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April 20, 2020

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

Re: OEP/DG2E/Gas Branch 1
WBI Energy Transmission, Inc.
North Bakken Expansion Project
Docket No. CP20-52-000

Dear Ms. Bose:

WBI Energy Transmission, Inc. (WBI Energy), herewith submits responses to environmental information requests of the Office of Energy Projects of the Federal Energy Regulatory Commission (Commission), and cooperating agencies received on March 31, 2020, in the above referenced docket.

The filing includes the following volumes:

Volume I – contains all responses to environmental information requests with the exception of a table described below. The information contained in Volume I is public.

Volume II – contains Table 2 in response to Request No. 3 – Resource Report 4 and Archaeological Reports. 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 this information, which is labeled: “CUI//PRIV – DO NOT RELEASE.”

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

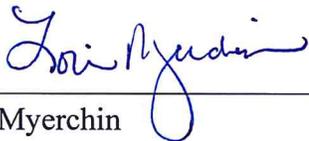
Attachments

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 20th day of April 2020.

By 
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)

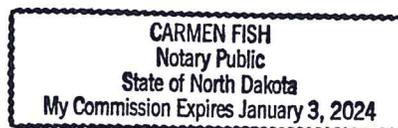
I, Lori Myerchin, being first duly sworn, do hereby depose and say that I am the Director, Regulatory Affairs and Transportation Services for WBI Energy Transmission, Inc.; that I have read the foregoing document; that I know the contents thereof; that I am authorized to execute such document; and that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

Dated this 20th day of April 2020.

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

Subscribed and sworn to before me this 20th day of April 2020.

Carmen Fish
Carmen Fish, Notary Public
Burleigh County, North Dakota
My Commission Expires: 1/3/2024





WBI ENERGY TRANSMISSION, INC.

North Bakken Expansion Project

FERC Docket No. CP20-52-000

**RESPONSES TO THE MARCH 31, 2020
ENVIRONMENTAL INFORMATION REQUESTS**

April 20, 2020

WBI Energy Transmission, Inc.
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Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

FEDERAL ENERGY REGULATORY COMMISSION COMMENTS

General – Request No. 1

Given the proximity of several proposed guided bores to Dakota skipper habitat, describe any specialized response measures that WBI Energy [WBI Energy Transmission, Inc.] would implement for an inadvertent return of drilling fluid that occurs in Dakota skipper habitat.

Response:

As described in Resource Report 3, Dakota skipper are not specifically known to occur within the North Bakken Expansion Project (Project) area; however, the species may be present within the potential reproductive, foraging, and dispersal habitats adjacent to the construction workspaces. As described in section 5.4.1 of the Project-wide Biological Assessment, the Project has been designed to avoid and minimize impacts on Dakota skipper to the greatest extent practicable, including incorporating multiple reroutes to avoid Dakota skipper reproductive habitat. Where reroutes were not practical, reproductive habitat was avoided by workspace reductions or use of the horizontal directional drill (HDD) or guided bore crossing methods. Use of the HDD and guided bore crossing methods will avoid direct impacts on reproductive habitat. As identified in the Biological Assessment, where Dakota skipper reproductive habitat is within 10 feet of construction right-of-way workspaces, WBI Energy will install additional erosion control measures including single or double silt/construction fencing around Dakota skipper reproductive habitat to prevent construction equipment, personnel, and sediment from entering the habitat. WBI Energy is continuing to consult with the U.S. Fish and Wildlife Service [USFWS] regarding workspace buffers and mitigation measures including fencing.

In the unlikely event of an inadvertent return of drilling fluid in or near Dakota skipper habitat, WBI Energy will implement the measures in its Horizontal Directional Drill/Guided Bore Drilling Fluid Monitoring and Operations Plan (HDD Plan) to minimize environmental impacts. These measures will include but are not limited to:

- monitoring for loss of drilling fluid;
- visually inspecting drill alignments for potential signs of inadvertent returns;
- halting drill activities if necessary;
- notifying regulatory and/or resource agencies, including the USFWS, U.S. Army Corps of Engineers (USACE, and Federal Energy Regulatory Commission [FERC or Commission] as applicable; and
- working with appropriate agencies, HDD/guided bore contractors, environmental inspectors (EI), and other Project personnel, as appropriate, to develop and implement any corrective actions associated with the inadvertent return.

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In addition to the measures included in the HDD Plan, WBI Energy will implement the following measures specific to Dakota skipper habitat:

- All guided bores that cross Dakota skipper habitat will be drilled to a depth greater than 10 feet to reduce the risk of an inadvertent return of drilling fluid. Industry experience has shown that there is a higher risk of inadvertent return in bores less than 10 feet deep.
- The Dakota skipper habitat will be monitored by a Project EI throughout the entire pilot hole drilling process. The EI will halt drilling activity if any drilling fluid appears on the surface in the habitat.
- If an inadvertent return occurs within the habitat, every effort will be made to clean up any drilling fluid on the ground surface by hand to minimize disturbance to the habitat. However, if the return is significant, a vacuum truck may be used to aid in the clean up.

WBI Energy will coordinate with the USFWS to develop and implement appropriate corrective actions/mitigation measures as necessary/required and will file copies of any correspondence with FERC.

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General – Request No. 2

Section 6.0 of WBI Energy’s Horizontal Directional Drill (HDD)/Guided Bore Drilling Fluid Monitoring and Operations Plan (HDD Plan) states “although some of this information is specific to Lake Sakakawea, the same general procedures will apply to the proposed guided bore crossings.” File a revised HDD Plan that clarifies which procedures would not apply to the proposed guided bore crossings.

Response:

WBI Energy’s HDD contractor is currently developing an HDD Plan specific to the HDD crossing of Lake Sakakawea. Upon receipt of that plan, WBI Energy will revise its existing HDD Plan to remove any measures specific to the HDD crossing of Lake Sakakawea so that all procedures apply to the proposed guided bore crossings. Both plans will be filed with FERC in a supplemental filing following completion of the geotechnical work at Lake Sakakawea.

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Resource Report 1 – Request No. 1

Section 1.3.2.1 states “for waterbodies that are not proposed to be crossed using the HDD or guided bore methods, WBI Energy proposes to use conventional upland techniques if no flow is present at the time of the crossing...dry crossing methods, such as the flume and dam-and-pump methods, are not proposed for the project.” Clarify if WBI Energy anticipates that no flow will be present at the time of construction for all waterbodies that are not proposed to be crossed using the HDD or guided bore methods. Additionally, provide a revised table 2.2.1-1 to clarify, for waterbodies that are currently proposed to be crossed via open cut, what the contingency crossing method would be if flow is present at the time of the crossing. Finally, clarify WBI Energy’s procedures for crossing of these waterbodies if flow occurs during construction.

Response:

As indicated in footnote “f” of table 2.2.1-1 of final Resource Report 2, waterbodies with “Open Cut” listed in the Crossing Method column will be crossed via the open-cut crossing method if no flow is present at time of construction. As described in sections 2.2.1 and 2.2.2 of Resource Report 2, all of the waterbodies that WBI Energy has proposed to cross via the open-cut method are classified as Class III streams, which generally have low average flows and prolonged periods of no flow. Therefore, WBI Energy anticipates that no flow will be present at these waterbodies at the time of construction. However, as indicated in table 2.2.1-1, if the waterbody has perceivable flow at the time of construction, the waterbody will be crossed using either the guided bore crossing method or a dry crossing method (flume or dam-and-pump) based on site-specific conditions. WBI Energy will construct all waterbody crossings in accordance with the FERC’s Wetland and Waterbody Construction and Mitigation Measures (Procedures), which requires that the EI verify “that water is unlikely to flow between initial disturbance and final stabilization of the feature.” If perceptible flow occurs during construction, WBI Energy will comply with all applicable procedures in section I.B.1 of the FERC Procedures. WBI Energy will obtain any necessary agency approvals for changes to waterbody crossing methods.

Attachment:

Revised Table 2.2.1-1: Waterbodies Crossed by the Pipeline Routes

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Resource Report 1 – Request No. 2

Section 1.1.2.2 states for the proposed location of the Norse Transfer Station “WBI Energy will purchase the required land” and for the Springbrook Plant Receipt Station “WBI Energy plans to extend its current easement for the existing station.” Indicate if landowners are willing to sell or lease the land proposed to be used for the Springbrook Plant Receipt Station and the Norse Transfer Station and if any negotiations have commenced.

Response:

WBI Energy currently plans to purchase additional land adjacent to its existing easements at the Springbrook Plant Receipt Station and the Norse Transfer Station and WBI Energy is currently/will be negotiating with the landowners for the purchase of the land.

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Resource Report 1 – Request No. 3

File a table that identifies, for each guided bore crossing, the length of the crossing, the maximum depth of the crossing, sensitive resources crossed (e.g., wetlands, waterbodies), as well as an assessment of feasibility and hydrofracture risk based on surficial geology and nearby resources.

Response:

Based on review of surficial geologic deposits underlying the Project as identified on the Geologic Map of North Dakota (Clayton et al., 1980), the following summarizes the characteristics of geologic deposits that may be encountered at the proposed guided bore locations. Refer to table 1 at the end of this response for additional details regarding the length and maximum depths of the guided bore crossings, and the surficial geology units that the bores may cross.

Line Section 30 Loop, Line Section 25 Loop, and Uprating Existing Line Section 25

As indicated in the table, WBI Energy proposes to conduct 27 guided bores to install the Line Section 25 Loop and uprate the existing Line Section 25 Line, and 8 guided bores to install the Line Section 30 Loop. According to a description of surficial geologic deposits underlying the Project (Clayton et al., 1980), the guided bores in these areas are anticipated to cross unsorted sandy, gravelly, and silty clay till deposits associated with the Pleistocene-age Coleharbor Group. These deposits are generally defined as either collapsed glacial sediment forming undulating to rolling (maximum 2 to 8 percent slopes) hummocky topography (i.e., map unit Qccu and Qccr), thin glacial sediments that were directly deposited over non-glacial topography (i.e., map unit Qcdn), or a transition sediment between these units (i.e., map unit Qcdc). North of about milepost (MP) 17.5 of Line Section 25 Loop, the guided bores are anticipated to cross offshore sediments associated with the Coleharbor Group (i.e., map unit Qcoh), which consist of up to 60 meters of laminated silt and clay that were deposited in ice-walled lakes. Generally, less than 1 percent of these glacial sediments contain cobbles or boulders (Clayton et al., 1980).

As the maximum depth of guided bores within the Coleharbor Group ranges from approximately 7 feet to 20.3 feet below ground surface, it is anticipated that the guided bores will intersect unsorted sand, gravel, silt, and clay of the Coleharbor Group and will be unlikely to encounter large boulders or hard bedrock that would prevent successful completion of the bores.

Tioga-Elkhorn Creek Pipeline

Along the Tioga-Elkhorn Creek pipeline, WBI Energy proposes to complete 52 guided bores that would cross roadways, railroad tracks, and several wetlands and waterbodies. The proposed guided bores between about MPs 0.0 and 14.1, at the crossing of Beaver Creek at about MP 18.1, and at about MP 43.5 would intersect unsorted sand, gravel, silt, and clay till sediments associated with the Coleharbor Group (i.e., map units Qcdn, Qcoh, and Qccu) that are described above.

The Project departs from Coleharbor Group sediments at the guided bore locations between about MPs 18.4 and 20.7 and between MPs 20.0 and 36.2, when the guided bores would cross river sediments of the overlying Holocene-age Oahe Formation. The fluvial (i.e., river-deposited) sediments consist of clay, silt, and sand at thicknesses up to 10 meters (approximately 30 feet). The guided bores located at about MPs 22.3 and 22.9 would cross the thin (up to 10 feet thick) windblown silt and sand deposits of the Oahe Formation. The guided bores that cross the windblown sediments of the Oahe Formation are anticipated to reach a maximum depth of 7 feet below ground surface; as such, depending on the localized thickness of

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the deposits, the bore may be either entirely within the windblown deposits or intersect the underlying glacial sediments of the Coleharbor Group.

South of the Oahe Formation, the guided bores would cross clay, sand, and silt associated with the Tertiary-age Bullion Creek Formation between about MPs 26.2 and 29.7. The Bullion Creek Formation consists of up to 200 meters (600 feet) of yellowish brown silt, sand, and clay, and poorly consolidated shales and sandstones with interbedded lignite. The uppermost strata of the Bullion Creek Formation consist primarily of clay and silt, while the lower (older) strata have a higher percentage of sand (Clayton et al., 1977).

The proposed guided bores located between about MP 36.7 and MP 42.5, at MP 44.6, and south of about MP 48.0 would cross silt, clay, sand, and poorly consolidated shales and sandstones associated with the Sentinel Butte Formation. The Sentinel Butte Formation overlies the Bullion Creek Formation and is distinguished by the darker gray color; however, in other respects the sediments are very similar and were deposited in similar low-energy fluvial, alluvial, and lacustrine settings (i.e., river, lakes, and swamp areas; Forsman, 1989). Based on review of publicly available resources and the geologic depositional environments of the Sentinel Butte and Bullion Creek formations, it is unlikely that guided bores within these sediments would encounter large cobbles or boulders.

Based on the summary of surficial geologic sediments that may be encountered during the proposed guided bores for the Project, it is not anticipated that hard, consolidated bedrock or large cobbles or boulders would prevent successful completion of the guided bores. If such an obstacle is encountered during construction of the Project, WBI Energy will implement the procedures described in its HDD Plan (appendix 1F-8 of Resource Report 1), as needed, to successfully complete the guided bore.

References Cited:

- Carlson, C.G. 1985. Geology of McKenzie County, North Dakota. North Dakota Geological Survey Bulletin 80 Part I. Available online at <https://www.dmr.nd.gov/ndgs/documents/outofprint/Bulletins/Bulletin%2080.pdf>. Accessed April 10, 2020.
- Clayton, L., Carlson, C.G., Moore, W.L., Groenewold, G., Holland, Jr., F.D., and Moran, S.R. 1977. The Slope (Paleocene) and Bullion Creek (Paleocene) Formations of North Dakota. North Dakota Geological Survey Report of Investigation No. 59. Available online at: https://www.dmr.nd.gov/ndgs/Publication_List/pdf/RI%20SERIES/RI-59.pdf. Accessed April 10, 2020.
- Clayton, L., Moran, S.R., and Bluemle, J.P. 1980. Explanatory Text to Accompany the Geologic Map of North Dakota. North Dakota Geological Survey Report of Investigation No. 69. Available online at: https://www.dmr.nd.gov/ndgs/documents/Publication_List/pdf/RIseries/RI-69.pdf. Accessed April 10, 2020.
- Forsman, N.F. 1989. The Sentinel Butte Formation (Paleocene), North Dakota. Sedimentology of the Bullion Creek and Sentinel Butte Formations (Paleocene), Western North Dakota. Available online at: <http://archives.datapages.com/data/ndgs/data/010/016/016.html>. Accessed April 10, 2020.
- North Dakota Geological Survey. 2015. Surface Geology. Available online at <https://githubdata.nd.gov/dataset/surface-geology>. Accessed April 10, 2020.

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TABLE 1						
Summary of Proposed Guided Bore Locations and Surficial Geology ^a						
Facility/ Milepost	Feature Crossed	Length (feet)	Max Depth (feet)	Geologic Formation / Deposit Type	Map Unit	Approximate Thickness (feet)
Line Section 25 Loop						
0.6	103rd Ave NW	195	10.9	Coleharbor / Glacial	Qcdn	100
0.7	w-wm-eb-002e	657	20.3	Coleharbor / Glacial	Qccu	100
1.0	69th St NW	316	12.6	Coleharbor / Glacial	Qccu	100
2.0	70th St NW & 103rd Ave NW	308	18.5	Coleharbor / Glacial	Qccu	100
3.1	71st St NW	308	10.7	Coleharbor / Glacial	Qccu	100
4.1	72nd St NW	223	10.5	Coleharbor / Glacial	Qccu	100
5.1	73rd St NW	129	8.7	Coleharbor / Glacial	Qccu	100
6.2	74th St NW	200	12.0	Coleharbor / Glacial	Qccu	100
6.6	102nd Ave NW	449	15.9	Coleharbor / Glacial	Qcdn	100
7.2	75th St NW	271	12.2	Coleharbor / Glacial	Qcdn	100
8.2	76th St NW	270	12.4	Coleharbor / Glacial	Qcdn	100
9.3	77th St NW	272	20.1	Coleharbor / Glacial	Qcdn	100
10.3	78th St NW	264	19.2	Coleharbor / Glacial	Qccu	100
11.3	79th St NW	277	14.0	Coleharbor / Glacial	Qccr	100
11.4	101st Ave NW	260	11.7	Coleharbor / Glacial	Qccr	100
12.5	80th St NW	312	18.3	Coleharbor / Glacial	Qccr	100
13.4	White Earth Creek	TBD	TBD	Coleharbor / Glacial	Qcdn	100
13.6	81st St NW	204	12.7	Coleharbor / Glacial	Qcdn	100
14.8	100th Ave NW	TBD	TBD	Coleharbor / Glacial	Qcdn	100
16.2	99th Ave NW & w-bk-ea-001e	TBD	TBD	Coleharbor / Glacial	Qcdc	100
17.1	83rd St NW	TBD	TBD	Coleharbor / Glacial	Qcdc	100
17.5	98th Ave NW	TBD	TBD	Coleharbor / Glacial	Qcoh	200
19.3	85th St NW	TBD	TBD	Coleharbor / Glacial	Qcoh	200
Uprate Line Section 25						
18.9	86th Ave NW & Wetland	745	22.7	Coleharbor / Glacial	Qccr	100
17.2	HWY 40	381	18.0	Coleharbor / Glacial	Qcch	100
10.8	92nd St NW	351	21.6	Coleharbor / River Sediment	Qcrh	100
9.6	93rd St NW & 89th Ave NW	313	11.1	Coleharbor / Glacial	Qcch	100
Line Section 30 Loop						
3.2	106TH AVE NW	200	7	Coleharbor / Glacial	Qcdn	100
4.2	105TH AVE NW	250	7	Coleharbor / Glacial	Qcdn	100
5.2	66TH ST NW	250	7	Coleharbor / Glacial	Qcdn	100
6.3	STATE HWY 40	350	20	Coleharbor / Glacial	Qcdn	100
7.5	67TH ST NW	250	7	Coleharbor / Glacial	Qcdn	100
7.7	103RD AVE NW	250	7	Coleharbor / Glacial	Qcdn	100
8.6	GREAT NORTHERN RAILROAD	500	12	Coleharbor / Glacial	Qcdn	100
9.2	68TH ST NW	350	7	Coleharbor / Glacial	Qcdn	100
Tioga-Elkhorn Creek						
0.3	68TH ST NW	350	7	Coleharbor / Glacial	Qcdn	100
0.8	GREAT NORTHERN RAILROAD	500	12	Coleharbor / Glacial	Qcdn	100
1.8	103RD AVE NW	251	7	Coleharbor / Glacial	Qcdn	100
2.1	67TH ST NW	250	7	Coleharbor / Glacial	Qcdn	100
3.2	66TH ST NW	250	7	Coleharbor / Glacial	Qcdn	100
4.3	65TH ST NW	250	7	Coleharbor / Glacial	Qcdn	100
5.3	US HWY 2	600	15	Coleharbor / Glacial	Qcdn	100
6.2	104TH AVE NW	250	7	Coleharbor / Glacial	Qcdn	100
7.1	105TH AVE NW	350	7	Coleharbor / Glacial	Qcdn	100
7.4	63RD ST NW	250	7	Coleharbor / Glacial	Qcdn	100
8.5	106TH AVE NW	250	7	Coleharbor / Glacial	Qccu	100
9.2	62ND ST NW	350	7	Coleharbor / Glacial	Qcoh	100
12.1	60TH ST NW	350	7	Coleharbor / Glacial	Qccu	100
14.1	58TH ST NW	250	7	Coleharbor / Glacial	Qcdn	100

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TABLE 1

Summary of Proposed Guided Bore Locations and Surficial Geology ^a

Facility/ Milepost	Feature Crossed	Length (feet)	Max Depth (feet)	Geologic Formation / Deposit Type	Map Unit	Approximate Thickness (feet)
16.1	56TH ST NW	250	7	Bullion Creek / River, Lake and Swamp	Tb	600
18.1	Beaver Creek s-wm-eb-002	630	13	Coleharbor / Glacial	Qcdn	100
18.4	109th AVE NW	250	7	Oahe / River Sediment	Qor	30
19.7	110TH AVE NW	250	7	Oahe / River Sediment	Qor	30
19.7	STATE HWY 1806	278	7	Oahe / River Sediment	Qor	30
20.7	53RD ST NW	250	7	Oahe / River Sediment	Qor	30
22.3	52ND ST NW	250	7	Oahe / Windblown Sediment	Qou	10
22.9	DRIVEWAY	250	7	Oahe / Windblown Sediment	Qou	10
26.2	48TH ST NW	1433	19	Bullion Creek / River, Lake and Swamp	Tb	600
28.8	WETLAND m-mk-ea-002e	800	TBD	Bullion Creek / River, Lake and Swamp	Tb	600
29.7	COUNTY HWY 43	250	10	Bullion Creek / River, Lake and Swamp	Tb	600
30.0	Tobacco Garden Creek s-mk-eb-002	250	TBD	Oahe / River Sediment	Qor	30
30.5	45TH STREET NW	250	7	Oahe / River Sediment	Qor	30
34.5	42ND STREET NW	250	7	Oahe / River Sediment	Qor	30
36.2	PORCUPINE COULEE s-mk- ea-003	250	TBD	Oahe / River Sediment	Qor	30
36.7	COUNTY HWY 10	350	10	Sentinel Butte / River, Lake and Swamp	Ts	600
38.2	WETLAND w-mk-ea-003e	1200		Sentinel Butte / River, Lake and Swamp	Ts	600
38.6	121ST AVE NW	214	6	Sentinel Butte / River, Lake and Swamp	Ts	600
39.2	38TH ST NW	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
41.3	ACCESS ROAD	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
42.5	35TH ST NW	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
43.4	COUNTY HWY 12	350	10	Coleharbor / Glacial	Qcdn	25 ^b
43.6	121ST AVE NW	250	7	Coleharbor / Glacial	Qcdn	25 ^b
44.6	31ST ST NW	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
46.5	31ST ST NW	350	7	Oahe / River Sediment	Qor	30
47.6	30TH ST NW	250	7	Oahe / River Sediment	Qor	30
48.6	29TH ST NW	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
48.9	121ST AVE NW	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
49.6	ACCESS ROAD	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
50.8	STATE HWY 23	508	20	Sentinel Butte / River, Lake and Swamp	Ts	600
51.0	Northfork Creek s-mk-eb-005	636	12	Sentinel Butte / River, Lake and Swamp	Ts	600
51.8	Cherry Creek	723	12	Sentinel Butte / River, Lake and Swamp	Ts	600
54.6	COUNTY HWY 37	250	10	Sentinel Butte / River, Lake and Swamp	Ts	600
56.5	112TH AVE NW	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
56.7	112TH AVE NW	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
57.7	WATERCOURSE	800	TBD	Sentinel Butte / River, Lake and Swamp	Ts	600
57.9	122ND AVE NW	250	7	Sentinel Butte / River, Lake and Swamp	Ts	600
59.5	COUNTY HWY 37	250	10	Sentinel Butte / River, Lake and Swamp	Ts	600

^a Sourced from Clayton et al. (1980), North Dakota Geological Survey (2015), and Carlson (1985).

