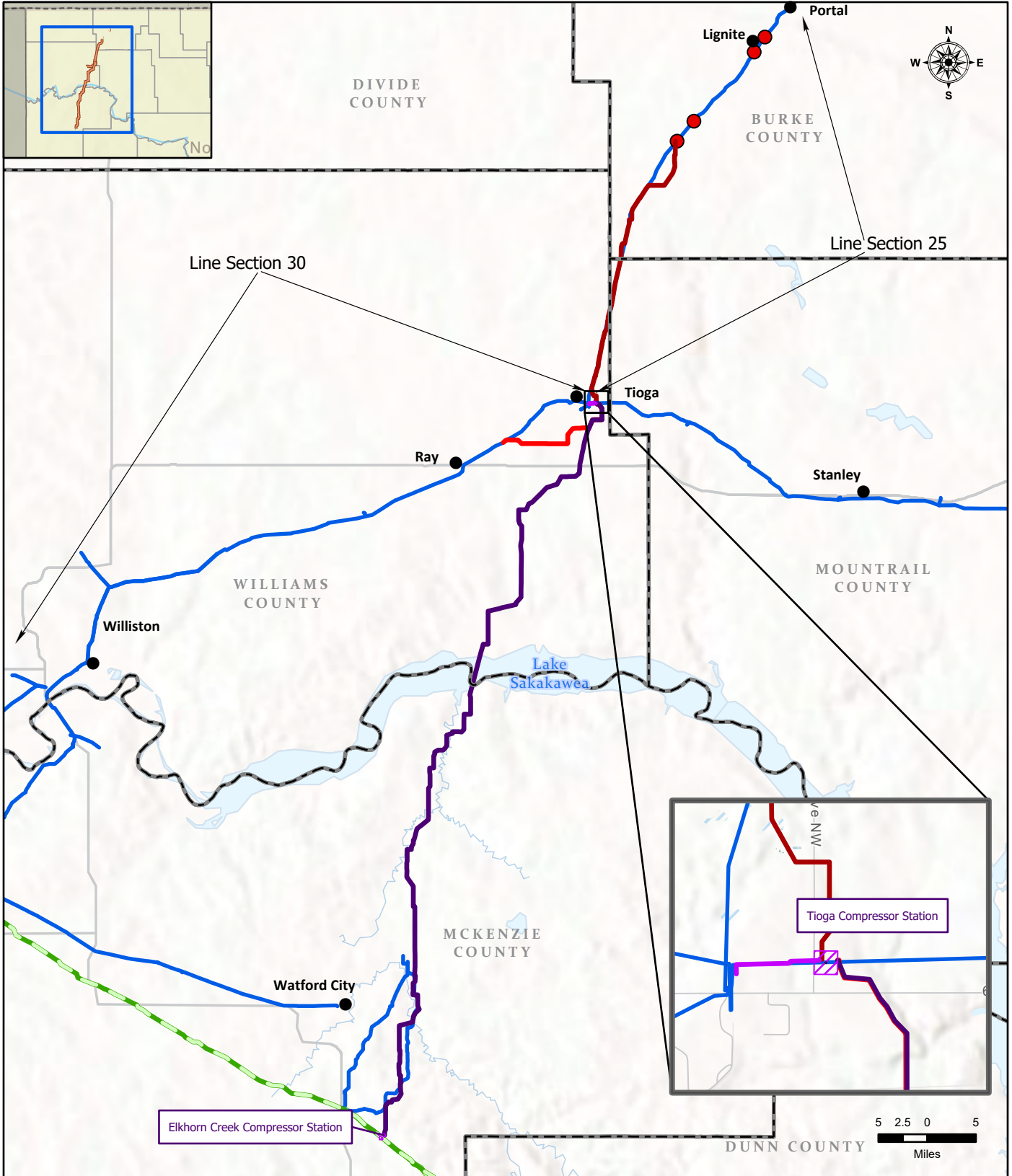
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/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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North Bakken Expansion Project Overview Project Map

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Northern Cheyenne Tribe



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

The Honorable Rynalea Whiteman Pena
President
Northern Cheyenne Tribe
PO Box 128
Lame Deer, MT 59043-0129

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

Dear President Whiteman Pena:

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North Bakken Expansion Project

February 28, 2020

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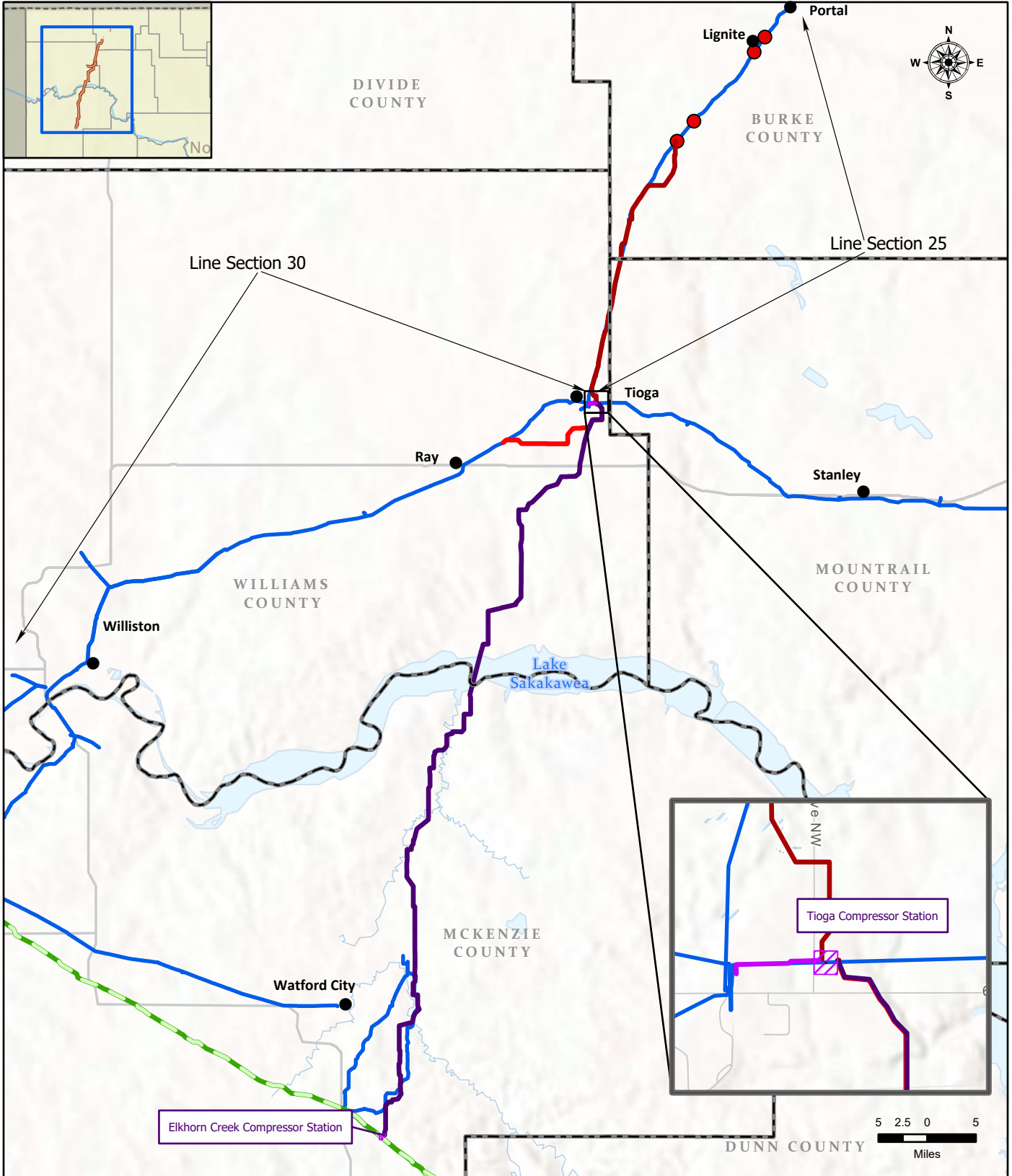
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/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- | | |
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1250 West Century Avenue
Mailing Address:
P. O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Ms. Teanna Limpy
Tribal Historic Preservation Office
Northern Cheyenne Tribe
PO Box 128
Lame Deer, MT 59043-0128

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

Dear Ms. Limpy:

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

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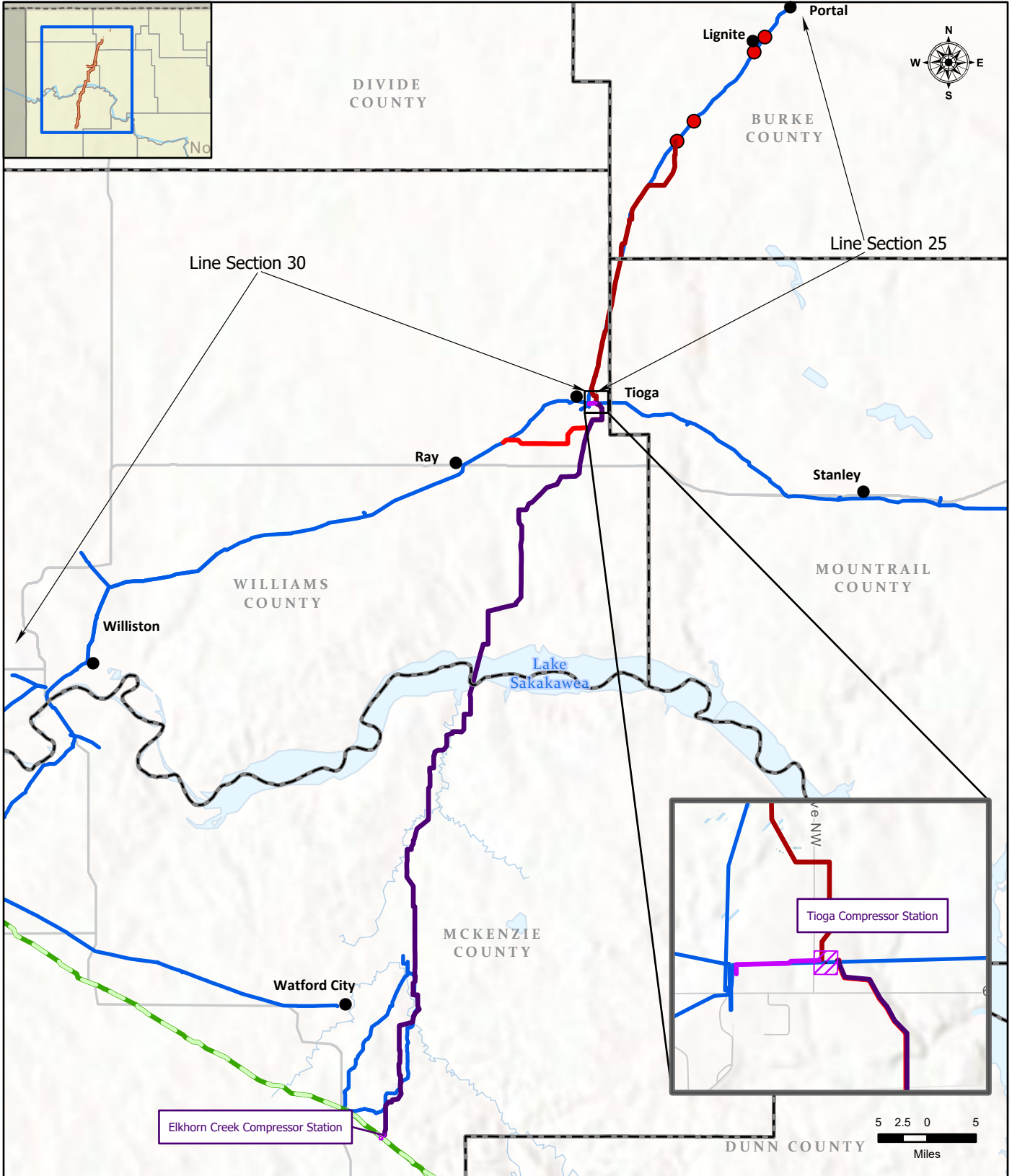
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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- County Boundary
- Compressor Station

North Bakken Expansion Project Overview Project Map

1:900,000



Kevin Malloy

From: Kevin Malloy
Sent: Wednesday, April 22, 2020 11:59 AM
To: teanna.limpy@cheyennenation.com
Cc: gary.lafranier@cheyennenation.com
Subject: WBI Energy, North Bakken Expansion Project - Follow-up

Ms. Limpy,

As a follow-up to our teleconference on April 7, 2020, I wanted to provide you with an update and advise you of a change in WBI Energy's survey plans for 2020.

As we previously discussed, the 2020 fieldwork will include survey of route and other Project changes adopted after completion of the 2019 surveys; additional testing of sites recommended by WBI Energy or the North Dakota SHPO; and geomorphological testing to assess the potential for deeply buried sites at select waterbody crossings. For the survey and site testing, WBI Energy is planning to deploy two field crews (change from one crew) beginning on June 1. The field work is expected to take about 4 to 6 weeks to complete. The survey crews are planning to work 10 hour days Monday through Saturday during the deployment. A second mobilization is possible later in the summer.

The deep testing is planned to occur in late May or early June (date to be determined) and take approximately two weeks to complete. The deep testing most likely will overlap with a portion of the survey and site testing.

In our recent teleconference, you suggested a pre-survey meeting and asked to visit some of the sites identified in 2019 (specific sites to be determined). We suggest holding the meeting and conducting the site visits one week prior to the start of field surveys (starting on or about May 25).

Based on the above, we assume that two tribal representatives will be needed for about 5 to 7 weeks for the field survey, including the pre-survey meeting and visits to sites identified in 2019. We will keep you updated on the plans for deep testing as the schedule for that work is finalized. A representative from WBI Energy will contact you directly regarding contracting for this work.

We will continue to keep you updated on the Project and planned schedule and logistics for the fieldwork. Please let us know if you have questions.

Thank you.

Sincerely,

Kevin Malloy

From: Gary
To: Kevin Malloy
Subject: Read: WBI Energy, North Bakken Expansion Project - Follow-up
Date: Wednesday, April 22, 2020 12:17:46 PM

Your message

To: Gary
Subject: WBI Energy, North Bakken Expansion Project - Follow-up
Sent: Wednesday, April 22, 2020 4:58:50 PM (UTC+00:00) Monrovia, Reykjavik
was read on Wednesday, April 22, 2020 5:17:19 PM (UTC+00:00) Monrovia, Reykjavik.

Cheyenne River Sioux Tribe



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Harold Frazier
Chairman
Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, ND 57625-0590

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

Dear Mr. Frazier:

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February 28, 2020

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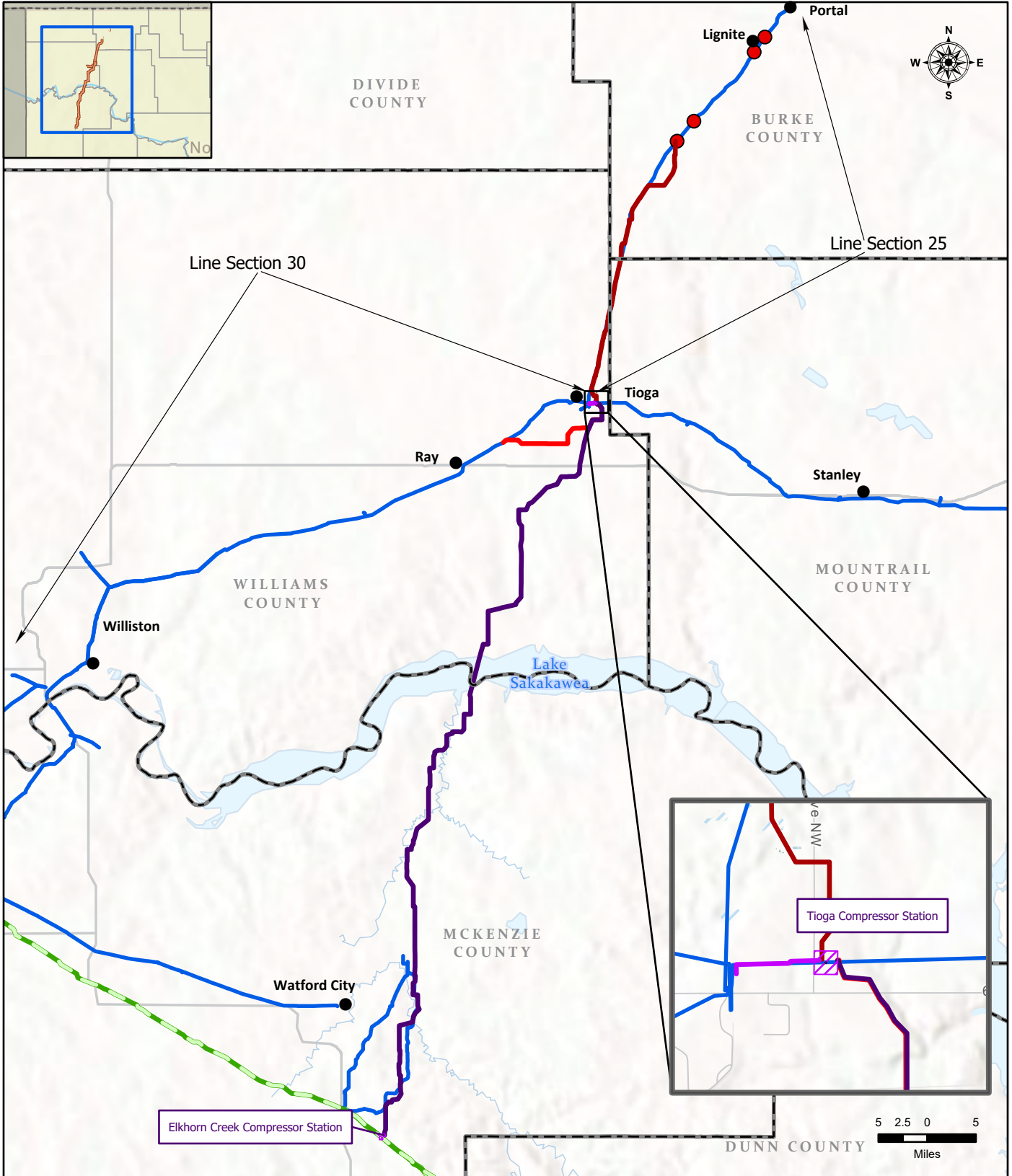
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/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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

February 28, 2020

Mr. Steve Vance
Tribal Historic Preservation Office
Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, ND 57625-0590

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Docket No. CP20-52-000
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A copy of the North Bakken Expansion Project application to the FERC is available online at WBI Energy's Project website at <https://www.wbienergy.com/wbienergy/transmission/north-bakken-expansion-project>. The application is also available online at FERC's website using the "eLibrary" link at www.ferc.gov. WBI Energy has made the documents available for public viewing at the following locations:

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- Stanley Public Library (Stanley, ND); and
- Burke County Courthouse (Bowbells, ND).

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

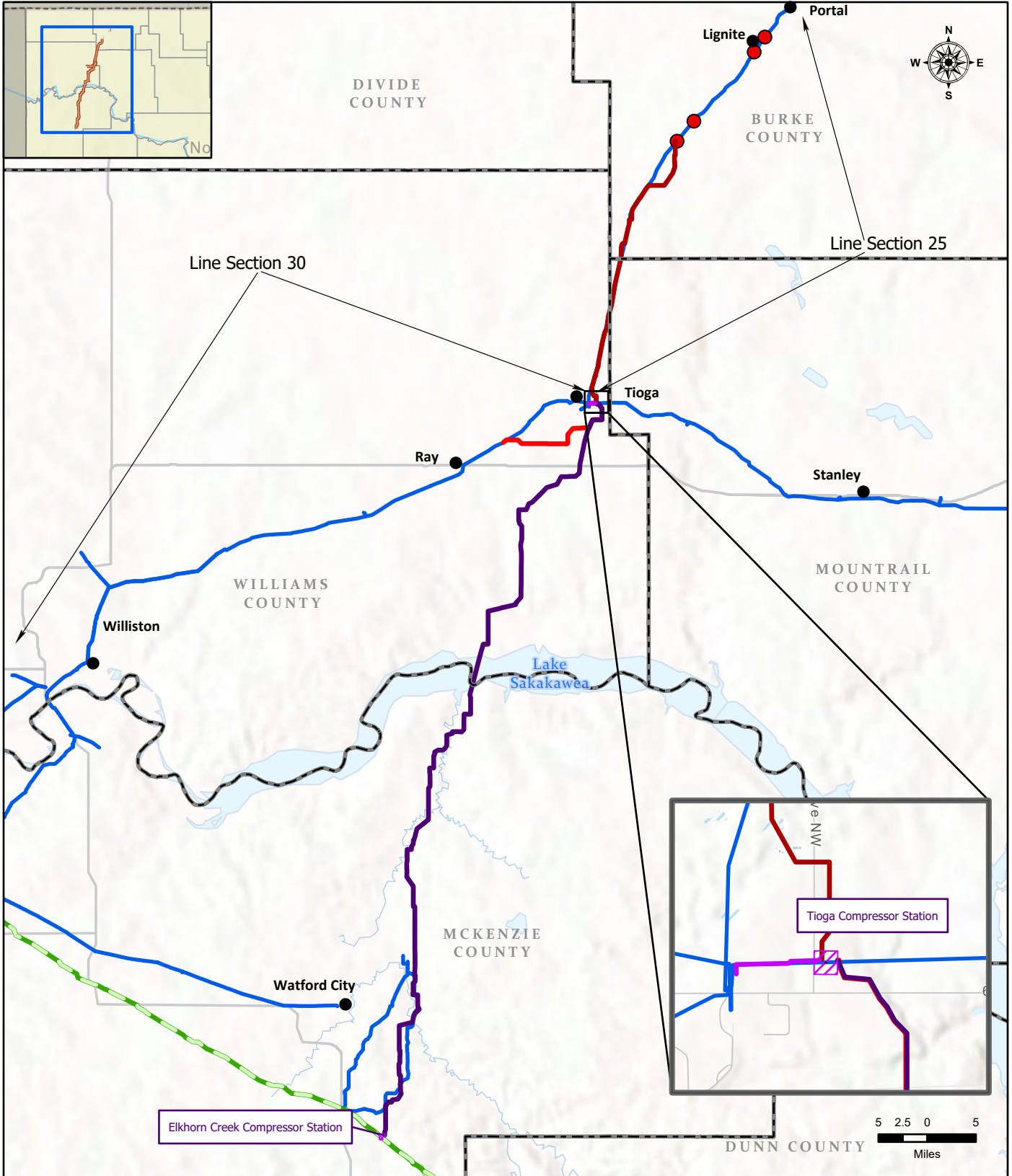
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- | | |
|---|--|
|  Proposed Line Section 25 Loop |  Proposed Uprate Bore |
|  Proposed Line Section 30 Loop |  Northern Border Pipeline |
|  Proposed Tioga-Elkhorn Creek Pipeline |  WBI Existing Pipeline |
|  Proposed Tioga Compressor Lateral |  County Boundary |
|  Proposed Elkhorn Creek-Northern Border Pipeline |  Compressor Station |

North Bakken Expansion Project Overview Project Map

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Kevin Malloy

From: Kevin Malloy
Sent: Wednesday, April 22, 2020 12:59 PM
To: steve.vance@crst-nsn.gov
Subject: WBI Energy, North Bakken Expansion Project - Follow-Up
Attachments: 033020a CRST - Email - Update.pdf; 033020b CRST - Letter - Update.pdf; 040820 CRST - Email - Outreach.pdf

Mr. Vance,

I am reaching out to you to confirm your receipt of WBI Energy's previous correspondence (email and attached letter sent on March 30 and follow-up email sent on April 8, 2020) regarding the North Bakken Expansion Project (see attached for reference). The letter contained an update on the status of the Project and information regarding the upcoming surveys planned to begin on June 1, 2020. WBI Energy anticipates that representatives from three tribes – Rosebud Sioux Tribe, Northern Cheyenne Tribe, and Three Affiliated Tribes – will participate in the surveys. Please let us know if the Cheyenne River Sioux Tribe is interested in participating in the surveys or if you have any questions or comments on the Project.

Sincerely,

Kevin Malloy

Fort Peck Assiniboine and Sioux Tribes



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Floyd Azure
Chairman
Fort Peck Assiniboine & Sioux Tribes
PO Box 1028
501 Medicine Bear Rd.
Poplar, MT 59255-1027

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

Dear Mr. Azure:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

WBI Energy is a natural gas company engaged in the gathering, transportation and storage of natural gas in Montana, North Dakota, South Dakota, Wyoming, and Minnesota. WBI Energy also operates underground storage reservoirs in the Cedar Creek (Baker) Field, Montana; the Elk Basin Field, Wyoming; and the Billy Creek Field, Wyoming to serve its natural gas system.

