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June 16, 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
Docket No. CP20-52-000
Minutes of Multi-Agency Meeting held May 14, 2020

Dear Ms. Bose:

WBI Energy Transmission, Inc. (WBI Energy), herewith submits minutes from a May 14, 2020 multi-agency meeting concerning tribal coordination and involvement during the 2020 cultural surveys along the North Bakken Expansion Project pipeline route.

Pursuant to 18 CFR § 385.2010 of the Commission's regulations, copies of this response 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

Attachment

cc: via email
Dawn Ramsey, FERC Environmental Project Manager
Shannon Crosley, FERC Environmental Deputy Project Manager
Official Service List

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 16th day of June 2020.

By /s/ Lori Myerchin

Lori Myerchin
Director, Regulatory Affairs and
Transportation Services
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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



Beaver Creek
ARCHAEOLOGY

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