^b Carlson (1985) indicates that the Coleharbor Group in McKenzie County may be closer to 25 feet thick.

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Resource Report 2 – Request No. 1

Describe sampling and laboratory analysis for environmental contaminants that would be conducted prior to use of non-municipal water supplies for project drilling fluid and dust suppression.

Response:

WBI Energy is not proposing to conduct water sampling or laboratory analysis on water obtained from water depots for use in project drilling fluid or for dust suppression. However, WBI Energy will discuss with the water depots what testing, if any, is conducted on the water supplies. As of this time, WBI Energy has not identified any surface waters to be used for Project-related purposes. If it is determined that it is necessary to obtain water from surface water sources, WBI Energy will conduct sampling and laboratory analysis in accordance with any required permits, approvals, or regulations.

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Resource Report 2 – Request No. 2

WBI Energy identifies two springs near milepost (MP) 12.1. Clarify if either of these springs are used by the landowner for potable water.

Response:

The two springs near MP 12.1 are not used by the landowner for potable water.

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Resource Report 2 – Request No. 3

Describe any proposal to compensate (e.g., by land acquisition) for permanent wetland losses due to construction of the proposed facilities.

Response:

As described in sections 2.3.1 and 2.3.5 of Resource Report 2, no wetlands will be permanently drained or filled during construction of the Project. All wetland impacts will be temporary, and wetland areas will be restored to preconstruction conditions. Because no permanent wetland impacts will result from construction and operation of the Project as currently designed, no compensatory mitigation would be required as part of the section 404 Clean Water Act permitting process, and WBI Energy is not proposing compensatory mitigation.

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Resource Report 2 – Request No. 4

Identify all possible reroutes that would avoid wetland impacts and multiple crossings of wetlands and waterbodies.

Response:

The Project was designed/routed to minimize or avoid wetland and waterbody crossings to the greatest extent practicable. Wetlands and waterbodies are crossed where necessary to avoid other features or in response to other unavoidable routing constraints. The limited locations along the Project where there are multiple wetland and waterbody crossings are in riparian lowlands; therefore, any route adjustments in these areas would likely result in a similar level of impact on wetlands and waterbodies. Most of the other affected wetlands consist of low-quality prairie pothole wetlands previously disturbed by agricultural activity. As described in section 2.3.1 of Resource Report 2, Project construction will result in limited and temporary impacts on 5.2 acres of palustrine emergent wetland, which will be restored to preconstruction conditions in accordance with the FERC's Procedures. Construction and operation of the Project, as currently designed, is not anticipated to result in permanent impacts on wetlands or net loss of wetlands. Therefore, it is anticipated that any further reroutes of the pipeline facilities would likely result in a similar or potentially greater level of impact on wetlands and waterbodies.

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Resource Report 2 – Request No. 5

Provide a table of wetlands that would be affected by the Project, including those affected by additional temporary workspace and staging areas, access roads, and contractor and pipe storage yards. This table should include a list of facilities and milepost locations of each wetland and how the wetland was identified (e.g., field delineated, National Wetland Inventory maps).

Response:

A table of wetlands crossed or otherwise affected by the Project facilities was included as appendix 2B of Resource Report 2. For convenience, a copy of appendix 2B is included as an attachment. As described in section 2.3.1 of Resource Report 2, the data provided in appendix 2B is based on WBI Energy's 2019 field surveys completed through October 7, 2019. Additional field survey data will be provided after completion of the 2020 field survey season, including a revised appendix 2B as necessary.

Attachment:

Appendix 2B: Wetlands Crossed or Otherwise Affected by the Project

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Resource Report 2 – Request No. 6

For the modifications to the FERC Upland Erosion Control, Revegetation and Maintenance Plan (Plan) and Wetland and Waterbody Construction and Mitigation Procedures (Procedures) listed in table 1.3-1, explain how any proposed alternative measures would provide equal or greater protection to each affected resource.

Response:

The majority of modifications are related to adjustments to the 50-foot wetland and waterbody setback requirement to facilitate installation of guided bore crossings. The guided bore crossings would avoid additional impacts on, and provide greater protection to, these wetlands and waterbodies. For the requested modifications, WBI Energy will install erosion and sediment control devices to protect the adjacent wetlands and waterbodies during construction.

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Resource Report 3 and Biological Assessment – Request No. 1

Confirm WBI Energy would adhere to the North Dakota Game and Fish Department’s requirements of avoiding in-water construction from April 15 to June 1, and that it would acquire the necessary waivers for in-water construction during fish spawning.

Response:

WBI Energy will adhere to the North Dakota Game and Fish Department’s requirements of avoiding in-water construction from April 15 to June 1 and/or will acquire the necessary waivers for in-water construction during fish spawning.

As discussed in response to Resource Report 1 Request No. 1 - WBI Energy anticipates that no flow will be present at waterbodies currently planned for an open cut crossing method. If the waterbody has perceivable flow at the time of construction, the waterbody will be crossed using either the guided bore crossing method or a dry crossing method (flume or dam-and-pump) based on site-specific conditions. WBI Energy will construct all waterbody crossings in accordance with the FERC’s Wetland and Waterbody Construction and Mitigation Measures (Procedures), which requires that the EI verify “that water is unlikely to flow between initial disturbance and final stabilization of the feature.” If perceptible flow occurs during construction, WBI Energy will comply with all applicable procedures in section I.B.1 of the FERC Procedures. WBI Energy will obtain any necessary agency approvals (including potential North Dakota Game and Fish Department waivers) for changes to waterbody crossing methods.

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Resource Report 3 and Biological Assessment – Request No. 2

Describe the impacts from operation of the proposed facilities on wildlife regarding permanent lighting and noise (during daytime and nighttime hours). Identify any measures WBI Energy would use to mitigate these impacts.

Response:

Outdoor lighting will be limited to what is required for safety and security purposes and is not expected to significantly affect wildlife. At compressor stations, lighting will be limited to night yard and building lights. At measurement facilities, lighting will be limited to night yard lights. These lights will be on continuously at night for safety and security purposes but all lights will be pointed downward to minimize impacts on surrounding areas and wildlife.

As described in Resource Report 9, many of the proposed facilities are expansions or replacements of existing facilities and the new facilities will be designed to minimize noise impacts. WBI Energy will conduct noise mitigation surveys within 60 days of placing the new and modified compressor stations into service to verify that noise attributable to operational equipment does not exceed expected levels. Operation of the facilities is expected to result in minimal impacts on wildlife because the existing wildlife in these areas can migrate to other, nearby locations with suitable habitat. Additionally, 47 percent of the land affected by construction of the aboveground facilities will be agricultural (cultivated) land, which tends to support low diversity species. Consequently, operational noise is not expected to have a significant effect on wildlife.

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Resource Report 3 and Biological Assessment – Request No. 3

Identify any Important Bird Areas that the Project would cross. Provide mitigation to limit impacts on any identified species during construction and operation of the Project.

Response:

The closest Important Bird Area to the Project is Lostwood National Wildlife Refuge, which is approximately 11.7 miles away. Therefore, the Project is anticipated to have no impact on Important Bird Areas.

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Resource Report 3 and Biological Assessment – Request No. 4

WBI Energy’s application states that the Project is “*not likely to adversely affect*” the Dakota Skipper; however, in the U.S. Fish and Wildlife Service’s [USFWS] October 10, 2019 letter, it states that Environmental Resources Management (ERM), WBI Energy’s environmental consultant, determined the Project would have “no effect” on the Dakota Skipper. Clarify this discrepancy and how ERM came to this determination for the Dakota Skipper.

Response:

The USFWS October 10, 2019 letter was in response to consultation regarding WBI Energy’s geotechnical survey in McKenzie and Williams Counties and, therefore, differs in scope from the Project-wide Biological Assessment. The Project-wide Biological Assessment included as appendix 3A of Resource Report 3 of WBI Energy’s February 14, 2020 FERC Application states that the Project *may affect, but is not likely to adversely affect* the Dakota skipper, and will have *no effect* on Dakota skipper-designated critical habitat.

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Resource Report 3 and Biological Assessment – Request No. 5

Specify WBI Energy’s reasoning for not including its “no effect” determination of the federally endangered gray wolf into its USFWS consultation.

Response:

This comment appears to be in reference to the Biological Assessment for the geotechnical survey portion of the Project. At the time of writing, the USFWS Information for Planning and Consultation tool did not identify the gray wolf as present in North Dakota, and the species has since been deemed extirpated in the state. A determination of *no effect* for the gray wolf is included in the Project-wide Biological Assessment provided in appendix 3A of Resource Report 3.

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Resource Report 3 and Biological Assessment – Request No. 6

File survey results for the remaining 21.4 acres of U.S. Forest Service (Forest Service) land to include spring 2020 sensitive plant surveys (discussed in section 3.3 of the Biological Assessment).

Response:

Comment acknowledged. Survey results for the remaining 21.4 acres of Forest Service land will be filed once spring 2020 sensitive plant surveys are completed.

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Resource Report 4 and Archaeological Reports – Request No. 1

File the supplemental cultural resources survey reports and geomorphological assessment reports for studies completed in 2020, including any comments from participating agencies and tribes, as well as any comments from the State Historic Preservation Officer (SHPO).

Response:

No field studies have been completed to date in 2020. With regard to survey in the winter season, the *North Dakota SHPO Guidelines Manual for Cultural Resource Inventory Projects* states that “cultural resource inventories conducted in North Dakota when there is snow or heavy vegetation obscuring the surface of the study area and the ground is frozen are not adequate to either properly identify archaeological resources or evaluate the significance of resources which may be identified” (State Historical Society of North Dakota, 2012). The SHPO does not accept results from surveys completed in winter.

WBI Energy anticipates that field surveys will resume and geomorphological testing will begin in mid- to late-spring 2020. Reports describing the results of these investigations will be prepared as field work is completed, which is anticipated to occur in mid- to late-summer 2020. The reports will be filed with the Secretary of the Commission and provided to participating agencies and tribes, as applicable. WBI Energy will file comments from agencies and tribes, including comments from the SHPO, when available.

References:

State Historical Society of North Dakota. 2012. *North Dakota SHPO Guidelines Manual for Cultural Resource Inventory Projects*. State Historical Society of North Dakota Archaeology and Preservation Division. Bismarck, North Dakota.

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Resource Report 4 and Archaeological Reports – Request No. 2

Provide justification as to why indirect effects were not assessed for archaeological resources. Otherwise, conduct indirect effects analysis for archaeological resources and provide results and recommendations to participating agencies, tribes, and the SHPO for review and comment. File the final results and recommendations to FERC.

Response:

The Advisory Council on Historic Preservation issued a memorandum in June 2019 in response to a decision by the U.S. Court of Appeals - D.C. Circuit that addressed the meaning of “direct effects” and “indirect effects” in project review under section 106 of the National Historic Preservation Act (Advisory Council on Historic Preservation, 2019). The memorandum notes that the regulations for implementing section 106 require federal agencies to assess effects on historic properties, including direct and indirect impacts, but the terms “direct effects” and “indirect effects” are not defined. Based on the decision by the U.S. Court of Appeals - D.C. Circuit, the Advisory Council on Historic Preservation memorandum states that “direct effects” are impacts resulting from an undertaking that occur “at the same time and place with no intervening cause” and include physical as well non-physical (e.g., visual, atmospheric, and auditory) impacts. “Indirect effects” are reasonably foreseeable effects “caused by the undertaking that are later in time or farther removed in distance.”

Based on the above definitions, the Project is unlikely to result in adverse, non-physical, direct effects on historic properties or unevaluated sites treated as historic properties located outside the area of direct physical impact. The proposed pipelines would be installed underground in areas where land use/cover predominantly consists of grassland or agricultural fields that will be restored to preconstruction condition once the pipelines are installed. Construction will result in visual effects and noise due to operating equipment in the settings of sites near to but outside of the area of direct physical impact, but the effects will be short term and temporary. No impacts on sites located outside the area of direct impact would result from operation of the pipelines. WBI Energy additionally notes that approximately 46 percent of the pipeline routes proposed for the Project are adjacent to existing linear facilities, including pipelines, power lines, and roads.

Construction and operation of the proposed aboveground facilities similarly are unlikely to result in adverse, non-physical, direct effects on historic properties or unevaluated sites treated as historic properties located outside the area of direct physical impact. Parcels adjacent to the proposed Tioga Compressor Station contain existing oil and gas infrastructure, including a Hess Corporation processing facility and an Alliance Pipeline compressor station. Land uses in the area surrounding the proposed Elkhorn Creek Compressor Station (and the nearby Northern Border Pipeline Company (Northern Border) Interconnect) are mainly agricultural (plowed) but also include borrow pits and existing oil and gas facilities, such as the Northern Border pipeline and nearby drill sites. The other aboveground facilities proposed for the Project would be built in areas where land use is characterized as developed due to oil and gas activities (Tioga Receipt Station and Lignite Town Border and Receipt Station) or agricultural (Springbrook Receipt Station, Norse Plant Receipt Station, Norse Transfer Station, and Robinson Lake Plant Receipt Station).

Operation of the compressor stations and other aboveground facilities would result in air emissions, but WBI Energy would operate the facilities in accordance with applicable permits. Operation of the aboveground facilities would result in noise, but modelling indicates that noise would be consistent with

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FERC requirements within a short distance of the facilities. The air quality and noise impacts associated with operation of the aboveground facilities would not be significant as discussed in Resource Report 9.¹

The Project is unlikely to result in indirect effects on archaeological sites based on the Advisory Council on Historic Preservation's definition of indirect effects provided above. There are no development plans associated with the Project that would result in reasonably foreseeable impacts that are later in time or farther removed in distance from the Project.

References Cited:

Advisory Council on Historic Preservation. 2019. Memorandum entitled *Recent Court Decision Regarding the Meaning of "Direct" in Sections 106 and 110(f) of the National Historic Preservation Act*. Advisory Council on Historic Preservation. Washington, D.C.

¹ WBI Energy is continuing to consult with the North Dakota Department of Environmental Quality regarding the permit application submitted for the Tioga Compressor Station. Updated air quality impact tables and copies of the revised permit application will be provided to FERC in a supplemental filing.

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Resource Report 4 and Archaeological Reports – Request No. 3

File information on tribal participation during archaeological surveys in the Class III reports.

Response:

Resource Report 4 summarizes WBI Energy's communications with tribes in 2019 and early 2020, including communications regarding tribal participation in field surveys. These communications include:

- introductory Project letters sent on April 15, 2019 requesting comments on the Project and information regarding sites or other resources of concern to tribes;
- follow-up telephone calls and emails in May 2019 and again in June 2019 to confirm each tribe's receipt of the introductory Project letter;
- invitations to Project open houses sent on July 17 or July 29, 2019;
- Project update letters sent on July 30, 2019 advising tribes of their opportunity to participate in field surveys; and
- various phone calls, emails, and a meeting between June and October 2019 to discuss logistics with tribes who expressed interest in field surveys.

Three tribes expressed interest in participating in field surveys over the course of the 2019 field season in communications with WBI Energy: the Fort Peck Assiniboine and Sioux Tribes, Fort Belknap Indian Community, and Northern Cheyenne Tribe. WBI Energy contacted two additional tribes by phone and email in August 2019 at the direction of the USACE to invite these tribes to participate in surveys on USACE lands: the Rosebud Sioux Tribe and Three Affiliated Tribes of the Fort Berthold Indian Reservation.

The Fort Peck Assiniboine and Sioux Tribes expressed interest in the field surveys in an email to WBI Energy on May 15, 2019. WBI Energy subsequently met with this tribe as well as the Fort Belknap Indian Community on June 13, 2019; both tribes expressed interest in participating in the field surveys at the meeting. By mutual agreement, WBI Energy prepared scopes of work for each tribe to join the field surveys. WBI Energy sent the scopes of work to each tribe by email on June 27, 2019. In a reply email on July 15, 2019, the Fort Peck Assiniboine and Sioux Tribes advised WBI Energy that the tribe would not participate in the 2019 field surveys. The Fort Belknap Indian Community did not respond further to WBI Energy.

The Northern Cheyenne Tribe expressed interest in participating in field surveys in an email to FERC on August 22, 2019. WBI Energy provided information on the status of surveys and reports and reiterated a previous invitation to the tribe to participate in field surveys in an email sent on August 30, 2019. WBI Energy sent a second email to the tribe on September 5, 2019, offering to discuss survey logistics for the Project and left similar messages with the tribe in phone calls on September 5 and 6, 2019. The Northern Cheyenne Tribe requested updates on the Project and status of field surveys in emails to WBI Energy on October 9, 2019. WBI Energy responded in a reply email on October 11, 2019 with an update on the status of the surveys and a commitment to contact the tribe prior to the field surveys planned for the 2020 season.

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The Rosebud Sioux Tribe confirmed its interest in joining the field surveys in an email to WBI Energy on August 30, 2019. WBI Energy coordinated with the tribe on survey logistics in a series of phone calls and emails between September 4 and September 23, 2019, and again in a phone call on October 9, 2019. A tribal monitor from the Rosebud Sioux Tribe participated in all survey activities completed between September 25 and October 16, 2019, at which time field surveys were suspended for the season. Table 2 (filed under separate cover as Controlled Unclassified Information/Privileged and Confidential [CUI//PRIV]) identifies the route segments and other Project components surveyed during this time period.

WBI Energy contacted the Three Affiliated Tribes of the Fort Berthold Indian Reservation in a phone call on August 23, 2019, inviting the tribe to participate in field surveys. At the tribe's request, WBI Energy sent the tribe copies of all previous correspondence (letters, emails, and call logs) associated with the Project. The tribe did not respond to WBI Energy's email.

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Resource Report 4 and Archaeological Reports – Request No. 4

Describe WBI [Energy]'s efforts to include tribes in the 2020 archaeological field studies.

Response:

On February 14 or 28, 2020, WBI Energy sent its Class III survey reports for the 2019 field season to seven tribes who requested copies or otherwise expressed interest in the results of the surveys. These seven tribes are the Fort Peck Assiniboine and Sioux Tribes, Fort Belknap Indian Community, Northern Cheyenne Tribe, Rosebud Sioux Tribe, Oglala Sioux Tribe, Cheyenne River Sioux Tribe, and Three Affiliated Tribes of the Fort Berthold Reservation. The report transmittal letters to each tribe summarized the results of the 2019 investigations, requested comments on the Class III reports, and advised each tribe of their opportunity to participate in the 2020 surveys. One tribe responded to WBI Energy. In telephone calls on March 13 and 19, 2020, the Northern Cheyenne Tribe requested additional time to review the reports and expressed interest in participating in the 2020 surveys.