The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga

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The North Bakken Expansion Project will provide incremental firm transportation capacity from natural gas processing plants to a proposed interconnect with Northern Border. New pipeline infrastructure in the Williston Basin is of critical importance for the transportation of increasing levels of associated natural gas production and to aid in the reduction of natural gas flaring in northwest North Dakota as well as enhance system reliability for WBI Energy's existing and new customers. If approved, WBI Energy plans to construct the facilities in 2021 and have the new facilities in service by November 1, 2021. WBI Energy will need to secure appropriate easements and land purchases prior to commencing construction.

In accordance with FERC regulations, 18 C.F.R. § 157.6(d)(3), the following informational materials are enclosed for your reference:

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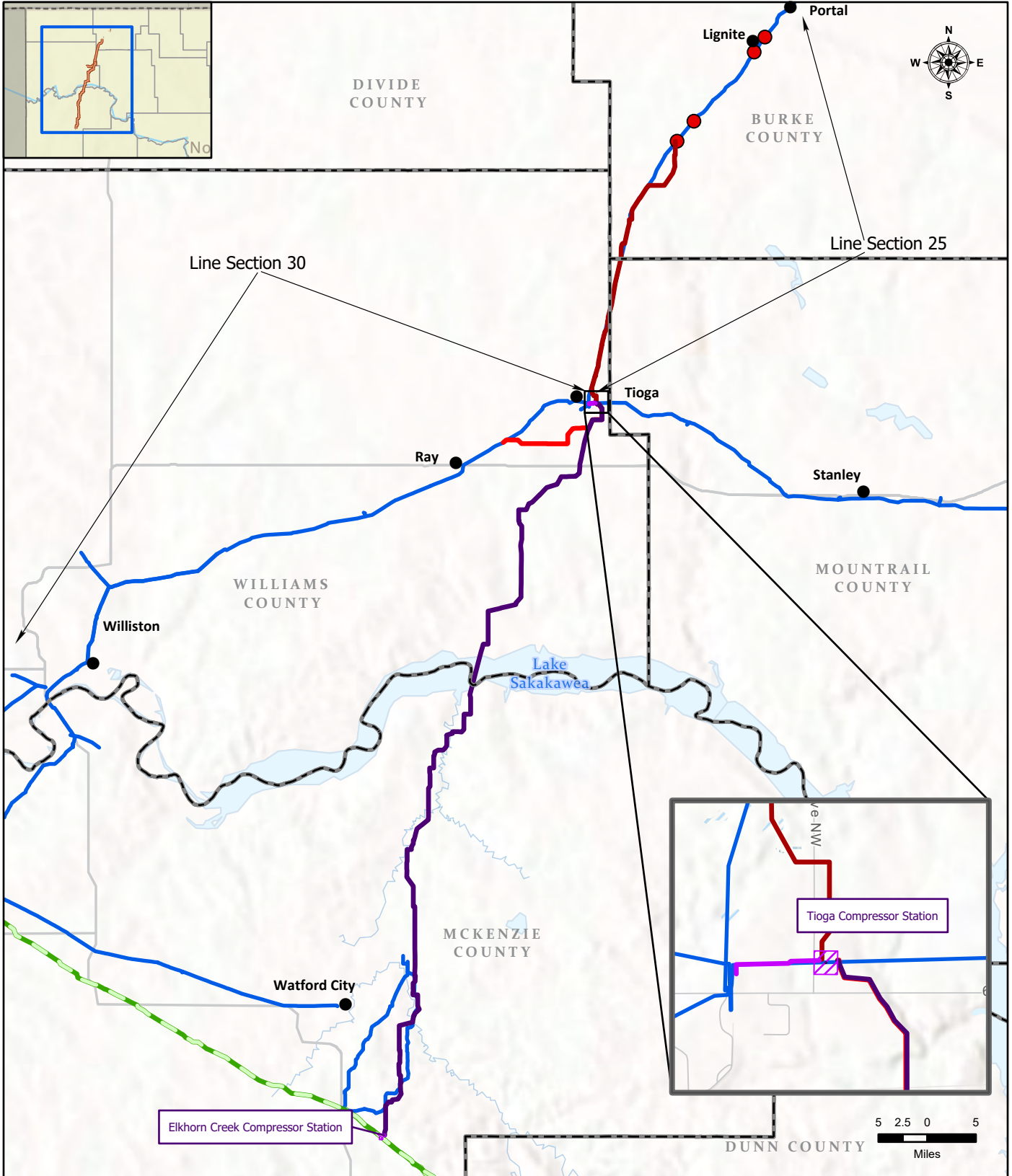
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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North Bakken Expansion Project Overview Project Map

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1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Ms. Dyan Youpee
Tribal Historic Preservation Office
Fort Peck Assiniboine & Sioux Tribes
PO Box 1027
501 Medicine Bear Rd.
Poplar, MT 59255-1027

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

Dear Ms. Youpee:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

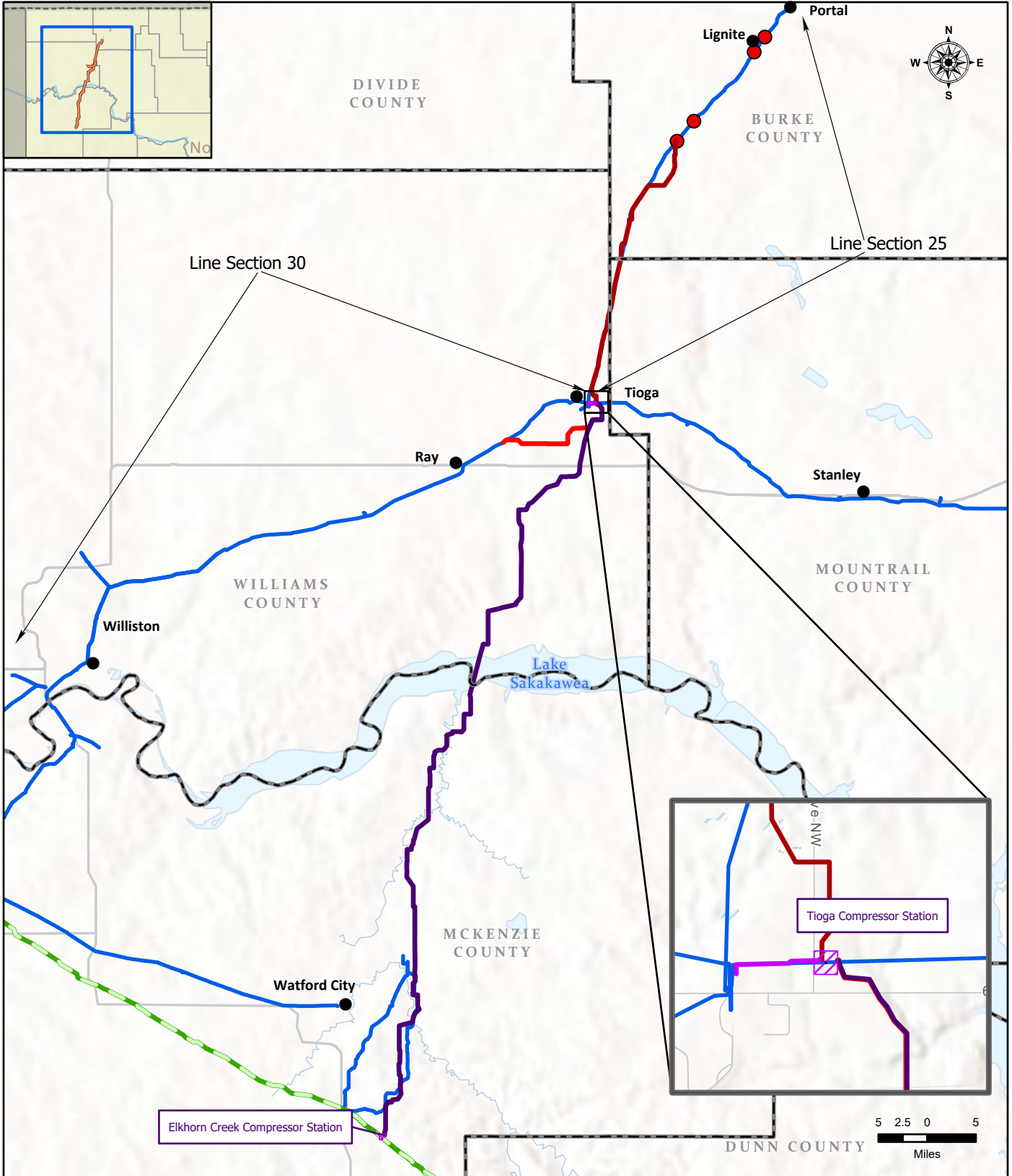
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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North Bakken Expansion Project Overview Project Map

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Kevin Malloy

From: Kevin Malloy
Sent: Wednesday, April 22, 2020 12:17 PM
To: d.youpee@fortpecktribes.net
Subject: WBI Energy, North Bakken Expansion Project - Follow-Up

Ms. Youpee,

Please reference our recent correspondence regarding WBI Energy's North Bakken Expansion Project (Project), including:

- Letter dated February 14, 2020 transmitting copies of the Class III survey reports for the 2019 field season;
- Project update email with letter attachment sent on March 30, 2020 on the status of the Project and WBI Energy's plans for field surveys in 2020; and
- Follow-up emails or phone messages on March 31, April 8, and April 13, 2020.

We are reaching out to you to see if you have any questions or comments on the Class III reports and to ask if the Fort Peck Assiniboine and Sioux Tribes will participate in the 2020 field surveys, which we are currently planning.

The 2020 fieldwork will include survey of route and other Project changes adopted after completion of the 2019 surveys; additional testing of sites recommended by WBI Energy or the North Dakota SHPO; and geomorphological testing to assess the potential for deeply buried sites at select waterbody crossings. For the survey and site testing, WBI Energy is planning to deploy two field crews beginning on June 1. The field work is expected to take about 4 to 6 weeks to complete. The survey crews will work 10 hour days Monday through Saturday. A second mobilization is possible later in the summer.

The deep testing is planned to occur in late May or early June (date to be determined) and take approximately two weeks to complete. The deep testing most likely will overlap with a portion of the survey and site testing.

WBI Energy anticipates that representatives from the Rosebud Sioux Tribe, Northern Cheyenne Tribe, and Three Affiliated Tribes will participate in the 2020 surveys. A pre-survey meeting and visits to some of the sites identified in 2019 will likely occur one week prior to the start of the survey.

Please let us know if the Fort Peck Assiniboine and Sioux Tribes will participate in the surveys. If so, a representative from WBI Energy will contact you directly regarding contracting for this work in advance of the start of the surveys.

Sincerely,

Kevin Malloy



Call Log

Log of Telephone Conversation

Call To/From Whom	To: Fort Peck Assiniboine & Sioux Tribes – Dyan Youpee
Phone number	406.768.2382
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	April 27, 2020
Time of Conversation	2:30 pm
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy contacted Ms. Dyan Youpee, the Fort Peck Assiniboine & Sioux Tribes THPO, to confirm receipt of WBI Energy's Project update letter that was emailed on March 30th, 2020; to discuss any questions or comments she might have about the reports that were sent to her in February; and to discuss the tribe's participation in the upcoming field surveys. Ms. Youpee asked a few questions about the reports but did not offer specific comments on any sites or findings. Ms. Youpee and I discussed upcoming surveys and she expressed interest in having monitors accompany the field crews. She expressed some concern about payments for the monitors. Dr. Malloy stated that WBI Energy would contact her directly to discuss contracting. Ms. Youpee also requested visits to the sites found last season.

Rosebud Sioux Tribe



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

The Honorable Rodney Bordeaux
President
Rosebud Sioux Tribe
PO Box 430
11 Legion Ave
Rosebud, SD 57570-0430

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

Dear President Bordeaux:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

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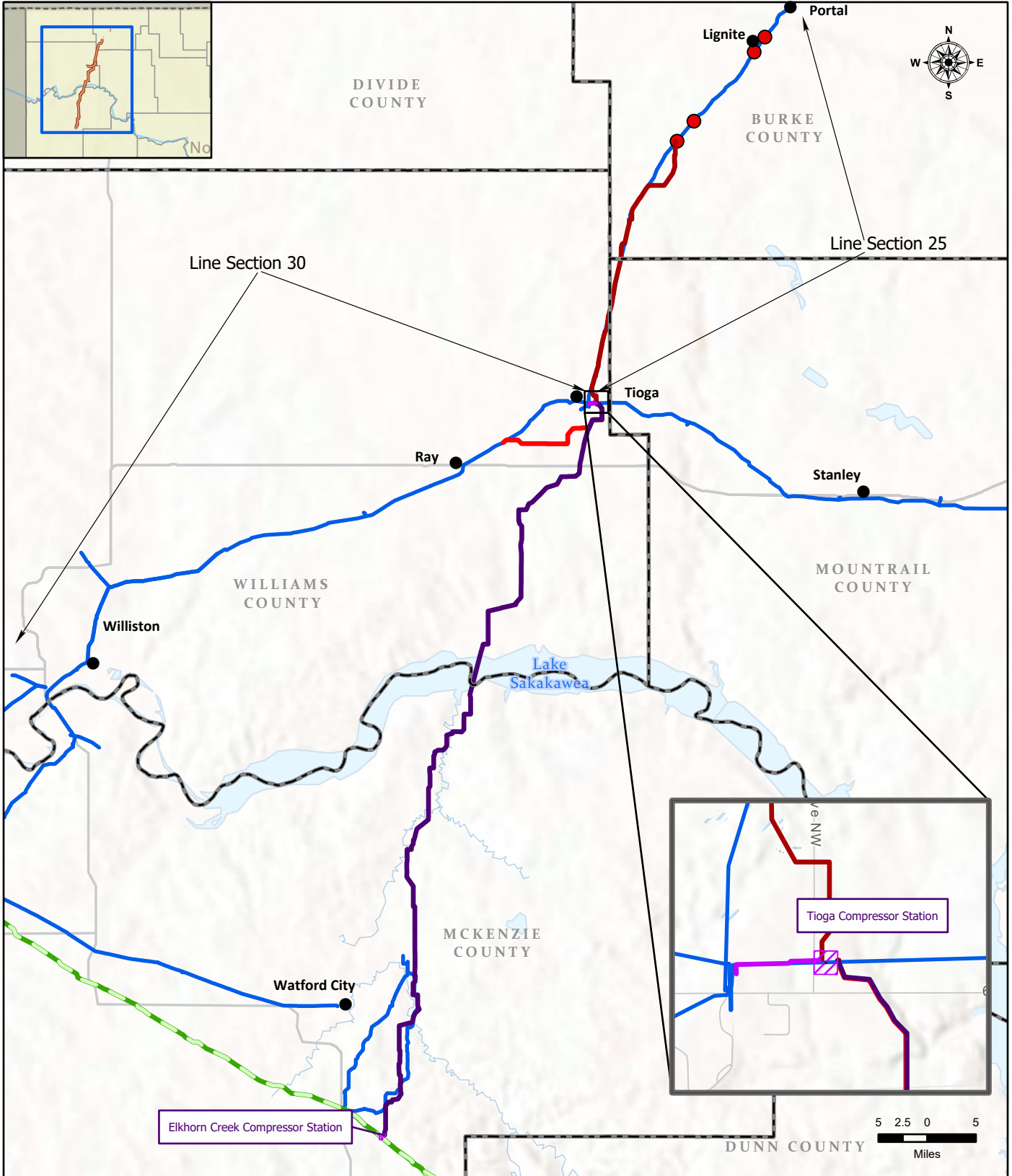
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Ben Rhodd
Tribal Historic Preservation Office
Rosebud Sioux Tribe
PO Box 809
Rosebud, SD 57570-0809

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

Dear Mr. Rhodd:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

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North Bakken Expansion Project

February 28, 2020

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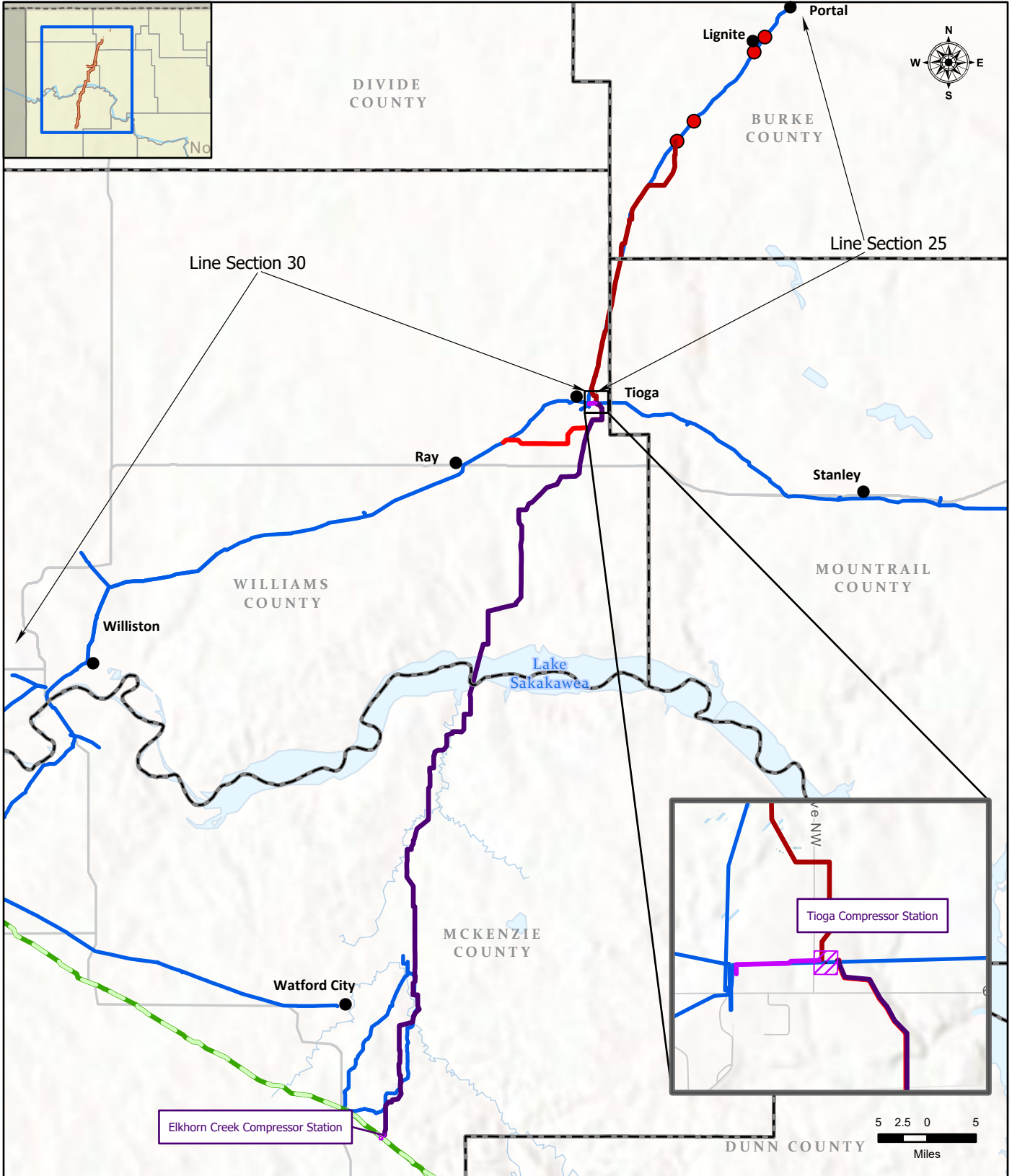
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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North Bakken Expansion Project Overview Project Map

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Kevin Malloy

From: Kevin Malloy
Sent: Wednesday, April 22, 2020 11:57 AM
To: rst.thpo@rst-nsn.gov
Cc: benjamin1011young@gmail.com
Subject: WBI Energy, North Bakken Expansion Project - Follow-Up

Mr. Rhodd,

Please reference our recent correspondence regarding WBI Energy's North Bakken Expansion Project (Project), including:

- Letter dated February 14, 2020 transmitting copies of the Class III survey reports for the 2019 field season;
- Project update email with letter attachment sent on March 30, 2020 on the status of the Project and WBI Energy's plans for field surveys in 2020; and
- Follow-up emails or phone messages on March 31, April 8, and April 13, 2020.

We are reaching out to you to see if you have any questions or comments on the Class III reports and to confirm that the Rosebud Sioux Tribe, similar to last year, will participate in the 2020 field surveys, which we are currently planning.

The 2020 fieldwork will include survey of route and other Project changes adopted after completion of the 2019 surveys; additional testing of sites recommended by WBI Energy or the North Dakota SHPO; and geomorphological testing to assess the potential for deeply buried sites at select waterbody crossings. For the survey and site testing, WBI Energy is planning to deploy two field crews beginning on June 1. The field work is expected to take about 4 to 6 weeks to complete. As was the case last year, the survey crews will work 10 hour days Monday through Saturday. A second mobilization is possible later in the summer.

The deep testing is planned to occur in late May or early June (date to be determined) and take approximately two weeks to complete. The deep testing most likely will overlap with a portion of the survey and site testing.

In recent discussions with WBI Energy, the Northern Cheyenne Tribe, who plans to participate in the 2020 fieldwork, suggested a pre-survey meeting and asked to visit some of the sites identified in 2019. The meeting and site visits (which will likely include some of the sites Christopher Makes Room For Them visited last year) are tentatively planned to occur one week prior to the start of field surveys (starting on or about May 25).

WBI Energy appreciated the participation of the Rosebud Sioux Tribe in the 2019 surveys and looks forward to working with you again in 2020. At your convenience, could you please confirm your intent to participate in 2020? Based on the schedule described above, we assume that two tribal representatives will be needed for about 5 to 7 weeks for the field survey, including the pre-survey meeting and visits to sites identified in 2019. We will keep you updated on the plans for deep testing as the schedule for that work is finalized. A representative from WBI Energy will contact you directly regarding contracting for this work.

Sincerely,

Kevin Malloy

Oglala Sioux Tribe



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

The Honorable Julian Bear Runner
President
Oglala Sioux Tribe
PO Box 2071
107 W Main St
Pine Ridge, SD 57770-2070

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

Dear President Bear Runner:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

WBI Energy is a natural gas company engaged in the gathering, transportation and storage of natural gas in Montana, North Dakota, South Dakota, Wyoming, and Minnesota. WBI Energy also operates underground storage reservoirs in the Cedar Creek (Baker) Field, Montana; the Elk Basin Field, Wyoming; and the Billy Creek Field, Wyoming to serve its natural gas system.

The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga

Compressor Station; (vi) upgrading WBI Energy's Line Section 25; (vii) installing additional horsepower at the Tioga Compressor Station; (viii) constructing a new compressor station, the Elkhorn Creek Compressor Station, in McKenzie County; and (ix) installing new and modifying existing delivery, receipt, and transfer stations along WBI Energy's existing pipeline routes, replacing small segments of pipeline facilities and installing block valves, pig launcher/receiver stations and other associated appurtenances.

The North Bakken Expansion Project will provide incremental firm transportation capacity from natural gas processing plants to a proposed interconnect with Northern Border. New pipeline infrastructure in the Williston Basin is of critical importance for the transportation of increasing levels of associated natural gas production and to aid in the reduction of natural gas flaring in northwest North Dakota as well as enhance system reliability for WBI Energy's existing and new customers. If approved, WBI Energy plans to construct the facilities in 2021 and have the new facilities in service by November 1, 2021. WBI Energy will need to secure appropriate easements and land purchases prior to commencing construction.

In accordance with FERC regulations, 18 C.F.R. § 157.6(d)(3), the following informational materials are enclosed for your reference:

- A map of the general location of the Project facilities.
- The Commission's notice of WBI Energy's application. This notice provides the date by which timely motions to intervene in this proceeding are due, together with information on how to intervene or participate in this proceeding.
- A pamphlet prepared by the FERC entitled "*An Interstate Natural Gas Facility on My Land? What Do I Need to Know?*" The pamphlet explains the Commission's certificate process and addresses the basic concerns of landowners.

A copy of the North Bakken Expansion Project application to the FERC is available online at WBI Energy's Project website at <https://www.wbienergy.com/wbienergy/transmission/north-bakken-expansion-project>. The application is also available online at FERC's website using the "eLibrary" link at www.ferc.gov. WBI Energy has made the documents available for public viewing at the following locations:

- Williston Community Library (Williston, ND);
- Auditor/Treasurer Office, McKenzie County Courthouse (Watford City, ND);
- Stanley Public Library (Stanley, ND); and
- Burke County Courthouse (Bowbells, ND).

WBI Energy endeavors to work in partnership with landowners and to negotiate easement and land purchase agreements, as applicable, which satisfy both the landowner and WBI Energy. However, occasionally negotiations fail, and no compromise can be reached. If such is the case, and the FERC has approved WBI Energy's application, WBI Energy can obtain access to the necessary right-of-way through the applicable eminent domain (condemnation) laws. The landowner has the right to challenge such access and to obtain and be represented by legal counsel. The eminent domain (condemnation) laws for North Dakota can be found in Chapter 32-15 of the North Dakota Century Code at <https://www.legis.nd.gov/cencode/t32c15.pdf>.

Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

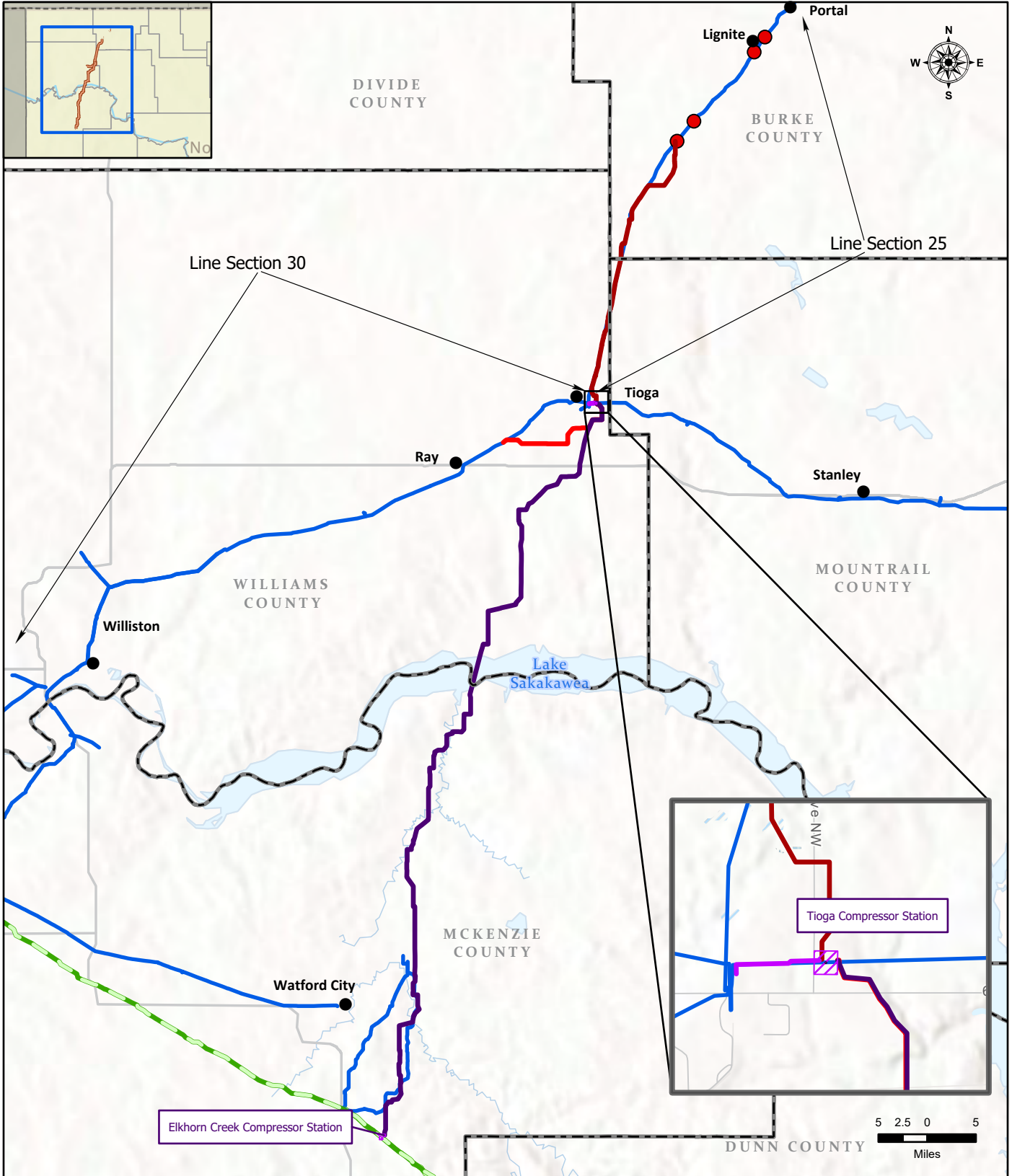
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Tom Brings
Tribal Historic Preservation Office
Oglala Sioux Tribe
PO Box 2070
107 W Main St
Pine Ridge, SD 57770-2070

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

Dear Mr. Brings:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

WBI Energy is a natural gas company engaged in the gathering, transportation and storage of natural gas in Montana, North Dakota, South Dakota, Wyoming, and Minnesota. WBI Energy also operates underground storage reservoirs in the Cedar Creek (Baker) Field, Montana; the Elk Basin Field, Wyoming; and the Billy Creek Field, Wyoming to serve its natural gas system.

The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga

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Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

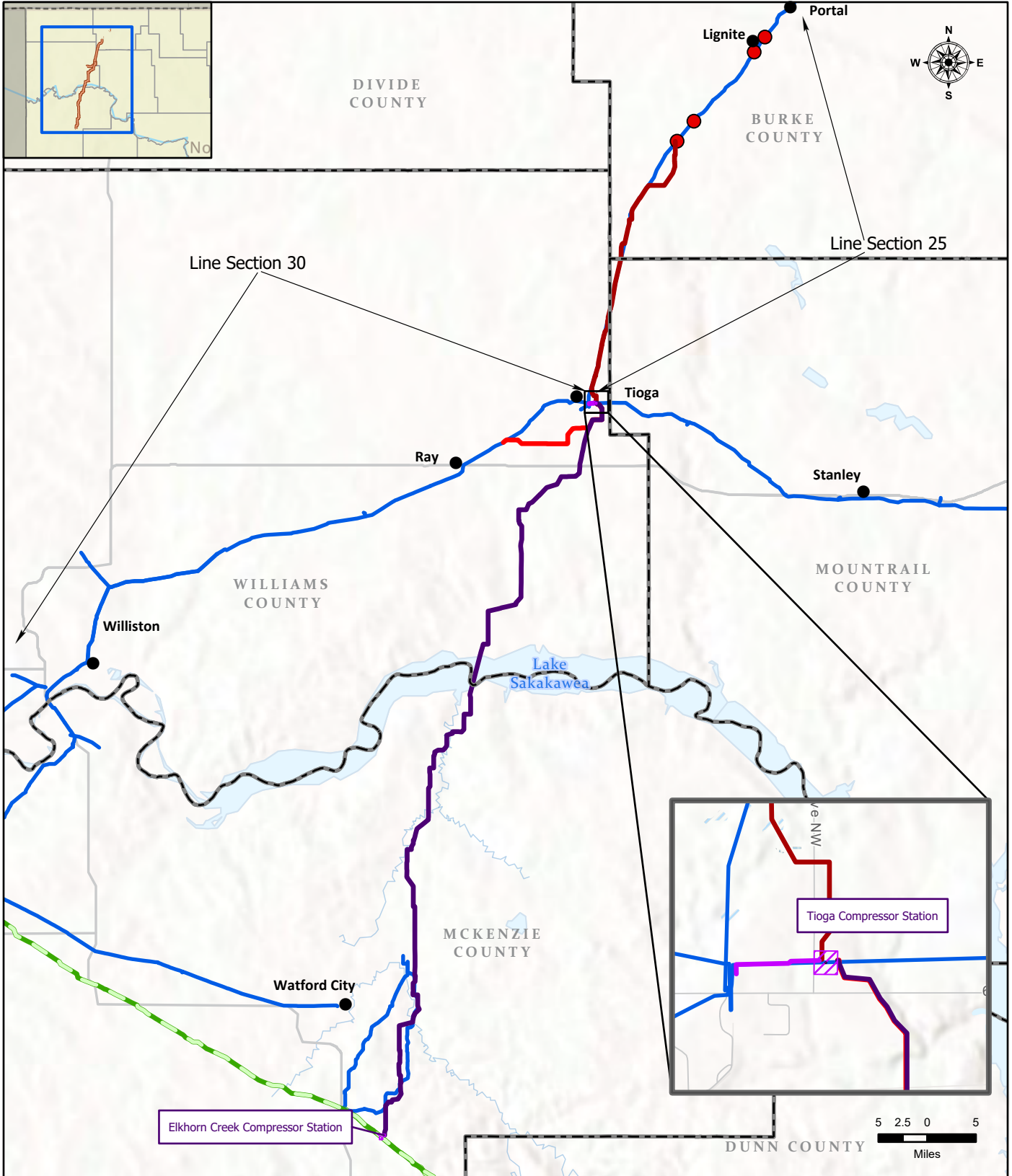
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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Kevin Malloy

From: Kevin Malloy
Sent: Wednesday, April 22, 2020 12:57 PM
To: t.brings@oglala.org
Subject: WBI Energy, North Bakken Expansion Project - Follow-Up
Attachments: 033020a OST - Email - Update.pdf; 033020b OST - Letter - Update.pdf; 040820 OST - Email - Outreach.pdf

Mr. Brings,

I am reaching out to you to confirm your receipt of WBI Energy's previous correspondence (email and attached letter sent on March 30 and follow-up email sent on April 8, 2020) regarding the North Bakken Expansion Project (see attached for reference). The letter contained an update on the status of the Project and information regarding the upcoming surveys planned to begin on June 1, 2020. WBI Energy anticipates that representatives from three tribes – Rosebud Sioux Tribe, Northern Cheyenne Tribe, and Three Affiliated Tribes – will participate in the surveys. Please let us know if the Oglala Sioux Tribe is interested in participating in the surveys or if you have any questions or comments on the Project.

Sincerely,

Kevin Malloy

Northern Arapaho Tribe of Wind River Indian Reservation



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Dean Goggles
Chairman
Northern Arapaho Nation
PO Box 396
Fort Washakie, WY 82514-0396

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

Dear Mr. Goggles:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

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North Bakken Expansion Project

February 28, 2020

Page 3 of 3

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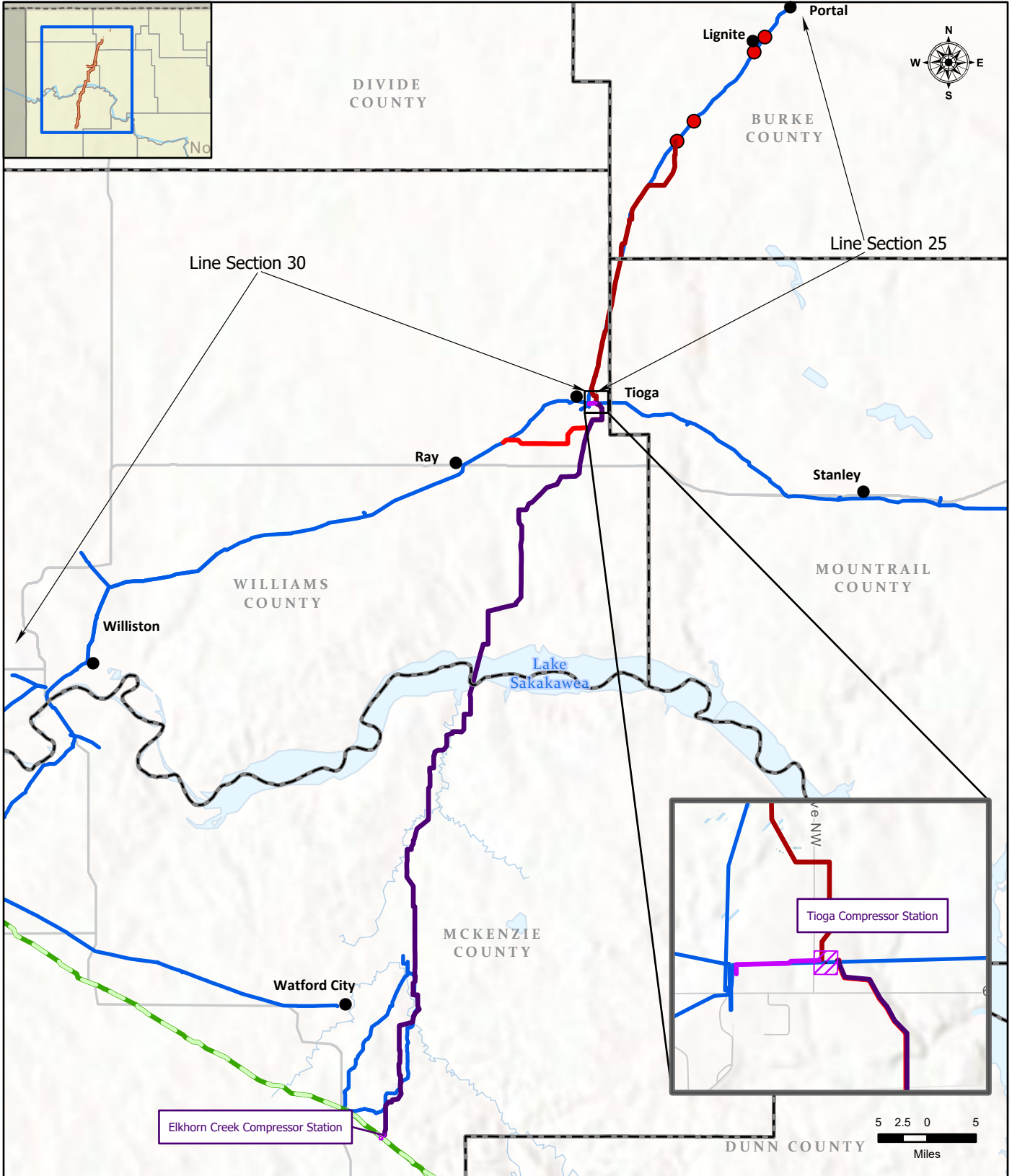
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/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Devin Oldman
Tribal Historic Preservation Office
Northern Arapaho Nation
1010 Railroad Ave
Riverton, WY 82501

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

Dear Mr. Oldman:

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February 28, 2020

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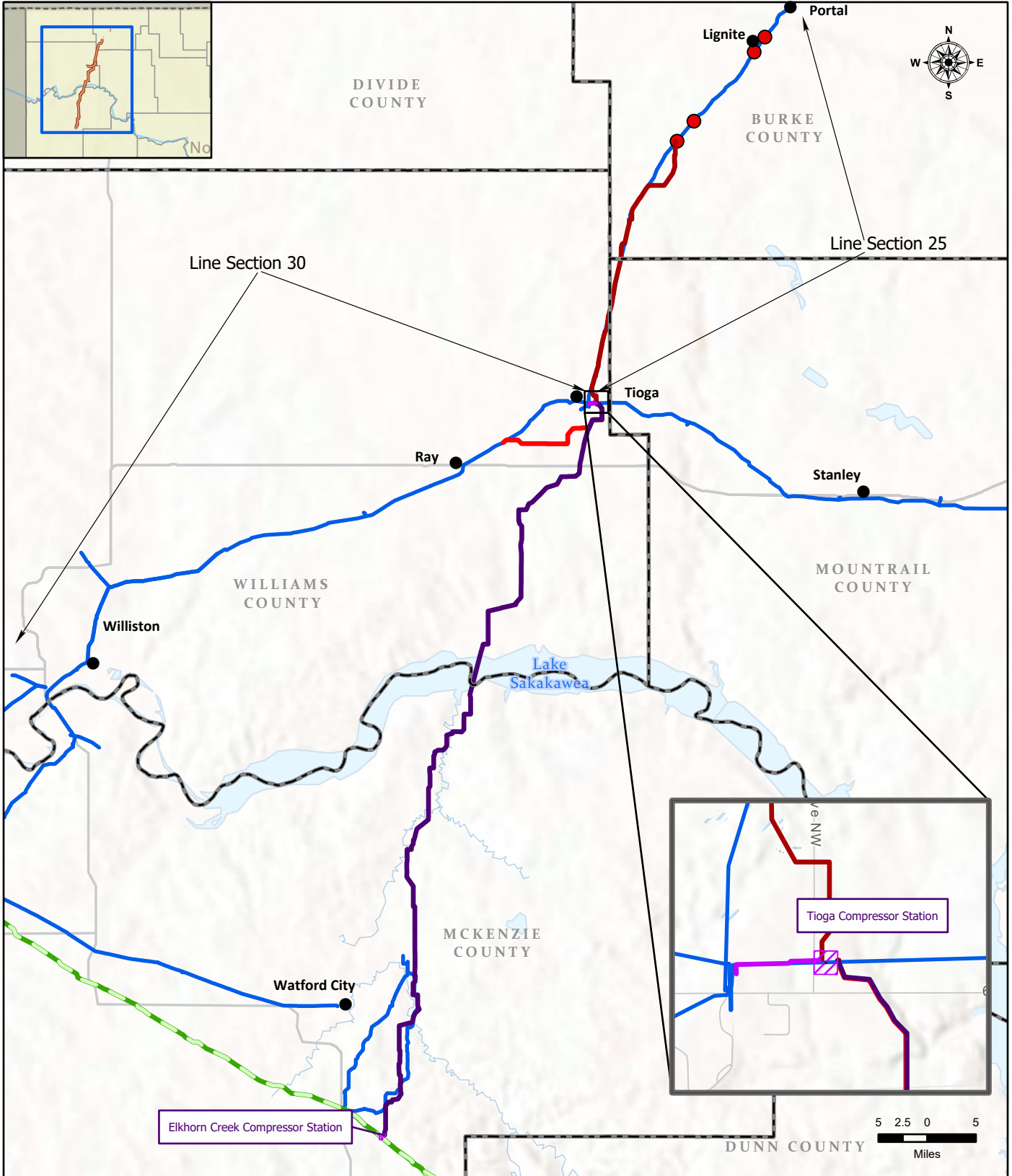
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/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



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Kevin Malloy

From: Kevin Malloy
Sent: Wednesday, April 22, 2020 12:56 PM
To: benridgely007@gmail.com
Subject: WBI Energy, North Bakken Expansion Project
Attachments: NATWRIR Combined Correspondence 020420.pdf

Dear Mr. Ridgely,

WBI Energy understands that you recently contacted the Federal Energy Regulatory Commission regarding WBI Energy's North Bakken Expansion Project. For this Project, WBI Energy proposes to construct and operate approximately 90 miles of natural gas transmission pipeline, two compressor stations, and associated facilities in McKenzie, Williams, Burke, and Mountrail Counties, North Dakota. Copies of previous correspondence from WBI Energy to the Northern Arapaho Tribe are attached to this email for your reference and records.

WBI Energy retained Environmental Resources Management (ERM) to conduct a Class III survey of the Project area for archaeological sites and historic structures. ERM conducted field surveys of the Project area between June and October 2019. Approximately 90 percent of the Project area was examined for archaeological resources; the entire Project area was examined for historic structures. A representative from the Rosebud Sioux Tribe participated in the archaeological surveys in late September and October 2019.

The archaeological survey identified or relocated 61 sites and 12 isolated finds. Of these, 44 sites and all 12 isolated finds contain prehistoric materials, four sites contain prehistoric and historic materials, and 13 sites contain historic materials. Thirty-one sites with prehistoric components contain stone surface features such as stone circles or cairns. Management recommendations for the sites ranged from no additional work, to fencing of construction workspace in the vicinity of sites, to avoidance or additional testing. The historic structures survey documented or revisited 16 resources. No further work at these resources was recommended.

ERM prepared summary reports describing the results of the 2019 surveys. Please let us know if you would like copies of these reports.

Additional fieldwork is planned for 2020, including survey of route and other Project changes adopted after completion of the 2019 surveys; additional testing of sites recommended by WBI Energy or the North Dakota SHPO; and geomorphological testing to assess the potential for deeply buried sites at select waterbody crossings. This work is planned to begin on June 1, 2020.

WBI Energy anticipates that representatives from three tribes – the Rosebud Sioux Tribe, Northern Cheyenne Tribe, and Three Affiliated Tribes – will participate in the 2020 investigations. Please let us know if the Northern Arapaho Tribe is also interested in participating.

We look forward to hearing from you.

Sincerely,

Kevin Malloy

Fort Belknap Indian Community



1250 West Century Avenue
Mailing Address:
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(701) 530-1600

February 28, 2020

The Honorable Andrew Werk Jr.
President
Fort Belknap Indian Community
656 Agency Main Street
Harlem, MT 59526

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On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

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The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga Compressor Station; (vi) uprating WBI Energy's Line Section 25; (vii) installing additional

horsepower at the Tioga Compressor Station; (viii) constructing a new compressor station, the Elkhorn Creek Compressor Station, in McKenzie County; and (ix) installing new and modifying existing delivery, receipt, and transfer stations along WBI Energy's existing pipeline routes, replacing small segments of pipeline facilities and installing block valves, pig launcher/receiver stations and other associated appurtenances.

The North Bakken Expansion Project will provide incremental firm transportation capacity from natural gas processing plants to a proposed interconnect with Northern Border. New pipeline infrastructure in the Williston Basin is of critical importance for the transportation of increasing levels of associated natural gas production and to aid in the reduction of natural gas flaring in northwest North Dakota as well as enhance system reliability for WBI Energy's existing and new customers. If approved, WBI Energy plans to construct the facilities in 2021 and have the new facilities in service by November 1, 2021. WBI Energy will need to secure appropriate easements and land purchases prior to commencing construction.

In accordance with FERC regulations, 18 C.F.R. § 157.6(d)(3), the following informational materials are enclosed for your reference:

- A map of the general location of the Project facilities.
- The Commission's notice of WBI Energy's application. This notice provides the date by which timely motions to intervene in this proceeding are due, together with information on how to intervene or participate in this proceeding.
- A pamphlet prepared by the FERC entitled "*An Interstate Natural Gas Facility on My Land? What Do I Need to Know?*" The pamphlet explains the Commission's certificate process and addresses the basic concerns of landowners.

A copy of the North Bakken Expansion Project application to the FERC is available online at WBI Energy's Project website at <https://www.wbienergy.com/wbienergy/transmission/north-bakken-expansion-project>. The application is also available online at FERC's website using the "eLibrary" link at www.ferc.gov. WBI Energy has made the documents available for public viewing at the following locations:

- Williston Community Library (Williston, ND);
- Auditor/Treasurer Office, McKenzie County Courthouse (Watford City, ND);
- Stanley Public Library (Stanley, ND); and
- Burke County Courthouse (Bowbells, ND).

WBI Energy endeavors to work in partnership with landowners and to negotiate easement and land purchase agreements, as applicable, which satisfy both the landowner and WBI Energy. However, occasionally negotiations fail, and no compromise can be reached. If such is the case, and the FERC has approved WBI Energy's application, WBI Energy can obtain access to the necessary right-of-way through the applicable eminent domain (condemnation) laws. The landowner has the right to challenge such access and to obtain and be represented by legal counsel. The eminent domain (condemnation) laws for North Dakota can be found in Chapter 32-15 of the North Dakota Century Code at <https://www.legis.nd.gov/cencode/t32c15.pdf>.

