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January 14, 2021

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

Re: WBI Energy Transmission, Inc.
 North Bakken Expansion Project, Environmental Assessment Comments
 Docket No. CP20-52-000
 Docket No. CP20-52-001

Dear Ms. Bose:

Pursuant to the Environmental Assessment (EA) issued on December 17, 2020 by the Federal Energy Regulatory Commission (Commission) for the proposed North Bakken Expansion Project (Project) in the above-referenced dockets, WBI Energy Transmission, Inc. (WBI Energy) herewith submits comments on the EA.

WBI Energy has reviewed the EA and believes the EA is consistent with WBI Energy’s Application, Amended Application, subsequent filings and responses to data requests of the Commission. WBI Energy’s comments are focused on areas that could impact Project permitting and proposed construction, restoration, and mitigation methods. The comments are included in the table below.

EA Issue	EA Chapter, Page, and Paragraph	WBI Energy Comment (with sources)
Guided Bore Crossing Method	A.8.2, page 31, paragraph 2 and B.3.2, page 76, paragraph 4	The EA states in two locations that WBI Energy proposes to use the guided bore method to install the pipeline beneath Beaver Creek, Tobacco Garden Creek, Northfork Creek, Cherry Creek, and White Earth Creek. This is not a comprehensive list of the waterbodies that would be crossed using the guided bore method. As noted in section 2.2.7.1 of WBI Energy’s September 11, 2020 Supplemental Filing “WBI Energy proposes to cross Lake Sakakawea and a natural pond using the HDD construction method, and Beaver Creek, Unnamed Tributary to Sand Creek, Unnamed Tributary to Tobacco Garden Creek, Tobacco Garden Creek (two crossings), Timber Prong Creek (two crossings), Northfork Creek, Cherry Creek, and White Earth Creek using the guided bore method.”

EA Issue	EA Chapter, Page, and Paragraph	WBI Energy Comment (with sources)
Permits and Approvals	A.10, page 38, Table A-6 – U.S. Department of the Interior	The EA states that WBI Energy received concurrence from the BLM on November 17, 2020. As of the issuance of this EA, WBI Energy has not received concurrence from the BLM.
Migratory Birds	B.3.3, page 82, paragraph 2	The EA states “WBI Energy reviewed golden eagle nest habitat range data available from the NDGFD, which shows there is no nest habitat for golden eagles within the proposed Project (NDGFD, 2017). The nearest habitat is adjacent (less than 20 feet) to MP 19.2 of the proposed Tioga- Elkhorn Creek pipeline.” WBI Energy’s September 11, 2020 Supplemental filing (Section 3.4) included updated information on golden eagle nest habitat. WBI Energy reviewed golden eagle nest habitat range data available from the NDGFD, which shows a small area (less than 0.1 acre) of nest habitat for golden eagles that would be crossed by the Project. This area is located within the temporary right-of-way at MP 19.3 of the Tioga-Elkhorn Creek pipeline.
Road and Railroad Crossings	B.6.3, page 104, paragraph 1 and 2 and Appendix F	Road crossing information in the EA (including Appendix F) has not been updated to include information provided by WBI Energy in its September 11, 2020 Supplemental Filing (revised Appendix 8C table). The updated crossings now include a total of 125 crossings: 2 railroad, 85 public road, and 38 private road crossings. Of these, 76 are crossed by bore, 3 by HDD, and 46 by open cut.
Air Quality- Title V Permitting	B.8.1, page 123, paragraph 3	The EA states “Based on the potential emissions for each stationary source, the Tioga Compressor Station meets the definition of a major source and would be required to obtain a Title V major source permit.” The EA has not been updated to include supplemental information provided by WBI Energy in its July 28, 2020 Amended Application. As noted in Volume II, Updates to Resource Report 9: “Modifications to the Tioga Compressor Station will not cause the compressor station to exceed the major source threshold for criteria pollutants; therefore, the modifications will not require a Title V Operating Permit.”
Air Quality – Air Toxics Review	B.8.1, page 127, Tables B-16 and B-17	The EA section titled “North Dakota Dispersion Modeling and Air Toxics Review” has not been updated to include information in WBI Energy’s Tioga Compressor Station Application for Permit to Construct included with its July 2020 Amended Application as Appendix 9B. Specifically, the Significant Impact Level Results (page 2-13) and NAAQS Results (page 2-14) sections of the Tioga Compressor Station Application for Permit to Construct.
Air Quality and Noise – Operations	B.8.1, page 129-130, bullet lists and	The lists of emission producing equipment for the Tioga Compressor Station and Elkhorn Creek Compressor

EA Issue	EA Chapter, Page, and Paragraph	WBI Energy Comment (with sources)
	B.8.2, page 137 bullet list	<p>Station have not been updated to include all the information provided by WBI Energy in Volume II, Updates to Resource Report 9, of its July 28, 2020 Amended Application. Section 9.1.4.2 of that application includes the lists of equipment required at each compressor station.</p> <p>The EA states that the equipment at the Elkhorn Creek Compressor Station that would contribute to noise includes one gas cooler and one auxiliary cooler. As noted in WBI Energy’s July 28, 2020 Amended Application (Section 9.2.5.2 page 12), the equipment will include one combination gas/auxiliary cooler.</p>
Noise – Construction Impacts	B.8.2, page 132-133, Table B-21 and supporting text	The EA has not been updated to include information provided by WBI Energy in section 9.2.4 of its September 11, 2020 Supplemental Filing regarding construction noise impacts associated with the HDD of Lake Sakakawea. WBI Energy believes that the information provided in this supplemental filing addresses the concerns in FERC Recommendation No. 18 and WBI Energy respectfully requests that this condition be removed.
Noise - Operation	B.8.2, page 135, Table B-22	The correct data to populate Table B-22 is contained in WBI Energy’s July 28, 2020 Amended Application Volume II, Updates to Resource Report 9, Appendix 9F Table 3.
Noise – Elkhorn Creek Compressor Station Operation	B.8.2, page 138, paragraph 2	The EA states “WBI Energy is still considering potential mitigation measures for blowdown events and would provide these measures to the FERC prior to construction.” Given that the scheduled events would occur during daytime hours and would be of short duration, WBI Energy is not proposing any mitigation measures for blowdown events at the Elkhorn Creek Compressor Station.
Cumulative Impacts – Special Status Species	B.10.2, page 163, first full paragraph	The EA states that “The Bakken Pipeline Project has the potential to affect DASK; however, it would avoid or bore under DASK habitat or restrict construction during the DASK flight period.” WBI Energy would like to clarify that as noted in section 3.6.2.7 of the September 11, 2020 Supplemental filing, DASK reproductive habitat would be avoided or bored under. Construction would be restricted in areas of DASK foraging habitat that have not already been cleared and graded.
Proposed Guided Bore Locations	Appendix E	Appendix E of the EA has not been updated to include the most recent information provided by WBI Energy in Table 6.1-2 of its September 11, 2020 Supplemental Filing.

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.

Should you have any questions or comments regarding this filing, please call the undersigned at (701) 530-1563.

Sincerely,

/s/ Lori Myerchin

Lori Myerchin

Director, Regulatory Affairs and
Transportation Services

Courtesy Copies:

Dawn Ramsey, FERC Environmental Project Manager (via email)

Shannon Crosley, FERC Environmental Deputy Project Manager (via email)

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 14th day of January 2021.

By /s/ Lori Myerchin

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