On March 30, 2020, WBI Energy sent letters (via email) to all seven tribes providing an update on the status of the Project and plans for the 2020 surveys and other field investigations. Additionally, the letters either acknowledged each tribe's previously expressed interest in participating in field surveys or reiterated their opportunity to do so. One tribe responded to WBI Energy. In an email reply on the same day, the Three Affiliated Tribes of the Fort Berthold Indian Reservation acknowledged receipt of WBI Energy's letter and confirmed the tribe's interest in participating in the 2020 surveys.

WBI Energy communicated with the Three Affiliated Tribes of the Fort Berthold Reservation by email in March 2020 to coordinate a teleconference to review the 2019 survey results and discuss the survey plans for 2020. A teleconference was scheduled and confirmed for April 1, 2020; however, the tribe did not join the call. WBI Energy left voicemail messages and sent the tribe follow-up emails on April 2 and April 8, 2020 in an effort to reschedule the meeting. Responses to these messages and emails are pending.

WBI Energy communicated with the Northern Cheyenne Tribe by email to coordinate a teleconference to review the 2019 survey results and discuss survey plans for 2020. A teleconference was held on April 7, 2020. During the meeting, the tribe confirmed its interest in participating in the 2020 surveys. The tribe additionally suggested an in-person meeting to review the 2019 results followed by field visits to sites or subset of sites identified during the survey. WBI Energy committed to coordinating with the tribe with regard to survey logistics for the 2020 season as well as scheduling the requested meeting and visits to sites identified in 2019.

On April 8, 2020, WBI Energy sent follow-up emails to the Fort Peck Assiniboine and Sioux Tribes, Fort Belknap Indian Community, Rosebud Sioux Tribe, Oglala Sioux Tribe, and Cheyenne River Sioux Tribe to verify each tribe's receipt of WBI Energy's letter dated March 30, 2020 providing an update on the status of the Project and plans for the 2020 field investigations. WBI Energy subsequently attempted to contact each tribe by telephone on April 13, 2020, leaving voicemail messages for four tribes (Fort Peck Assiniboine and Sioux Tribes, Rosebud Sioux Tribe, Oglala Sioux Tribe, and Cheyenne River Sioux Tribe); the voicemail box for the Oglala Sioux Tribe was full. WBI Energy reached the Fort Belknap Indian Community, who could not confirm receipt of the letter dated March 30, 2020, but agreed to a follow-up call to do so. WBI Energy made additional calls and sent an email to this tribe on April 15, 2020. In all cases, responses from the tribes to these emails, messages, or calls are pending.

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Based on responses to date, WBI Energy anticipates that representatives from the Northern Cheyenne Tribe and Three Affiliated Tribes of the Fort Berthold Indian Reservation will participate in the surveys. WBI Energy additionally anticipates that a representative from the Rosebud Sioux Tribe will join the field investigations based on their participation in 2020. WBI Energy will continue to contact each tribe through follow-up phone calls and emails and facilitate the participation of any tribe who asks to participate in the surveys.

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Resource Report 4 and Archaeological Reports – Request No. 5

File the SHPO's concurrence on the finding of effect for the proposed project.

Response:

WBI Energy received comments from the SHPO on the Class III inventory reports prepared for the Project on April 16, 2020. WBI Energy is currently reviewing these comments.

A summary of WBI Energy's communications to date with the SHPO and any previously unfiled correspondence is provided as an attachment.

Attachment:

Summary of Communications with the State Historical Society of North Dakota and Previously Unfiled Correspondence

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Resource Report 4 and Archaeological Reports – Request No. 6

Provide any previously unfiled correspondence with the Native American tribes contacted. Ensure that any tribe requesting additional information receives it. Provide the transmittal letter(s) and any resulting comments, including a summary of the follow-up activities conducted.

Response:

An updated chronological list and summary description of WBI Energy's communications to date with tribes and any previously unfiled correspondence is provided as an attachment. Also see the response to Resource Report 4 request no. 4, which provides a narrative summary of WBI Energy's contacts with tribe since filing the Project application on February 14, 2020.

Attachment:

Summary of Communications with Tribes and Previously Unfiled Correspondence

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Resource Report 4 and Archaeological Reports – Request No. 7

File the final Unanticipated Discoveries Plan with any comments provided by participating agencies, tribes, and the SHPO.

Response:

WBI Energy appended the draft Unanticipated Discoveries Plan to the Class III archaeological survey report and stand-alone report for Forest Service lands submitted to participating agencies, tribes, and the SHPO on February 14, 2020. To date, the USACE, Forest Service, and U.S. Bureau of Land Management (BLM) have commented on one or both reports. None of these agencies commented on the Unanticipated Discoveries Plan. Comments from the SHPO and tribes on the Class III reports are pending.

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Resource Report 6 – Request No. 1

WBI Energy identified permitted oil and gas wells in proximity to Project areas based on a review of North Dakota Department of Mineral Resources database information. Given the density of oil and gas exploration in the Project vicinity, describe WBI Energy’s intent to verify the absence of oil and gas wells within the construction work area via communications with landowners and/or pedestrian survey, as well as the timing of these efforts.

Response:

As indicated in appendix 6B of Resource Report 6, the closest documented oil and gas well is approximately 13 feet from the workspace near MP 8.7 of the Line Section 25 Loop. WBI Energy has been consulting with landowners during the initial landowner outreach and civil survey process to determine if there are any additional oil wells in the area of the route, and for landowners to let WBI Energy know if any new wells are being proposed. These communications with landowners will continue up until construction to continue to verify the absence of oil and gas wells within construction workspaces.

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Resource Report 6 – Request No. 2

Table 6.3-1 indicates that the Skogheim Coal Mine is 0.1 mile west of the Project; however, section 6.3 states “the exact location of the Skogheim Coal Mine site is unknown.” Clarify this discrepancy.

Response:

The North Dakota Public Service Commission’s (NDPSC) Abandoned Mine Lands (AML) database includes a mapped point feature for the Skogheim Coal Mine located approximately 0.1 mile west of the Project. Two historical sources described in a publicly available NDPSC file for the Skogheim Coal Mine indicate that the mine is located within Township 152 North, Range 98 West, Section 24 NW; however, additional part section information is not available. As such, it is unknown if the mine was situated at the location of the mapped feature in the AML database or at another area within Section 24.

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Resource Report 6 – Request No. 3

Table 6.3-1 identifies a “mine shaft or drift/scoria pit” less than 0.1 mile from MP 38.3 of the Tioga-Elkhorn Creek pipeline. Identify the nearest distance of this feature to the Project, in feet.

Response:

The “Mine Shaft or Drift” landmark was identified using the NDPSC’s AML database. The abandoned mine feature is mapped approximately 170 feet southeast of the Project corridor.

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Resource Report 6 – Request No. 4

Section 6.4.4 states “where the project crosses these perennial waterbodies, the project will be designed and installed at a burial depth necessary to prevent scour from exposing the pipelines in accordance with 49 CFR [Code of Federal Regulations] 192.” However, section 6.7 states “under these regulations [49 CFR 192], pipelines must be designed and constructed to provide adequate protection from...hazards that may cause the pipe to move or sustain abnormal loads. For the proposed project, no areas requiring special design or construction considerations as a result of geological hazards have been identified.” Therefore, clarify the burial depth(s) of project pipelines beneath perennial waterbodies as well as how these depths would provide adequate protection from washouts, floods, and scour.

Response:

As described in section 6.4.4 of Resource Report 6, the Project is located entirely within a minimal flood hazard area (Zone X) where it crosses Tobacco Garden Creek and Cherry Creek in McKenzie County. Flood hazard information is not available for the Project area located within Williams County where the Project crosses White Earth Creek and Beaver Creek; however, based on review of publicly available information, there are no documented flood events associated with these perennial waterbodies.

The response to Resource Report 1 request no. 3 provides guided bore burial depths for the crossings of Cherry and Beaver Creeks. The proposed maximum burial depths for the remaining perennial waterbody guided bore crossings will be provided upon completion of the bore designs. The proposed guided bore depths for Cherry and Beaver Creeks are 12 and 13 feet below the ground surface, respectively, which exceed the minimum burial depth requirement of 49 CFR 192 for waterbodies that are less than 100 feet in width.

WBI Energy has been in consultation with all counties crossed by the Project to determine if county-level floodplain permits will be required for the Project. Based on these consultations, it has been determined that a floodplain permit will be required for Williams County due to the crossing of Lake Sakakawea. No other floodplain permits will be required. Given the proposed depth of the HDD crossing of Lake Sakakawea, no impacts from washouts, floods, or scour are anticipated. Due to the absence of documented flood hazards associated with the perennial waterbodies crossed by the Project and the proposed depth of the guided bores, it is unlikely that hazards associated with scour and flooding would affect the Project.

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Resource Report 8 – Request No. 1

For sites listed in table B-14 of WBI Energy’s Responses to Agency Comments on the Draft Applicant-Prepared Environmental Assessment dated February 4, 2020 that are reported as being less than 0.1 mile from the Project area, provide the approximate distance from the Project area in feet.

Response:

A revised table B-14 that includes the distance in feet for hazardous waste sites within 0.1 mile of the Project area is provided as an attachment.

Attachment:

Revised Table B-14: Hazardous Waste Sites Within 0.25 Mile of the Project

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Resource Report 8 – Request No. 2

Section 8.12, states that “As shown in Resource Report 4 appendix 4D, there are currently no historic structures along the Project routes that are recommended as potentially eligible for the National Register of Historic Places.” This language is not consistent with Resource Report 4, which states that 10 newly recorded structures are unevaluated for listing in the National Register of Historic Places. Unevaluated cultural resources should be treated as if eligible until they can be evaluated for eligibility. Clarify assessment of visual impacts on those unevaluated resources (e.g. temporary vs. permanent effects).

Response:

As discussed in the Class III structures report for the Project, WBI Energy documented 10 newly recorded historic structures in the vicinity of the Project that have not been evaluated for listing in the National Register of Historic Places. All ten structures are located along or near the proposed pipeline components of the Project in areas where the setting consists of agricultural fields or pasture. None of the buildings at the sites will be physically affected by Project construction. Installation of the pipeline will result in visual effects and noise due to operating equipment in the settings of the structures, but the effects will be short term and temporary. Land uses and cover types within the pipeline corridor will be restored to preconstruction condition following installation of the pipeline, such that no permanent impacts on setting will occur. For these reasons, the Class III report concludes that the Project will have no adverse effect on all 10 newly recorded structures.

WBI Energy received comments from the SHPO on the Class III archaeology and structures reports on April 16, 2020. While review of these comments is ongoing, none pertain to the eligibility or effect recommendations for historic structures.

WBI Energy Transmission, Inc.
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Responses to Environmental Information Request on the
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U.S. BUREAU OF LAND MANAGEMENT COMMENTS

Class III Archaeological Report – Request No. 1

The recommended protection/avoidance measures for unevaluated and eligible archaeological sites in the Class III report are inadequate, particularly regarding stone feature sites. The usual avoidance distance requested/required by the BLM is 100 feet. More than 100 feet is preferred for stone feature sites. Revise protection/avoidance measures buffers for archaeological sites.

Response:

Based on a telephone call with the SHPO on March 19, 2020, and comments from the SHPO on the Class III archaeology reports provided on April 16, 2020, the SHPO has recommended a buffer of 50 feet for unevaluated sites, including stone feature sites, between construction workspace and site boundaries. The SHPO additionally has recommended fencing the construction right-of-way in the vicinity of these sites and monitoring the sites during construction. For any unevaluated site where a 50-foot buffer is not practicable, WBI Energy understands that additional consultation with the SHPO, federal land managing agencies as applicable, and participating tribes will be necessary to develop measures for determining site eligibility and Project effects.

Based on the feedback from the SHPO, WBI Energy is evaluating workspace configurations in the vicinity of unevaluated stone feature sites in an effort to provide a minimum 50-foot buffer between these sites and the proposed construction workspace for the Project. WBI Energy will coordinate with the USACE and Forest Service, as applicable, regarding additional requirements for sites on USACE and Forest Service lands. WBI Energy will file updates with the Commission on workspace changes as the Project design is advanced.

WBI Energy will update the Class III archaeological inventory report and stand-alone Class III report for Forest Service lands to address comments from participating agencies and any comments received from tribes. Based on a telephone call on April 7, 2020, WBI Energy understands that the Northern Cheyenne Tribe plans to submit written comments on the reports.

When complete, WBI Energy will file the updated Class III archaeological inventory report and stand-alone Class III report for Forest Service lands with the Commission and provide copies to participating agencies and tribes, including the SHPO. WBI Energy will file comments on the updated report from the participating agencies and tribes when available.

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Class III Archaeological Report – Request No. 2

WBI [Energy] needs to develop a cultural resource monitoring plan for construction.

Response:

WBI Energy commits to developing a cultural resources monitoring plan for construction in consultation with participating agencies and tribes, including the SHPO. WBI Energy will file the monitoring plan with the Commission and provide copies to participating agencies and tribes, including the SHPO. WBI Energy will file comments on the plan from the participating agencies and tribes when available.

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Class III Archaeological Report – Request No. 3

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. Revise the report to address indirect effects to archaeological sites.

Response:

See the response to request no. 2 for Resource Report 4 under FERC's comments.

WBI Energy Transmission, Inc.
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Responses to Environmental Information Request on the
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Class III Archaeological Report – Request No. 4

Update site form for all sites, site leads, and isolated finds regardless of whether they were relocated. Even if a cultural resource could not be relocated, that is still valuable information for the next project/site visit.

Response:

WBI Energy will prepare site update forms for all sites, site leads, and isolated finds regardless of whether the sites were relocated during survey. WBI Energy will file documentation with the Commission that site update forms for all applicable sites, site leads, and isolated finds have been submitted to the SHPO.

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Responses to Environmental Information Request on the
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Class III Archaeological Report – Request No. 5

WBI [Energy] should make additional efforts to involve tribes in upcoming 2020 fieldwork and field reviews.

Response:

See the response to request no. 4 for Resource Report 4 under FERC's comments.

WBI Energy Transmission, Inc.
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U.S. ARMY CORPS OF ENGINEERS COMMENTS

Class III Archaeological Report – Request No. 1

In section 5.4.2, remove figures for 32MZ0598 and move to the previous section.

Response:

WBI Energy will update the Class III archaeological inventory report to address the comments received from participating agencies and any comments provided by tribes. WBI Energy will move the figures for 32MZ0598 in the updated report as requested in this comment.

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Class III Archaeological Report – Request No. 2

Figure 5.4-5: Map of Site 32WI976, provide contour lines on this map to show the slope. This information would help to explain why the shovel testing pattern appears the way it does.

Response:

WBI Energy will update the Class III archaeological inventory report to address the comments received from participating agencies and any comments provided by tribes. WBI Energy will add contour lines to figure 5.4-5 in the updated report to address this comment.

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Class III Archaeological Report – Request No. 3

ERM, on behalf of WBI [Energy], identified a second concentration of artifacts in the western side of site 32WI0976 after they started excavating the test unit. Some additional testing is needed here as USACE cannot agree with the recommended determination for this site given the data presented in this report.

Response:

WBI Energy will coordinate with the USACE regarding the scope of the additional testing needed to evaluate this site. WBI Energy will file a report on the results of the testing once fieldwork is complete. The report will also be provided to the participating agencies and tribes, including the SHPO, for review. WBI Energy will file comments on the report from agencies and tribes when received.

WBI Energy notes that site 32WI0976 will be crossed by HDD. Direct impacts on the site during construction are not anticipated.

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Class III Archaeological Report – Request No. 4

USACE recommends that WBI [Energy] conduct a remote sensing evaluation (gradiometer or conductivity) at site 32WI0976. This would be the best way to produce measurable data regarding the presence/absence of subsurface features at the site.

Response:

WBI Energy will coordinate with the USACE regarding the requirements for the remote sensing survey at site 32WI0976 and include this potential survey in the additional work now planned for the site.

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U.S. FOREST SERVICE COMMENTS

Forest Service Stand-Alone Class III Archaeological Report – Request No. 1

The map showing previously recorded cultural resources within a one-mile radius is only included in the overall Class III and not in the Forest Service stand-alone report. Please include this in the stand-alone Forest Service report.

Response:

WBI Energy will update the stand-alone Class III report for Forest Service lands to address the comments received from participating agencies and any comments provided by tribes. WBI Energy will add previously recorded sites to Figure 1.1-2 and/or provide a second map depicting previously recorded sites in section 5.2 of the updated report to address this comment.

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Forest Service Stand-Alone Class III Archaeological Report – Request No. 2

Figure 1.1-2 shows the Forest Service surface and differentiates between the survey corridor and the survey corridor on Forest Service surface; however, the survey corridor on Forest Service surface and the actual Forest Service surface displayed don't match.

Response:

WBI Energy will update the stand-alone Class III report for Forest Service lands to address the comments received from participating agencies and any comments provided by tribes. WBI Energy will revise figure 1.1-2 in the updated report to address this comment.

WBI Energy Transmission, Inc.
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Forest Service Stand-Alone Class III Archaeological Report – Request No. 3

Sites 32MZ2347 (Historical Archaeological) and 32MZ3278 (Cairn) are located immediately adjacent to the survey corridor but are not discussed. Please discuss.

Response:

WBI Energy will update the stand-alone Class III report for Forest Service lands to address the comments received from participating agencies and any comments provided by tribes. WBI Energy will add descriptions for sites 32MZ2347 and 32MZ3278 in the updated report to address this comment. Additional context on sites 32MZ2347 and 32MZ3278 is provided below.

Site 32MZ2347 is a historic depression last visited in 2018. The site previously was recommended not eligible for listing in the National Register of Historic Places. Site 32MZ2347 is located about 10 feet outside the survey corridor for the Tioga-Elkhorn Creek Pipeline. The site will not be affected by construction of the Project.

Site 32MZ3278 is a prehistoric cairn recorded in 2018. The site has not been evaluated to determine its eligibility for listing in the National Register of Historic Places. Site 32MZ3278 is located about 83 feet outside the survey corridor for the Tioga-Elkhorn Creek Pipeline. The site will not be affected by construction of the Project.

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Forest Service Stand-Alone Class III Archaeological Report – Request No. 4

Site 32MZ145 site form update does not appear to have been performed. Why? Was an attempt made to actually relocate the site? Also, according to the site form, a THPO [Tribal Historic Preservation Office] representative requested avoidance in 2013. More work on this site is probably needed.

Response:

WBI Energy will update the stand-alone Class III report for Forest Service lands to address the comments received from participating agencies and any comments provided by tribes. WBI Energy will expand the description of site 32MZ145 in the updated report to address this comment. Additional context on site 32MZ145 is provided below.

Site 32MZ145 was described as two prehistoric cairns when it first was recorded in 1979. Since then, the site has been revisited at least four other times (1980, 1998, 2013, and 2016). These additional investigations characterized the site as a field clearing rock pile, noting that one of the features was destroyed by construction along Highway 1806. However, a tribal monitor from the Three Affiliated Tribes who accompanied Metcalf Archaeological Consultants on the 2013 survey said that the remaining feature could be a prehistoric cairn enhanced by the addition of field stones following the adoption of agriculture.

The boundary of site 32MZ145 as recorded in the North Dakota site files appears to be based on the initial recordation of the site in 1979. Site sketch maps prepared in 1998 and 2013 depict a much smaller boundary entirely confined to the west side of Highway 1806. The Project is located on the east side of Highway 1806 in the vicinity of the site along the Tioga-Elkhorn Creek Pipeline. No evidence of the site was observed in the survey corridor for the Project. This is consistent with the 1998 and 2013 site plans, which indicate the remaining portion of the site is west of the highway.

Using the current site boundary provided in the North Dakota site files, site 32MZ145 extends about 15 feet into the survey corridor for the Project, but is approximately 85 feet from the nearest construction workspace. Using the smaller site boundary provided on the most recent sketch map from the 2013 investigation, the site is located on the opposite side of Highway 1806 about 250 feet from the nearest Project workspace. The site will not be affected by construction of the Project.

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Forest Service Stand-Alone Class III Archaeological Report – Request No. 5

Site 32MZ2346 and 32MZ144: it is very improbable and therefore suspicious that there are zero artifacts and one artifact respectively at sites with historic dumps.

Response:

WBI Energy will update the stand-alone Class III report for Forest Service lands to address the comments received from participating agencies and any comments provided by tribes. WBI Energy will augment the descriptions of sites 32MZ2346 and 32MZ144 in the updated report to better describe the cultural material observed at each site during the survey completed for the Project.

Sites 32MZ2346 and 32MZ144 are both previously recorded historic sites that ERM revisited and recorded during the survey for the Project. Cultural material was observed at both sites as described in the Class III reports prepared for the Project. ERM expanded the boundaries of site 32MZ2346 to encompass two previously unreported features at the site. One artifact—a commemorative coin—was collected from site 32MZ2346 because of its uniqueness. No artifacts were collected from 32MZ144.

Sites 32MZ2346 and 32MZ144 have both been disturbed by previous construction activities as described in the Class III reports for the Project. Existing pipelines were previously built across the northern portion of site 32MZ2346 and across the center of site 32MZ144. The sites were previously recommended as not eligible for listing in the National Register of Historic Places prior to construction of those pipelines. ERM concurred with these previous recommendations.