North Bakken Expansion Project

February 28, 2020

Page 3 of 3

Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

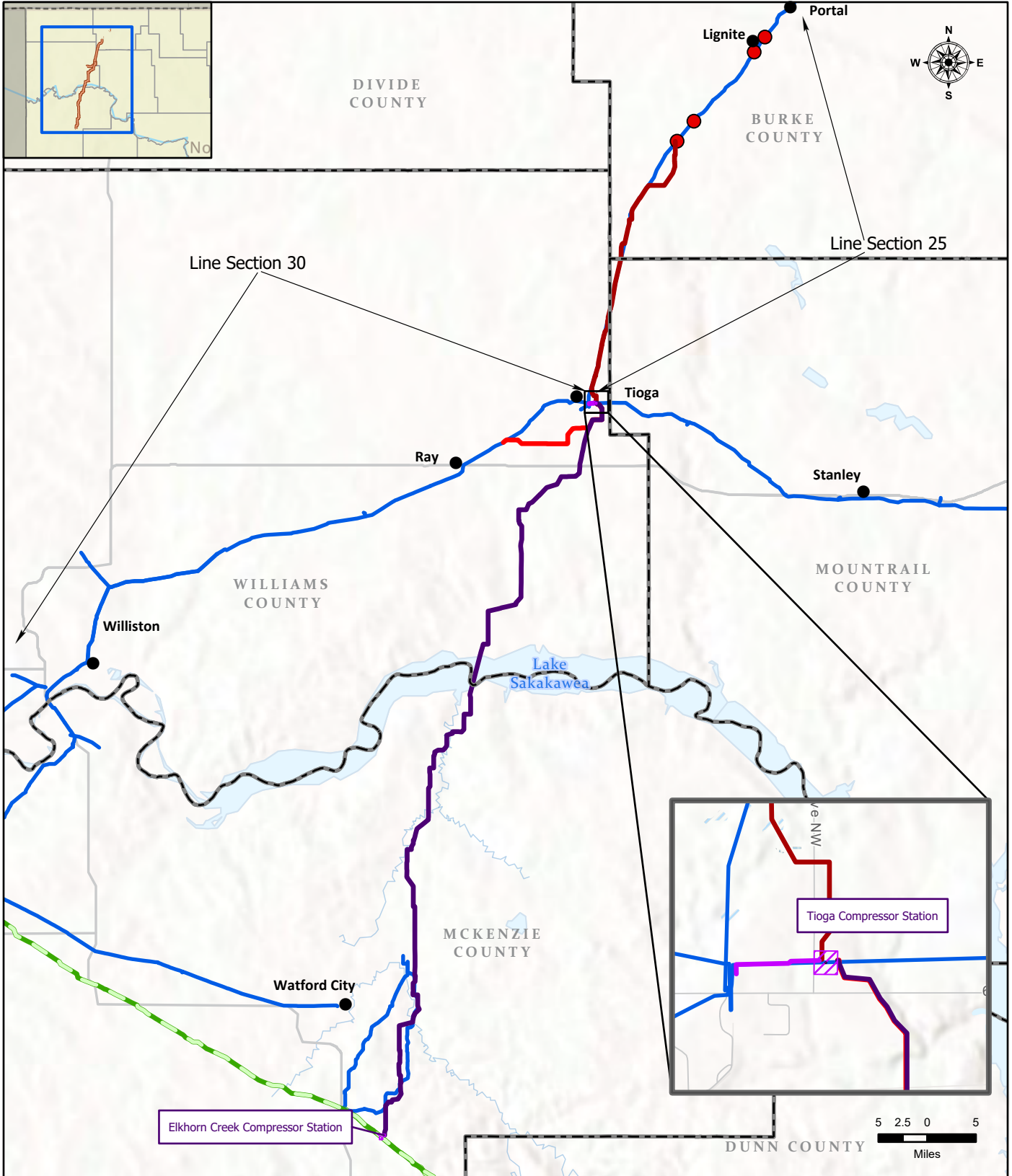
Respectfully,











/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- | | |
|---|--|
|  Proposed Line Section 25 Loop |  Proposed Uprate Bore |
|  Proposed Line Section 30 Loop |  Northern Border Pipeline |
|  Proposed Tioga-Elkhorn Creek Pipeline |  WBI Existing Pipeline |
|  Proposed Tioga Compressor Lateral |  County Boundary |
|  Proposed Elkhorn Creek-Northern Border Pipeline |  Compressor Station |

North Bakken Expansion Project Overview Project Map

1:900,000





1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

February 28, 2020

Mr. Michael J. Black Wolf
Tribal Historic Preservation Office
Fort Belknap Indian Community
656 Agency Main Street
Harlem, MT 59526

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

Dear Mr. Black Wolf:

On February 14, 2020, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP20-52-000. The application requests authority to construct, modify, operate, and maintain natural gas transmission facilities in Williams, McKenzie, Mountrail, and Burke Counties, North Dakota. This work is collectively known as the North Bakken Expansion Project (Project). By this letter, WBI Energy is providing notification to landowners whose property may be impacted by the Project, as well as to local, state, and federal government entities and agencies and other identified stakeholders.

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The facilities WBI Energy is proposing as part of the North Bakken Expansion Project include: (i) approximately 61.9 miles of new 24-inch diameter natural gas pipeline from WBI Energy's Tioga Compressor Station in Williams County to the proposed Elkhorn Creek Compressor Station in McKenzie County; (ii) approximately 0.3 mile of new 24-inch diameter natural gas pipeline from the proposed Elkhorn Creek Compressor Station to a new interconnect with Northern Border Pipeline Company (Northern Border) in McKenzie County; (iii) approximately 20.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 25 in Mountrail and Burke Counties; (iv) approximately 9.4 miles of new 12-inch diameter natural gas pipeline looping along WBI Energy's Line Section 30 in Williams County; (v) approximately 0.5 mile of new 20-inch diameter receipt lateral to the Tioga Compressor Station; (vi) upgrading WBI Energy's Line Section 25; (vii) installing additional

horsepower at the Tioga Compressor Station; (viii) constructing a new compressor station, the Elkhorn Creek Compressor Station, in McKenzie County; and (ix) installing new and modifying existing delivery, receipt, and transfer stations along WBI Energy's existing pipeline routes, replacing small segments of pipeline facilities and installing block valves, pig launcher/receiver stations and other associated appurtenances.

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- Williston Community Library (Williston, ND);
- Auditor/Treasurer Office, McKenzie County Courthouse (Watford City, ND);
- Stanley Public Library (Stanley, ND); and
- Burke County Courthouse (Bowbells, ND).

WBI Energy endeavors to work in partnership with landowners and to negotiate easement and land purchase agreements, as applicable, which satisfy both the landowner and WBI Energy. However, occasionally negotiations fail, and no compromise can be reached. If such is the case, and the FERC has approved WBI Energy's application, WBI Energy can obtain access to the necessary right-of-way through the applicable eminent domain (condemnation) laws. The landowner has the right to challenge such access and to obtain and be represented by legal counsel. The eminent domain (condemnation) laws for North Dakota can be found in Chapter 32-15 of the North Dakota Century Code at <https://www.legis.nd.gov/cencode/t32c15.pdf>.

North Bakken Expansion Project

February 28, 2020

Page 3 of 3

Any questions or concerns regarding this Project can be directed to the undersigned, Dave Linn, Project Manager for WBI Energy by calling the toll-free at (844) 825-9397 or by email at info@WBIEnergy.com. WBI Energy looks forward to working with you and other stakeholders throughout this process.

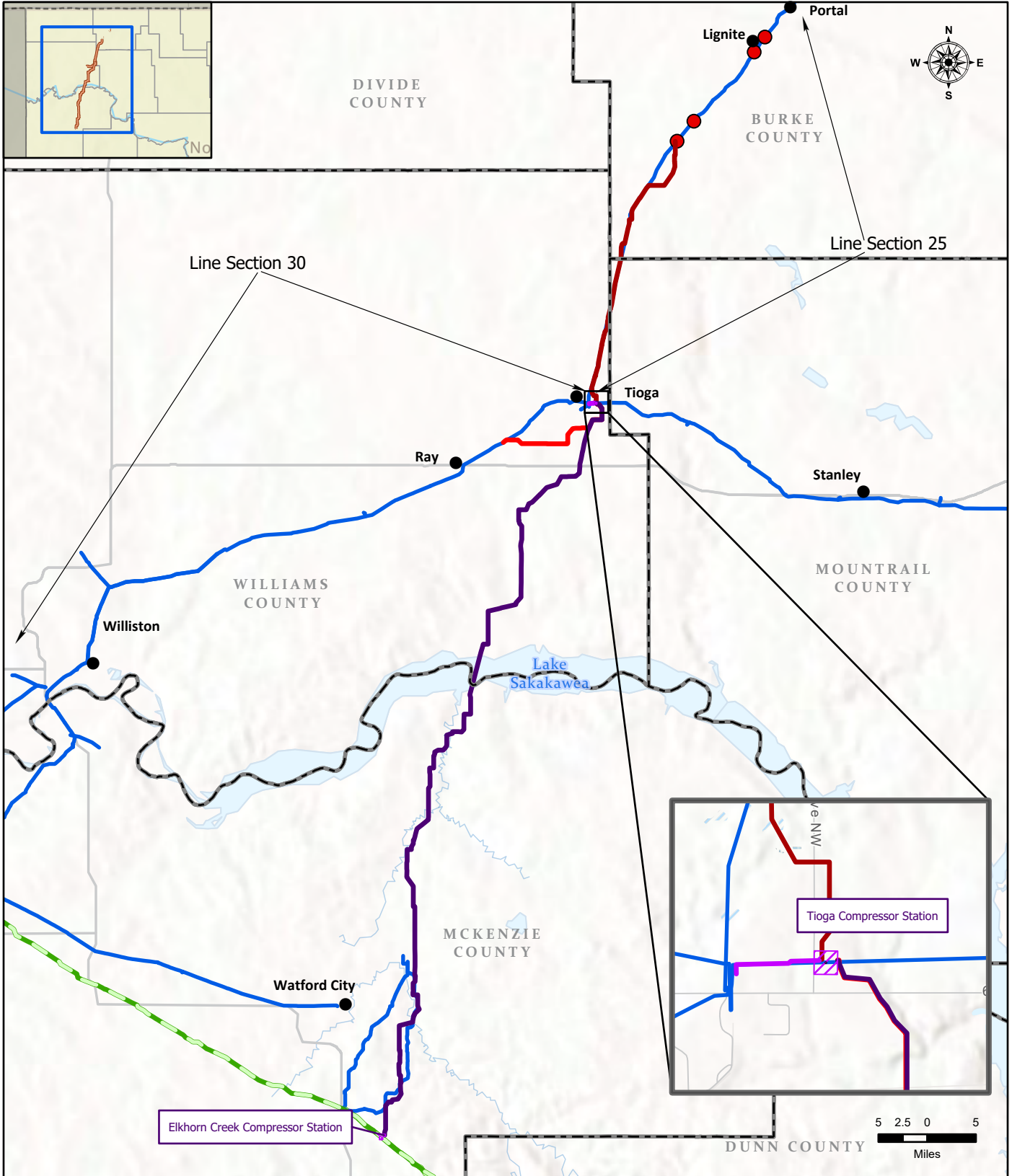
Respectfully,

/s/ Dave Linn

Dave Linn

North Bakken Expansion Project Manager

Enclosures



- | | |
|---|--------------------------|
| Proposed Line Section 25 Loop | Proposed Uprate Bore |
| Proposed Line Section 30 Loop | Northern Border Pipeline |
| Proposed Tioga-Elkhorn Creek Pipeline | WBI Existing Pipeline |
| Proposed Tioga Compressor Lateral | County Boundary |
| Proposed Elkhorn Creek-Northern Border Pipeline | Compressor Station |

North Bakken Expansion Project Overview Project Map

1:900,000



Call Log

Log of Telephone Conversation



Call To/From Whom	To: Fort Belknap Indian Community – Michael J. Black Wolf
Phone number	406.353.2295
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	April 17, 2020
Time of Conversation	9:56, 9:59, 11:51 am
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

9:56 am: Dr. Malloy called Mr. Michael J. Black Wolf with the Fort Belknap Indian Community THPO to confirm he received the Project update letter emailed on March 30, 2020. The call went straight to voicemail, which was full. No message was left.

9:59 am: Second attempt to reach Mr. Black Wolf. The call again went directly to voicemail.

11:51 am: Dr. Malloy successfully reached Mr. Black Wolf and was able to speak with him. Mr. Black Wolf confirmed that he received the letter on March 30th, 2020, and said he would send a confirmation reply via email later in the day. Dr. Malloy asked if Mr. Black Wolf had any questions about the survey or any comments on the Class III reports sent to his office in February. Mr. Black Wolf said he had no comments or questions on either the survey or the Class III reports at this time.

(Note: Mr Black Wolk did not send a confirmation email.)

Kevin Malloy

From: Kevin Malloy
Sent: Wednesday, April 22, 2020 12:24 PM
To: mblackwolf@ftbelknap.org
Subject: WBI Energy, North Bakken Expansion Project - Follow-Up

Mr. Black Wolf,

Thank you for speaking with me last Friday regarding WBI Energy's North Bakken Expansion Project (Project) and confirming receipt of our recent letter and email sent on March 30 providing an update on the status of the Project and our plans for additional fieldwork in 2020. Based on our call, I understand that the Fort Belknap Indian Community has no questions or comments at this time on the field surveys completed in 2019 or the Class III reports sent to you in 2020.

The fieldwork planned for 2020 is scheduled to begin on June 1. WBI Energy anticipates that representatives from the Rosebud Sioux Tribe, Northern Cheyenne Tribe, and Three Affiliated Tribes will participate in the surveys. Please let us know if you have interest in participating in the surveys or visiting the Project area. We will continue to keep you up-to-date on the Project and provide copies of future reports.

Thank you.

Sincerely,

Kevin Malloy

**Summary of Communications with
Tribal Historic Preservation Officers**

Communications with the Cheyenne River Sioux Tribe

Date	Summary
5/20/2020	
	Raina spoke with Steve Vance from 12:30 pm – 1:07 pm CST regarding the project specifics and BCA's role in the project. Cheyenne River expressed interest, however they would like to get more information on the project before committing. There is also a travel ban currently on the Cheyenne River Reservation. At 1:35 pm CST Raina emailed Steve reiterating the project specifics and requested details discussed. Then at 2:47 pm CST Raina sent a follow-up email to make it clear that BCA is contracted by the proponent to assist with the tribal coordination.
5/29/2020	
	Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.
6/2/2020	
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.
6/3/2020	
	Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs
	Raina called Steve at 11:55 am CST and sent him a follow up email at 12:05 pm CST. They discussed that we will not have a CRST TCS for this first phase of the project but Raina will be following up with Steve again towards the end of the month to coordinate a CRST TCS for Phase 2 of the project.
	Steve Vance was cc'd in an email at 3:45 pm CST from Standing Rock Sioux Tribe THPO Jon Eagle Sr. along with other THPOs. The email in question was inquiring on THPO hourly rate and project details.

6/4/2020

At 2:54 pm CST Steve Vance was cc'd in an email inquiring on project details sent to Wade in which Raina was not included.

At 3:03 pm CST Fort Peck Tribes' THPO Dyan Youpee emailed a question on Jon Eagle Sr.'s original email to Wade inquiring on the TCS hourly rate, cc'ing Wade and some of the THPOs including Steve .

At 3:43 pm CST, Raina emailed some of the THPOs including Pete addressing Fort Peck Tribes' THPO Dyan Youpee as well as Steve Vance directly to redirect their questions on THPO hourly rates to the original email Raina sent in response to Standing Rock Sioux Tribe THPO Jon Eagle Sr.'s original email.

Steve was cc'd in an email at 3:45 pm CST from Standing Rock Sioux Tribe THPO Jon Eagle Sr. along with other THPOs and Wade, as well as Raina. The email in question was inquiring on THPO hourly rate and other project details.

At 4:32 pm CST Steve included Raina in his email response to the original email Jon Eagle Sr. sent to Wade for which Raina had not been included, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project..

Steve was cc'd in an email at 5:06 pm CST from Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.

Steve was cc'd in an email at 6:03 pm CST from Raina to Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, and all federal agencies involved in the project. The email in question was explaining TCS pay rates for the project.

Steve was cc'd in an email at 10:30 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involve in the project. The email in question was inquiring on THPO hourly rate and other project details.

6/5/2020

Steve was cc'd in an email from Wade at 3:17 pm CST to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involve in the project. The email in question was answering concerns with the THPO hourly rate and other project details.

6/10/2020

Steve was cc'd in an email at 2:53 pm CST from Standing Rock Sioux Tribes THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.

Steve was cc'd in an email at 3:32 pm CST from Standing Rock Sioux Tribes THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was reiterating project details and details on TCS pay rates at BCA.

Communication with Fort Belknap Indian Reservation

Date	Summary
5/12/2020	
	<p>Raina spoke to Michael Black Wolf with Ft Belknap Indian Reservation at 12:30 pm CST this morning and received verbal confirmation of their interest in the project.</p> <p>A follow up email was sent to Michael reiterating the information covered during their phone call. *Note: Their tribe is currently under a travel ban due to the corona virus. The F. Belknap ban will be reviewed again at the end of the month at which time the ban may or may not be lifted.</p>
5/20/2020	
	At 2:54 pm CST, Raina emailed Michael Black Wolf to make it clear that BCA was the contracted proponent to assist them with the tribal coordination efforts.
5/21/2020	
	Michael Black Wolf emailed Raina back thanking her for the clarification.
5/29/2020	
	<p>Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the project at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project.</p> <p>Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.</p>
6/2/2020	
	<p>At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as i-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.</p>
6/3/2020	
	<p>Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs</p>

6/4/2020

Raina spoke with Michael on the phone at 12:17 pm CST and sent him a follow-up email of their conversation at 1:15 pm CST. The Fort Belknap tribe is still under a travel ban. Raina mentioned that BCA does have four confirmed tribes to be present during the upcoming lithic scatter evaluative site testing, and she will continue to keep Teanna in the email loop for this project. Raina will also make sure to revisit with her prior to stone feature site visits and touchup surveys fieldwork efforts at the end of this month

Michael was cc'd in an email at 2:54 pm CST from Standing Rock Sioux Tribes THPO Jon Eagle Sr. along with other THPOs to Wade, but excluding Raina. The email in question was inquiring on THPO hourly rate and other project details.

At 3:03 pm CST Fort Peck Tribes' THPO Dyan Youpee emailed a question on Jon Eagle Sr.'s original email to Wade inquiring on the TCS hourly rate, cc'ing Wade and some of the THPOs including Michael .

At 3:43 pm CST, Raina emailed some of the THPOs including Michael addressing Fort Peck Tribes' THPO Dyan Youpee as well as the Cheyenne River Sioux Tribes' THPO Steve Vance directly to redirect their questions on THPO hourly rates to the original email Raina sent in response to Standing Rock Sioux Tribe THPO Jon Eagle Sr.'s original email.

Michael was cc'd in an email at 3:45 pm CST from Standing Rock Sioux Tribe THPO Jon Eagle Sr. along with other THPOs and Wade, as well as Raina. The email in question was inquiring on THPO hourly rate and other project details.

At 4:42 pm CST, Cheyenne River Sioux Tribes' THPO Steve Vance emailed SRST THPO Jon Eagle Sr., SRST Archaeologist Jeremy Freeman, SRST TCS Andrew Antell, and Raina along with cc'ing some of the THPOs including Michael and all agencies involved in the project, inquiring on specifics of TCS pay.

Michael was cc'd in an email at 5:06 pm CST from Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.

Michael was cc'd in an email at 6:03 pm CST from Raina to Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, and all federal agencies involved in the project. The email in question was explaining TCS pay rates for the project.

Michael was cc'd in an email at 10:30 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involve in the project. The email in question was inquiring on THPO hourly rate and other project details.

6/5/2020

Michael was cc'd in an email from Wade at 3:17 pm CST to SRST THPO Jon Eagle Sr., SRST Archaeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involve in the project. The email in question was answering concerns with the THPO hourly rate and other project details.

6/10/2020

Michael was cc'd in an email at 2:53 pm CST from Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.

Michael was cc'd in an email at 3:32 pm CST from Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was reiteratting project details and details on TCS pay rates at BCA.

Communications with the Fort Peck Tribe

Date	Summary
5/12/2020	
	<p>Raina spoke on the phone with Dyan Youpee at 11:30 am CST and has received verbal confirmation of Ft. Peck Assiniboine and Sioux tribes' continued interest in the project.</p> <p>A follow up email was sent to Dyan Youpee of Fort Peck Tribes on reiterating the information covered during their phone call.</p>
5/20/2020	
	<p>At 4:40 pm CST, Raina emailed Dyan Youpee to make it clear that BCA has been contracted by the Proponent to assist with the tribal coordination.</p>
5/29/2020	
	<p>Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the projec at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.</p>
6/2/2020	
	<p>At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as i-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.</p>
6/3/2020	
	<p>Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs</p>

6/4/2020	
	Dyan emailed Raina the following TCS information at 9:13 am CST regarding their TCS plan for this project: I'll be doing 1-week rotations for this project, as my monitors have kids, etc. and 1-week is all that can be done per TCS at a time.
	Raina replied to Dyan via email at 9:16 am CST to let her know that she will go over paperwork with Gregory on Sunday. Raina asked what time Gregory will arrive on June 7.
	Dyan Youpee was cc'd in an email at 2:54 pm CST from Standing Rock Sioux Tribe THPO Jon Eagle Sr. along with other THPOs to Wade, but excluding Raina. The email in question was inquiring on THPO hourly rate and other project details.
	At 3:03 pm CST Dyan emailed a question on Jon Eagle Sr.'s original email inquiring on the TCS hourly rate, cc'ing Wade and some of the THPOs .
	At 3:43 pm CST, Raina emailed most of the THPOs addressing Fort Peck Tribes' THPO Dyan Youpee as well as the Cheyenne River Sioux Tribes' THPO Steve Vance directly to redirect their questions on THPO hourly rates to the original email Raina sent in response to Standing Rock Sioux Tribe THPO Jon Eagle Sr.'s original email.
	Dyan was cc'd in an email at 3:45 pm CST from Standing Rock Sioux Tribe THPO Jon Eagle Sr. along with other THPOs and Wade, as well as Raina. The email in question was inquiring on THPO hourly rate and other project details.
	At 4:42 pm CST, Cheyenne River Sloux Tribes' THPO Steve Vance emailed SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman, SRST TCS Andrew Antell, and Raina along with cc'ing some of the THPOs including Dyan and all agencies involved in the <u>project, inquiring on specifics of TCS pay.</u>
	Dyan replied to Raina via email at 5:06 pm CST inquiring about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project.
	Raina replied to Dyan via email at 6:03 pm CST answering Dyan's question about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project.
	Dyan was cc'd in an email at 10:30 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involve in the project. The email in question was inquiring on THPO hourly rate and other project details.
6/5/2020	
	Dyan was cc'd in an email from Wade at 3:17 pm CST to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involve in the project. The email in question was answering concerns with the THPO hourly rate and other project details.
6/7/2020	
	Raina contacted Dyan Youpee over the phone as well as text to communicate about the TCSs arrival and about the required paperwork to complete when they arrived in Williston on June 7.

6/10/2020

Dyan was cc'd in an email at 2:53 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.

Dyan was cc'd in an email at 3:32 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was reiterating project details and details on TCS pay rates at BCA.

Communications with the Three Affiliated Tribes

Date **Summary**

Date	Summary
5/12/2020	
	Raina spoke on the phone with Pete Coffey of the MHA Nation at ~10:30 a.m. CST to discuss that BCA is taking over the tribal coordination efforts on behalf of ERM for WBI's proposed N. Bakken Expansion. Raina asked Pete for the TCSs contact information so she can inform him (Matt Dixon) about the project specifics.
	A follow up email was sent to Pete after the phone call on reiterating the information covered during the call.
	Raina called both of the cell phone numbers we have on file for Matt Dixon. Both went straight to voicemail and both mail boxes were full. [REDACTED] the voicemail message acknowledged it was Matt. The number [REDACTED] had a generic voice message repeating the number that was dialed.
5/15/2020	
	At 8:45 am CST Wade spoke on the phone with TCS Russell Red Horn to confirm his availability to be present to monitor soil boring activities for WBI next week on May 20, 2020.
	At 9:30 am CST Wade spoke on the phone with Pete Coffey of the MHA nation to let him know that Russell Red Horn had been lined up to be present during soil boring activities.
5/20/2020	
	At 2:53 pm CST Raina emailed Pete Coffey to make it clear that BCA was contracted by the proponent to assist with the tribal coordination.
5/21/2020	
	Raina emailed Pete Coffey at 5:06 pm CST to let him know that Matt hadn't been got ahold of yet and that Russell Red Horn is helping out on the WBI project by monitoring some soil bore activities and maybe he could stay on.
5/27/2020	
	Raina emailed Pete to let him know that once Russell is done with what he is currently helping with, he would like Matt to replace him. Raina expressed that we have still not heard from Matt and we would potentially be needing him as early as June 8. It would be to help or to monitor test excavation activities by ERM at Lithic Scatter sites.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the project at 5:01 pm CST to reiterate to them as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.

BCA20-1313 North Bakken Pipeline Expansion TCS Coordination
Summary of Communications with Federally Recognized Indian Tribes

6/2/2020	
	Pete replied to Raina at 2:49 pm CST to let her know that he has Matt Dixon as a TCS for the entirety of this project and he has his contact information. Pete asked how Raina would like to proceed.
	Raina replied to Pete at 2:49 pm and asked if Pete can let Matt know to arrive in Williston on June 7, preferably no later than 7 pm CST. Raina noted she will hopefully be able to email out some project information and COVID protocols tomorrow.
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as i-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.
6/3/2020	
	Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

BCA20-1313 North Bakken Pipeline Expansion TCS Coordination
Summary of Communications with Federally Recognized Indian Tribes

6/4/2020

Pete Coffey was cc'd in an email at 2:54 pm CST from Standing Rock Sioux Tribes THPO Jon Eagle Sr. along with other THPOs to Wade, but excluding Raina. The email in question was inquiring on THPO hourly rate and other project details.

At 3:03 pm CST Fort Peck Tribes' THPO Dyan Youpee emailed a question on Jon Eagle Sr.'s original email to Wade inquiring on the TCS hourly rate, cc'ing Wade and some of the THPOs including Pete .

At 3:43 pm CST, Raina emailed some of the THPOs including Pete addressing Fort Peck Tribes' THPO Dyan Youpee as well as the Cheyenne River Sioux Tribes' THPO Steve Vance directly to redirect their questions on THPO hourly rates to the original email Raina sent in response to Standing Rock Sioux Tribe THPO Jon Eagle Sr.'s original email.

Pete Coffey was cc'd in an email at 3:45 pm CST from Standing Rock Sioux Tribe THPO Jon Eagle Sr. along with other THPOs and Wade, as well as Raina. The email in question was inquiring on THPO hourly rate and other project details.