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Forest Service Stand-Alone Class III Archaeological Report – Request No. 6

Additional survey is shown as needed near site 32MZ3278 on the maps in the overall Class III report but not in the Forest Service stand-alone report. Please include this in the stand-alone Forest Service report.

Response:

WBI Energy will update the Class III archaeology report and stand-alone report for Forest Service lands to address the comments received from participating agencies and any comments provided by tribes. Approximately 12 feet of an additional temporary workspace at approximate MP 28.7 of the Tioga-Elkhorn Creek Pipeline extends outside the survey corridor for the Project. WBI Energy has committed to reducing the size of this workspace so it is wholly located within the area surveyed for the Project. WBI Energy will update the maps in both the Class III archaeology report and stand-alone report for Forest Service lands to include this change.

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Responses to Environmental Information Request on the
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Overall Class III and Forest Service Stand-Alone Class III Archaeological Reports – Request No. 1

The recommended avoidance and fencing measures are inadequate, especially for stone feature sites.

Response:

See the response to request no. 1 of the BLM comments on the Class III archaeological survey report.

WBI Energy Transmission, Inc.
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Responses to Environmental Information Request on the
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Overall Class III and Forest Service Stand-Alone Class III Archaeological Reports – Request No. 2

A monitoring plan is needed.

Response:

See the response to request no. 2 of the BLM comments on the Class III archaeological survey report.

WBI Energy Transmission, Inc.
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Overall Class III and Forest Service Stand-Alone Class III Archaeological Reports – Request No. 3

Updates should have been conducted for all sites, site leads, and IFs [isolated finds] regardless of whether or not they were relocated.

Response:

See the response to request no. 4 of the BLM comments on the Class III archaeological survey report.

WBI Energy Transmission, Inc.
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Overall Class III and Forest Service Stand-Alone Class III Archaeological Reports – Request No. 4

The discussion of site leads during fieldwork is inadequate.

Response:

WBI Energy will update the Class III archaeology report and stand-alone report for Forest Service lands to address the comments received from participating agencies and any comments provided by tribes. WBI Energy will expand the discussion of site leads during fieldwork in the updates to the reports to address this comment.

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Overall Class III and Forest Service Stand-Alone Class III Archaeological Reports – Request No. 5

Provide specific distances between site boundaries and the edge of the workspace.

Response:

WBI Energy will update the Class III archaeology report and stand-alone report for Forest Service lands to address comments received from participating agencies and any comments provided by tribes. WBI Energy will provide in the text and/or a table the distances between site boundaries and the edge of the construction workspace for any site located outside the construction workspace to address this comment in the updated reports.

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Overall Class III and Forest Service Stand-Alone Class III Archaeological Reports – Request No. 6

Provide a map of shovel testing performed outside of site boundaries. The report explains the testing strategy during survey but never discusses or shows specifics except within site boundaries.

Response:

WBI Energy will update the Class III archaeology report and stand-alone report for Forest Service lands to address comments received from participating agencies and any comments provided by tribes. WBI Energy will provide a map of shovel testing performed and/or add this information to the survey coverage map set provided as appendix D to address this comment in the updated report.

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Overall Class III and Forest Service Stand-Alone Class III Archaeological Reports – Request No. 7

Identify the level of tribal involvement in the survey.

Response:

See the response to request no. 3 of Resource Report 4 under FERC's comments.

WBI Energy Transmission, Inc.
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Responses to Environmental Information Request on the
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Overall Class III and Forest Service Stand-Alone Class III Archaeological Reports – Request No. 8

Discuss whether indirect effects to archaeological sites were considered.

Response:

See the response to request no. 2 of Resource Report 4 under FERC's comments.

WBI Energy Transmission, Inc.
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Responses to Environmental Information Request on the
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Biological Assessment – Request No. 1

Include “DRAFT – Do not distribute” in the footer of the document and watermark as Draft.

Response:

Comment acknowledged. This text will be included in subsequent versions of the Biological Assessment.

WBI Energy Transmission, Inc.
North Bakken Expansion Project
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Responses to Environmental Information Request on the
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Biological Assessment – Request No. 2

In section 2.2.2, confirm the statement “Based on the soils present in the project area, WBI Energy does not expect that blasting would be required to excavate the trench.”

Response:

As described in more detail in section 6.6 of Resource Report 6 and section 7.3.1 of Resource Report 7, the shallow bedrock in the Project area is classified as paralithic, indicating it is weathered and could be ripped using typical construction equipment. As such, WBI Energy does not anticipate that blasting will be required during Project construction. However, as described in section 1.3.2.6 of Resource Report 1, WBI Energy has prepared a Blasting Plan (appendix 1F) that it will implement in the event that blasting is necessary during construction. If blasting is required, strict safety precautions will be adhered to clear the right-of-way and fracture the ditch. Extreme care will be exercised to avoid damage to underground structures, cables, conduits, pipelines, and underground watercourses or springs. WBI Energy will provide adequate notice to adjacent landowners or tenants in advance of blasting to protect property or livestock. Blasting activity will be performed during daylight hours and in compliance with federal, state, and local codes and ordinances, the manufacturers’ prescribed safety procedures, and standard industry practices.

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Biological Assessment – Request No. 3

In section 2.2.2, third paragraph, third sentence, the Forest Service suggests considering installation of temporary escape ramps if there is going to be an open trench for any extended length of time.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

The current Biological Assessment includes text stating that WBI Energy will minimize the length of excavated pipeline trench left open overnight and leave breaks in the windrowed materials to facilitate wildlife movement across the construction right-of-way. In areas where the trench is left open overnight, WBI Energy will install earthen plugs or escape ramps at regular intervals, as directed by the EI, to allow wildlife to escape the trench. Additionally, trenches, excavations, uncapped pipe segments, and idle equipment will be checked for wildlife before initiating construction activities for the day. Any wildlife that has entered the work area will be allowed to exit the work area of its own volition.

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Biological Assessment – Request No. 4

In section 2.2.3, confirm the statement “After testing the water, such water would be discharged to well-vegetated upland areas in accordance with permit conditions.”

Response:

Yes, after hydrostatic testing is complete, the water used during the test would be discharged to pre-approved, well-vegetated upland areas in accordance with the requirements of the FERC Plan and Procedures and the General Permit to Discharge under the North Dakota Pollutant Discharge and Elimination System Permit.

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Biological Assessment – Request No. 5

In section 2.3, second bullet, clearing Dakota skipper reproductive habitat may warrant a “*May Affect, Not Likely to Adversely Affect*” determination. Forest Service recommends leaning that way in the case of reproductive habitat.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy’s FERC Application on February 14, 2020.

Comment acknowledged. In the current version of the Biological Assessment, the effect determination for Dakota skipper on Forest Service lands is *may affect, but is not likely to adversely affect*.

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Responses to Environmental Information Request on the
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Biological Assessment – Request No. 6

In section 2.3, fifth bullet, Forest Service recommends changing to 1 mile throughout this commitment.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

In the current Biological Assessment, the buffer distance has been revised to 1 mile for the whooping crane.

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Biological Assessment – Request No. 7

In section 2.3, Construction Measures, add an additional measure stating that any identified Dakota skipper habitat within X feet of the right-of-way would be fenced off along the habitat edge to avoid any unintentional damage from construction traffic.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

In the current Biological Assessment, an environmental commitment is included for Dakota skipper reproductive habitat that is within 10 feet of construction right-of-way workspaces, additional erosion control measures include installing single or double silt/construction fencing around Dakota skipper reproductive habitat to prevent construction equipment, personnel, and sediment from entering the habitat. WBI Energy is continuing to consult with the USFWS regarding workspace buffers and mitigation measures including fencing.

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Biological Assessment – Request No. 8

In section 2.3, Construction Measures, first and second bullets, Forest Service typically utilizes the dates of June 10 through July 25 for Dakota skipper flight period. This came from a Biological Opinion on a project in Northeast McKenzie. Not much change in dates here, obviously, but it may help for consistency.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

Comment acknowledged. Based on conversations with the USFWS (Jerry Reinisch), we have included the flight period of June 10 through July 15 in the final Biological Assessment; however, WBI Energy will continue to coordinate with the USFWS regarding construction activities during the sensitive flight period. To reduce the likelihood of disrupting adult Dakota skipper during the flight period, clearing and grading activities within reproductive and foraging habitat would occur outside of the flight period.

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Biological Assessment – Request No. 9

In section 2.3, Construction Measures, sixth bullet, Forest Service, Inc. does not believe this contradicts with the above measure (based on project area vs. project right-of-way), but WBI [Energy] should be certain if there is a difference that it is made extremely clear these two measures are not actually contradictory.

Response:

Comment acknowledged.

WBI Energy Transmission, Inc.
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Responses to Environmental Information Request on the
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Biological Assessment – Request No. 10

In section 2.3, Revegetation and Monitoring, first bullet, Forest Service does have a specific seed mix that we require for revegetation.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

Comment acknowledged. The current Biological Assessment includes the Forest Service-added text, "utilizing a Forest Service recommended seed mix."

WBI Energy Transmission, Inc.
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Responses to Environmental Information Request on the
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Biological Assessment – Request No. 11

In section 2.3, Pesticide Management, second bullet, Dakota skipper timing dates comment applies.

Response:

Comment acknowledged. See the response to request no. 8 above. As indicated in the Biological Assessment, no insecticides would be used during construction or operation of the Project, and herbicide use would be restricted during the Dakota skipper flight period.

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Biological Assessment – Request No. 12

In section 3.3, last sentence, Forest Service assumes they will be receiving an updated report or addendum to cover these surveys for Threatened and Endangered Species & Designated Critical Habitat?

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

Yes, the current Biological Assessment includes added text indicating that an addendum report will be provided to agencies.

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Biological Assessment – Request No. 13

In section 3.3.1, second bullet, this can also include previously disturbed grasslands.

Response:

Comment acknowledged. The habitat descriptions provided in this section were outlined in the Dakota skipper Survey Report from the 2019 field surveys (provided as appendix A to the Biological Assessment included as appendix 3A of Resource Report 3).

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Responses to Environmental Information Request on the
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Biological Assessment – Request No. 14

In section 3.3.2, second to last sentence, verify if these surveys are planned to occur.

Response:

In lieu of conducting presence/absence surveys, WBI Energy will assume reproductive habitat is occupied and will therefore avoid those areas via reroute or by installing the pipeline beneath the habitat via the guided bore method. Foraging habitat is also assumed to be occupied during the flight period; therefore, all clearing and grading within foraging habitat will occur outside the flight period.

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Biological Assessment – Request No. 15

In section 5.3.1, this might warrant double checking IPaC [the USFWS Information for Planning and Consultation tool] on this. To Forest Service's most recent knowledge, the Gray Wolf has been removed from this list throughout the entirety of North Dakota and may not require analysis.

Response:

Comment acknowledged. The gray wolf's listing status changed during preparation of the Biological Assessment. Therefore, the species was retained in the analysis but we recognize that gray wolves are considered extirpated from North Dakota, it would be a rare transient(s) within the action area, and effects from the Project are expected to be either discountable or insignificant.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 16

In section 5.4.1, Direct and Indirect Effects, second paragraph, fifth sentence, it is tough to make this claim without having conducted occupancy surveys.

Response:

Comment acknowledged. See the response to request no. 14 above.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 17

In section 5.4.1, Direct and Indirect Effects, second paragraph, last sentence, But WBI [Energy] identifies flight period dates earlier in the document – again, Forest Service recommends applying those (6/10–7/25) and limiting all construction activities during that time frame.

Response:

See response to request nos. 8 and 14 above.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 18

In section 5.4.2, Determination, first paragraph, third sentence, Forest Service utilized a timing limitation for tree clearing: no removal of trees 3DBH or greater from April 1 through September 30 to avoid effects to potential roost trees. Might be worth considering applying that project wide.

Response:

WBI Energy intends to comply with the section 4(d) rule for the northern long-eared bat, which based on lack of hibernacula and maternity roost trees near the Project, does not restrict tree clearing to any particular time of year.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 19

In section 5.8.1, Determination, first paragraph, Forest Service recommends increasing this to 1.0 mile.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

In the current Biological Assessment, the buffer distance has been revised to 1 mile for the whooping crane.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 20

In section 5.9.2, Forest Service is not sure how WBI [Energy] wants to handle this missing data, but it does need to be provided to the Forest Service and USFWS in order to concur with all data for the Project.

Response:

See the response to request no. 12 above.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 21

In section 5.9.2, Direct and Indirect Effects, first paragraph, third sentence, this statement can't be made without surveys having been completed.

Response:

See the response to request no.14 above.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 22

In section 5.9.2, Direct and Indirect Effects, first paragraph, last sentence, the comment above regarding all construction activities stopped from 6/10–7/25 applies here, too.

Response:

See the response to request no.8 above.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 23

In section 5.9.2, Determination, first paragraph, third sentence, Forest Service recommends including in this sentence that this would also cover areas that are yet to be surveyed – Forest Service assumes it would?

Response:

See the response to request no.14 above.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 24

In section 5.9.2, Determination, first paragraph, fourth sentence, also have an Environmental Inspector on site to ensure the exclusion fencing avoidance areas are observed.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

The current Biological Assessment includes the environmental commitment that a second EI would be used during construction to verify all Dakota skipper impact minimization measures are being followed.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 25

In section 5.9.2, Determination, first paragraph, last sentence, 6/10–7/25 dates limiting all construction activities would apply.

Response:

See the response to request no.8 above.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 26

In section 5.9.2, Determination, second paragraph, first sentence, change to “After soil is cleared in grassland areas, revegetation efforts would focus on establishing a native grass and forb plant community that provides foraging opportunities for the Dakota skipper and reducing habitat fragmentation along the Project alignment utilizing a Forest Service recommended seed mix.”

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy’s FERC Application on February 14, 2020.

The current Biological Assessment has been revised to include the suggested change.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 27

In section 5.9.5, Determination, third sentence, utilize the timing stating: “No removal of trees 3 DBH or greater from April 1 through September 30” and Forest Service believes they could argue this to a “no effect” determination.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy’s FERC Application on February 14, 2020.

See the response to request no. 18 above. In the current Biological Assessment, the effect determination for the northern long-eared bat is *may affect, but is not likely to adversely affect*.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Assessment – Request No. 28

In section 5.10.1, The Dakota Prairie Grassland Land and Resource Management Plan states no construction activities may occur from 2/1 -7/31 within 1 mile of a bald eagle nest and no construction from 2/1 to 7/31 within 0.5-mile of a golden eagle nest. Forest Service can provide current known nest locations, and we would expect surveys to be completed in the spring prior to construction to determine any new nests or active nests that need to be avoided.

Response:

This comment appears to be in reference to an initial draft version of the Biological Assessment the Forest Service reviewed prior to the Biological Assessment included as appendix 3A of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

Comment acknowledged. The current Biological Assessment has been revised to account for these eagle buffers, as well as the fact that prior to the start of the HDD at Lake Sakakawea, WBI Energy will complete surveys for eagle nests within 0.5 mile of the proposed HDD entry sites.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Evaluation – Request No. 1

In section 4.3.1, define "routine vegetation maintenance clearing." No mowing should occur.

Response:

This comment appears to be in reference to an initial draft version of the Biological Evaluation the Forest Service reviewed prior to the Biological Evaluation included as appendix 3B of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

The text in the current Biological Evaluation has been revised to define "routine vegetation maintenance clearing" and specify that no mowing would take place.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Evaluation – Request No. 2

In section 4.3.7, change “the Project is not likely to adversely affect” to language that is appropriate for a biological evaluation.

Response:

This comment appears to be in reference to an initial draft version of the Biological Evaluation the Forest Service reviewed prior to the Biological Evaluation included as appendix 3B of Resource Report 3, which was filed with WBI Energy’s FERC Application on February 14, 2020.

The current version of the Biological Evaluation has the impact determination language modified accordingly.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Evaluation – Request No. 3

Fall witchgrass does not occur in North Dakota (page 20).

Response:

This comment appears to be in reference to an initial draft version of the Biological Evaluation the Forest Service reviewed prior to the Biological Evaluation included as appendix 3B of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

The current version of the Biological Evaluation had the reference to witchgrass removed.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Evaluation – Request No. 4

First sentence on page 21, replace July 15 with July 25.

Response:

This comment appears to be in reference to an initial draft version of the Biological Evaluation the Forest Service reviewed prior to the Biological Evaluation included as appendix 3B of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

The current version of the Biological Evaluation has the date revised to July 25. The suggested flight period of June 10 through July 25 would apply to activity on Forest Service lands. As indicated in the response to request no. 8 for the Biological Assessment above, we have included the flight period of June 10 through July 15 in the final Biological Assessment for all other areas; however, WBI Energy will continue to coordinate with the USFWS regarding construction activities during the sensitive flight period.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Evaluation – Request No. 5

Section 4.3.11, third sentence needs to have citation.

Response:

This comment appears to be in reference to an initial draft version of the Biological Evaluation the Forest Service reviewed prior to the Biological Evaluation included as appendix 3B of Resource Report 3, which was filed with WBI Energy's FERC Application on February 14, 2020.

The text has been revised and the citation added in the current version of the Biological Evaluation.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Biological Evaluation – Request No. 6

In section 4.5.1, fourth paragraph, second sentence, see previous comment.

Response:

See the response to request no. 1 for the Biological Evaluation above.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

U.S. FISH AND WILDLIFE SERVICE COMMENTS [NOT A COOPERATING AGENCY]

Resource Report 3 and Biological Assessment – Request No. 1

There should be no construction during the Dakota skipper flight season in areas of suitable habitat.

Response:

Comment noted. No construction activities will occur in Dakota skipper reproductive habitats; all such areas will be avoided by reroute, workspace reductions, or crossing the habitat via the guided bore or HDD method. During the June 10 to July 15 Dakota skipper flight season, no clearing or grading will occur within Dakota skipper foraging habitats. However, construction equipment and personnel may pass through the foraging habitats during the flight period provided they maintain the 15-mile-per-hour speed limit. However, WBI Energy will continue to coordinate with the USFWS regarding construction activities during the sensitive flight period.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Resource Report 3 and Biological Assessment – Request No. 2

A 250-foot buffer should be established around suitable Dakota skipper habitat for construction.

Response:

Comment noted. WBI Energy is able to maintain the recommended 250-foot buffer from some of the identified Dakota skipper reproductive habitats. However, constraints such as topography, pipeline alignment, or property lines necessitate a smaller buffer in some locations. WBI Energy and the USFWS are currently discussing locations where a 250-foot buffer is impracticable to determine if smaller buffers will be adequate to avoid and minimize effects on Dakota skipper. The Biological Assessment will be updated to include a description of the construction buffers and any coordination with the USFWS regarding potential effects of smaller buffers.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Resource Report 3 and Biological Assessment – Request No. 3

Whooping crane sightings should be reported to the USFWS immediately.

Response:

Comment noted, the Biological Assessment will be updated to include the USFWS notification requirement.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Resource Report 3 and Biological Assessment – Request No. 4

Piping plover surveys should be conducted following USFWS protocol seven days prior to staging equipment, presence should be reported immediately to USFWS.

Response:

Agreed. Piping plover and least tern nesting surveys will be completed per the USFWS protocol 7 days prior to staging equipment within 0.5 mile or line of sight (whichever is less) of potential nesting habitat along the north and south shorelines of Lake Sakakawea. If either species is observed exhibiting nesting behavior during these surveys, the USFWS will be notified immediately. The Biological Assessment will be updated to include the USFWS notification requirement.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Resource Report 3 and Biological Assessment – Request No. 5

Re-seeding of disturbed areas should be monitored for at least two years.

Response:

WBI Energy will adhere to the FERC Plan and Procedures, which state: “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” and “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.” Revegetation efforts will continue until revegetation is deemed successful by these FERC standards.

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

Responses to Environmental Information Request on the
Application and Supporting Documentation Dated March 31, 2020

Resource Report 3 and Biological Assessment – Request No. 6

Dakota skipper surveys are not complete for the entire project.

Response:

Comment noted. In 2019, surveys were completed for all areas where survey access was granted within the counties crossed by the Project where Dakota skipper is listed (McKenzie, Mountrail, and Burke Counties). Since the end of the 2019 field season, additional route changes have occurred. These areas will be surveyed in the upcoming 2020 field season. Additionally, WBI Energy will continue to have discussions with the FWS regarding potential surveys in Williams County where the Dakota skipper is not listed.

ENVIRONMENTAL INFORMATION REQUEST RESPONSE ATTACHMENTS

**Federal Energy Regulatory Commission Comments
Resource Report 1 – Request No. 1 Attachment**

Revised Table 2.2.1-1: Waterbodies Crossed by the Pipeline Routes

REVISED TABLE 2.2.1-1

Waterbodies Crossed by the Pipeline Routes ^a

Approx. Milepost	Feature ID	Waterbody Name ^b	Waterbody Classification ^c	Flow Regime ^d	Width (feet) ^e	Proposed Crossing Method ^f	Alternate Crossing Method for Proposed Open-Cut Crossings (preferred/secondary) ^f
Tioga to Elkhorn Creek							
0.7	s-wm-ea-001p	Unnamed tributary to Paulson Creek	Class III	PN	38	Open Cut	Guided Bore/Dry Crossing
2.2	s-wm-ea-002	Unnamed tributary to Dry Fork Creek	Class III	PN	<10	Open Cut	Guided Bore/Dry Crossing
12.1	s-wm-ee-001	Unnamed tributary to Beaver Creek	Class III	PN	7	Open Cut	Guided Bore/Dry Crossing
18.1	s-wm-eb-002	Beaver Creek	Class III	PN	<10	Guided Bore	NA
24.3	s-wm-eb-003p	Lake Sakakawea	Class I	PN	12,560	HDD	NA
25.5	o-mk-ee-001	Natural Pond	Class 4	NA	34	HDD	NA
27.0	s-mk-eb-001	Unnamed tributary to Sand Creek	Class III	E	<10	Open Cut	Guided Bore/Dry Crossing
27.3	s-mk-ea-001	Unnamed tributary to Sand Creek	Class III	E	<10	Open Cut	Guided Bore/Dry Crossing
30.0	s-mk-eb-002	Tobacco Garden Creek	Class III	PN	40	Guided Bore	NA
36.2	s-mk-ea-003	Tobacco Garden Creek	Class III	PN	46	Guided Bore	NA
39.0	s-mk-ea-002	Unnamed tributary to Tobacco Garden Creek	Class III	IT	<10	Open Cut	Guided Bore/Dry Crossing
39.7	DSK_NHD_8 ^g	Unnamed tributary to Tobacco Garden Creek	Class III	IT	<10	Open Cut	Guided Bore/Dry Crossing
40.1	DSK_NHD_7 ^g	Unnamed tributary to Tobacco Garden Creek	Class III	IT	<10	Open Cut	Guided Bore/Dry Crossing
44.6	DSK_NHD_11 ^g	Timber Prong Creek	Class III	IT	<10	Open Cut	Guided Bore/Dry Crossing
44.7	DSK_NHD_5 ^g	Timber Prong Creek	Class III	IT	<10	Open Cut	Guided Bore/Dry Crossing
51.3	s-mk-eb-005	Northfork Creek	Class III	IT	<10	Guided Bore	NA
52.1	DSK_NHD_4 ^g	Cherry Creek	Class III	PN	20	Guided Bore	NA
54.5	NHD ^g	Unnamed tributary to Sevenmile Creek	Class III	IT	<10	Open Cut	Guided Bore/Dry Crossing
54.6	DSK_NHD_3 ^g	Unnamed tributary to Sevenmile Creek	Class III	IT	<10	Open Cut	Guided Bore/Dry Crossing

REVISED TABLE 2.2.1-1

Waterbodies Crossed by the Pipeline Routes ^a

Approx. Milepost	Feature ID	Waterbody Name ^b	Waterbody Classification ^c	Flow Regime ^d	Width (feet) ^e	Proposed Crossing Method ^f	Alternate Crossing Method for Proposed Open-Cut Crossings (preferred/secondary) ^f
55.3	DSK_NHD_12 ^g	Sevenmile Creek	Class III	IT	20	Open Cut	Guided Bore/Dry Crossing
57.5	DSK_NHD_2 ^g	Unnamed tributary to Sevenmile Creek	Class III	IT	<10	Open Cut	Guided Bore/Dry Crossing
Line Section 25 Loop							
13.5	s-bk-eb-001p	White Earth Creek	Class III	PN	28	Guided Bore	NA
Line Section 30 Loop							
7.2 ^h	s-wm-ea-002	Unnamed tributary to Dry Fork Creek	Class III	PN	<10	Open Cut	Guided Bore/Dry Crossing
8.8 ^h	s-wm-ea-001p	Unnamed tributary to Paulson Creek	Class III	PN	38	Open Cut	Guided Bore/Dry Crossing
Tioga Compressor Station							
NA	o-wm-eb-001	Man-made pond _i	Class 4	NA	NA	N/A	N/A
Staging Areas							
Enget Yard	o-mt-ee-001	Man-made pond _i	Class 4	NA	NA	N/A	N/A

^a Based on the following data: Project field surveys to date, USGS mapping, NHD data, the NDSWC's geographic information system data viewer, and review of aerial photographs.

^b Waterbody names are based on USGS topographic maps.

^c See section 2.2.2 below for category definitions (source: NDDEQ 2019d). None of the Class III streams are specifically identified in the Stream Classifications Table located in appendix I of the NDDEQ Standards of Quality for Waters of the State, and are classified as Class III as a default based on specifications included in that appendix.

^d Based on field surveys, NHD designations, and/or aerial photography interpretation for unmapped streams:
 IT = Intermittent
 PN = Perennial
 E = Ephemeral (U.S. Army Corps of Engineers [COE], 2012)
 NA = Not applicable

^e Approximate width based on field surveys and/or estimated from aerial photography. Where NHD data have been used to supplement areas where surveys are not complete an assumed <10 feet wide has been used for all intermittent NHD features.

^f Open Cut = If the waterbody has no flow at time of construction, the crossing will be installed using the open-cut method. If the waterbody has perceivable flow at the time of construction, the waterbody will be crossed using either the guided bore crossing method or a dry crossing method (flume or dam-and-pump) based on site-specific conditions. Refer to Resource Report 1 section 1.3.2.1 for detailed description of each crossing method.

^g Survey permission has not been granted in this area or a reroute occurred after the end of the 2019 survey season; information provided is based on NHD data.

^h Overlaps with the Tioga-Elkhorn Creek pipeline.

ⁱ Waterbody consists of a man-made pond to address stormwater permitting requirements at the Tioga Compressor Station. The final location of this pond will likely change after final engineering of the compressor station is complete.

^j Waterbody consists of a man-made pond which will be avoided and fenced off during use of the yard.

**Federal Energy Regulatory Commission Comments
Resource Report 2 – Request No. 5 Attachment**

Appendix 2B: Wetlands Crossed or Otherwise Affected by the Project

APPENDIX 2B						
North Bakken Expansion Project Wetlands Crossed or Otherwise Affected by the Project ^{a, b}						
Wetland ID	Cowardin Classification	Milepost	Centerline Distance Crossed (feet)	Construction Impact (acres)	Operation Impact (acres)	Proposed Crossing Method
PIPELINE FACILITIES						
Tioga-Elkhorn Creek						
w-wm-ea-008e	PEM	0.7	38.7	0.1	0.0	Open Cut
w-wm-ee-001e	PEM	12.7	23.4	<0.1	0.0	Open Cut
w-wm-eb-008e	PEM	17.8	76.8	0.1	0.0	Open Cut
w-mk-ea-001e	PEM	27.9	17.7	<0.1	0.0	Open Cut
w-mk-ea-002e	PEM	28.8	3.6	<0.1	0.0	Guided Bore
w-mk-eb-002e	PEM	29.1	158.3	0.3	0.0	Open Cut
w-mk-ea-003e	PEM	38.2	19.0	<0.1	0.0	Guided Bore
w-mk-eb-003e	PEM	41.2	321.1	0.6	0.0	Open Cut
DSK_NWI_7	PEM	44.6	41.4	0.1	0.0	Open Cut
w-mk-ea-004e	PEM	46.7	26.3	0.1	0.0	Guided Bore
w-mk-eb-004e	PEM	50.8	109.9	0.2	0.0	Open Cut
DSK_NWI_1	PEM	55.3	19.9	<0.1	0.0	Open Cut
w-mk-eb-005e	PEM	60.1	101.7	0.2	0.0	Open Cut
			Subtotal	1.8	0.0	
Line Section 25 Loop						
w-wm-eb-002e	PEM	0.7	140.1	0.2	0.0	Guided Bore
w-wm-ea-002e	PEM	4.7	363.9	0.3	0.0	Open Cut
w-wm-ea-001e	PEM	4.9	0	<0.1	0.0	Open Cut
w-mt-ea-001e	PEM	9.9	4.9	<0.1	0.0	Open Cut
w-bk-ea-013	PEM	11.1	98.2	0.2	0.0	Open Cut
w-bk-ea-005e	PEM	11.9	48.6	0.1	0.0	Open Cut
w-bk-ea-006e	PEM	12.0	68.5	0.1	0.0	Open Cut
w-bk-eb-002e	PEM	13.3	29.2	<0.1	0.0	Open Cut
w-bk-eb-001e	PEM	13.5	590.8	1.0	0.0	Guided Bore
w-bk-ea-003e	PEM	16.1	0.0	<0.1	0.0	Open Cut
w-bk-ea-002e	PEM	16.1	0.0	<0.1	0.0	Open Cut
w-bk-ea-001e	PEM	16.3	22.9	<0.1	0.0	Guided Bore
			Subtotal	2.1	0.0	
Line Section 30 Loop						
w-wm-ee-002e	PEM	0.0	0.0	<0.1	0.0	Open Cut
w-wm-ec-004e	PEM	0.2	0.0	<0.1	0.0	Open Cut
w-wm-ec-005e	PEM	0.3	196.6	0.3	0.0	Open Cut
w-wm-ec-003e	PEM	5.8	40.9	0.1	0.0	Open Cut
w-wm-ea-008e ^c	PEM	8.7	36.4	0.1	0.0	Open Cut
			Subtotal	0.6	0.0	
Uprate Line Section 25						
w-bk-ea-010e	PEM	N/A	394	0.6	0.0	Guided Bore
			Subtotal	0.6	0.0	

APPENDIX 2B (cont'd)						
North Bakken Expansion Project Wetlands Crossed or Otherwise Affected by the Project ^{a, b}						
Wetland ID	Cowardin Classification	Milepost	Centerline Distance Crossed (feet)	Construction Impact (acres)	Operation Impact (acres)	Proposed Crossing Method
ACCESS ROADS						
w-wm-eb-009e	PEM	NA	NA	<0.1	0.0	N/A - Matting
DSK_NWI_14	PEM	NA	NA	<0.1	0.0	N/A - Matting
			Subtotal	0.1	0.0	
YARDS						
DSK_NWI_15	PEM	NA	NA	0.1	0.0	N/A - Matting
DSK_NWI_16	PEM	NA	NA	0.1	0.0	N/A - Matting
			Subtotal	0.2	0.0	
			TOTAL	5.2	0.0 ^d	
<p>^a The numbers in this table have been rounded for presentation purposes. As a result, the subtotals and totals may not reflect the exact sum of the addends in all cases.</p> <p>^b PEM = Palustrine emergent wetland</p> <p>^c Wetland is crossed by both the Tioga-Elkhorn Creek Pipeline and Line Section 30 Loop. As construction of the pipelines will be staggered, impacts are presented for each pipeline route.</p> <p>^d In wetlands, WBI Energy will not need to maintain a 10-foot strip over the pipeline in an herbaceous condition since all of the wetlands affected by operation of the Project are emergent, and therefore already in an herbaceous state. All wetlands will be able to revert to pre-existing conditions, therefore, no permanent operational impacts on wetlands will occur from the Project.</p>						

**Federal Energy Regulatory Commission Comments
Resource Report 4 and Archaeological Reports – Request No. 5 Attachment
Summary of Communications with the State Historical Society of North Dakota
and Previously Unfiled Correspondence**

**North Bakken Expansion Project
Summary of Communications with the State Historical Society of North Dakota**

Date	Summary	Filing Date
4-15-19	Introductory Project letter from WBI Energy to the SHSND	2-14-20
5-15-19	Letter from WBI Energy to the SHSND transmitting a survey work plan for review (Note: This survey work plan contains maps with location information for archaeological sites. These maps have been filed separately in appendix 1G, which is labelled "CUI//PRIV – DO NOT RELEASE.")	2-14-20
6-5-19	Letter from the SHSND to WBI Energy providing comments on the survey work plan	2-14-20
6-14-19	Phone call from WBI Energy to the SHSND to discuss the archaeological survey methodology for the Project	2-14-20
6-14-19	Email from WBI Energy to the SHSND proposing a change in the archaeological survey methodology for the Project	2-14-20
6-14-19	Email from WBI Energy to the SHSND modifying a proposed change in the archaeological survey methodology for the Project	2-14-20
6-19-19	Email from WBI Energy to the SHSND regarding a proposed change in the archaeological survey methodology for the Project	2-14-20
6-19-19	Email from the SHSND to WBI Energy approving a proposed change in the archaeological survey methodology for the Project	2-14-20
7-17-19	Letter from WBI Energy to the SHSND inviting the SHSND to attend the Project open houses	2-14-20
7-23-19	Phone call from WBI Energy to the SHSND regarding Site 32WI2352	2-14-20
7-23-19	Email from WBI Energy to the SHSND regarding Site 32WI2352 (Note: This email contains location information for an archaeological site. It has been filed separately in appendix 1G, which is labelled "CUI//PRIV – DO NOT RELEASE.")	2-14-20
7-23-19	Email from WBI Energy to the SHSND transmitting a shape file for Site 32WI2352	2-14-20
7-23-19	Phone call from the SHSND to WBI Energy regarding Site 32WI2352	2-14-20
7-23-19	Email from the SHSND to WBI Energy regarding Site 32WI2352	2-14-20
7-25-19	Email from WBI Energy to the SHSND regarding Site 32WI2352	2-14-20
9-3-19	Phone call from the SHSND to WBI Energy requesting a shapefile for features mapped within 32WI2352	2-14-20
9-3-19	Email from WBI Energy to the SHSND transmitting a shapefile for features mapped within 32WI2352	2-14-20
1-6-20	Email from WBI Energy to the SHSND regarding Site 32WI2352	2-14-20
1-8-20	Email from the SHSND to WBI Energy regarding Site 32WI2352	2-14-20
1-9-20	Email from WBI Energy to the SHSND regarding Site 32WI2352	2-14-20
2-14-20	Letter from WBI Energy to the SHSND transmitting the Class III Archaeology Report, standalone Class III Archaeology Report for USFS lands, and Class III Historic Structures Reports	2-14-20
3-2-20	Phone call from WBI Energy to the SHSND regarding site avoidance and testing measures.	<u><i>This Filing</i></u>
3-19-20	Phone call from the SHSND to WBI Energy to discuss Project impacts on Site 32WI2352 and site avoidance and testing measures.	<u><i>This Filing</i></u>
3-19-20	Email from WBI Energy to the SHSND providing minutes from the 3-19-20 call for review. (Note: The SHSND did not comment on the minutes.)	<u><i>This Filing</i></u>
4-9-20	Email from WBI Energy to the SHSND regarding the status of the SHSND's review of the Class III survey reports for the Project.	<u><i>This Filing</i></u>
4-9-20	Email from the SHSND indicating that comments on the Class III survey reports for the Project are pending.	<u><i>This Filing</i></u>

State Historical Society of North Dakota

Call Log

Log of Telephone Conversation



Call To/From Whom	Andrew Clark
Phone number	701-328-3574
Company	SHSND
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	March 2, 2020
Time of Conversation	11:08 am
Reference	North Bakken Expansion Project (Project)
Signature	

LOG OF CONVERSATION

I called Dr. Andrew Clark, ND State Archaeologist, to discuss ERMS's 2020 permit for field work. During the call, Dr. Clark mentioned some topics pertaining to the Class III archaeological survey report for the North Bakken Expansion Project which is currently under review. Dr. Clark said that the SHSND will likely recommend the excavation of 1 x 1 meter test units at some sites, mainly prehistoric lithic scatters. For unevaluated sites, mainly prehistoric stone feature sites, Dr. Clark said that the SHSND will likely recommend a 50 ft buffer between construction workspace and site boundaries in addition to fencing the workspace in the vicinity of these sites and monitoring the sites during construction. These requirements are not currently in the state guidelines.

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 Log

Log of Telephone Conversation



Call To/From Whom	Andrew Clark
Phone number	701-328-3574
Company	SHSND
ERM Contact	Pat Robblee
Phone number	701-328-3574
Date	March 19, 2020
Time of Conversation	11:45 a.m. est
Reference	North Bakken Expansion Project (Project)

Signature

LOG OF CONVERSATION

Pat Robblee spoke with Dr. Clark regarding Project impacts on Site 32WI2352 and site avoidance and testing measures likely to be required by the SHSND for some sites, mainly prehistoric stone feature sites and lithic scatters. A summary of the discussion is provided below.

- Site 32WI2352
 - For the Cenex project, which is state-regulated, the site was determined not eligible for the NRHP with a finding of no significant sites affected.
 - For WBI Energy's North Bakken Project, use of the access road across the northern edge of the site (as depicted in the email from Pat Robblee to Andy Clark dated 1-9-20) would be acceptable. The eligibility/effect determination for the site would be unevaluated/no adverse effect.
- Site Avoidance:
 - The SHSND defines site avoidance as 50 feet of separation between the direct APE and the site boundary.
 - For the unevaluated prehistoric sites identified within the survey corridor, the SHSND will recommend an adjustment to the construction workspace to provide a 50-ft-wide buffer between the workspace and the site, fencing the edge of the construction workspace in the vicinity of the site, and construction monitoring. This would result in a finding of no adverse effect.

ERM

Error! Use the Home tab to apply Doc date to the text that you want to appear here.

Reference:

Page 2 of 2

- Consultation with the SHSND and THPOs would be required for unevaluated prehistoric sites which cannot be buffered by 50 feet. Additional testing to determine eligibility and/or better define the site boundaries would be a potential option for sites which cannot be buffered by 50 feet.
- The SHSND is more comfortable with delineation of historic sites based on surface features and shovel testing.
- Other:
 - The SHSND will recommend the excavation of a test unit for some sites, mainly prehistoric sites, identified within the survey corridor.
 - The SHSND suggested a meeting with FERC, USFS, COE, and WBI Energy to ensure alignment of expectations and options with regard to unevaluated sites.

Pat Robblee

From: Pat Robblee
Sent: Thursday, March 19, 2020 12:46 PM
To: Clark, Andrew
Subject: WBI Energy North Bakken

Hi Andy.

Below are some notes from our call. Would you mind reviewing these?

My notes will be shared with WBI Energy and eventually filed with FERC in a call log.

Thank you and thanks again for the call.

Pat

- Site 32WI2352
 - For the Cenex project, which is state-regulated, the site was determined not eligible for the NRHP with a finding of no significant sites affected.
 - For WBI Energy's North Bakken Project, use of the access road across the northern edge of the site (as depicted in the email from Pat Robblee to Andy Clark dated 1-9-20) would be acceptable. The eligibility/effect determination for the site would be unevaluated/no adverse effect.
- Site Avoidance:
 - The SHSND defines site avoidance as 50 feet of separation between the direct APE and the site boundary.
 - For the unevaluated prehistoric sites identified within the survey corridor, the SHSND will recommend an adjustment to the construction workspace to provide a 50-ft-wide buffer between the workspace and the site, fencing the edge of the construction workspace in the vicinity of the site, and construction monitoring. This would result in a finding of no adverse effect.
 - Consultation with the SHSND and THPOs would be required for unevaluated prehistoric sites which cannot be buffered by 50 feet. Additional testing to determine eligibility and/or better define the site boundaries would be a potential option for sites which cannot be buffered by 50 feet.
 - The SHSND is more comfortable with delineation of historic sites based on surface features and shovel testing.
- Other:
 - The SHSND will recommend the excavation of a test unit for some sites, mainly prehistoric sites, identified within the survey corridor.
 - The SHSND suggested a meeting with FERC, USFS, COE, and WBI Energy to ensure alignment of expectations and options with regard to unevaluated sites.

Patrick Robblee, R.P.A.
Program Director

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Pat Robblee

From: Pat Robblee
Sent: Thursday, April 9, 2020 12:50 PM
To: 'Clark, Andrew'
Subject: RE: WBI Energy North Bakken

Hi Andy.

Wanted to follow-up to see if you have any comments on my notes from our call a few weeks ago and also ask about the status of comments on our survey reports.

We are planning to submit a work plan for evaluative testing at Site 32WI2407 and for geomorphological testing at select waterbody crossings along the pipeline route. With the Covid-19 situation, I was wondering if we should transmit that to the SHSND office as normal or if there another preferred alternative.

Thank you.

Pat

Patrick Robblee
Program Director

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Pat Robblee

From: Clark, Andrew <andrewclark@nd.gov>
Sent: Thursday, April 9, 2020 1:04 PM
To: Pat Robblee
Subject: Re: WBI Energy North Bakken

Hi Pat,

Thanks for checking-in. The review has taken a little bit longer than I hoped because of the office closures and teleworking adjustments. I've been organizing my comments today and will have something for you ASAP.