At 4:42 pm CST, Cheyenne River Sloux Tribes' THPO Steve Vance emailed SRST THPO Jon Eagle Sr., SRST Archaeologist Jeremy Freeman, SRST TCS Andrew Antell, and Raina along with cc'ing some of the THPOs including Pete Coffey and all agencies involved in the project, inquiring on specifics of TCS pay.

Pete Coffey was cc'd in an email at 5:06 pm CST from Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.

Pete Coffey was cc'd in an email at 6:03 pm CST from Raina to Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, and all federal agencies involved in the project. The email in question was explaining TCS pay rates for the project.

Pete Coffey was cc'd in an email at 10:30 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involve in the project. The email in question was inquiring on THPO hourly rate and other project details.

BCA20-1313 North Bakken Pipeline Expansion TCS Coordination
Summary of Communications with Federally Recognized Indian Tribes

6/5/2020	
	<p>Raina Hanley called Pete Coffey of MHA to ask if Matt Dixon was still the MHA nation's TCS for the project, and approximately what time he would arrive. BCA wants to make sure Matt will consent to being a BCA employee for the duration of the project. Pete will reiterate to Matt the date and time of the TCS start date.</p>
	<p>Pete Coffey was cc'd in an email from Wade at 3:17 pm CST to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involve in the project. The email in question was answering concerns with the THPO hourly rate and other project details.</p>
	<p>Raina tried to call Pete at ~4:15 pm CST. Pete sent Raina a follow up email to her call at ~4:20 pm CST to let her know that MHA will not be able to send a TCS. Raina alerted him as to another option since Rosebud has offered to send a TCS for any THPO that is unable to send a TCS. Raina let Pete know that if he would like to pursue that option he is welcome to reach out to Rosebud.</p>
	<p>Pete replied to Raina's email at 4:36 pm CST to let her know he will reach out to Ben Rhodd this evening to discuss sending a Rosebud TCS in place of an MHA TCS.</p>
6/10/2020	
	<p>Pete Coffey was cc'd in an email at 2:53 pm CST from Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.</p>
	<p>Pete Coffey was cc'd in an email at 3:32 pm CST from Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was reiteratting project details and details on TCS pay rates at BCA.</p>

Communications with the Northern Arapaho

Date **Summary**

5/20/2020	
	Raina called the office phone number for Crystal C' Bearing at 11:30 am CST and left her a voicemail regarding the project specifics as well as BCA's role in the project (BCA is contracted by the proponent to assist with the tribal coordination). At 11:32 am CST, Raina tried the cell phone number for Crystal that Richard Rogers at the USACE provided Raina. Raina was unable to reach Crystal via the cell phone number provided as it directly went into a "caller not available" service message. Raina tried the number again, and received the same service message. At 11:41 am CST, Raina emailed Crystal regarding the projects 2020 field review and let her know we are reaching out to find out if they are interested in participating. At 2:30 pm CST Raina sent an email to Crystal to clarify that BCA is the contracted proponent to assist with the tribal coordination.
5/22/2020	
	Raina emailed Crystal C' Bearing at 5:02 pm CST noting that she tried calling her office again and left a voicemail for her. Raina also mentioned that she will try calling her again later next week.
5/26/2020	
	Crystal C' Bearing left a voicemail for Raina to return her call.
5/27/2020	
	Raina tried calling Crystal at 3:20 pm CST as she had missed Crystal's call on May 26 and she let Crystal know her availability for the remainder of the day for a call back as well as the remainder of the week. Raina emailed Crystal at 3:23 pm CST to let her know the above information.
5/29/2020	
	Raina and Crystal spoke on the phone at ~5:06 pm CST and sent a follow-up email of their conversation at 5:21 pm. Crystal confirmed that the Northern Arapaho are interested in participating in the project, but that they are under a travel ban until June 30, 2020. Crystal was going to ask the tribal chairman whether a TCS could be released early in order to participate.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the projec at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.

6/2/2020

At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.

6/3/2020

Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

Ben called Raina and they spoke on the phone at 12:45 pm CST, in which Ben informed Raina that he will meet with the tribal council today and tomorrow. He was asked for more information on the project, and Raina told him that an email would be sent this week containing more information.

At 2:20 pm CST, Ben Ridgely called Raina Hanley back to request information on how BCA will approach COVID-19. Raina informed him that one TCS per tribe is required for the project.

6/4/2020

Raina emailed Crystal C' Bearing and Ben Ridgely at 1:23 pm CST and mentioned that, as she understands, the Northern Arapaho tribe will not be able to have a TCS for the upcoming Phase 1 of the project, but that they will be working with their council to get their TCS cleared for travel for Phase 2 of the project. Also discussed were various items for making sure your TCS was able to receive the funding necessary. Funding arrangements were detailed as well as how to track miles for mileage reimbursement.

Raina emailed all THPOs at 5:01 pm CST to reiterate BCA's role in the project, that BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.

Communications with the Northern Cheyenne Tribe

Date	Summary
5/12/2020	
	<p>Raina spoke with Teanna with the Northern Cheyenne at 12 pm CST and received verbal confirmation of North Cheyenne's interest in the project</p> <p>A follow up email was sent to Teanna of Northern Cheyenne reiterating the information covered during their phone call.</p> <p>Note: Their tribe is currently under a travel ban due to the coronavirus. The Northern Cheyenne will talk to their chairman regarding the travel ban.</p>
5/20/2020	
	<p>At 2:53 pm CST Raina emailed Teanna Limpy to make it clear that BCA is the contracted Proponent to assist with the tribal coordination</p>
5/21/2020	
	<p>At 3:59 pm CST, Raina emailed Teanna as their call had dropped to reiterate project details and that BCA will be discussing scheduling with the archaeology firm on May 22. The email also mentioned that we are working on a start date for work.</p>
5/29/2020	
	<p>Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the project at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.</p> <p>At 5:03 pm CST, Raina received an email stating that the email address for Andrew Richard was "Undeliverable," and that the mailbox was unavailable.</p>
6/2/2020	
	<p>At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.</p> <p>The email sent at 4:45 mentioned in the above entry was again undeliverable to Andrew Richard again.</p>

6/3/2020

Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distriubute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

6/4/2020

Raina spoke with Teanna on the phone at 12:22 pm CST and sent her a follow-up email at 1:01 pm CST documenting that Northern Cheyenne's travel ban has been extended to June 19. Raina mentioned that we do have four confirmed tribes to be present during the upcoming lithic scatter evaluative site testing, and she will continue to keep Teanna in the email loop for this project. Raina will also make sure to revisit with her prior to stone feature site visits and touchup surveys fieldwork efforts at the end of this month.

Communications with the Oglala Sioux Tribe

Date	Summary
5/20/2020	
	At 12:18 pm CST, Raina called the office number to reach Thomas Brings, but did not hear his name listed as a voicemail option. Therefore, at 1:39 pm CST Raina sent Thomas an email to discuss Oglala's potential interest in participating in the upcoming 2020 field reviews as well as sent some project information and BCA's role. At 2:29 pm CST Raina sent a follow-up email to make it clear that BCA was contracted by the proponent to assist with the tribal coordination
5/22/2020	
	Raina tried calling Thomas Brings's office number and it again did not list his name in the voicemail options. Therefore, Raina sent Thomas a follow-up email at 4:54 pm CST letting him know this and that she will try reaching out to him again next week. Raina also mentioned that if unable to reach him, she will reach out to Lonni Weston to see if there is a better option to try and reach out to him.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the projec at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.
6/2/2020	
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as i-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.
6/3/2020	
	Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distriubute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

6/4/2020

Raina tried calling Thomas at 12:05 pm CST and left a message with Reno Red Claw. At 12:13 pm CST Raina emailed Thomas and noted that she has held off on reaching out to Lonni as she wanted to avoid potentially crossing any communication lines between a THPO and a TCS. As Raina understands from Reno, they are making their way back in to the office and Wednesdays are their day to be in the office. If Raina does not hear back from Thomas before next Wednesday, she will try him again then.

Communications with the Rosebud Sioux Tribe

Date	Summary
5/12/2020	
	<p>Raina spoke on the phone with Benjamin Young at ~11 am CST and received verbal confirmation of Rosebuds continued interest in the project</p> <p>A follow up email was sent to Ben reiterating the information covered during the call.</p> <p>NOTE: The Rosebud Sioux tribe is currently under a travel ban due to the coronavirus BUT Ben Rhodd is to be talking to the Chairman about that this afternoon. I should know more on how that travel ban will be implemented for TCS needing to travel on behalf of their tribe.</p>
5/14/2020	
	<p>Raina emailed Benjamin Young at 12:55 pm CST in order to follow up with him about the meeting between Ben Rhodd and the Rosebud Chairman.</p>
5/20/2020	
	<p>Raina emailed Benjamin Young at 2:51 pm CST to follow-up on any potential news regarding the travel ban. Raina noted that she will call if she hasn't heard back in a day or two. Raina also clarified that BCA has been contracted by the proponent to assist with the tribal coordination. Then at 4:41 pm CST, Raina sent an email to Ben to let him know that her first email was kicked back so she resent it. If it gets kicked back again she'll call Ben in the morning on May 21, 2020.</p>
5/21/2020	
	<p>Raina left a voicemail at the office of Ben Young and Ben Rhodd at 3:30 CST to follow-up with them on the status of their tribes travel ban and how it pertains to the TCS. Raina also emailed them at 3:32 pm CST. She also wanted to follow-up and make sure her emails are going through.</p> <p>At 3:40 pm CST, Ben Rhodd replied via email that he appreciates the information and will stay turned for more information. However, Ben Youngs email was still failing to be delivered.</p>
5/29/2020	
	<p>Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the project at 5:01 pm CST to reiterate to them as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guidelines paperwork will be sent out soon.</p>

6/2/2020

At 12:14 pm CST, Ben Young emailed Raina to indicate that Rosebud TCSs would be allowed to participate in field work, and indicated their desire to have a TCS participate in both phases of the project. He also said he would send the name and contact of the Rosebud TCS after hearing back from Raina.

At 12:16 pm CST, Raina replied via email to Ben Young to request the name and anticipated arrival time for the Rosebud TCS in Williston on June 7.

At 12:19 pm CST, Ben Young replied via email that he would provide the TCS information by the end of the day.

At 12:21 pm CST, Raina replied via email to Ben Young that she will be sending out more project information and COVID-19 protocols in the following days. She also noted that she would be bringing materials to the hotel in Williston on June 7.

At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.

6/3/2020

Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

Ben Young emailed Raina at 4:13 pm CST to let her know the name of the TCS's who be representing Rosebud will be Christopher Boyd. We will use the same TCS's for both phases. Ben (on behalf of Ben Rhodd) asked Raina if any other tribes were not able to send a TCS. If another spot would open up? Chris will be at the hotel early evening around 6 or 7 pm.

Raina replied to Ben via email at 4:48 pm CST that we should not need any other TCS from Rosebud unless another THPO would like to send one of your TCSs as a representative of their THPO. Raina said Ben is welcome to let the other THPOs know of that as an option for their tribe.

6/4/2020

Raina emailed Ben Young at 10:53 am CST asking if Christopher happens to have a good cell number to contact him on.

Ben replied to Raina at 11:15 am CST with Christophers phone number: [REDACTED]

Ben Rhodd was cc'd in an email at 2:54 pm CST from Standing Rock Sioux Tribes THPO Jon Eagle Sr. along with other THPOs to Wade, but excluding Raina. The email in question was inquiring on THPO hourly rate and other project details.

At 3:03 pm CST Fort Peck Tribes' THPO Dyan Youpee emailed a question on Jon Eagle Sr.'s original email to Wade inquiring on the TCS hourly rate, cc'ing Wade and some of the THPOs including Ben Rhodd .

At 3:43 pm CST, Raina emailed some of the THPOs including Ben Rhodd addressing Fort Peck Tribes' THPO Dyan Youpee as well as the Cheyenne River Sioux Tribes' THPO Steve Vance directly to redirect their questions on THPO hourly rates to the original email Raina sent in response to Standing Rock Sioux Tribe THPO Jon Eagle Sr.'s original email.

Ben Rhodd was cc'd in an email at 3:45 pm CST from Standing Rock Sioux Tribe THPO Jon Eagle Sr. along with other THPOs and Wade, as well as Raina. The email in question was inquiring on THPO hourly rate and other project details.

At 4:42 pm CST, Cheyenne River Sloux Tribes' THPO Steve Vance emailed SRST THPO Jon Eagle Sr., SRST Archaeologist Jeremy Freeman, SRST TCS Andrew Antell, and Raina along with cc'ing some of the THPOs including Ben Rhodd and all agencies involved in the project, inquiring on specifics of TCS pay.

Ben Rhodd was cc'd in an email at 5:06 pm CST from Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.

Ben Rhodd was cc'd in an email at 6:03 pm CST from Raina to Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, and all federal agencies involved in the project. The email in question was explaining TCS pay rates for the project.

Ben Rhodd was cc'd in an email at 10:30 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involve in the project. The email in question was inquiring on THPO hourly rate and other project details.

6/5/2020

In regards to the THPO paperwork correspondence, Ben Young emailed Raina asking if Wade could call his THPO officer, Ben Rhodd, as soon as possible.

At ~10:05 am CST, Wade attempted to call Ben Rhodd (he called the number Ben Young provided in the email to Raina this morning), however the call was not answered at this time.

Wade tried to call Ben Rhodd again at ~11:45 am CST, however, the call was not answered at this time either.

Ben Young emailed Raina at 1:53 pm CST to let her know that Ben Rhodd just got off of the phone with Dianne Desrosiers from the SWO tribe. She said we could fill their spot on the North Bakken project. Ben said Raina should be receiving an email from Dianne soon regarding this. The name of the other TCS that Rosebud will be sending is John Four Horns.

Raina emailed Ben Young at 2:13 pm CST to clarify if Rosebud continues to plan on participating in the project.

Wade emailed Ben Young at 2:18 pm CST to let him know he tried calling Ben Rhodd earlier today. Wade provided his cell phone number so Ben Rhodd can call that if he needs to speak with Wade.

Ben Young replied to Raina via email. He stated that yes, they still plan to continue to participate in the project. The TCS they are sending for the SWO spot is John Four Horns. John's cell number was provided to Raina. Ben said Chris and John will be there Sunday evening.

Raina replied to Ben Young's email at 2:21 pm CST to ask if both TCSs will arrive between 6 and 7 pm. Raina also asked if they will be signing up with BCA as an employee or if they will be signing with WBI as an independent contractor.

At ~3 pm CST Raina Hanley returned a missed call to Benjamin Young. Ben said he would let Ben Rhodd know to contact Dianne Desrosiers to let her know to contact Raina. Raina asked Ben if the TCSs would be signing on as BCA employees or contractors.

Ben Rhodd was cc'd in an email from Wade at 3:17 pm CST to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involve in the project. The email in question was answering concerns with the THPO hourly rate and other project details.

Raina emailed Ben Young at 4:36 pm CST regarding project details pertaining to TCS paperwork. Raina forwarded Ben the emails with TCS paperwork details and mentioned that Wades email included the WBI contract that would need to be signed if a TCS/THPO wanted a TCS to act as an independent contractor.

At 4:50 pm CST, Raina forwarded the Ben Young the TCS paperwork details response email that Wade sent out earlier in the day. Raina also mentioned that she would forward Ben the email for Wade next.

At 4:52 pm CST, Raina forwarded Ben Young WBIs Independent Contractor Agreement to use in case a TCS decides to participate as an independent contractor (instead of an employee of BCA).

6/7/2020

Ben Young contacted Raina via text at 4:27 pm CST in which they discussed Rosebud's TCSs arrangements and arrivals for Phase 1 of the project. Raina informed Ben on the paper work the TCSs would fill out and their per diem subsistence handed out every two days.

6/8/2020

Raina contacted Ben Young via text at 8:08 am CST to ask if he managed to contact TCS John Four Horns who did not check in the night before. Ben infromed Raina that John's vehicle broke down near Eagle Butte SD. If John was stil having vehicle issues, Ben would send a different TCS.

6/9/2020

Ben Young contacted Raina via text at 12:15 pm CST to inform her that he was sending out another TCS, due to John not having reliable transportation. Ben instead would be sending Mary Waln, who he had contact with last week, but seemed unable to get a hold of her.

At 5:48 pm CST Raina, via text, asked Ben Young as to when Mary Waln would be arriving to the project. Ben Young replied that she would be arriving around 5:30 pm to 6:00 pm CST.

6/10/2020

At 12:15 pm CST, Raina and Ben communicated via text that John Four Horns will no longer be serving as the Rosebud representative for SWO THPO. Mary Waln should be arriving on June 10 to join the project.

Ben Rhodd was cc'd in an email at 2:53 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.

Ben Rhodd was cc'd in an email at 3:32 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was reiterating project details and details on TCS pay rates at BCA.

At 4:35 pm CST, Raina forwarded the correspondence between Jon at SRST and Wade at BCA as she had seen he was not included in that correspondence.

Communications with Spirit Lake Tribe of Fort Totten

Date	Summary
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5/20/2020	
	<p>Raina called the office number and left a voicemail at 10:36 am CST. Erich Longie called back at 10:41 am CST and spoke to Raina until 10:50 am. Raina filled Erich in on what the project is and BCA's role in the project (That BCA has been contracted by the proponent to assist with the tribal coordination). Erich confirmed that Spirit Lake is interested in participating in the project. Interested: Yes, Travel Ban: Not sure. At 10:52 am CST, Raina sent Erich a follow up email regarding the project specifics they discussed on the phone. At 2:47 pm CST Raina sent Erich a follow up email to clarify that BCA is the contracted proponent to assist with the tribal coordination.</p>
5/29/2020	
	<p>Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the project at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.</p>
6/2/2020	
	<p>At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.</p>
6/3/2020	
	<p>Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs</p>
6/4/2020	
	<p>Raina emailed Erich at 11:50 am CST to follow up on their phone call (Raina called Erich at 11:40 am CST and he called back and spoke with Raina at 11:42 am CST). Spirit Lake is still under a travel ban and the council has not yet gotten back to Erich to see if a TCS would be cleared to travel. Raina mentioned that BCA does have four confirmed tribes to be present during the upcoming lithic scatter evaluative site testing, and she will continue to keep him in the email loop for this project. She will also make sure to revisit with him prior to stone feature site visits and touchup surveys fieldwork efforts later this month.</p>
6/9/2020	
	<p>Erich emailed Raina at 2:01 pm CST thanking her and acknowledging he received the email.</p>

Communications with Standing Rock Sioux Tribe

Date	Summary
5/20/2020	
	Raina spoke with Jeremy Freeman from at ~9:53 am CST to fill him in on the project specifics as well as BCA's role in the project. Standing Rock does have interest in the project, and while there is a travel ban, TCSs are considered essential workers. At 2:48 pm CST Raina sent Jeremy a follow up email to clarify that BCA is contracted by the proponent to assist with the tribal coordination.
5/21/2020	
	Jeremy Freeman replied that he appreciates the follow-up email and will keep any eye out for further communication.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the projec at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, soley to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.
6/1/2020	
	Jeremy Freeman replied at 12:08 pm CST to the group email Raina sent to the THPOs on May 29 to indicate the tribe's continued interest to send a TCS for the excavations starting June 7.
	Raina replied to Jeremy Freeman at 12:59 pm CST to request the name and anticipated arrival time of the TCS.
6/2/2020	
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as i-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.
6/3/2020	
	Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs.

6/4/2020

Raina emailed Jon, Jeremy, and Andrew at 10:41 am CST to let them know she is forwarding them the email she sent out last night to the THPOs. This specific email is to SRST and Raina went ahead and included the TCS (Andrew Antell). Raina asked Andrew to let her know when he arrives in Williston on June 7. Raina also asked Jon Eagle Sr. and Jeremy Freeman if Andrew would be Standing Rocks TCS for the duration of the project. (The email also included all of the paperwork mentioned in the above entry.)

Jeremy replied at 12:23 pm CST to let Raina know Andrew Antell will most likely be their TCS for the duration of the project depending on how long the project actually lasts. If it ends up being a long project, SRST may potentially rotate someone in but for now SRST will plan on Andrew being present throughout. Jeremy included Andrew in this email and asked him to let Raina know about what time he plans on arriving.

Raina replied via email to Jeremy at 12:28 pm CST to let him know that as of now, we are expecting around 6 weeks of work (give or take some days). There may be a small to week long break half way through.

At 2:54 pm CST, Jon began a separate email chain with Wade excluding Raina. Jon inquired Wade about the present rate per hour for a TCS.

At 3:45 pm CST, Jon Eagle emailed Raina regarding TCS paperwork and Jon had inquired as to who the federal agency is for this project.

Raina replied to Jon regarding the TCS paperwork and let him know that FERC is the lead reviewing agency.

Jon replied via email to Raina at 10:30 pm CST regarding the ongoing conversation of project details pertaining to the TCS paperwork.

6/5/2020

Raina emailed Jon at 7:10 am CST regarding the ongoing conversation of project details pertaining to the TCS paperwork.

Wade emailed Jon at 3:17 pm CST to go over the project details regarding TCS paperwork and explain the reasoning for and benefits of BCA hiring TCSs as short term employees. He also sent Jon the attachment of WBI's Independent Contractor Agreement, should they decide to utilize that.

6/10/2020

Jon Eagle emailed Wade at 2:53 CST to respond to Wade's email regarding TCS pay and working as independent contractors. Jon Eagle Sr. indicated that he was not aware of the differences in TCS pay by project, and that he'd like to visit about overtime pay. He mentioned this for the TCC meeting.

Wade replied to Jon at 3:32 pm CST in order to clarify TCS paperwork details. Wade said in the future, he would ensure these details would be worked out in advance of the project start.

Communications with the Sisseton - Wahpeton Oyate

Date	Summary
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5/20/2020	
	<p>At 11 am CST Raina called Dianne Desrosiers. They spoke until 11:17 am CST. Raina filled Dianne in on the project specifics as well as BCA's role in the project. Interested: Sisseton - Wahpeton Oyate shows interest in the project, however they are currently a little understaffed. There also is a travel ban, but currently it is a limited ban. At 11:29 am CST, Raina sent Dianne a follow-up email regarding the project specifics they had discussed on the phone.</p> <p>At 2:47 pm CST, Raina emailed Dianne to clarify that BCA is contracted by the proponent to assist with the tribal coordination</p>
5/28/2020	
	<p>Raina emailed Dianne at 2:22 pm CST to follow-up and make sure Dianne's receiving her emails. As Raina had discussed on the phone, Raina emailed Dianne's work and personal email since her work one is full.</p>
5/29/2020	
	<p>Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the project at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.</p>
6/2/2020	
	<p>At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as i-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.</p> <p>Raina emailed all THPOs at 5:01 pm CST to alert them as to BCA's role in the project, that BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guidelines paperwork will be sent out soon.</p>

6/3/2020

Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distriubute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

At 1:25 pm CST Dianne Desrosiers called Raina Hanley to inform her that they potentially have one TCS for the project. Dianne will let Raina know on their availability either tomorrow or the next day. Raina gave Dianne some more details on the project, and that only one TCS is to come to monitor.

At 4:01 pm CST the email Raina sent at 3:59 was kicked back and undeliverable for Tamara. However, since we are in contact with Dianne, we will remove Tamara from the email list.

6/4/2020

Dianne was cc'd in an email at 2:54 pm CST from Standing Rock Sioux Tribes THPO Jon Eagle Sr. along with other THPOs to Wade, but excluding Raina. The email in question was inquiring on THPO hourly rate and other project details.

At 3:03 pm CST Fort Peck Tribes' THPO Dyan Youpee emailed a question on Jon Eagle Sr.'s original email to Wade inquiring on the TCS hourly rate, cc'ing Wade and some of the THPOs including Dianne .

At 3:43 pm CST, Raina emailed some of the THPOs including Dianne addressing Fort Peck Tribes' THPO Dyan Youpee as well as the Cheyenne River Sioux Tribes' THPO Steve Vance directly to redirect their questions on THPO hourly rates to the original email Raina sent in response to Standing Rock Sioux Tribe THPO Jon Eagle Sr.'s original email.

Dianne was cc'd in an email at 3:45 pm CST from Standing Rock Sioux Tribe THPO Jon Eagle Sr. along with other THPOs. The email in question was inquiring on THPO hourly rate and project details.

At 4:42 pm CST, Cheyenne River Sloux Tribes' THPO Steve Vance emailed SRST THPO Jon Eagle Sr., SRST Archaeologist Jeremy Freeman, SRST TCS Andrew Antell, and Raina along with cc'ing some of the THPOs including Dianne and all agencies involved in the project, inquiring on specifics of TCS pay.

Dianne was cc'd in an email at 5:06 pm CST from Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.

Dianne was cc'd in an email at 6:03 pm CST from Raina to Fort Peck Tribes' THPO Dyan Youpee along with other THPOs, Wade, and all federal agencies involved in the project. The email in question was explaining TCS pay rates for the project.