Best regards,

Andy

**Federal Energy Regulatory Commission Comments
Resource Report 4 and Archaeological Reports – Request No. 6 Attachment
Summary of Communications with Tribes and Previously Unfiled Correspondence**

**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
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
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

**North Bakken Expansion Project
Summary of Communications with Federally Recognized Indian Tribes**

Tribe	Date	Summary	Filing Date
Three Affiliated Tribes of the Fort Berthold Reservation	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
	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
	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).	<u><i>This Filing</i></u>
	2-14-20	Letter from WBI Energy 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, is included with <u><i>this filing</i></u>).	2-14-20

**North Bakken Expansion Project
Summary of Communications with Federally Recognized Indian Tribes**

Tribe	Date	Summary	Filing Date
	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).	<u>This Filing</u>
	3-3-20	Letter to the Director of the TAT Pipeline Authority regarding the filing of WBI Energy's application with FERC.	<u>This Filing</u>
	3-3-20	Letter to the TAT Pipeline Authority regarding the filing of WBI Energy's application with FERC.	<u>This Filing</u>
	3-30-20	Email from WBI Energy to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
	3-30-20	Letter from WBI Energy to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
	3-30-20	Email from the THPO to WBI Energy confirming the tribe's interest in participating in the 2020 field surveys.	<u>This Filing</u>
	3-30-20	Emails between the THPO and WBI Energy coordinating a call to discuss the tribe's participation in the 2020 field surveys.	<u>This Filing</u>
	3-31-20	Invitation email from WBI Energy to the THPO for a call on 4-2-20 to discuss the Project and the tribe's participation in the 2020 field surveys.	<u>This Filing</u>
	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.	<u>This Filing</u>
	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.	<u>This Filing</u>
	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.	<u>This Filing</u>
	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.	<u>This Filing</u>
	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.	<u>This Filing</u>
Spirit Lake Sioux Tribe	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

**North Bakken Expansion Project
Summary of Communications with Federally Recognized Indian Tribes**

Tribe	Date	Summary	Filing Date	
Yankton 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; 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	
	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	
	Northern Cheyenne 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, 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		

**North Bakken Expansion Project
Summary of Communications with Federally Recognized Indian Tribes**

Tribe	Date	Summary	Filing Date
	2-14-20	Letter from WBI Energy 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, is included with <i>this filing</i>).	2-14-20
	3-13-20	Phone call from the THPO to WBI Energy regarding the status of the tribe's review of the Class III Archaeological Survey Report.	<u>This Filing</u>
	3-19-20	Phone call from the THPO to WBI Energy 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.	<u>This Filing</u>
	3-30-20	Phone call from WBI Energy to the THPO to confirm contact information for the tribe.	<u>This Filing</u>
	3-30-20	Email from WBI Energy to the THPO transmitting a letter regarding the status of the Project and plans for field survey and site testing in 2020.	<u>This Filing</u>
	3-30-20	Letter from WBI Energy to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
	3-31-20	Phone call from WBI Energy 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.	<u>This Filing</u>
	3-31-20	Invitation email from WBI Energy to the THPO for a call on 4-7-20 to discuss the Project and the tribe's participation in the 2020 field surveys.	<u>This Filing</u>
	4-7-20	Meeting by teleconference to discuss the tribe's participation in the 2020 field surveys.	<u>This Filing</u>
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 from WBI Energy to the THPO transmitting the Class III Archaeological Survey Report, standalone archaeological survey report for USFS lands, and Class III Historic Structures Report. (Note: Includes delivery receipt dated 3-4-20).	<u>This Filing</u>
	3-30-20	Email from WBI Energy to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
	3-30-20	Letter from WBI Energy to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
	4-8-20	Email from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	<u>This Filing</u>
	4-13-20	Phone call from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; message left.	<u>This Filing</u>
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
	5-10-19	Follow-up phone call to THPO.	2-14-20

**North Bakken Expansion Project
Summary of Communications with Federally Recognized Indian Tribes**

Tribe	Date	Summary	Filing Date
	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 from WBI Energy 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, is included with <i>this filing</i>).	2-14-20
	3-30-20	Email from WBI Energy to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	<i>This Filing</i>
	3-30-20	Letter from WBI Energy to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	<i>This Filing</i>
	3-31-20	Phone call from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; voice mail message.	<i>This Filing</i>
	4-8-20	Email from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	<i>This Filing</i>
	4-13-20	Phone call from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; voice mail message.	<i>This Filing</i>
Rosebud 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

**North Bakken Expansion Project
Summary of Communications with Federally Recognized Indian Tribes**

Tribe	Date	Summary	Filing Date
	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
	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

**North Bakken Expansion Project
Summary of Communications with Federally Recognized Indian Tribes**

Tribe	Date	Summary	Filing Date
	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 from WBI Energy 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, is included with <u>this filing</u>).	2-14-20
	3-30-20	Email from WBI Energy to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
	3-30-20	Letter from WBI Energy to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
	3-31-20	Phone call from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; voice mail message.	<u>This Filing</u>
	4-8-20	Email from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	<u>This Filing</u>
	4-13-20	Phone call from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; voice mail message.	<u>This Filing</u>
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
	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 from WBI Energy 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, is included with <u>this filing</u>).	2-14-20
	3-13-20	Phone call from WBI Energy to the THPO to confirm receipt of the Class III reports; voice mail message.	<u>This Filing</u>
	3-30-20	Email from WBI Energy to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
	3-30-20	Letter from WBI Energy to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
	4-8-20	Email from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	<u>This Filing</u>

North Bakken Expansion Project Summary of Communications with Federally Recognized Indian Tribes			
Tribe	Date	Summary	Filing Date
Northern Arapaho Tribe of Wind River Indian Reservation	4-13-20	Phone call from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20; the was no answer and the voice mailbox was full.	<u>This Filing</u>
	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
	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.)
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 from WBI Energy 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, is included with <u>this filing</u>).	2-14-20
3-30-20		Email from WBI Energy to the THPO transmitting a letter regarding the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
3-30-20		Letter from WBI Energy to the THPO providing an update on the status of the Project and plans for field surveys and site testing in 2020.	<u>This Filing</u>
4-8-20		Email from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	<u>This Filing</u>
4-13-20		Phone call from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	<u>This Filing</u>
4-15-20	Phone call from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	<u>This Filing</u>	
4-15-20	Email from WBI Energy to the THPO to confirm the tribe's receipt of WBI Energy's email and letter sent on 3-30-20.	<u>This Filing</u>	

Three Affiliated Tribes of the Fort Berthold Reservation

From: Linn, Dave

Sent: Tuesday, December 10, 2019 2:42 PM

To: 'Travis Hallam' <thallam@mhanation.com>; Frankie Lee <frankielee@mhanation.com>; 'Frankie Lee PE' <buffalonearwater@gmail.com>

Subject: WBI Energy North Bakken Expansion 24" Pipeline Lake Crossing

Travis and Frankie,

It's been a few months since our North Bakken Expansion Natural Gas Pipeline Project Open House. Knowing that you and the TAT Pipeline authority had expressed interest in the Lake Sakakawea crossing of our project, and had requested to be kept updated, I am sending you this information. Since the Open house, we have upsized the pipe to 24" and the lateral to Line Section 7 has been removed from the project. The project is still proceeding to our planned schedule to start construction in the Spring of 2021. Due to the timing of COE agency review we didn't complete the over-water geotech work this fall. The COE review for this permit is complete and out for final signature and real estate issuance of the permit. We expect to receive it in early 2020. Our plan is to do the over water geotech as soon as the ice is off this spring and use this information with our engineering consultant to finalize the draft bore profile that I shared with you previously. Our proposed entry and exit locations have not changed from the .kmz file that I sent you. WBI Energy is now nearing completion of the detailed resource reports and a draft of the Project Environmental Assessment(EA) document. We expect to file this draft EA with FERC in Mid-January for review and comment under pre-filing rules, and submit a final draft version of the EA with the FERC application in mid-February. In the Project 408 permit package (to be filed in mid-February) we will address the COE requirements and supplemental appendix's similar to the Kinder Morgan project. We are working on our HDD bid documents and currently plan to be going out for bid by late December working towards selecting the bore contractor in early 2020 to assist in developing the contractor specific supplemental bore information. Once filed, our detailed project information will be available on the FERC web site for your review if interested. For now portions of the project information are available on our Company Project Website Page. <http://www.wbienergy.com/wbienergy/transmission/north-bakken-expansion-project/ferc-filings>

Also, given your background and interest in the HDD crossings, as a FYI I have also attached the latest FERC HDD guide document that came out this past October.

If you have any other questions please feel free to e-mail me or give me a call.

Dave

David Linn PE PMP

Senior Engineering and Projects Manager
WBI Energy
2010 Montana Ave
Glendive Montana 59330
Cell 406.989.1022
Ph (406) 359-7333
e-mail dave.linn@wbienergy.com



Your package has been delivered

Tracking # 777783683855

Ship date:
Mon, 2/17/2020

Bill Stanyard
ERM
DULUTH, GA 30096
US

Delivery date:
Wed, 2/19/2020 12:31
pm

Pete Coffey
Tribes of Ft. Berthold Res.
404 Frontage Rd
NEW TOWN, ND 58763
US



Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number:	777783683855
Status:	Delivered: 02/19/2020 12:31 PM Signed for By: M.FOX
Reference:	0501732 05 06
Signed for by:	M.FOX
Delivery location:	NEW TOWN, ND
Delivered to:	Receptionist/Front Desk
Service type:	FedEx 2Day®
Packaging type:	FedEx® Box
Number of pieces:	1
Weight:	7.00 lb.
Special handling/Services:	Deliver Weekday
Standard transit:	2/19/2020 by 4:30 pm

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 12:34 PM CST on 02/19/2020.

From: Linn, Dave

Sent: Tuesday, March 3, 2020 11:17 AM

To: 'Travis Hallam' <thallam@mhanation.com>; 'Frankie Lee' <frankielee@mhanation.com>; 'Frankie Lee PE' <buffalonearwater@gmail.com>

Subject: RE: WBI Energy North Bakken Expansion 24" Pipeline Lake Crossing -Update

Travis and Frankie, it has been a couple of months since I provided you an update on our North Bakken Expansion Project and our Lake Sakajawea 24" natural gas pipeline HDD crossing near Tobacco Gardens.

- On February 14, WBI Energy formally filed the project with FERC.
- Now that pre-filing is over, from this point forward FERC will be taking lead for stakeholder and agency comment as they start the formal Project review process. I have attached a letter to you that is the typical letter send out to all official project stakeholders regarding our filing . A copy of this letter was sent to Chairman Fox and Mr. Crowsbreast at the Three Affiliated Tribes.
- Please let me know if you wish to be formally added to the FERC project stakeholder list to be included on all future FERC stakeholder communications.
- At the same time we filed with FERC, we also filed the initial 408 application with the US Army Corps of Engineers(COE) for the Lake Sakajawea HDD crossing .
- WBI has been notified by COE that we should have our over water geotech permit in the next 4 week. Our geotech contractor expects to start the remaining 8 barge based bores as soon as the ice is off the Lake in mid/late April.
- The results of these bores will be supplemental to the land based geotech information already provide to the COE.
- WBI Energy has awarded the HDD contract to Michels who is assisting us with the contractor specific plans for the 408 permit similar to what they provide for the KM bore last year.
- Engineering has designed the 24" pipe to a 0.3 design factor and plans to use 1.219' w.t. API 5L-X52 pipe for maximum wall thickness and ductility for this critical piece of pipe.
- The COE has issued a preliminary schedule showing we should have our permit for the HDD in the spring of 2021.
- Our current plan is to have Michels start the drill in May.

Please let me know if you have any other project specific questions.

Dave

David Linn PE PMP

Senior Engineering and Projects Manager

WBI Energy

2010 Montana Ave

Glendive Montana 59330

Cell 406.989.1022

Ph (406) 359-7333

e-mail dave.linn@wbienrgy.com



1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

March 3, 2020

Mr. Travis Hallum
Director, TAT Pipeline Authority
MHA TERO/Energy Complex - 2nd Floor
Suite 2200
305 4th Avenue
New Town, ND 58763

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

Dear Mr. Hallum:

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>.

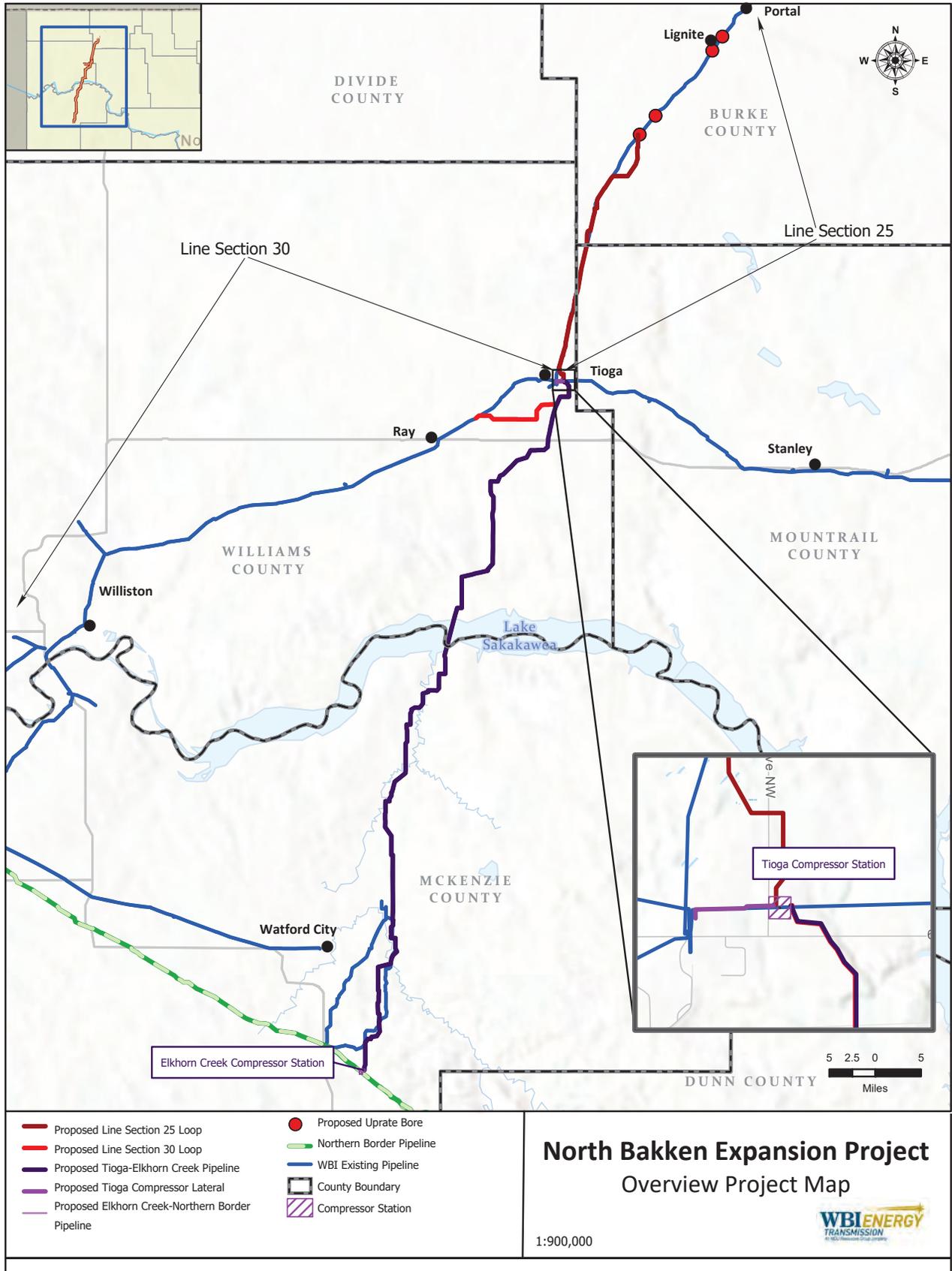
North Bakken Expansion Project
March 3, 2020
Page 3 of 3

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





1250 West Century Avenue
Mailing Address:
P.O. Box 5601
Bismarck, ND 58506-5601
(701) 530-1600

March 3, 2020

Frankie Lee
TAT Pipeline Authority
MHA TERO/Energy Complex - 2nd Floor
Suite 2200
305 4th Avenue
New Town, ND 58763

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

Dear Mr. Lee:

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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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>.

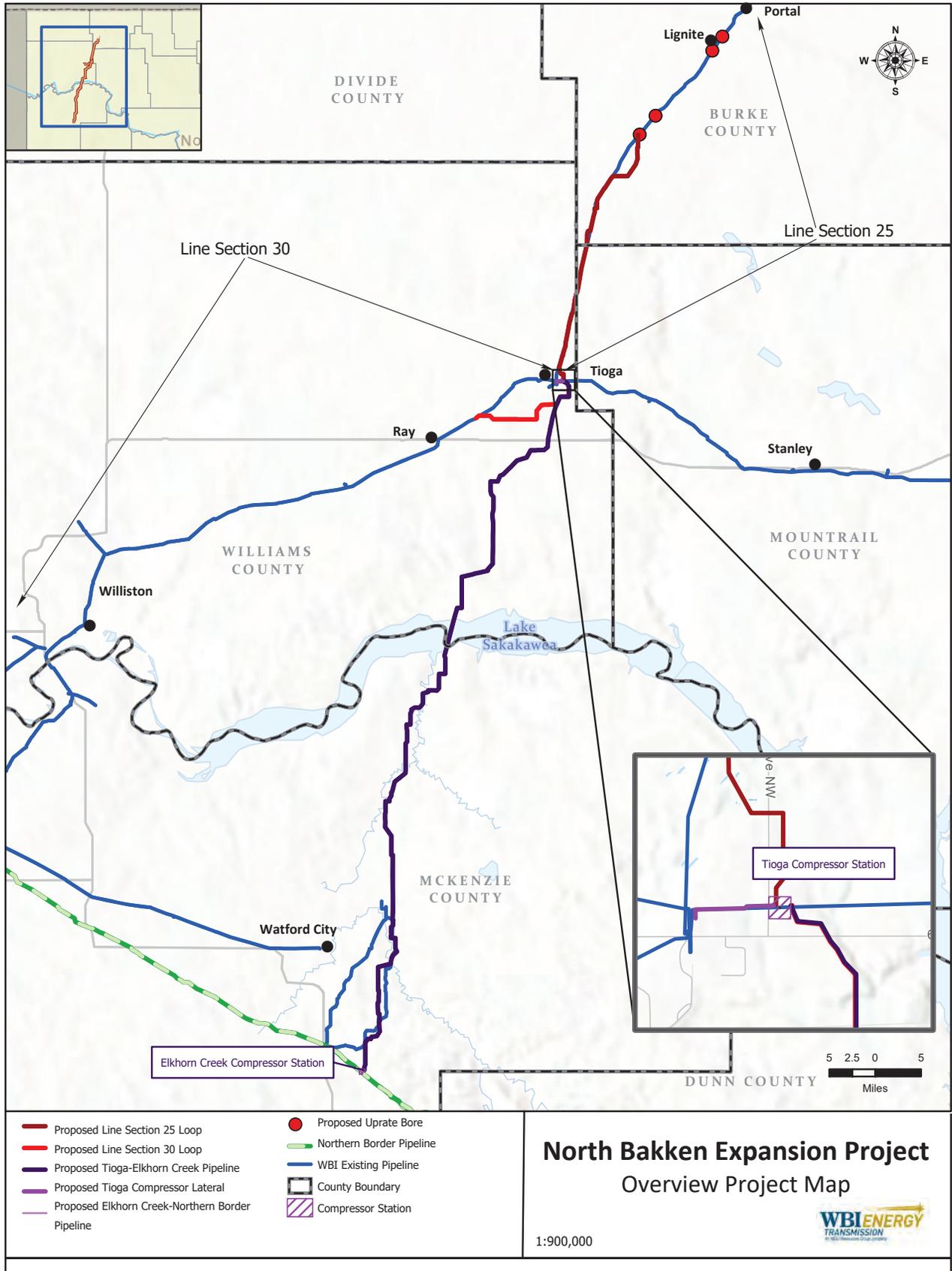
North Bakken Expansion Project
March 3, 2020
Page 3 of 3

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



Kevin Malloy

From: Kevin Malloy
Sent: Monday, March 30, 2020 1:55 PM
To: pcoffey@mhanation.com
Cc: Pat Robblee
Subject: WBI Energy, North Bakken Expansion - Additional Work
Attachments: TAT_Outreach- Additional work- Letter.pdf

Dear Mr. Coffey,

Please reference our previous correspondence regarding WBI Energy Transmission, Inc.'s (WBI Energy's) North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of the three Class III inventory reports detailing the results of the 2019 field season. Attached is a letter providing an update on the status of the Project and information on upcoming surveys planned for the spring/summer of 2020. Please let us know if you have any questions or comments on the Project.

Due to the pandemic, we are sending this letter to you via email to minimize the need for our staff, who are otherwise working from home, to go to the office or bring mail to the U.S. Post Office or another carrier; and to ensure that you are able to receive the letter if you too are working outside of your office. We respectfully ask that you acknowledge receipt of this email so we know you received the letter.

Please reach out to me with any comments, questions, or concerns you might have.

Thank you.

Kind regards,
Kevin Malloy



March 30, 2020

Pete Coffey
Tribal Historic Preservation Office
Three Affiliated Tribes of the Fort Berthold Reservation
404 Frontage Road
New Town, ND 58763-940

Subject: WBI Energy Transmission, Inc.
North Bakken Expansion Project – Upcoming Fieldwork
McKenzie, Williams, Burke, and Mountrail Counties, North Dakota
ND SHPO Ref.: 19-5593

Dear Mr. Coffey,

Please reference WBI Energy Transmission's (WBI Energy's) previous correspondence regarding the North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of Class III survey reports for the 2019 field season. The purpose of this letter is to update you on the status of the Project and inform you of upcoming field surveys, site testing, and geomorphological testing planned for spring/summer 2020.

As described in our previous correspondence, WBI Energy proposes to construct and operate new natural gas transmission facilities in Burke McKenzie, Mountrail, and Williams Counties, North Dakota. The Project is regulated by the Federal Energy Regulatory Commission (FERC) under Section 7(c) of the Natural Gas Act. Under the Energy Policy Act of 2005, FERC is the lead agency for coordinating federal authorizations and complying with the National Environmental Policy Act on natural gas pipeline projects subject to its jurisdiction. WBI Energy filed an application with FERC on February 14, 2020.

FERC also is the lead federal agency for complying with Section 106 of the National Historic Preservation Act (NHPA) on natural gas pipeline projects under its jurisdiction. In accordance with 36 CFR 800.2(c)(4), WBI Energy is assisting the FERC in meeting its obligations under Section 106 of the NHPA by coordinating with agencies and tribes and conducting surveys to identify historic properties that may be affected by the Project.

WBI Energy retained Environmental Resources Management (ERM) to conduct a Class III survey of the Project area for archaeological sites and historic structures. Between June and October 2019 ERM conducted field surveys of the Project area. As of the completion of the 2019 field season, approximately 90 percent of the Project area was examined for archaeological resources, and the entire Project area was examined for historic structures. Prior to the survey, WBI Energy and ERM contacted 13 federally recognized Indian tribes, including the Three Affiliated Tribes of the Fort Berthold Reservation, to solicit input on the Project. A monitor from the Rosebud Sioux Tribe participated in the archaeological survey beginning on September 23, 2019 and continuing through the end of the 2019 survey season. The results of the surveys are provided in the Class III reports sent to you on February 14, 2020.

Additional fieldwork is planned for spring/summer 2020 to complete the Class III survey of the Project area (including route modifications to avoid sites); conduct additional testing at a historic period homestead site (32WI2407); and conduct geomorphological coring in select floodplains to

assess the potential for deeply buried archaeological sites to occur in these areas. Addendum reports will be prepared when these investigations are complete.

While WBI Energy will conduct the fieldwork, we recognize that tribes have expertise in providing information regarding historic properties with religious or cultural significance. We continue to request your comments regarding field surveys and information on traditional cultural properties, traditional cultural landscapes, and other places of importance to the Three Affiliated Tribes of the Fort Berthold Reservation in the Project area, as well as feedback on the Class III survey reports provided to you with our February 14, 2020 letter. If you wish to participate in the upcoming field survey for the Project, you have the opportunity to do so. We anticipate that monitors from the Rosebud Sioux Tribe and Northern Cheyenne Tribe will participate in the 2020 fieldwork.

While the regulations for implementing Section 106 (36 CFR 800) allow companies like WBI Energy (and their consultants) to gather information, the FERC is responsible for all determinations required under Section 106 of the NHPA. Additionally, the FERC, not WBI Energy, is responsible for government-to-government consultations with tribes. As the Project sponsor, WBI Energy is authorized by FERC to contact tribes for information, but FERC has not delegated government-to-government consultations with tribes.

If you have any questions or comments on the Project or the reports, and/or if you wish to participate in the 2020 fieldwork, please contact me at 612-840-8976 or pat.robblee@erm.com, or Dr. Kevin Malloy at 906-285-0361 or kevin.malloy@erm.com. Please direct written correspondence to Dr. Malloy's attention at:

Environmental Resources Management
1000 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Any comments or information you provide will be sent to the FERC.

If you would like to communicate directly with the FERC natural gas archaeological staff to discuss its cultural resource review and consultation processes, please contact Eric Howard, Tribal Coordinator (at 202-502-6263 or eric.howard@ferc.gov) or Dawn Ramsey, the Cultural Resource Specialist assigned to the Project (at 202-502-6856 or dawn.ramsey@ferc.gov).

Sincerely,



Patrick Robblee
Program Director

cc: Jill Linn, WBI Energy
Andrea Thornton, ERM
Kevin Malloy, ERM

> -----Original Message-----
> From: Pete Coffey <pcoffey@mhanation.com>
> Sent: Monday, March 30, 2020 3:33 PM
> To: Kevin Malloy <Kevin.Malloy@erm.com>
> Subject: Re: WBI Energy, North Bakken Expansion - Additional Work
>
> Dr. Malloy:
>>
> thank you for the information regarding this project and please keep me informed about the upcoming
> 2020 surveys as the TAT wishes to participate in the fieldwork...
>>
> Pete Coffey, Director
> Tribal historic preservation Office
> Mandan Hidatsa Arikara
> 404 Frontage Road,
> New Town, ND, 58763
> W: 701.862.2474
> C: 701.421.8710
>
> Thought creates Reality...

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

From: Pete Coffey <pcoffey@mhanation.com>

Sent: Monday, March 30, 2020 5:56 PM

To: Kevin Malloy <Kevin.Malloy@erm.com>

Subject: Re: WBI Energy, North Bakken Expansion - Additional Work

Anytime between 9 AM and 4 PM central standard time on Thursday or Friday is fine Doctor.

Thought creates Reality...

> On Mar 30, 2020, at 5:52 PM, Kevin Malloy <Kevin.Malloy@erm.com> wrote:

>

> Hi Mr. Coffey,

>

> Thank you for the quick reply. Would there be a time later this week after Wednesday when we could discuss the project with you further on a call?

>

> Regards,

> Kevin

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

From: Kevin Malloy

Sent: Tuesday, March 31, 2020 8:31 AM

To: Pat Robblee; Pete Coffey

Subject: WBI Energy, North Bakken Expansion Project 2020 Surveys

When: Thursday, April 2, 2020 9:30 AM-10:30 AM (UTC-06:00) Central Time (US & Canada).

Where: Microsoft Teams Meeting

Hello Pat and Pete,

Let's have a call to discuss the 2020 surveys for the WBI Energy, North Bakken Expansion Project. Pete, you can dial in using the number below and the conference ID.

Regards,

Kevin

[Join Microsoft Teams Meeting](#)

[Redacted] United States, New York City (Toll)

Conference ID: [Redacted]

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[Redacted] [Alternate VTC dialing instructions](#)



If you do not have the Teams App please use Chrome or Edge Browser. Right click and copy the Join link and paste if these are not your default browser. NOTE: It will not work with Internet Explorer

From: [Pete Coffey](#)
To: [Kevin Malloy](#)
Subject: Accepted: WBI Energy, North Bakken Expansion Project 2020 Surveys
Start: Thursday, April 2, 2020 9:30:00 AM
End: Thursday, April 2, 2020 10:30:00 AM
Location: Microsoft Teams Meeting

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Three Affiliated Tribes –Pete Coffey
Phone number	701.862.2474; 701.421.8710
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	April 2, 2020
Time of Conversation	10:15 am
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy called Mr. Pete Coffey with the Three Affiliated Tribes THPO to follow up on a planned conference call for earlier in the morning in which Mr. Coffey did not join. Dr. Malloy was hoping to reschedule but there was no answer. A voicemail was left and a follow-up email was sent.

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

From: Kevin Malloy

Sent: Thursday, April 2, 2020 10:41 AM

To: Pete Coffey <pcoffey@mhanation.com>

Subject: RE: WBI Energy, North Bakken Expansion - Additional Work

Hi Mr. Coffey,

I hope this email finds you well. We had scheduled a call to discuss the upcoming 2020 field surveys for the WBI North Bakken Project this morning. We're sorry you were unable to join this call. We would be happy to reschedule the meeting for a time that is more convenient for you. We look forward to discussing the Three Affiliated Tribes participation in the upcoming field season.

Kind regards,

Kevin

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Three Affiliated Tribes –Pete Coffey
Phone number	701.862.2474; 701.421.8710
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	April 8, 2020
Time of Conversation	10:20 am
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy called Mr. Pete Coffey with the Three Affiliated Tribes THPO to follow up on a planned conference call from April 2, 2020 in which Mr. Coffey did not join. Dr. Malloy was hoping to reschedule but there was no answer. A voicemail was left and a follow-up email was sent.

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.

From: Kevin Malloy

To: "Pete Coffey"

Subject: RE: WBI Energy, North Bakken Expansion - Additional Work

Date: Wednesday, April 8, 2020 10:27:00 AM

Hello Mr. Coffey,

I hope you're doing well. I was hoping to reschedule a call with you to discuss the Three Affiliated Tribes participation in the WBI Energy's upcoming field surveys for later in the spring. Please feel free to reach out to me with any questions you might have.

Kind regards,

Kevin

Northern Cheyenne Tribe

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Signature <input type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p>C. Date of Delivery <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>												
<p>1. Article Addressed to:</p> <p>Teanna Limpy, THPO Northern Cheyenne Tribe P.O. Box 128 Lame Deer, MT 59043-0128</p>  <p>9590 9402 4954 9063 6401 21</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
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<p>2. Article Identification Number: 7019 1120 0001 8701 9038</p> <p>PS Form 3811, July 2015 PSN 7530-02-000-9063</p>	<p>Domestic Return Receipt</p>												

<p>USPS TRACKING #</p>  <p>9590 9402 4954 9063 6401 21</p>	<p>First-Class Mail Postage & Fees Paid USPS Permit No. G-10</p>
<p>United States Postal Service</p> <p>RECEIVED FEB 24 2020 BY: [Signature]</p>	<p>* Sender: Please print your name, address, and ZIP+4® in this box*</p> <p>ERM ATTN: Pat Robblee 3300 Breckinridge Blvd Suit 300 Duluth GA 30096</p>

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Status

 **Delivered**

Your item was picked up at the post office at 10:19 am on February 21, 2020 in LAME DEER, MT 59043.

February 21, 2020 at 10:19 am
 Delivered, Individual Picked Up at Post Office
 LAME DEER, MT 59043

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Delivered

Call Log

Log of Telephone Conversation



Call To/From Whom	From Gary LaFranier, Northern Cheyenne Tribe, Federal Communications Commission Coordinator
Phone number	406.477.4838
Company	Northern Cheyenne Tribe
ERM Contact	Pat Robblee
Phone number	612-840-8976
Date	March 13, 2020
Time of Conversation	10:30 a.m. (e.s.t.)
Reference	North Bakken Expansion Project

Signature**LOG OF CONVERSATION**

Mr. LaFranier called Mr. Robblee to discuss Mr. LaFranier's review of the Class III Archaeological Survey Report for WBI Energy's North Bakken Expansion Project. Mr. LaFranier said that while the transmittal letter for the report is dated February 14, 2020, the Northern Cheyenne Tribe did not receive the report until February 21, 2020. Mr. LaFranier said his review of the report will not be complete for another week or so. Mr. Robblee suggested a call in a couple weeks to discuss the survey results from 2019 and WBI Energy's plans for additional survey in 2020. Mr. LaFranier concurred. Mr. Robblee said he will contact Mr. LaFranier in a couple weeks to schedule a call if he hasn't heard back from Mr. LaFranier before then.

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 Log

Log of Telephone Conversation

Call To/From Whom	To: Northern Cheyenne Tribe – Gary LaFranier
Phone number	406.740.0161
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	March 19, 2020
Time of Conversation	11:58 am
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy received a call from Gary LaFranier with the THPO office for the Northern Cheyenne Tribe. Given the current crisis with the Covid-19 virus, Mr. LaFranier requested additional time to read the Class III report for the project. Mr. LaFranier additionally commented on the high quality of the report and the report's level of detail. Mr. LaFranier also said the Northern Cheyenne Tribe would like to participate in the surveys planned for 2020. He would like to set up a call with WBI Energy and ERM to discuss this further, once survey planning is further under way.

Call Log

Log of Telephone Conversation

Call To/From Whom	To: Northern Cheyenne Tribe – Gary Lafranier
Phone number	406.740.0161
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	March 30, 2020
Time of Conversation	1:08 pm
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy called Gary Lafranier with the THPO office for the Northern Cheyenne Tribe to ask for his email address so that we could cc him on an outreach letter regarding additional fieldwork.

From: [Kevin Malloy](#)
To: teanna.limpy@cheyennenation.com
Cc: gary.lafranier@cheyennenation.com; [Pat Robblee](#)
Subject: WBI Energy, North Bakken Expansion Project - Additional Work
Date: Monday, March 30, 2020 1:17:00 PM
Attachments: [NCT_Outreach-Additional work- Letter.pdf](#)

Dear Ms. Limpy,

Please reference our previous correspondence regarding WBI Energy Transmission, Inc.'s (WBI Energy's) North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of the three Class III inventory reports detailing the results of the 2019 field season. Attached is a letter providing an update on the status of the Project and information on upcoming surveys planned for the spring/summer of 2020. We are hoping you will be available for a call later this week or next to review the survey results from 2019 and discuss the survey plan for 2020, including your interest in participating in these surveys.

Due to the pandemic, we are sending this letter to you via email to minimize the need for our staff, who are otherwise working from home, to go to the office or bring mail to the U.S. Post Office or another carrier; and to ensure that you are able to receive the letter if you too are working outside of your office. We respectfully ask that you acknowledge receipt of this email so we know you received the letter.

Please reach out to me with any comments, questions, or concerns you might have.

Thank you.

Kind Regards,
Kevin Malloy

March 30, 2020

Via E-Mail

Teanna Limpy
Tribal Historic Preservation Officer
Northern Cheyenne Tribe
PO Box 128
Lame Deer, MT 59043-0128



Subject: WBI Energy Transmission, Inc.
North Bakken Expansion Project – Upcoming Fieldwork
McKenzie, Williams, Burke, and Mountrail Counties, North Dakota
ND SHPO Ref.: 19-5593

Dear Ms. Limpy:

Please reference WBI Energy Transmission's (WBI Energy's) previous correspondence regarding the North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of Class III survey reports for the 2019 field season. The purpose of this letter is to update you on the status of the Project and inform you of upcoming field surveys, site testing, and geomorphological testing planned for spring/summer 2020.

As described in our previous correspondence, WBI Energy proposes to construct and operate new natural gas transmission facilities in Burke McKenzie, Mountrail, and Williams Counties, North Dakota. The Project is regulated by the Federal Energy Regulatory Commission (FERC) under Section 7(c) of the Natural Gas Act. Under the Energy Policy Act of 2005, FERC is the lead agency for coordinating federal authorizations and complying with the National Environmental Policy Act on natural gas pipeline projects subject to its jurisdiction. WBI Energy filed an application with FERC on February 14, 2020.

FERC also is the lead federal agency for complying with Section 106 of the National Historic Preservation Act (NHPA) on natural gas pipeline projects under its jurisdiction. In accordance with 36 CFR 800.2(c)(4), WBI Energy is assisting the FERC in meeting its obligations under Section 106 of the NHPA by coordinating with agencies and tribes and conducting surveys to identify historic properties that may be affected by the Project.

WBI Energy retained Environmental Resources Management (ERM) to conduct a Class III survey of the Project area for archaeological sites and historic structures. Between June and October 2019 ERM conducted field surveys of the Project area. As of the completion of the 2019 field season, approximately 90 percent of the Project area was examined for archaeological resources, and the entire Project area was examined for historic structures. Prior to the survey, WBI Energy and ERM contacted 13 federally recognized Indian tribes, including the Northern Cheyenne Tribe, to solicit input on the Project. A monitor from the Rosebud Sioux Tribe participated in the archaeological survey beginning on September 23, 2019 and continuing through the end of the 2019 survey season. The results of the surveys are provided in the Class III reports sent to you on February 14, 2020.

Additional fieldwork is planned for spring/summer 2020 to complete the Class III survey of the Project area (including route modifications to avoid sites); conduct additional testing at a historic period homestead site (32WI2407); and conduct geomorphological coring in select floodplains to

assess the potential for deeply buried archaeological sites to occur in these areas. Addendum reports will be prepared when these investigations are complete.

While WBI Energy will conduct the fieldwork, we recognize that tribes have expertise in providing information regarding historic properties with religious or cultural significance. We continue to request your comments regarding field surveys and information on traditional cultural properties, traditional cultural landscapes, and other places of importance to the Northern Cheyenne Tribe in the Project area, as well as feedback on the Class III survey reports provided to you with our February 14, 2020 letter. We anticipate that a monitor from the Rosebud Sioux Tribe will participate in the 2020 fieldwork. Additionally, we understand that the Northern Cheyenne Tribe plans to participate in these studies. We will contact you to schedule a call in the coming weeks to discuss the survey results from 2019, the status of the Project, and logistics for the upcoming field investigations to be completed in 2020.

While the regulations for implementing Section 106 (36 CFR 800) allow companies like WBI Energy (and their consultants) to gather information, the FERC is responsible for all determinations required under Section 106 of the NHPA. Additionally, the FERC, not WBI Energy, is responsible for government-to-government consultations with tribes. As the Project sponsor, WBI Energy is authorized by FERC to contact tribes for information, but FERC has not delegated government-to-government consultations with tribes.

If you have any questions or comments on the Project or the reports, please contact me at 612-840-8976 or pat.robblee@erm.com, or Dr. Kevin Malloy at 906-285-0361 or kevin.malloy@erm.com. Please direct written correspondence to Dr. Malloy's attention at:

Environmental Resources Management
1000 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Any comments or information you provide will be sent to the FERC.

If you would like to communicate directly with the FERC natural gas archaeological staff to discuss its cultural resource review and consultation processes, please contact Eric Howard, Tribal Coordinator (at 202-502-6263 or eric.howard@ferc.gov) or Dawn Ramsey, the Cultural Resource Specialist assigned to the Project (at 202-502-6856 or dawn.ramsey@ferc.gov).

Sincerely,



Patrick Robblee
Program Director

cc: Jill Linn, WBI Energy
Andrea Thornton, ERM
Kevin Malloy, ERM

Call Log

Log of Telephone Conversation

Call To/From Whom	To: Northern Cheyenne Tribe – Teanna Limpy
Phone number	406.477.4839
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	March 31, 2020
Time of Conversation	2:19 pm
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy called Teanna Limpy with the THPO office for the Northern Cheyenne Tribe to confirm that she received the survey update letter we emailed on March 30, 2020. She confirmed they did receive it. Dr. Malloy also requested a meeting to discuss the upcoming surveys for the 2020 field season and the NCT's participation. She suggested Tuesday April 7th, 2020 at 1:30 mountain time (2:30 cst).

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

From: Kevin Malloy <Kevin.Malloy@erm.com>

Sent: Tuesday, March 31, 2020 3:31 PM

To: Kevin Malloy; teanna.limpy@cheyennenation.com; gary.lafranier@cheyennenation.com; Pat Robblee

Subject: WBI Energy North Bakken Expansion Project 2020 Surveys Discussion

When: Tuesday, April 7, 2020 2:30 PM-3:30 PM (UTC-06:00) Central Time (US & Canada).

Where: Microsoft Teams Meeting

Hello Teanna and Gary,

We would like to discuss the Northern Cheyenne Tribe's participation in the upcoming surveys for the WBI Energy, North Bakken Expansion Project. You can use the phone number and the Conference ID code below to dial into the meeting.

We look forward to speaking with you!

Best,

Kevin Malloy

[Join Microsoft Teams Meeting](#)

[REDACTED] United States, New York City (Toll)

Conference ID: [REDACTED]

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MEETING NOTES

LOG OF IN PERSON MEETING

MEETING ATTENDEES:

Pat Robblee (ERM), Kevin Malloy (ERM), Teanna Limpy (Northern Cheyenne Tribe), Gary LaFranier (Northern Cheyenne Tribe)

DATE:

04/07/2020

TIME OF CONVERSATION:

2:30 cst

RE:

WBI North Bakken Expansion Project 2020 Archaeological Surveys

PREPARED BY:

Kevin Malloy

LOG OF CONVERSATION:

- Kevin Malloy welcomed the meeting attendees to the call.
- Pat Robblee discussed the remaining survey work needed and approximate mobilization schedule for the upcoming 2020 field season.
- Teanna Limpy and Gary LaFranier confirmed the Northern Cheyenne Tribe's intent to participate in the surveys.
- Teanna Limpy confirmed the Northern Cheyenne Tribe's interest in visiting sites recorded during the 2019 field season; the sites to be revisited will be determined through further discussion as the tribe completes its review of the Class III reports on the 2019 survey results.
- Teanna Limpy suggested a meeting with WBI Energy/ERM just prior to the site visits and resumption of field surveys, followed by a tribal meeting afterward to review and discuss sites. Pat Robblee committed to working with the Northern Cheyenne Tribe to schedule this meeting.
- Pat Robblee asked if the tribe has comments or questions on the Class III reports on the 2019 survey results. Gary LaFranier complimented the quality of the report and asked a question about the temporal affiliation of one site, but otherwise indicated that the tribe's review of the report is ongoing. The tribe plans to submit written comments on the report when its review is complete.
- Pat Robblee and Teanna Limpy discussed contracting for tribal monitors. Pat Robblee said that WBI Energy will contact the tribe directly to further discuss contracting.
- Pat Robblee said ERM will keep in touch with the tribe as survey plans and the schedule are finalized.
- The meeting was concluded.