Dianne was cc'd in an email at 10:30 pm CST from Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involve in the project. The email in question was inquiring on THPO hourly rate and other project details.

6/5/2020	
	Ben Young emailed Raina at 1:53 pm CST to let her know that Ben Rhodd just got off of the phone with Dianne Derosiers from the SWO tribe. She said we could fill their spot on the North Bakken project. Ben said Raina should be receiving an email from Dianne soon regarding this. The name of the other TCS that Rosebud will be sending is John Four Horns.
	Pete Coffey was cc'd in an email from Wade at 3:17 pm CST to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involve in the project. The email in question was answering concerns with the THPO hourly rate and other project details.
6/9/2020	
	Raina emailed Dianne Desrosiers at 11:08 am CST to request formal confirmation that the SWO THPO is working with the Rosebud THPO to coordinate having a Rosebud TCS act as a representative for SWO THPO.
	At 4:34 pm CST, Dianne replied to Raina to indicate that the office has been closed due to COVID-19 cases, and to affirm that the SWO THPO and Rosebud THPO are working to have a Rosebud TCS represent SWO on the project.
6/10/2020	
	Raina emailed Dianne to let her know that that John Four Horns will no longer be serving as the Rosebud representative for SWO THPO. Mary Waln should be arriving on June 10 to join the project.
	Dianne was cc'd in an email at 2:53 pm CST from Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was inquiring on THPO hourly rate and other project details.
	Dianne was cc'd in an email at 3:32 pm CST from Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project. The email in question was reiteratting project details and details on TCS pay rates at BCA.

Communications with Turtle Mountain Band of Chippewa

Date	Summary
5/15/2020	
	During a conference call BCA had with ERM & WBI, Andrea Thornton with ERM informed BCA that the TMBC declined involvement in 2019.
5/26/2020	
	Raina tried calling the office number for Jeff Desjarlais, Jr., but he was unavailable. At 10:14 am CST, Raina sent a follow-up email to confirm that Jennifer Malaterre is authorized to verify the TMBC THPO's receipt of project introductory letters & comment on whether or not there will be a comment from their office on the projet.
5/28/2020	
	Raina emailed Jeff Desjarlais, Jr. at 2:11 pm CST to let him know she just tried calling his office to follow up on whether Jennifer Malaterre is authorized to verify the receipt of project introductory letters from 2019 since Raina wasn't familiar with that name.
	Raina spoke with Jeff Desjarlais, Jr. at ~3:15 pm CST and sent him a follow-up email at 3:29 pm CST which was as follows: Jennifer Malaterre was not authorized to make decisions or comments on behalf of the TMBC THPO. Jeff verified that TMBC does have an active interest in participating in the projects planned 2020 fieldwork. Raina mentioned that she will keep Jeff posted on the project plans. Raina also included Rick Rogers from the USACE and Liv Fetterman from the USFS in the email so they have record of TMBC's interest and past 2019 miscommunications and correction for 2020 as portions of the project are proposed to cross onto USFS and USACE surface.
	Raina emailed Jeff at 4:35 pm CST to let him know the project details and that BCA will be taking over the tribal coordination efforts on behalf of WBI and ERM for WBI's N. Bakken Expansion. Raina described which agencies will be involved for surface management and let Jeff know BCA is not representing FERC, and that BCA has been contracted by the project sponsor (WBI) to assist with tribal coordination.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the project at 5:01 pm CST to alert him as to BCA's role in the project, that BCA has been contracted by WBI, soley to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guidelines paperwork will be sent out soon.
6/2/2020	
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as i-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.

6/3/2020

Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

6/4/2020

Raina emailed Jeff at 10:42 am CST, noting that she had just tried calling him (at 10:35 am CST) to follow up and make sure he is receiving the most recent emails. She asked if Jeff is able to send a TCS out on June 7.

6/5/2020

Raina Hanley attempted to call Jeff Desjarlais Jr. at 11:42 am CST. Raina left Jeff a voice mail message at the THPO office.

Raina called Jeff at ~2:55 pm CST and left him a voicemail. She communicated via email at 2:58 pm CST that she was following-up to see if TMBC would be able to send a TCS to the N. Bakken project area on June 7.

Raina Hanley called Jeff Desjarlais, however someone else answered the phone. Raina inquired about her ability to reach Jeff. She told Raina that she would attempt to contact Jeff on Facebook.

Jeff replied to Raina's email at 3:10 pm CST to let her know that TMBC will be sending a TCS. They will send Mike McCloud and he should be giving Raina a call.

At ~4:00 pm CST Raina Hanley received a call from Mike McCloud and confirmed that he was fine being an employee of BCA.

Communications with the Yankton Sioux Tribe

Date	Summary
5/20/2020	
	At 10:39 am CST, Raina called the office phone number of the Yankton Sioux THPO. The mailbox was full so no voicemail was left. At 10:40 am CST Raina tried to call Kip Spotted Eagle's cell phone number [REDACTED] which rang continuously, so no voicemail was left. Raina sent Kip an email at 10:57 am CST to ask if the Yankton tribe has interest in participating in the 2020 field review. Raina noted that Kip can call or email her and that she will follow-up with Kip at the end of the week if we haven't been able to touch base by then. At 2:30 pm CST, Raina emailed Kip a follow-up email to clarify that BCA has been contracted by the proponent to assist with the tribal coordination.
5/22/2020	
	Raina sent Kip an email at 4:57 pm CST noting that she tried calling his office and cell phone again. The voicemail box at the office was full and the cell number appears to no longer have service. Raina will try reaching out to Kip again next week.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved in the projec at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.
6/2/2020	
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as i-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.
6/3/2020	
	Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

6/4/2020

Raina emailed Kip at 12:30 pm CST to let him know she just tried calling his office and cell phone. The voicemail box at the office appears to be full and the cell number appears to no longer have provider service. Raina also did not seem to hear anything but a generic office voicemail box option. She will try reaching out to Kip again later this month.

Cheyenne River Sioux Tribe

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Cheyenne River Sioux Tribe – Steve Vance

Phone Number (605) 964-7554

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 20, 2020

Time of Conversation: 12:30 pm – 1:07 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley spoke with Steve Vance regarding the project specifics and Beaver Creek Archaeology's role in the project. They have the potential to send a tribal cultural specialist, but prefer more information as the project develops, weekly updates and the Class III report. There is currently a travel ban on the Cheyenne River Indian Reservation which may impede participation with the project.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Cheyenne River Sioux Tribe – Steve Vance

Phone Number (605) 964-7554

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 4, 2020

Time of Conversation: ~11:55 am – 12:00 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called Steve Vance and sent him a follow up email at 12:05 pm CST. They discussed that Beaver Creek Archaeology will not have a Cheyenne River Sioux Tribe (CRST) tribal cultural specialist (TCS) for this first phase of the project but Raina will be following up with Steve again towards the end of the month to coordinate a CRST TCS for Phase 2 of the project.

Fort Belknap Indian Reservation

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Fort Belknap – Michael Black Wolf

Phone Number [REDACTED]

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 12, 2020

Time of Conversation: ~12:30 pm – 12:45 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley spoke to Michael Black Wolf of Fort Belknap Indian Reservation and received verbal confirmation of their interest in the project. Fort Belknap Indian Reservation is currently under a travel ban which may impede participation with the project.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Fort Belknap – Michael Black Wolf

Phone Number [REDACTED]

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 4, 2020

Time of Conversation: ~12:17 pm – 12:30 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley spoke to Michael Black Wolf on the phone and sent him a follow-up email of their conversation at 1:15 pm CST. The Fort Belknap tribe is still under a travel ban. Raina mentioned that Beaver Creek Archeology do have four confirmed tribes to be present during the upcoming lithic scatter evaluative site testing, and she will continue to keep Teanna Limpy in the email loop for this project. Raina will also make sure to revisit with her before the stone feature site visits and touchup surveys fieldwork efforts at the end of this month.

Fort Peck Tribe

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Fort Peck Assiniboine & Sioux Tribe – Dyan Youpee

Phone Number (406) 768-2382

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 12, 2020

Time of Conversation: ~11:30 am – 11:45 am CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina spoke with Dyan Youpee and received verbal confirmation of Ft. Pecks Indian Reservation's continued interest in the project.

Three Affiliated Tribes

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Three Affiliated Tribes (MHA) – Pete Coffey

Phone Number (701) 862-2474

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 12, 2020

Time of Conversation: ~10:30 am – 10:45 am CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley spoke to Pete Coffey with the MHA Nation to discuss that Beaver Creek Archaeology is taking over the tribal coordination efforts on behalf of environmental resources management for WBI Energy's proposed N. Bakken Expansion. Raina asked Pete for the tribal cultural specialist's contact information so she can inform him (Matt Dixon) about the project specifics.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Three Affiliated Tribes (MHA) – Matt Dixon

Phone Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Phone Number

(701) 663-5521

Date

May 12, 2020

Time of Conversation: Attempted call at 10:50 am CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called both of the cell phone numbers we have on file for Matt Dixon. Both went straight to voicemail and both mail boxes were full. The first number's voicemail message acknowledged it was Matt. The second number's voicemail was a generic voice message repeating the number that was dialed.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Three Affiliated Tribes (MHA) – Russel Red Horn

Phone Number

[REDACTED]

Company

WBI Energy

BCA Contact

Wade Burns

Phone Number

[REDACTED]

Date

May 15, 2020

Time of Conversation: ~8:45 am – 9:00 am CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Wade Burns spoke with tribal cultural specialist (TCS) Russell Red Horn to confirm his availability as a TCS to be present to monitor soil boring activities for WBI next week on May 20, 2020.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Three Affiliated Tribes (MHA) – Pete Coffey

Phone Number (701) 862-2474

Company WBI Energy

BCA Contact Wade Burns

Phone Number [REDACTED]

Date May 15, 2020

Time of Conversation: ~9:30 am – 9:45 am CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Wade Burns spoke to Pete Coffey of MHA to let him know that Russell Red Horn had been lined up as a tribal cultural specialist to be present during soil boring activities.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Three Affiliated Tribes (MHA) – Pete Coffey

Phone Number (701) 862-2474

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 15, 2020

Time of Conversation: Attempted call at ~4:15 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley tried to call Pete Coffey. Pete sent Raina a follow up email to her call at 4:20 pm CST to let her know that MHA will not be able to send a tribal cultural specialist (TCS). Raina alerted him as to another option since Rosebud has offered to send a TCS for any Tribal Historical Preservation Office that is unable to send a TCS. Raina let Pete know that if he would like to pursue that option, he is welcome to reach out to Rosebud.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Three Affiliated Tribes (MHA) – Pete Coffey

Cell Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Cell Number

(701) 301-7323

Date

June 5, 2020

Time of Conversation: Attempted call at ~4:15 pm CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called Pete Coffey of MHA to ask if Matt Dixon was still the tribal cultural specialist for the project, and approximately what time he would arrive. Beaver Creek Archaeology (BCA) wants to make sure Matt will consent to being a BCA employee for the duration of the project. Pete will reiterate to Matt the date and time of the tribal cultural specialist's start date.

Northern Arapaho Tribe

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Northern Arapaho Tribes - Crystal C' Bearing
Phone Number	(307) 856-1628
Company	WBI Energy
BCA Contact	Raina Hanley
Phone Number	(701) 663-5521
Date	May 20, 2020
Time of Conversation	Attempted call at 11:30 am CST
Reference	North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called the office phone number for Crystal C' Bearing and left her a voicemail regarding the project specifics as well as Beaver Creek Archeology's role in the project

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Northern Arapaho Tribes - Crystal C' Bearing
Cell Number	[REDACTED]
Company	WBI Energy
BCA Contact	Raina Hanley
Phone Number	(701) 663-5521
Date	May 20, 2020
Time of Conversation :	Attempted call at 11:32 am CST
Reference	North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley tried the cell phone number for Crystal C' Bearing that Richard Rogers of the United States Army Corp of Engineers provided Raina. Raina was unable to reach Crystal via the cell phone number provided as it directly went into a "caller not available" service message. Raina tried the number again, and received the same service message.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Northern Arapaho Tribes – Crystal C’ Bearing
Phone Number	(307) 856-1628
Company	WBI Energy
BCA Contact	Raina Hanley
Phone Number	(701)-663-5521
Date	May 22, 2020
Time of Conversation	Attempted call at ~4:55 pm CST
Reference	North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley emailed Crystal C’ Bearing at 5:02 pm CST noting that she tried calling her office again and left a voice message for her. Raina also mentioned that she will try calling her again later next week.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Northern Arapaho Tribes – Crystal C’ Bearing
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Phone Number	(307) 856-1628
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Company	WBI Energy
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BCA Contact	Raina Hanley
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Phone Number	(701) 663-5521
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Date	May 26, 2020
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Time of Conversation:	Missed Call
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Reference	North Bakken Pipeline Expansion TCS Coordination
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Log of Conversation

Raina Hanley missed the call from Crystal C’ Bearing.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Northern Arapaho Tribes – Crystal C’ Bearing
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Phone Number	(307) 856-1628
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Company	WBI Energy
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BCA Contact	Raina Hanley
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Phone Number	(701) 663-5521
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Date	May 27, 2020
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Time of Conversation:	Attempted call at 3:20 pm CST
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Reference	North Bakken Pipeline Expansion TCS Coordination
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Log of Conversation

Raina Hanley tried calling her back to let Crystal C’ Bearing know her availability for the remainder of the day and rest of the week for her to call back.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Northern Arapaho Tribes – Crystal C’ Bearing

Phone Number (307) 856-1628

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 29, 2020

Time of Conversation: ~5:06 pm – 5:16 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley and Crystal C’ Bearing spoke on the phone and sent a follow-up email of their conversation at 5:21 pm. Crystal confirmed that the Northern Arapahoe is interested in participating in the project, but are currently under a travel ban until June 30, 2020. Crystal was going to ask the tribal chairman whether a Tribal Cultural Specialist could be released early in order to participate.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Northern Arapaho Tribes – Ben Ridgely
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Phone Number	(307) 856-1628
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Company	WBI Energy
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BCA Contact	Raina Hanley
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Phone Number	(701) 663-5521
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Date	June 3, 2020
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Time of Conversation:	12:45 pm – 12:55 pm
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Reference	North Bakken Pipeline Expansion TCS Coordination
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Log of Conversation

Ben Ridgely called Raina Hanley, in which Ben informed Raina that he will meet with the tribal council. He was asked for more information on the project, and Raina told him that an email would be sent this week containing more information.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Northern Arapaho Tribes – Ben Ridgely

Phone Number (307) 856-1628

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 3, 2020

Time of Conversation: ~2:20 pm – 2:30 pm

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Ben Ridgely called Raina Hanley back to request information on how BCA approach Covid-19. Raina also informed Ben that one tribal cultural specialist per tribe is required for the project.

Northern Cheyenne Tribe

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Northern Cheyenne Nation – Teanna Limpy

Phone Number (406) 477-4839/[REDACTED]

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 12, 2020

Time of Conversation: ~12:00 pm-12:10 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley spoke with Teanna Limpy with the Northern Cheyenne Nation and received verbal confirmation of North Cheyenne Nations' interest in the project. Northern Cheyenne Indian reservation is currently under a travel ban which may impede participation with the project.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Northern Cheyenne Nation – Teanna Limpy

Phone Number (406) 477-4839/[REDACTED]

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 21, 2020

Time of Conversation: Attempted call at ~3:45 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

At 3:59 pm CST, Raina Hanley emailed Teanna Limpy as their call had dropped to reiterate project details and that BCA will be discussing scheduling with the archaeology firm and ERM on May 22, 2020. The email also mentioned that Beaver Creek Archaeology is working on a start date for work.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Northern Cheyenne Nation – Teanna Limpy

Phone Number (406) 477-4839/[REDACTED]

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 4, 2020

Time of Conversation: 12:22 pm – 12:30 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Teanna Limpy called Raina Hanley to inform her that there is no change with the travel ban and that the ban was extended to June 19, 2020. Raina mentioned that we do have four confirmed tribes to be present during the upcoming lithic scatter evaluative site testing, and she will continue to keep Teanna in the email loop for this project. Raina will also make sure to revisit with her prior to stone feature site visits and touchup surveys fieldwork efforts at the end of this month.

Oglala Sioux Tribe

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Oglala Sioux Tribe – Thomas Brings
Phone Number	(605) 867-5624
Company	WBI Energy
BCA Contact	Raina Hanley
Phone Number	(701) 663-5521
Date	May 20, 2020
Time of Conversation:	Attempted call at 12:18 pm CST
Reference	North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called the office number to reach Thomas Brings, but did not hear his name listed as a voicemail option. Therefore, at 1:39 pm CST Raina sent Thomas an email to discuss Oglala Sioux Tribes' potential interest in participating in the upcoming 2020 field reviews as well as sending some project information and a description of Beaver Creek Archeology's role.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Oglala Sioux Tribe – Thomas Brings
Phone Number	(605) 867-5624
Company	WBI Energy
BCA Contact	Raina Hanley
Phone Number	(701) 663-5521
Date	May 22, 2020
Time of Conversation:	Attempted phone call at ~4:50 pm CST
Reference	North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley tried calling Thomas Brings's office number and it again did not list his name in the voicemail options. Therefore, 4:54 pm CST Raina sent Thomas a follow up email at letting him know this and that she will try reaching out to him again next week.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Oglala Sioux Tribe – Thomas Brings
Phone Number	(605) 867-5624
Company	WBI Energy
BCA Contact	Raina Hanley
Phone Number	(701) 663-5521
Date	June 4, 2020
Time of Conversation:	Attempted phone call at 12:05 pm CST
Reference	North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley tried calling Thomas Brings and left a message with Reno Red Claw. At 12:13 pm CST Raina emailed Thomas and noted that she has held off on reaching out to Lonni Weston as she wanted to avoid potentially crossing any communication lines between the Tribal Historical Preservation Office and a tribal cultural specialist. As Raina understands from Reno, you all are making your way back in to the office and Wednesdays are your day to be in the office. If Raina does not hear back from Thomas before next Wednesday, she will try him again then.

Rosebud Sioux Tribe

Call Log

Log of TCS Telephone Conversation

Call To/From Whom	To: Rosebud Sioux Tribe – Benjamin Young
Phone Number	[REDACTED]
Company	WBI Energy
BCA Contact	Raina Hanley
Phone Number	(701) 663-5521
Date	May 12, 2020
Time of Conversation:	~11:00 am – 11:10 am CST
Reference	North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley spoke with Benjamin Young and received verbal confirmation of Rosebud Sioux Tribes' continued interest in the project.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Rosebud Sioux Tribe – Benjamin Young, Ben Rhodd

Phone Number (605) 747-4255

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 21, 2020

Time of Conversation: Attempted call at 3:30 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley left a voice message at the office of Benjamin Young and Ben Rhodd to follow up with them on the status of Rosebud Sioux Tribes' travel ban and how it pertains to the tribal cultural specialist.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Rosebud Sioux Tribe – Benjamin Young, Ben Rhodd

Phone Number (605) 747-4255

Company WBI Energy

BCA Contact Wade Burns

Phone Number [REDACTED]

Date June 5, 2020

Time of Conversation: Attempted call at 10:05 am CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Wade Burns attempted to call Ben Rhodd (he called the number Ben Young provided in the email to Raina Hanley this morning), however the call was not answered at this time.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Rosebud Sioux Tribe – Benjamin Young, Ben Rhodd

Phone Number (605) 747-4255

Company WBI Energy

BCA Contact Wade Burns

Phone Number [REDACTED]

Date June 5, 2020

Time of Conversation: ~3:00 pm – 3:10 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley returned a missed call to Benjamin Young. Ben said he would let Ben Rhodd know to contact Dianne Desrosiers to let her know to contact Raina. Raina asked Benjamin Young if the tribal cultural specialists would be signing on as BCA employees or contractors.

Spirit Lake Tribe

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Spirit Lake Tribe of Ft. Totten – Erich Longie

Phone Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Phone Number

(701) 663-5521

Date

May 20, 2020

Time of Conversation: Attempted call at 10:36 am CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called the office number and left a voicemail for Erich Longie.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Spirit Lake Tribe of Ft. Totten – Erich Longie

Phone Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Phone Number

(701) 663-5521

Date

May 20, 2020

Time of Conversation: 10:41 am – 10:50 am CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Erich Longie called Raina Hanley back. Raina filled Erich in on what the project is and Beaver Creek Archaeology's role in the project. Erich confirmed that the Spirit Lake tribe is interested in participating in the project.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Spirit Lake Tribe of Ft. Totten – Erich Longie

Phone Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Phone Number

(701) 663-5521

Date

June 4, 2020

Time of Conversation: Attempted call 11:40 am CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley attempted to call Erich Longie.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Spirit Lake Tribe of Ft. Totten – Erich Longie

Phone Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Phone Number

(701) 663-5521

Date

June 4, 2020

Time of Conversation: ~11:42 am – 11:47 am CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Erich Longie called Raina Hanley back. At this time Erich cannot send anyone. Spirit Lake Reservation is still under a travel ban and the council has not yet gotten back to Erich to see if a Tribal Cultural Specialist would be cleared to travel. Raina mentioned that we do have four confirmed tribes to be present during the upcoming lithic scatter evaluative site testing, and she will continue to keep you him the email loop for this project. She will also make sure to revisit with him prior to stone feature site visits and touchup surveys fieldwork efforts later this month. Raina emailed Erich at 11:50 am CST to follow up on their phone call.

Standing Rock Sioux Tribe

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Standing Rock Sioux Tribe – Jeremy Freeman

Phone Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Phone Number

(701) 663-5521

Date

May 20, 2020

Time of Conversation: ~9:53 am – 10:16 am CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley spoke with Jeremy Freeman to fill him in on the project specifics as well as Beaver Creek Archaeology's role in the project. Jeremy showed interest in the project. There is currently a travel ban on Standing Rock Indian Reservation, however tribal cultural specialists and the Tribal Historical Preservation Offices are considered essential workers.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Standing Rock Sioux Tribe – Andrew Antell

Phone Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Phone Number

(701) 663-5521

Date

June 5, 2020

Time of Conversation: ~5:00 pm – 5:10 pm CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Andrew Antell (Standing Rock Sioux Tribe TCS) called Raina Hanley to confirm with her that his financial and contact information had stayed the same from employment in the 2019 season. Also Raina confirmed that Andrew was fine being a BCA employee for the duration of the project. Andrew also gave Raina his approximate arrival time for the project.

Sisseton-Wahpeton Oyate

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Sisseton-Wahpeton Oyate – Dianne Desrosiers

Phone Number (605) 698-3584

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 20, 2020

Time of Conversation: ~11:00 am – 11:17 am CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called Dianne Desrosiers to fill her in on the project specifics as well as Beaver Creek Archaeology's role in the project. Dianne expressed they are interested, but they have limited staffing at the moment so she will need to discuss it with her higher ups. The Lake Traverse Reservation is currently under a limited travel ban which may impede participation in the project.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Sisseton-Wahpeton Oyate – Dianne Desrosiers

Phone Number (605) 698-3584

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 3, 2020

Time of Conversation: 1:25 pm – 1:30 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Dianne Desrosiers called Raina Hanley to inform her that they potentially have one tribal cultural specialist (TCS) for the project. Dianne will let Raina know on their availability either tomorrow or the next day. Raina gave Dianne some more details on the project, and that only one TCS is to come to monitor.

Turtle Mountain Band of Chippewa

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Turtle Mountain Band of Chippewa – Jeff Desjarlais, Jr.

Phone Number (701) 477-2640

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 26, 2020

Time of Conversation: Attempted call at 10:14 am CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley tried calling the office number for Jeff Desjarlais, Jr., but he was unavailable. Raina sent a follow up email to confirm that Jennifer Malaterre is authorized to verify the Turtle Mountain Band of Chippewa The Tribal Historic Preservation Office's receipt of project introductory letters and a comment on whether or not there will be a comment from their office on the project.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Turtle Mountain Band of Chippewa – Jeff Desjarlais, Jr.

Phone Number (701) 477-2640

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 28, 2020

Time of Conversation: ~3:15 pm – 3:25 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley spoke with Jeff Desjarlais, Jr. and sent him a follow-up email at 3:29 p.m. CST to sum up their conversation which was as follows: Jennifer Malaterre was not authorized to make decisions or comments on behalf of the Turtle Mountain Band of Chippewa's (TMBC) Tribal Historic Preservation Office. Jeff verified that TMBC does have an active interest in participating in the project's planned 2020 fieldwork. Raina mentioned that she will keep Jeff posted on the project plans. Raina also included Rick Rogers from the United States Army Corp of Engineers (USACE) and Liv Fetterman from the United States Forestry Service (USFS) in the email so they have record of TMBC's interest and past 2019 miscommunications and correction for 2020 as portions of the project are proposed to cross onto USFS and USACE surfaces.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Turtle Mountain Band of Chippewa – Jeff Desjarlais, Jr.

Phone Number (701) 477-2640

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 4, 2020

Time of Conversation: Attempted call at 10:35 am CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley emailed Jeff Desjarlais, Jr. at 10:42 am CST, noting that she had just tried calling him at his office to follow up and make sure he is receiving the most recent emails. She asked if Jeff is able to send a tribal cultural specialist out this Sunday.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Turtle Mountain Band of Chippewa – Jeff Desjarlais, Jr.

Phone Number (701) 477-2640

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 5, 2020

Time of Conversation: Attempted call at 11:42 am CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley attempted to call Jeff Desjarlais, Jr. Raina left Jeff a voice mail message at the Tribal Historic Preservation Office.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Turtle Mountain Band of Chippewa – Jeff Desjarlais, Jr.

Phone Number (701) 477-2640

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 5, 2020

Time of Conversation: Attempted call at 2:52 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called Jeff Desjarlais, Jr. and left him a voicemail. She communicated that also via email at 2:58 pm CST. Raina was following-up to see if Turtle Mountain Band of Chippewa would be able to send a Tribal Cultural Specialist to the N. Bakken project area on June 7, 2020.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Turtle Mountain Band of Chippewa – Jeff Desjarlais, Jr.

Phone Number (701) 477-2640

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 5, 2020

Time of Conversation: ~3:00 pm – 3:10 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called Jeff Desjarlais, Jr., however some else answered the phone. Raina inquired about her ability to reach Jeff, in which she told Raina that she would attempt to contact Jeff on Facebook.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Turtle Mountain Band of Chippewa – Jeff Desjarlais, Jr.

Phone Number (701) 477-2640

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 5, 2020

Time of Conversation: ~4:00 pm – 4:10 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley received a call from Mike McCloud and confirmed that he was fine with being a Beaver Creek Archaeology employee.

Yankton Sioux Tribe

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Yankton Sioux Tribe – Kip Spotted Eagle

Phone Number (605) 384-3641 x 1033

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 20, 2020

Time of Conversation: Attempted call at 10:39 am CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley called the office phone number of Kip Spotted Eagle. The mailbox was full, so no voice mail was left.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Yankton Sioux Tribe – Kip Spotted Eagle

Cell Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Phone Number

(701) 663-5521

Date

May 20, 2020

Time of Conversation: Attempted call at 10:40 am CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley tried to call Kip Spotted Eagle's cell phone number which continuously rang, so no voice mail was left. Raina sent Kip an email at 10:57 am CST to ask if the Yankton tribe has interest in participating in the 2020 field review. At 2:30 pm CST, Raina emailed Kip a follow up email to clarify that Beaver Creek Archeology is the contracted proponent to assist with the tribal coordination.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Yankton Sioux Tribe – Kip Spotted Eagle

Phone Number (605) 384-3641 x 1033

Cell Number (605) 469-5562

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date May 22, 2020

Time of Conversation: Attempted call at ~4:55 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley sent Kip Spotted Eagle an email at 4:57 pm CST noting that she tried calling his office and cell phone again. The voice mail box at the office was full and the cell number appears to no longer have provider service. Raina will try reaching out to Kip again next week.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Yankton Sioux Tribe – Kip Spotted Eagle

Phone Number (605) 384-3641 x 1033

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 4, 2020

Time of Conversation: Attempted call at 12:13 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley emailed Kip Spotted Eagle at 12:30 pm CST to let him know she just tried calling his office. Raina also did not seem to hear anything about a generic office voicemail box option.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Yankton Sioux Tribe – Kip Spotted Eagle

Cell Number

[REDACTED]

Company

WBI Energy

BCA Contact

Raina Hanley

Phone Number

(701) 663-5521

Date

June 4, 2012

Time of Conversation: Attempted call at 12:14 pm CST

Reference

North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley attempted to call Kip Spotted Eagle's cell phone. The cell number appears to no longer have provider service. She will try reaching out to Kip Spotted Eagle again later this month.

Call Log

Log of TCS Telephone Conversation

Call To/From Whom To: Yankton Sioux Tribe – Kip Spotted Eagle

Phone Number (605) 384-3641 x 1033

Company WBI Energy

BCA Contact Raina Hanley

Phone Number (701) 663-5521

Date June 4, 2020

Time of Conversation: Attempted call at 12:15 pm CST

Reference North Bakken Pipeline Expansion TCS Coordination

Log of Conversation

Raina Hanley attempted to call the Yankton Sioux Tribe office again. It did not appear to have a general message system.

**Summary of Communications with
Federal Agencies**

Communications with All Federal Agencies

Date	Summary of Communications
5/13/2020	
BLM, SHPO, USACE, USFS	At 10:29 am CST Raina emailed the BLM, USACE, USFS, and SHPO to let them know that the FERC, USACE, and BLM are available for a call on May 13. As such, Raina let them know that a conference call will be planned for the afternoon of May 14. Raina asked if USFS/SHPO will be able to make that work. She also sent the agencies the FERC natural gas document to review.
BLM, SHPO, USACE, USFS	At 10:42 am CST, Andrew with SHPO replied that he is available anytime in the afternoon of May 14 for the conference call.
BLM, SHPO, USACE, USFS	At 10:44 am CST, Liv with the USFS replied that she is also available for a conference call in the afternoon of May 14 CST.
BLM, SHPO, USACE, USFS	Raina emailed all of the federal agencies at 10:46 am CST to let them know we are looking at doing the conference call at 1 pm CST. Raina asked if anyone had any concerns with having WBI and ERM present as well as BCA would like to invite them.
BLM	Katie West emailed Wade & Raina back stating she does not have a problem with BCA inviting WBI & ERM to the conference call on May 14 CST.
BLM, FERC, SHPO, USACE, USFS	At 2:12 CST, Raina emailed all of the federal agencies to communicate the call-in information for the conference call on May 14. Raina mentioned that she will also email out the invite through Outlook as a calendar invitation. Raina also attached a rough outline for the call and the OEP Natural Gas Guidelines for Cultural Resources. Raina noted that initially she planned on inviting WBI and ERM to participate in the call, but after some discussion with meeting participants, it was decided to limit this particular call to the agencies. Raina mentioned the call will help us understand FERC processes and after the call, Raina will update WBI and ERM. Raina stated that we may need to schedule another conference call with the clients. The go-to link was in the email for the conference call.
5/14/2020	
BLM, FERC, SHPO, USACE, USFS	Raina emailed Dawn, Katie, Liv, Rick, and Andy at 10:14 am CST to let them know that ERM and WBI are highly interested in participating in the conference call this afternoon. Raina suggested splitting the call into 2 parts. Part I: 1 pm CST - 1:30 CST to discuss agencies tribal involvement expectations, especially given the Covid-19 concerns and tribal travel bans, Part II: To allow both WBI and ERM to actively participate in the conversation from 1:30 - 2 pm CST.
5/18/2020	
BLM, USACE, USFS	Raina emailed Rick, Liv, and Katie at 10:23 am CST to let them know she will be working on reaching out to the THPOs of the tribes who hadn't responded to WBI regarding their interest in the participating in the planned 2020 fieldwork this week. If unable to actually talk to the THPO or TCS coordinators, Raina will email them to alert them as to her call.

5/19/2020	
BLM, FERC, SHPO, USACE, USFS	At 12:55 pm CST, Raina emailed all of the Federal Agencies to let them know that all of the tribes she intends to reach out to/or have already reached out to regarding their potential participation in the planned fieldwork for WBI's N. Bakken Exp. Pipeline project.
5/20/2020	
BLM, FERC, SHPO, USACE, USFS	At 9:52 am CST Raina emailed all of the federal agencies to let them know she'll be calling to follow up with the Tribal THPOs for which she plans to actively seek participation and to make sure everyone was okay with the list of contacts Raina sent them. Raina asked if anyone had updated information or any input to add to the contact list. She also mentioned that Rick gave her some updated information.
BLM, FERC, SHPO, USACE, USFS	At 11:55 am CST, Raina emailed all of the agencies to let them know, that as of this morning, for the tribes who had not provided a definite answer to the 2019 fieldwork for the project, she has spoken with the THPO representatives for Standing Rock and Spirit Lake- Both have expressed an interest in participating in the fieldwork. Additionally, Raina spoke to Sisseton-Wahpeton, who has expressed an interest in the project and potentially participating in the fieldwork, but due to their current schedule, they may not be able to send a TCS. Yankton and Northern Arapaho have not been able to be reached, but voicemails have been left. Finally, later today Raina will reach out to the two tribes who she was informed had requested Government to Government correspondence- which Raina understands was Cheyenne River and Oglala.
BLM, FERC, SHPO, USACE, USFS	At 1:45 pm CST Raina emailed all fo the agencies to let them know she was unable to speak with Thomas Brings of Oglala, but she did email him and will try reaching him again later in the week if she hasn't heard back. Also, Raina was able to speak with Steve Vance at Cheyenne River and they are interested in the project and do have concerns about sites in the area. Due to Covid, the Northern Cheyenne may not be able to send a TCS to participate.
5/22/2020	
BLM, SHPO, USACE, USFS'	At 5:48 pm CST, Raina sent an email to Katie, Rick, Liv and Andy summarizing a brief update before the long weekend. The noted points included 1) Raina submitted the planned Tribal Survey Methodology SOW to the SHPO and included ERM in the email, 2) Raina attempted to reach the three tribes she had previously been unsuccessful in getting ahold of. They include Northern Arapho, Oglala, and Yankton, 3) Hotel rooms have been set up. Raina updated the documents she's been putting together for the TCSs to reflect this information.
5/26/2020	
BLM, FERC, SHPO, USACE, USFS	At 9:35 am CST, Raina emailed Katie, Rick, Liv, and Andy to let them know she received the FERC phone memo for the N. Bakken Expansion Project, Docket No. CP20-52-000. Raina mentioned she expressed to ERM that I have a concern about their communication with TMBC. The communication they provided is also attached. The concern being that she does not know who ERM spoke to at TMBC to verify the receipt of the project letter, or if that person is/was an authorized THPO representative. So she will check on that and believes they shouldn't yet be discounted from potential 2020 fieldwork.

5/29/2020	
BLM, SHPO, USACE, USFS'	Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies (except FERC) involved in the project at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.
6/2/2020	
BLM, SHPO, USACE, USFS'	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.
6/3/2020	
BLM, SHPO, USACE, USFS'	Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved in the project (excluding FERC) at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs
6/4/2020	
BLM, SHPO, USACE, USFS'	Raina emailed some of the THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 4:30 pm CST responding to SRST Jon Eagle Sr.'s question on TCS pay. Raina explained the rationale for TCS pay as well as options for the TCSs to work on the project as an independent contractor.
BLM, SHPO, USACE, USFS'	At 4:32 pm CST Steve Vance of Cheyenne River emailed a response to the original email Jon Eagle Sr. sent to Wade for which Raina had not been included, cc'ing some of the THPOs, Wade, Raina, and all federal agencies involved with the project (excluding FERC).
BLM, SHPO, USACE, USFS'	Dyan Youpee of Fort Peck replied to Raina via email at 5:06 pm CST inquiring about the project details regarding the TCS paperwork and hourly rate, cc'ing some of the THPOs, Wade, and the federal agencies involved with the project (excluding FERC).
BLM, SHPO, USACE, USFS'	Raina replied to Dyan via email at 6:03 pm CST answering Dyan's question about the project details regarding the TCS paperwork and hourly rate, cc'ing some of the THPOs, Wade, and the federal agencies involved with the project (excluding FERC).
BLM, SHPO, USACE, USFS'	At 10:30 pm CST, Standing Rock Sioux Tribes' THPO Jon Eagle Sr. sent an email out to some of the THPOs, Wade, Raina and all federal agencies involved in the project (excluding FERC). The email in question was inquiring on THPO hourly rate and other project details.

6/5/2020	
BLM, SHPO, USACE, USFS'	At 3:17 pm CST, Wade Burns sent an email to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involved in the project (excluding FERC). The email in question was answering concerns with the THPO hourly rate and other project details.
6/10/2020	
BLM, SHPO, USACE, USFS'	At 2:53 pm CST Standing Rock Sioux Tribes' THPO Jon Eagle Sr. sent an email response to Wade along with other THPOs, Raina, and all federal agencies involved in the project (excluding FERC). The email in question was inquiring on THPO hourly rate and other project details.
BLM, SHPO, USACE, USFS'	At 3:32 pm CST from Wade Burns sent an email to Standing Rock Sioux Tribes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project (excluding FERC). The email in question was reiterating project details and details on TCS pay rates at BCA.
6/12/2020	
BLM, FERC, SHPO, USACE, USFS	At 11:35 am CST, Jenny sent out the updated meeting minutes from May 14 and requested that any comments, questions, or concerns be directed to Raina.
6/19/2020	
BLM, SHPO, USACE, USFS	Raina emailed all THPOs as well as cc'd Wade and all federal agencies involved with the project (excluding FERC) on June 19 at 5:18 pm CST. The email was updates for the first week of phase 1 of the project (6/8/2020 - 6/13/2020).

Communications with the BLM

Date	Summary of Communications
5/12/2020	
	Raina emailed Katie West at the BLM at 2:33 pm CST to summarize what they discussed that day and to discuss a potential conference call between all participating federal agencies. Raina informed Katie West via email on the level of tribal involvement, which tribes Raina contacted, and which have travel bans.
5/13/2020	
	At 11:06 am CST, Katie emailed Raina to confirm that she had no problem with her previously laid out plan.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.
6/2/2020	
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.
6/3/2020	
	Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs.

6/4/2020	
	Raina emailed some of the THPOs as well as cc'd Wade from BCA and all federal agencies (excluding FERC) involved in the project at 4:30 pm CST responding to SRST Jon Eagle Sr.'s question on TCS pay. Raina explained the rationale for TCS pay as well as options for the TCSs to work on the project as a independent contractor.
	At 4:32 pm CST Steve Vance of Cheyenne River emailed a response to the original email Jon Eagle Sr. sent to Wade from BCA for which Raina had not been included, cc'ing some the the THPOs, Wade, Raina, and all federal agencies involved with the project (excluding FERC).
	Dyan Youpee of Fort Peck replied to Raina via email at 5:06 pm CST inquiring about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project (excluding FERC).
	Raina replied to Dyan via email at 6:03 pm CST answering Dyan's question about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project (excluding FERC).
	At 10:30 pm CST, Standing Rock Sioux Tribes' THPO Jon Eagle Sr. sent an email out to some of the THPOs, Wade, Raina and all federal agencies involve in the project (excluding FERC). The email in question was inquiring on THPO hourly rate and other project details.
6/5/2020	
	At 3:17 pm CST, Wade Burns sent and email to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involve in the project (excluding FERC). The email in question was answering concerns with the THPO hourly rate and other project details.
6/10/2020	
	At 2:53 pm CST Standing Rock Sioux Trbes' THPO Jon Eagle Sr. sent an email response to Wade along with other THPOs, Raina, and all federal agencies involved in the project (excluding FERC). The email in question was inquiring on THPO hourly rate and other project details.
	At 3:32 pm CST from Wade Burns sent an email to Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project (excluding FERC). The email in question was reiteratting project details and details on TCS pay rates at BCA.
6/19/2020	
	Raina emailed all THPOS as well as cc'd Wade from BCA and all federal agencies involved with the project (excluding FERC) on June 19 at 5:18 pm CST. The email was updates for the first week of phase 1 of the project (6/8/2020 - 6/13/2020).

Communications with FERC

Date	Summary of Communications
5/12/2020	
	<p>At 2:53 pm CST, Raina emailed Dawn Ramsey at FERC to introduce herself and to let Dawn know that BCA has been contracted by WBI to coordinate the 2020 tribal involvement with the 2020 fieldwork for WBI's N. Bakken project. Raina let Dawn know she is hoping to schedule a conference call with the agencies participating with the project to discuss tribal involvement expectations. Raina asked what Dawn's availability looks like for such a call. Finally, Raina asked for any guidance FERC supplies project proponents in regards to tribal involvement & cultural resource inventories.</p>
	<p>Raina left Dawn a voicemail at 3:30 pm CST in regards to scheduling the conference call.</p>
5/13/2020	
	<p>Dawn replied via email to Raina's email at 9:50 am CST to let her know she will be available for a call on May 14 and her calendar is fairly open. Dawn replied via email to let Raina know she is only allowed to discuss the process and not the merits of the project. Dawn noted the transcripts/notes from the meeting must be posted to the project docket on FERC's eLibrary. Dawn attached FERC's guidance document for cultural resources investigations on natural gas projects.</p>
	<p>At 2:12 CST, Raina emailed all of the federal agencies to communicate the call-in information for the conference call on May 14. Raina mentioned that she will also email out the invite through Outlook as a calendar invitation. Raina also attached a rough outline for the call and the OEP Natural Gas Guidelines for Cultural Resources. Raina noted that initially she planned on inviting WBI and ERM to participate in the call, but after some discussion with meeting participants, it was decided to limit this particular call to the agencies. Raina mentioned the call will help us understand FERC processes and after the call, Raina will update WBI and ERM. Raina stated that we may need to schedule another conference call with the clients. The go-to link was in the email for the conference call.</p>
5/14/2020	
	<p>Raina emailed Dawn, Katie, Liv, Rick, and Andy at 10:14 am CST to let them know that ERM and WBI are highly interested in participating in the conference call this afternoon. Raina suggested splitting the call into 2 parts. Part I: 1 pm CST - 1:30 CST to discuss agencies tribal involvement expectations, especially given the Covid-19 concerns and tribal travel bans, Part II: To allow both WBI and ERM to actively participate in the conversation from 1:30 - 2 pm CST.</p>
5/19/2020	
	<p>At 12:55 pm CST, Raina emailed all of the Federal Agencies to let them know that all of the tribes she intends to reach out to/or have already reached out to regarding their potential participation in the planned fieldwork for WBI's N. Bakken Exp. Pipeline project.</p>

5/20/2020

At 2:45 pm CST, Raina emailed Dawn to let her know that she will remove her from all further correspondence she sends out to the agencies involved in the process. Raina let Dawn know that in her tribal follow-up emails that BCA is in no way working for FERC, and that BCA was contracted by the proponent to facilitate tribal coordination. Raina then asked Dawn if she had a chance to review the meeting minutes sent to her from BCA and wanted to be sure that everyone felt as though their words and essence of the conversation had been properly captured and documented.

At 9:52 am CST Raina emailed all of the federal agencies to let them know she'll be calling to follow up with the Tribal THPOs for which she plans to actively seek participation and to make sure everyone was okay with the list of contacts Raina sent them. Raina asked if anyone had updated information or any input to add to the contact list. She also mentioned that Rick gave her some updated information.

At 11:55 am CST, Raina emailed all of the agencies to let them know, that as of this morning, for the tribes who had not provided a definite answer to the 2019 fieldwork for the project, she has spoken with the THPO representatives for Standing Rock and Spirit Lake- Both have expressed an interest in participating in the fieldwork. Additionally, Raina spoke to Sisseton-Wahpeton, who has expressed an interest in the project and potentially participating in the fieldwork, but due to their current schedule, they may not be able to send a TCS. Yankton and Northern Arapaho have not been able to be reached, but voicemails have been left. Finally, later today Raina will reach out to the two tribes who she was informed had requested Government to Government correspondence- which Raina understands was Cheyenne River and Oglala.

At 1:45 pm CST Raina emailed all fo the agencies to let them know she was unable to speak with Thomas Brings of Oglala, but she did email him and will try reaching him again later in the week if she hasn't heard back. Also, Raina was able to speak with Steve Vance at Cheyenne River and they are interested in the project and do have concerns about sites in the area. Due to Covid, Cheyenne may not be able to send a TCS to participate.

5/21/2020

Raina emailed Dawn at 2:27 pm CST asking if she is available for a quick phone call.

5/27/2020

Dawn emailed Raina at 10:26 am CST to let her know which edits she suggests for the conference call notes per their conversation last week. Dawn attached the document with her edits noted within.

6/12/2020

At 11:39 am CST, Dawn emailed Raina to request that the meeting minutes from 05/14/2020 be filed to the docket as soon as possible. Raina replied via email at 11:40 am CST that she thinks that is something ERM does, and that BCA would send the meeting minutes to them promptly. At 12:03 pm CST, Jenny emailed Dawn to inform her that the meeting minutes had been sent to ERM.

6/19/2020

Raina emailed all THPOS as well as cc'd Wade from BCA and all federal agencies involved with the project on June 19 at 5:18 pm CST. The email was updates for the first week of phase 1 of the project (6/8/2020 - 6/13/2020).

Communications with North Dakota SHPO

Date **Summary of Communications**

5/12/2020	
	Raina emailed Andrew Clark at 2:54 pm CST to let him know that she's hoping to schedule a conference call with all of the agencies participating in WBI's N. Bakken project. Raina stated her purpose of the call would be to discuss tribal involvement expectations. Finally, Raina asked what Andy's availability would be for such a call.
5/13/2020	
	Andrew Clark responded to Raina's email from the previous day to let her know that anytime in the afternoon of May 14 would work for a conference call.
5/22/2020	
	Raina emailed Andy at 4:59 pm CST (also cc'd Andrea & Pat of ERM) to sent him the requested PDF document containing the scope of work (SOW) that BCA put together describing the planned tribal survey methodology for the planned 2020 fieldwork on behalf of WBI Energy for the proposed North Bakken Pipeline Expansion Project, Williams and McKenzie Counties, North Dakota.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.
6/2/2020	
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't provided a response.
6/3/2020	
	Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs.

6/4/2020	
	Raina emailed some of the THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 4:30 pm CST responding to SRST Jon Eagle Sr.'s question on TCS pay. Raina explained the rationale for TCS pay as well as options for the TCSs to work on the project as a independent contractor.
	At 4:32 pm CST Steve Vance emailed a response to the original email Jon Eagle Sr. sent to Wade for which Raina had not been included, cc'ing some the the THPOs, Wade, Raina, and all federal agencies involved with the project (excluding FERC).
	Dyan replied to Raina via email at 5:06 pm CST inquiring about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project (excluding FERC).
	Raina replied to Dyan via email at 6:03 pm CST answering Dyan's question about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project (excluding FERC).
	At 10:30 pm CST, Standing Rock Sioux Tribes' THPO Jon Eagle Sr. sent an email out to some of the THPOs, Wade, Raina and all federal agencies involve in the project (excluding FERC). The email in question was inquiring on THPO hourly rate and other project details.
6/5/2020	
	At 3:17 pm CST, Wade Burns sent and emial to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina, and all federal agencies involve in the project (excluding FERC). The email in question was answering concerns with the THPO hourly rate and other project details.
6/10/2020	
	At 2:53 pm CST Standing Rock Sioux Trbes' THPO Jon Eagle Sr. sent an email response to Wade along with other THPOs, Raina, and all federal agencies involved in the project (excluding FERC). The email in question was inquiring on THPO hourly rate and other project details.
	At 3:32 pm CST from Wade Burns sent an email to Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project (excluding FERC). The email in question was reiteratting project details and details on TCS pay rates at BCA.
6/19/2020	
	Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved with the project (excluding FERC) on June 19 at 5:18 pm CST. The email was updates for the first week of phase 1 of the project (6/8/2020 - 6/13/2020).

Communications with the USACE

Date	Summary of Communications
5/12/2020	
	Raina emailed Rick Rogers at 2:41 pm CST to let him know she's hoping to schedule a conference call with all of the agencies participating in WBI's N. Bakken project. Raina stated her purpose of the call would be to discuss tribal involvement expectations. Finally, Raina asked what Rick's availability would be for such a call.
5/21/2020	
	Raina emailed Rick at 12:31 pm CST to ask what his availability looked like for the remainder of this week and/or possibly early next week to discuss the requested remote sensing work being requested at 32WI976.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.
6/2/2020	
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.
6/3/2020	
	Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

6/4/2020

Raina emailed some of the THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FEREC) at 4:30 pm CST responding to SRST Jon Eagle Sr.'s question on TCS pay. Raina explained the rationale for TCS pay as well as options for the TCSs to work on the project as a independent contractor.

At 4:32 pm CST Steve Vance emailed a response to the original email Jon Eagle Sr. sent to Wade for which Raina had not been included, cc'ing some the the THPOs, Wade, Raina, and all federal agencies involved with the project (excluding FEREC).

Dyan replied to Raina via email at 5:06 pm CST inquiring about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project (excluding FEREC).

Raina replied to Dyan via email at 6:03 pm CST answering Dyan's question about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project (excluding FEREC).

At 10:30 pm CST, Standing Rock Sioux Tribes' THPO Jon Eagle Sr. sent an email out to some of the THPOs, Wade, Raina and all federal agencies involve in the project (ecluding FEREC). The email in question was inquiring on THPO hourly rate and other project details.

6/5/2020

Raina called Rick and discussed the overview of the previous emails sent to Rick and project updates up to that point in time. Their discussion went from 11:57 am to 12:27 pm.

At 3:17 pm CST, Wade Burns sent and emial to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involve in the project (excluding FEREC). The email in question was answering concerns with the THPO hourly rate and other project details.

6/10/2020

At 2:53 pm CST Standing Rock Sioux Trbes' THPO Jon Eagle Sr. sent an email response to Wade along with other THPOs, Raina, and all federal agencies involved in the project (excluding FEREC). The email in question was inquiring on THPO hourly rate and other project details.

At 3:32 pm CST from Wade Burns sent an email to Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project (excluding FEREC). The email in question was reiteratting project details and details on TCS pay rates at BCA.

6/19/2020

Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved with the project (excluding FEREC) on June 19 at 5:18 pm CST. The email was updates for the first week of phase 1 of the project (6/8/2020 - 6/13/2020).

Communications with the USFS

Date	Summary of Communications
5/12/2020	
	Raina emailed Liv Fetterman at 2:38 pm CST to let her know she had just left her a voicemail letting her know she's hoping to talk to her about WBI's N. Bakken project and the 2020 fieldwork. Raina let her know in the email that BCA is coordinating the tribal involvement. Finally, Raina let Liv know via email that she'd like to coordinate a conference call with participating federal agencies to discuss tribal involvement expectations.
5/13/2020	
	Liv Fetterman responded to Raina's email from the day before to let her know that she was available on May 14, specifically anytime in the afternoon.
5/29/2020	
	Raina emailed all THPOS as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 5:01 pm CST to alert her as to BCA's role in the project. BCA has been contracted by WBI, solely to assist them with the tribal coordination efforts for the planned 2020 fieldwork for this project. Raina detailed that the Phase 1: Evaluative Site Testing efforts of Lithic scatter sites will start on June 8, but the travel date is June 7 for TCSs to sign paperwork with BCA and Phase 2 is to start on June 29, with the travel date being June 28. Additionally, Raina mentioned that COVID specific guideline paperwork will be sent out soon.
6/2/2020	
	At 4:45 pm CST, Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) with an update for Phase 1. Phase 1: Site Testing efforts of lithic scatter sites fieldwork starts on June 8. The arrival date is set for June 7 by 7:30 pm so TCSs can finish paperwork with BCA. Raina also mentioned she is working on the information sheets, but will email more detailed sheets for the project and COVID protocols. On June 7, Raina will bring said sheets as well as I-9 and W-4 paperwork that she will review with the TCSs. After the information sheets are finalized, Raina will make follow-up calls to THPOs who haven't yet provided a response.
6/3/2020	
	Raina emailed all THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 3:59 pm CST with the project specific details which included: The project information sheet, BCA TCS Employee Welcome Letter, COVID-19 Procedure and Plan Processes for the project, W-4, I-9, and an optional Direct Deposit sheet. (Raina suggested to plan for a full 6 weeks, give or take a few days). Raina noted that the THPOs can distribute the paperwork if they'd like to and Raina will complete the paperwork with them on June 7, and distribute a folder of the information to the TCSs

6/4/2020	
	Raina emailed some of the THPOs as well as cc'd Wade from BCA and all federal agencies involved in the project (excluding FERC) at 4:30 pm CST responding to SRST Jon Eagle Sr.'s question on TCS pay. Raina explained the rationale for TCS pay as well as options for the TCSs to work on the project as a independent contractor.
	At 4:32 pm CST Steve Vance emailed a response to the original email Jon Eagle Sr. sent to Wade for which Raina had not been included, cc'ing some the the THPOs, Wade, Raina, and all federal agencies involved with the project (excluding FERC).
	Dyan replied to Raina via email at 5:06 pm CST inquiring about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project (ecluding FERC).
	Raina replied to Dyan via email at 6:03 pm CST answering Dyan's question about the project details regarding the TCS paperwork and hourly rate, cc'ing some the the THPOs, Wade, and the federal agencies involved with the project (ecluding FERC).
	At 10:30 pm CST, Standing Rock Sioux Tribes' THPO Jon Eagle Sr. sent an email out to some of the THPOs, Wade, Raina and all federal agencies involved in the project (ecluding FERC). The email in question was inquiring on THPO hourly rate and other project details.
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	At 3:17 pm CST, Wade Burns sent and emial to SRST THPO Jon Eagle Sr., SRST Archeologist Jeremy Freeman and SRST TCS Andrew Antell along with other THPOs, Raina and all federal agencies involve in the project (excluding FERC). The email in question was answering concerns with the THPO hourly rate and other project details.
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	At 3:32 pm CST from Wade Burns sent an email to Standing Rock Sioux Trbes' THPO Jon Eagle Sr. along with other THPOs, Wade, Raina and all federal agencies involved in the project (excluding FERC). The email in question was reiteratting project details and details on TCS pay rates at BCA.
6/19/2020	
	Raina emailed all THPOS as well as cc'd Wade and all federal agencies involved with the project (excluding FERC) on June 19 at 5:18 pm CST. The email was updates for the first week of phase 1 of the project (6/8/2020 - 6/13/2020).

Meeting Minutes

North Bakken Pipeline 2020 Tribal Coordination | MINUTES

5/14/2020 | 1pm-1:45 pm Central Standard Time (CST) (Part 1: 1pm-1:30 pm CST Call between Beaver Creek Archaeology, Federal Energy Regulatory Commission, Bureau of Land Management, United States Army Corps of Engineers, United States Forest Service, State Historical Society of North Dakota; Part 2: 1:25 pm – 1:45 Environmental Resources Management & WBI Energy Transmission joined in the call) | Location: Conference Call

Meeting called by	Raina Hanley
Type of meeting	Discuss FERC process & discuss tribal involvement
Facilitator	Raina Hanley
Secretary	Jenny Zander
Timekeeper	Jenny Zander



Scheduled Conference Call Participants for Part I (1 pm -1:30 pm CST):

1. *Beaver Creek Archaeology (BCA)*
 - a. Raina Hanley- Meeting Host
 - b. Wade Burns- Archaeologist & Coordinating Tribal Involvement
 - c. Jenny Zander- Meeting Secretary
2. *Federal Energy Regulatory Commission (FERC)*
 - a. Dawn Ramsey, Environmental Project Manager/Cultural Resources Specialist
3. *Bureau of Land Management (BLM) North Dakota Field Office (NDFO)*
 - a. Katherine “Katie” West, Archaeologist
4. *United States Forest Service (USFS) Dakota Prairie Grasslands (DPG)*
 - a. Liv Fetterman, Grasslands Archaeologist, Heritage Program Manager, and Tribal Relations Program Manager
5. *United States Army Corps of Engineers (USACE) Omaha District (NWO), Garrison Project*
 - a. Richard “Rick” Rogers, Archaeologist
6. *State Historical Society of North Dakota, Archaeology and Historic Preservation Division (SHPO)*
 - a. Andrew Clark, Chief Archaeologist

Part I Time Allotted | 1 pm – 1:30 pm CST | Agenda topic Discuss FERC process & discuss tribal involvement | Presenter Raina Hanley

Part I Discussion:

The call was opened and introductions were made. Raina said that WBI & ERM will be joining into the conference call at approximately 1:30 pm CST to gain a full understanding of the FERC process and to address any questions or concerns the participating agencies may have on what has occurred regarding the project to date. All parties were made aware that BCA was brought into the project to orchestrate the 2020 tribal involvement efforts. It was discussed that BCA was contracted by WBI to orchestrate the tribes in regards to the site visits from 2019. Additionally, BCA will be coordinating with the tribes to see which tribes want to look at sites discovered in 2019 as well as any new sites discovered in 2020.

Raina posed the following question:

What will the 2020 expectations for tribal involvement and coordination efforts be for BCA? To open up involvement to all 13 tribes, the 7 tribes listed that are mentioned in the previous report (WBI Energy Transmission, Inc. North Bakken Expansion Project, FERC Docket No. CP20-52-000 Responses to the March 3, 2020, Environmental Information Requests, Pages 27 & 28), or continue to strictly focus on the 5 actively interested tribes.

Answered by Dawn:

Dawn replied that there is no reason to include the tribes who have stated they have no interest in participating in the project in this round of consultation. Coordinate with those tribes who have either not responded or have expressed interest in participating in the project.

Answer from BLM, USFS, USACE, and SHPO:

All agencies were in agreement that any of the tribes that had not provided a response to a request for participation should be reached out to again in 2020.

As WBI has submitted their application, Dawn provided a summary of the FERC process for all participants.

Rick with USACE mentioned that there should be an identified list of which tribes have expressed/not expressed interest. Liv with USFS agreed with Rick about keeping the aforementioned list. Liv mentioned that the USFS also has had previous engagements with the tribes, so she may be able to help reach out to tribes if they are interested in being involved.

Raina posed the following question about surface land management:

Is the SHPO overseeing the private surface?

Answered by Andy with SHPO:

The SHPO is strictly a reviewing agency, and they want to make sure all of the right federal agencies deal with the tribal aspect of the project.

Andy mentioned that he is concerned with having enough information to review the project, and he will need all site and cultural heritage forms. Raina let Andy know that ERM will be handling the archaeology component, and BCA will be acting as the liaison to coordinate the tribes. Andy asked the BLM for input since the North Bakken Pipeline project is a multi-agency project. Katie explained her understanding of her role in the process. Dawn clarified to the group that FERC is serving as the lead agency; however, FERC has delegated their tasks to WBI. Andy then mentioned further ongoing documentation with the cultural heritage forms in an attempt to get an eligibility determination for formal NRHP Recommended Concurrence.

Question posed by Raina:

Will the agencies involved be acting independently, together, or with FERC as the leading agency overall?

Answered by Rick and Liv:

USACE and USFS will be attempting to do a unified and cohesive process for this project.

Answered by Dawn:

FERC is the lead agency with overall compliance responsibilities. She noted that the SHPO does not have the authority to oversee Section 106 compliance; that is up to the lead federal agency. The agencies can then go to FERC with any issues or concerns so WBI and the consultants can process the information and turn it into FERC. Dawn indicated that FERC has a schedule for the project, and they are trying to stick to that timeline.

Andy mentioned he wants to keep track of which tribes are participating, and that he would prefer to be kept up-to-date on this. Wade replied that ERM will want to put that information in their report too.

At 1:20 pm, there were no further questions, so Raina informed the agencies that she would now be notifying ERM and WBI to join in on the call.

Andy mentioned he would prefer a scope of work for how the fieldwork will work with the tribes' methodology so he can have an understanding upfront. He also noted that BCA should reach out to Tim Reed of the SHPO for an MOA for the file search results since that is what they did with ERM.

The tribal survey approach was then discussed, and it was noted that BCA treats TCSs as part of the team and respects if they want things documented or not. Raina and Wade mentioned that the tribes' use the same transects as BCA and additional time is allotted to review sites and site forms.

Lastly, Andy discussed further details about the ongoing documentation with cultural heritage forms. Example: Should a TCS provide information on a documented stone feature site, that information would be submitted in the configuration of a Cultural Heritage Form.

Conclusion Closing:

Raina let everyone know that WBI and ERM were joining the conference call at this time.

Action items-Part I

Person responsible

Topic 1: Keep Andy informed of involved tribes.	Raina Hanley	Plan to as of 5/18/20
Topic 2: Get Andy a scope of work for the process so the SHPO can have an understanding upfront.	Raina Hanley	Plan to as of 5/18/20
Topic 3: Reach out to Tim at SHPO for an MOA	Raina Hanley - Completed on 5/15/20	

Scheduled Conference Call Participants for Part II (1:30-1:45 pm CST):

1. *Beaver Creek Archaeology (BCA)*
 - a. Raina Hanley- Meeting Host
 - b. Wade Burns- Archaeologist & Coordinating Tribal Involvement
 - c. Jenny Zander- Meeting Secretary
2. *Federal Energy Regulatory Commission (FERC)*
 - a. Dawn Ramsey, Environmental Project Manager/Cultural Resources Specialist
3. *Bureau of Land Management (BLM) North Dakota Field Office (NDFO)*
 - a. Katherine "Katie" West, Archaeologist
4. *United States Forest Service (USFS) Dakota Prairie Grasslands (DPG)*
 - a. Liv Fetterman, Grasslands Archaeologist, Heritage Program Manager, and Tribal Relations Program Manager
5. *United States Army Corps of Engineers (USACE) Omaha District (NWO), Garrison Project*
 - a. Richard "Rick" Rogers, Archaeologist
6. *State Historical Society of North Dakota, Archaeology and Historic Preservation Division (SHPO)*
 - a. Andrew Clark, Chief Archaeologist
7. *WBI Energy Transmission*
 - a. Greg Huncovsky (In lieu of Jill Linn, as she was unable to participate.)
8. *Environmental Resources Management (ERM)*
 - a. Andrea Thornton
 - b. Pat Robblee

Part II Discussion:

Raina introduced WBI and ERM to the agencies on the call. Then Andy's statements on concurrence were reviewed. Andy made it clear that the SHPO treats unevaluated sites as eligible. Therefore, in regards to the cultural heritage forms, if the tribes do not want to provide details that would allow for the SHPO to concur on a determination recommendation, they will remain as unevaluated. Thus they will be considered as eligible sites.

Pat with ERM then discussed the number of sites and how there is a plan for them to get 50' (minimum) away from a majority, if not all of the sites.

Raina filled Pat in on how to involve/which tribes to involve, which included letting him know BCA will follow up with the tribes who did not respond in 2019. Raina also mentioned the strict timelines FERC has. Dawn agreed with this all and confirmed that the tribes who did not respond in 2019 should be given an opportunity to accept or deny involvement in 2020. If the tribes indicated that they were not interested in participating in the project in 2019 or 2020, they do not need to be contacted again. If they expressed interest, then we need to actively engage. If there was no comment, we should keep them informed as the project develops.

Rick stated that as far as he knows, a number of tribes are interested; however, a lot of their offices are closed, short-staffed, or on a travel ban due to Covid-19. Rick mentioned he also has TCS contact information and can get it to BCA if needed.

Raina informed everyone that right now, 3 tribes of the 5 tribes who expressed interest have travel bans. She asked for Dawn's input on this with the tight FERC schedule and how that will work. Dawn said that given the situation, for which they are also under a travel ban due to Covid-19, FERC is trying to be sensitive and flexible, and that the process is still time-sensitive. For example, if Section 106 requirements are not met, construction cannot occur. Therefore, WBI will need to complete all of the Section 106 requirements before construction can occur, then FERC will give their notice to proceed. Raina asked if there were any questions on this topic, at which time, there were no questions.

Question posed by Raina to Rick and Liv:

Are the USACE and USFS coming together with a tribal expectation plan rather than working on individual plans.

Answered by Liv:

Yes, USACE and USFS will be coming together with a tribal expectation plan rather than individual plans.

Question posed by Liv:

Are all of the other agencies okay with a coordinated effort?

Answered by BLM and SHPO:

The BLM and SHPO agreed for a coordinated effort. Katie stated it would be appreciated on the BLM's end.

Rick asked for information about the project before the survey starts so that the agencies can figure out when to coordinate. Liv agreed that it would be good to have information about the project before the survey starts. Andrea mentioned that the tentative start date for field work is June 1, 2020. Andy reiterated that the agencies will need a scope of work for tribal involvement and wants something written up for methodology before fieldwork starts. Wade stated that he was thinking it will be a similar approach to traditional surveys with archaeology surveys and recordation processes.

Conclusion Closing:

Raina asked if there were any other thoughts. There were no further thoughts. Raina said the plan for 2020 is to make sure that all of the agencies and the client are covered. Additionally, BCA is ready to collaborate with all of the agencies and the client. They can expect to hear from Raina more, and she stated that she was happy with the results of the meeting and is looking forward to working with everyone.

Action items-Part II

Person responsible

Topic 1: Wade to help ERM with the scope of work & methodology

Wade Burns

Emails

From: Raina Hanley
 To: 'West, Katherine J.' <kwest@blm.gov>; 'Rogers, Richard R II CIV USARMY CENWO (USA)' <Richard.R.Rogers@usace.army.mil>; 'Liv Fetterman (fetterman@fs.fed.us)' <fetterman@fs.fed.us>; 'Clark, Andrew' <andrewclark@nd.gov>
 Cc: Wade Burns <WBurns@bcarch.org>; Eric Lillestrand <ELillestrand@bcarch.org>
 Subject: RE: BCA20-1313 N. Bakken Tribal Project Updates
 Date: Friday, June 05, 2020 4:21:00 PM

I just heard from MHA that they will not be able to send a TCS. I alerted him as to another option since Rosebud has offered to send a TCS for any THPO that is unable to send a TCS. I let Pete know if he would like to pursue that option he is welcome to reach out to Rosebud.

Raina Hanley
 Chief Operating Officer

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Beaver Creek Archaeology
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From: Raina Hanley
 Sent: Friday, June 05, 2020 3:57 PM
 To: 'West, Katherine J.' <kwest@blm.gov>; 'Rogers, Richard R II CIV USARMY CENWO (USA)' <Richard.R.Rogers@usace.army.mil>; 'Liv Fetterman (fetterman@fs.fed.us)' <fetterman@fs.fed.us>; 'Clark, Andrew' <andrewclark@nd.gov>
 Cc: Wade Burns <WBurns@bcarch.org>; Eric Lillestrand <ELillestrand@bcarch.org>
 Subject: RE: BCA20-1313 N. Bakken Tribal Project Updates

Good Afternoon,
 As of right now the THPOs and TCSs I have listed for participating are below (please note Rosebud is a Sisseton substitute- I am still waiting for Dianne's official notice to me but I do have an email from Ben Young stating it):

Phase 1 Travel
Day:

Sunday, 6/7/20

THPO:	TCS:	Cell:	Arrival Day:	Approximate Arrival Time:	* Note:
Standing Rock	Andrew Antell	[REDACTED]	7-Jun	~6:00 PM Central	
Rosebud	Christopher Boyd	[REDACTED]	7-Jun	~6:30 PM Central	
MHA	Matt Dixon	[REDACTED]	7-Jun	~7:30PM	
Ft. Peck	Gregory Azure*	[REDACTED]	7-Jun	5:00 PM Central	Ft. Peck TCS will do a weekly rotation Kaelen Smith 6/14 Bryce Kirk 6/21
Rosebud for					
Sisseton	John Four Horns	[REDACTED]	7-Jun	~6:30 PM Central	
Turtle Mountain	Mike McCloud	[REDACTED]	7-Jun	~4:00 PM Central	
Spirit Lake	Still under Travel Ban	TBD	TBD	TBD	
	Won't have one this				
Cheyenne River	Phase	N/A	N/A	N/A	N/A
Ft. Belknap	Still under Travel Ban	N/A	TBD	N/A	N/A
	Haven't been able to reach	N/A	N/A	N/A	N/A
Oglala	Still under Travel Ban	N/A	N/A	N/A	N/A
N. Cheyenne	Haven't been able to reach	N/A	N/A	N/A	N/A
Yankton	Still under Travel Ban	N/A	N/A	N/A	N/A
N. Arapaho					

Raina Hanley
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From: Raina Hanley
 Sent: Thursday, May 28, 2020 5:31 PM
 To: 'West, Katherine J.' <kwest@blm.gov>; 'Rogers, Richard R II CIV USARMY CENWO (USA)' <Richard.R.Rogers@usace.army.mil>; 'Liv Fetterman (fetterman@fs.fed.us)' <fetterman@fs.fed.us>; 'Clark, Andrew' <andrewclark@nd.gov>
 Cc: Wade Burns <WBurns@bcarch.org>; Eric Lillestrand <ELillestrand@bcarch.org>
 Subject: RE: BCA20-1313 N. Bakken Tribal Project Updates

Good Afternoon,

I was able to speak to the THPO (Jeffrey Desjarlais Jr.) at TMBC this afternoon. Long and short, they are interested in participating in this project. Unfortunately, Jennifer Malaterre (the person that had been previously talked to) was not authorized to make those decisions or comments on behalf of the TMBC THPO.

Accordingly, I will be adding them back on to the contact list for the 2020 fieldwork. They are not under any sort of travel ban and are ready and willing.

Raina Hanley
 Chief Operating Officer

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From: Raina Hanley
Sent: Tuesday, May 26, 2020 10:01 AM
To: 'West, Katherine J' <kwest@blm.gov>; 'Rogers, Richard R II CIV USARMY CENWO (USA)' <Richard.R.Rogers@usace.army.mil>; 'Liv Fetterman' (fetterman@fs.fed.us) <fetterman@fs.fed.us>; 'Clark, Andrew' <andrewclark@nd.gov>
Cc: Wade Burns <WBurns@bcarch.org>; Eric Lillestrand <ELillestrand@bcarch.org>
Subject: RE: BCA20-1313 N. Bakken Tribal Project Updates

My apologies I should not have said report. It clearly said introductory letter. Nonetheless, I am not familiar with this individual as an authorized THPO representative.

Raina Hanley

Chief Operating Officer

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From: Raina Hanley
Sent: Tuesday, May 26, 2020 9:35 AM
To: 'West, Katherine J' <kwest@blm.gov>; 'Rogers, Richard R II CIV USARMY CENWO (USA)' <Richard.R.Rogers@usace.army.mil>; 'Liv Fetterman' (fetterman@fs.fed.us) <fetterman@fs.fed.us>; 'Clark, Andrew' <andrewclark@nd.gov>
Cc: Wade Burns <WBurns@bcarch.org>; Eric Lillestrand <ELillestrand@bcarch.org>
Subject: RE: BCA20-1313 N. Bakken Tribal Project Updates

I have received the following information which may be helpful for our communications with Northern Arapaho (once their offices re-open) please see attached.

Also, I have expressed to ERM that I have a concern about their communication with TMBC. The communication they provided is also attached. My response to them about the communication is copied below (I have a typo for 2020):

"Thank you, Pat. I do have one concern regarding TMBC since I do not know who it is that you spoke to there and I am not familiar with a Jennifer as a representative as the THPO. I am currently working with the TMBC THPO on other projects within their reservation so I will double check with the THPO that she is an authorized THPO representative. I also have concern that their desire not to comment was on the report itself not on the potential participation in the actual project fieldwork. Accordingly, I do not believe we should be discounting them from potential 202 fieldwork participation."

Raina Hanley

Chief Operating Officer

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From: Raina Hanley
Sent: Friday, May 22, 2020 5:48 PM
To: 'West, Katherine J' <kwest@blm.gov>; 'Rogers, Richard R II CIV USARMY CENWO (USA)' <Richard.R.Rogers@usace.army.mil>; 'Liv Fetterman' (fetterman@fs.fed.us) <fetterman@fs.fed.us>; 'Clark, Andrew' <andrewclark@nd.gov>
Cc: Wade Burns <WBurns@bcarch.org>; Eric Lillestrand <ELillestrand@bcarch.org>
Subject: BCA20-1313 N. Bakken Tribal Project Updates

Good Afternoon,

A somewhat brief update before the long weekend:

- I have submitted the planned Tribal Survey Methodology SOW to the SHPO and included ERM in the email.
- I have attempted to reach the three tribes I had previously been unsuccessful in getting hold of. They include Northern Arapaho, Oglala, and Yankton.
 - I have a slight concern about making sure Oglala gets directly consulted by the federal agency(ies), as I believe they requested this.
- I would like to reiterate that Cheyenne River had also specifically mentioned to me, and I believe ERM, their preference only to be consulted by the federal agency(ies).
 - Could you please make sure this gets relayed to Dawn Ramsey at FERC.
- In a call with WBI and ERM today we were able to work with them to push back the planned survey and site review dates to better accommodate the current travel bans some of the interested tribes are under as well as to accommodate the Summer Solstice Celebrations and Little Big Horn Remembrance during the week of June 22, 2020.
 - Accordingly, the planned 2020 survey efforts and review of the 2019 sites (with a specific emphasis on the stone feature sites) are set to begin the week of Monday, June 29, 2020. I have tentatively planned to last approximately two to three weeks.
 - To continue to keep the project moving forward, while also attempting to allow interested tribes under travel ban a chance to get the bans lifted and staff coordinated, we have worked with ERM and WBI to allow for the evaluative site testing efforts to begin the week of Monday, June 8, 2020.
 - Should the travel bans not be lifted, we are confident that we would be able to have representatives from MHA and other nearby tribes available to observe and/or partake as they deem necessary.
- I have requested that ERM provide me with their documentation of communications with THPOs that declined to participate (Turtle Mountain) as well as those who requested to have direct agency to agency communications (Oglala and Cheyenne River).
- I have a draft COVID-19 safety policy and procedure document put together but am waiting on documentation from ERM as to any specific plans and protocols that we may need to follow for them.
 - In that document, I detail the hotel cleaning information that I sought from the hotel we will be using in Williston as requested by Steve Vance at Cheyenne River. I believe it will alleviate any potential concern he may have had in regard to their cleaning practices in regards to the hotel rooms.

As always, let me know if you have any questions or concerns.

Thank you, and have a nice weekend.

Raina Hanley

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