Cheyenne River Sioux Tribe



February 28th, 2020

Steve Vance
Tribal Historic Preservation Office
Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, SD, 57625-0590

Subject: WBI Energy Transmission, Inc.
North Bakken Expansion Project – Class III Survey Reports
McKenzie, Williams, Burke, and Mountrail Counties, North Dakota
ND SHPO Ref.: 19-5593

Dear Mr. Vance:

Please reference WBI Energy Transmission, Inc.'s (WBI Energy's) previous correspondence regarding the above referenced project. WBI Energy proposes to construct and operate the North Bakken Expansion Project (Project) in McKenzie, Williams, Burke, and Mountrail Counties, North Dakota. The Project consists of a new, approximately 61.9-mile-long, 24-inch-diameter, natural gas transmission pipeline (referred to as the Tioga-Elkhorn Creek Pipeline) from new facilities at WBI Energy's existing 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 includes:

- approximately 0.3 mile of new, 24-inch-diameter natural gas pipeline (referred to as the Elkhorn Creek-Northern Border Pipeline) between the proposed Elkhorn Creek Compressor Station and a new interconnect with Northern Border Pipeline Company's mainline;
- approximately 20.4 miles of new 12-inch-diameter natural gas pipeline looping (referred to as the Line Section 25 Loop) along WBI Energy's Line Section 25;
- approximately 9.4 miles of new 12-inch-diameter natural gas pipeline looping (referred to as the Line Section 30 Loop) along WBI Energy's Line Section 30;
- approximately 0.5 mile of new 20-inch-diameter natural gas receipt lateral (referred to as the Tioga Compressor Lateral) between the Tioga Plant Receipt Station and the new facilities at the existing Tioga Compressor Station;
- modifications/uprates to the existing Line Section 25; and
- installation of new and modifications to existing measurement, delivery, receipt, and transfer stations along WBI Energy's pipeline routes.

The Project is regulated by the Federal Energy Regulatory Commission (FERC) under Section 7(c) of the Natural Gas Act. Under the Energy Policy Act of 2005, FERC is the lead agency for coordinating federal authorizations and complying with the National Environmental Policy Act on natural gas pipeline projects subject to its jurisdiction. FERC similarly is the lead federal agency for complying with Section 106 of the National Historic Preservation Act (NHPA) on natural gas pipeline projects under its jurisdiction. In accordance with 36 CFR 800.2(c)(4), WBI Energy is assisting the FERC in meeting its obligations under Section 106 of the NHPA by coordinating with agencies and tribes and conducting surveys to identify historic properties that may be affected by the Project.

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.

Portions of the Project cross federal lands managed by the U.S. Army Corps of Engineers (COE) and U.S. Forest Service (USFS). Archaeological survey of these lands was completed in accordance with Archaeological Resources Protection Act permits issued by the COE and USFS to ERM.

WBI Energy and ERM contacted 13 federally recognized Indian tribes, including the Cheyenne River Sioux Tribe, to solicit input on the Project. A monitor from one tribe, the Rosebud Sioux Tribe, participated in the archaeological survey beginning on September 23 and continuing through the end of the survey season.

To date, archaeological survey of the proposed Project facilities 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.

Twenty-four sites and all 12 isolated finds are recommended not eligible for listing in the National Register of Historic Places (NRHP). The NRHP-eligibility of the remaining 37 sites is undetermined. Of these, 19 sites (all of which contain prehistoric stone surface features) are located greater than 25 feet from the construction footprint for the Project. Because these sites will not be affected by Project construction activities, no additional work at the sites is recommended. Thirteen unevaluated sites (including 11 that contain prehistoric stone surface features) are located outside of the construction footprint for the Project, but within 25 feet of construction workspace. While these sites will not be affected by Project construction activities, fencing of the edge of the construction right-of-way in areas adjacent to these sites is recommended to ensure they are adequately protected during construction. Five unevaluated sites (including one with prehistoric stone surface features) are located within the construction footprint of the Project; avoidance or additional testing of these sites is recommended.

The historic structures survey documented or revisited 16 resources. Of these, six resources are recommended not eligible for listing in the NRHP; no further work at these resources is recommended. The NRHP-eligibility of 10 resources is undetermined, but the Project would not result in an adverse impact on these resources assuming they are or could be eligible. No additional work at these sites is recommended.

Enclosed please find Class III survey reports for the archaeological and historic structures surveys. In discussions with ERM, the USFS requested a separate standalone report for the archaeological survey on USFS lands. Although our main report includes the survey results for USFS lands, we are also providing you with the separate standalone report (abstracted from the main report) which we prepared for USFS lands so you have a complete record of the survey reports prepared to date for the Project.

Fieldwork for the outstanding archaeological survey is planned for the 2020 field season. While WBI Energy is conducting this survey, we also recognize that tribes have expertise in providing information regarding historic properties with religious or cultural significance and we request your comments regarding the potential of the Project to affect these sites. If you wish to participate in the field survey for the Project, you have the opportunity to do so. We anticipate that a monitor from the

Rosebud Sioux Tribe will participate in the 2020 survey. We continue to request your comments regarding field surveys and information on traditional cultural properties, traditional cultural landscapes, and other places of importance to the Cheyenne River Sioux Tribe in the Project area.

While the regulations for implementing Section 106 (36 Code of Federal Regulations 800) allow companies like WBI Energy (and their consultants) to gather information, the FERC is responsible for all determinations required under Section 106 of the NHPA. Additionally, the FERC, not WBI Energy, is responsible for government-to-government consultations with tribes. As the project sponsor, WBI Energy is authorized by FERC to contact tribes for information, but FERC has not delegated government-to-government consultations with tribes.

If you have any questions or comments on the Project or the reports, please contact me at 612-840-8976 or pat.robblee@erm.com, or Dr. Kevin Malloy at 906-285-0361 or kevin.malloy@erm.com. Please direct written correspondence to Dr. Malloy's attention at:

Environmental Resources Management
1000 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Any comments or information you provide will be sent to the FERC.

If you would like to communicate directly with the FERC natural gas archaeological staff to discuss its cultural resource review and consultation processes, please contact Eric Howard, Tribal Coordinator (at 202-502-6263 or eric.howard@ferc.gov) or Dawn Ramsey, the Cultural Resource Specialist assigned to the North Bakken Expansion Project (at 202-502-6856 or dawn.ramsey@ferc.gov).

Sincerely,



Patrick Robblee
Program Director

Enclosures: Class III Archaeological Survey Report
Class III Archaeological Survey Report for USFS Lands
Class III Historic Structures Survey Report

cc: Jill Linn, WBI Energy
Andrea Thornton, ERM
Kevin Malloy, ERM
Emily Laird, ERM

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p><input checked="" type="checkbox"/> <i>Verrick Marlow</i> <input type="checkbox"/> Agent</p> <p><input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Verrick Marlow</i> G-Date of Delivery <i>3/4/20</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Steve Vance, THPO Cheyenne River Sioux Tribe PO Box 590 Eagle Butte, SD, 57625-0590</p> <p>9590 9402 5257 9154 1730 10</p> <p>2. Article # <i>7018 1130 0001 1254 4428</i></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
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From: [Kevin Malloy](#)
To: steve.vance@crst-nsn.gov
Cc: [Pat Robblee](#)
Subject: WBI Energy, North Bakken Expansion Project - Additional Work
Date: Monday, March 30, 2020 1:30:00 PM
Attachments: [CRS_Outreach-Additional work- Letter.pdf](#)

Dear Mr. Vance,

Please reference our previous correspondence regarding WBI Energy Transmission, Inc.'s (WBI Energy's) North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of the three Class III inventory reports detailing the results of the 2019 field season. Attached is a letter providing an update on the status of the Project and information on upcoming surveys planned for the spring/summer of 2020. Please let us know if you have any questions or comments on the Project.

Due to the pandemic, we are sending this letter to you via email to minimize the need for our staff, who are otherwise working from home, to go to the office or bring mail to the U.S. Post Office or another carrier; and to ensure that you are able to receive the letter if you too are working outside of your office. We respectfully ask that you acknowledge receipt of this email so we know you received the letter.

Please reach out to me with any comments, questions, or concerns you might have.

Thank you.

Kind regards,
Kevin Malloy



March 30, 2020

Steve Vance
Tribal Historic Preservation Office
Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, SD, 57625-0590

Subject: WBI Energy Transmission, Inc.
North Bakken Expansion Project – Upcoming Fieldwork
McKenzie, Williams, Burke, and Mountrail Counties, North Dakota
ND SHPO Ref.: 19-5593

Dear Mr. Vance

Please reference WBI Energy Transmission's (WBI Energy's) previous correspondence regarding the North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of Class III survey reports for the 2019 field season. The purpose of this letter is to update you on the status of the Project and inform you of upcoming field surveys, site testing, and geomorphological testing planned for spring/summer 2020.

As described in our previous correspondence, WBI Energy proposes to construct and operate new natural gas transmission facilities in Burke McKenzie, Mountrail, and Williams Counties, North Dakota. The Project is regulated by the Federal Energy Regulatory Commission (FERC) under Section 7(c) of the Natural Gas Act. Under the Energy Policy Act of 2005, FERC is the lead agency for coordinating federal authorizations and complying with the National Environmental Policy Act on natural gas pipeline projects subject to its jurisdiction. WBI Energy filed an application with FERC on February 14, 2020.

FERC also is the lead federal agency for complying with Section 106 of the National Historic Preservation Act (NHPA) on natural gas pipeline projects under its jurisdiction. In accordance with 36 CFR 800.2(c)(4), WBI Energy is assisting the FERC in meeting its obligations under Section 106 of the NHPA by coordinating with agencies and tribes and conducting surveys to identify historic properties that may be affected by the Project.

WBI Energy retained Environmental Resources Management (ERM) to conduct a Class III survey of the Project area for archaeological sites and historic structures. Between June and October 2019 ERM conducted field surveys of the Project area. As of the completion of the 2019 field season, approximately 90 percent of the Project area was examined for archaeological resources, and the entire Project area was examined for historic structures. Prior to the survey, WBI Energy and ERM contacted 13 federally recognized Indian tribes, including the Cheyenne River Sioux Tribe, to solicit input on the Project. A monitor from the Rosebud Sioux Tribe participated in the archaeological survey beginning on September 23, 2019 and continuing through the end of the 2019 survey season. The results of the surveys are provided in the Class III reports sent to you on February 14, 2020.

Additional fieldwork is planned for spring/summer 2020 to complete the Class III survey of the Project area (including route modifications to avoid sites); conduct additional testing at a historic period homestead site (32W12407); and conduct geomorphological coring in select floodplains to assess the potential for deeply buried archaeological sites to occur in these areas. Addendum reports will be prepared when these investigations are complete.

While WBI Energy will conduct the fieldwork, we recognize that tribes have expertise in providing information regarding historic properties with religious or cultural significance. We continue to request your comments regarding field surveys and information on traditional cultural properties, traditional cultural landscapes, and other places of importance to the Cheyenne River Sioux Tribe in the Project area, as well as feedback on the Class III survey reports provided to you with our February 14, 2020 letter. If you wish to participate in the upcoming field survey for the Project, you have the opportunity to do so. We anticipate that monitors from the Rosebud Sioux Tribe and Northern Cheyenne Tribe will participate in the 2020 fieldwork.

While the regulations for implementing Section 106 (36 CFR 800) allow companies like WBI Energy (and their consultants) to gather information, the FERC is responsible for all determinations required under Section 106 of the NHPA. Additionally, the FERC, not WBI Energy, is responsible for government-to-government consultations with tribes. As the Project sponsor, WBI Energy is authorized by FERC to contact tribes for information, but FERC has not delegated government-to-government consultations with tribes.

If you have any questions or comments on the Project or the reports, and/or if you wish to participate in the 2020 fieldwork, please contact me at 612-840-8976 or pat.robblee@erm.com, or Dr. Kevin Malloy at 906-285-0361 or kevin.malloy@erm.com. Please direct written correspondence to Dr. Malloy's attention at:

Environmental Resources Management
1000 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Any comments or information you provide will be sent to the FERC.

If you would like to communicate directly with the FERC natural gas archaeological staff to discuss its cultural resource review and consultation processes, please contact Eric Howard, Tribal Coordinator (at 202-502-6263 or eric.howard@ferc.gov) or Dawn Ramsey, the Cultural Resource Specialist assigned to the Project (at 202-502-6856 or dawn.ramsey@ferc.gov).

Sincerely,



Patrick Robblee
Program Director

cc: Jill Linn, WBI Energy
Andrea Thornton, ERM
Kevin Malloy, ERM

From: Kevin Malloy <Kevin.Malloy@erm.com>
Sent: Wednesday, April 8, 2020 11:40 AM
To: steve.vance@crst-nsn.gov
Cc: Pat Robblee <Pat.Robblee@erm.com>
Subject: RE: WBI Energy, North Bakken Expansion Project - Additional Work

Dear Mr. Vance,

I hope this email finds you well. I am writing to confirm you received the letter we emailed on March 30, 2020 regarding the WBI Energy Transmission, Inc.'s North Bakken Expansion Project (Project). The letter contained an update on the Project's status, and additional information regarding the upcoming surveys that are planned for this spring/summer. Please feel free to reach out to me with any questions or comments you might have.

Kind regards,

Kevin Malloy

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Cheyenne River Sioux Tribe – Steve Vance
Phone number	605.964.7554
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	April 13, 2020
Time of Conversation	9:33 am
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy called the Cheyenne River Sioux Tribe THPO to speak with Mr. Steve Vane in order to confirm they received the Project update letter we sent out on March 30, 2020. No one answered and a message was left.

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Fort Peck Assiniboine and Sioux Tribes

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<p>1. Article Addressed to:</p> <p>Dyan Youpel, TPO Assiniboine & Sioux Tribes of the Fort Peck Reservation PO Box 1027 Poplar, MT 59255</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p>
 9590 9402 4954 9063 6401 14	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. 7019 1120 0001 8701 9007</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
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From: [Kevin Malloy](#)
To: d.youpee@fortpecktribes.net
Cc: [Pat Robblee](#)
Subject: WBI Energy, North Bakken Project - Additional Work
Date: Monday, March 30, 2020 12:59:00 PM
Attachments: [AST_Outreach-Additional work- Letter .pdf](#)

Dear Ms. Youpee,

Please reference our previous correspondence regarding WBI Energy Transmission, Inc.'s (WBI Energy's) North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of the three Class III inventory reports detailing the results of the 2019 field season. Attached is a letter providing an update on the status of the Project and information on upcoming surveys planned for the spring/summer of 2020. We are hoping you will be available for a call later this week or next to review the survey results from 2019 and discuss the survey plan for 2020, including your interest in participating in these surveys.

Due to the pandemic, we are sending this letter to you via email to minimize the need for our staff, who are otherwise working from home, to go to the office or bring mail to the U.S. Post Office or another carrier; and to ensure that you are able to receive the letter if you too are working outside of your office. We respectfully ask that you acknowledge receipt of this email so we know you received the letter.

Please reach out to me with any comments, questions, or concerns you might have.

Thank you.

Kind regards,
Kevin Malloy



March 30, 2020

Via E-Mail

Dyan Youpee
Tribal Historic Preservation Officer
Fort Peck Reservation Assiniboine and Sioux Tribes
PO Box 1027
Poplar, MT 59255

Subject: WBI Energy Transmission, Inc.
North Bakken Expansion Project – Upcoming Fieldwork
McKenzie, Williams, Burke, and Mountrail Counties, North Dakota
ND SHPO Ref.: 19-5593

Dear Ms. Youpee:

Please reference WBI Energy Transmission's (WBI Energy's) previous correspondence regarding the North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of Class III survey reports for the 2019 field season. The purpose of this letter is to update you on the status of the Project and inform you of upcoming field surveys, site testing, and geomorphological testing planned for spring/summer 2020.

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FERC also is the lead federal agency for complying with Section 106 of the National Historic Preservation Act (NHPA) on natural gas pipeline projects under its jurisdiction. In accordance with 36 CFR 800.2(c)(4), WBI Energy is assisting the FERC in meeting its obligations under Section 106 of the NHPA by coordinating with agencies and tribes and conducting surveys to identify historic properties that may be affected by the Project.

WBI Energy retained Environmental Resources Management (ERM) to conduct a Class III survey of the Project area for archaeological sites and historic structures. Between June and October 2019 ERM conducted field surveys of the Project area. As of the completion of the 2019 field season, approximately 90 percent of the Project area was examined for archaeological resources, and the entire Project area was examined for historic structures. Prior to the survey, WBI Energy and ERM contacted 13 federally recognized Indian tribes, including the Fort Peck Reservation Assiniboine and Sioux Tribes, to solicit input on the Project. A monitor from the Rosebud Sioux Tribe participated in the archaeological survey beginning on September 23, 2019 and continuing through the end of the 2019 survey season. The results of the surveys are provided in the Class III reports sent to you on February 14, 2020.

Additional fieldwork is planned for spring/summer 2020 to complete the Class III survey of the Project area (including route modifications to avoid sites); conduct additional testing at a historic

period homestead site (32WI2407); and conduct geomorphological coring in select floodplains to assess the potential for deeply buried archaeological sites to occur in these areas. Addendum reports will be prepared when these investigations are complete.

While WBI Energy will conduct the fieldwork, we recognize that tribes have expertise in providing information regarding historic properties with religious or cultural significance. We continue to request your comments regarding field surveys and information on traditional cultural properties, traditional cultural landscapes, and other places of importance to the Fort Peck Reservation Assiniboine and Sioux Tribes in the Project area, as well as feedback on the Class III survey reports provided to you with our February 14, 2020 letter. We anticipate that monitors from the Rosebud Sioux Tribe and Northern Cheyenne Tribe will participate in the 2020 fieldwork. We would like to discuss with you your interest in also participating in this work. We will contact you to schedule a call in the coming weeks to discuss the survey results from 2019, the status of the Project, and logistics for the upcoming field investigations to be completed in 2020.

While the regulations for implementing Section 106 (36 CFR 800) allow companies like WBI Energy (and their consultants) to gather information, the FERC is responsible for all determinations required under Section 106 of the NHPA. Additionally, the FERC, not WBI Energy, is responsible for government-to-government consultations with tribes. As the Project sponsor, WBI Energy is authorized by FERC to contact tribes for information, but FERC has not delegated government-to-government consultations with tribes.

If you have any questions or comments on the Project or the reports, please contact me at 612-840-8976 or pat.robblee@erm.com, or Dr. Kevin Malloy at 906-285-0361 or kevin.malloy@erm.com. Please direct written correspondence to Dr. Malloy's attention at:

Environmental Resources Management
1000 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Any comments or information you provide will be sent to the FERC.

If you would like to communicate directly with the FERC natural gas archaeological staff to discuss its cultural resource review and consultation processes, please contact Eric Howard, Tribal Coordinator (at 202-502-6263 or eric.howard@ferc.gov) or Dawn Ramsey, the Cultural Resource Specialist assigned to the Project (at 202-502-6856 or dawn.ramsey@ferc.gov).

Sincerely,



Patrick Robblee
Program Director

cc: Jill Linn, WBI Energy
Andrea Thornton, ERM
Kevin Malloy, ERM

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	March 31, 2020
Time of Conversation	2:47 pm
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy attempted to contact Dyan Youpee with the THPO office for the Fort Peck Assiniboine & Sioux Tribes in order to set up a meeting to discuss upcoming field work and confirm they received the update letter sent on March 30, 2020. There was no answer, so a message was left.

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From: Kevin Malloy <Kevin.Malloy@erm.com>
Sent: Wednesday, April 8, 2020 11:41 AM
To: d.youpee@fortpecktribes.net
Cc: Pat Robblee <Pat.Robblee@erm.com>
Subject: RE: WBI Energy, North Bakken Project - Additional Work

Dear Ms. Youpee,

I hope this email finds you well. I am writing to confirm you received the letter we emailed on March 30, 2020 regarding the WBI Energy Transmission, Inc.'s North Bakken Expansion Project (Project). The letter contained an update on the Project's status, and additional information regarding the upcoming surveys that are planned for this spring/summer. Please feel free to reach out to me with any questions or comments you might have.

Kind regards,

Kevin Malloy

Call Log

Log of Telephone Conversation



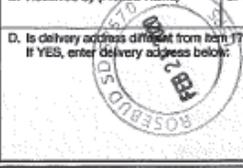
Call To/From Whom	To: Fort Peck Assiniboine & Sioux Tribes – Dyan Youpee
Phone number	406.768.2382
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	April 13, 2020
Time of Conversation	12:22 pm
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy attempted to contact Ms. Dyan Youpee the Fort Peck Assiniboine & Sioux Tribes THPO to confirm receipt of WBI's Project update letter that was emailed on March 30th, 2020. No one answered and a message was left.

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.

Rosebud Sioux Tribe

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<p>1. Article Addressed to:</p> <p>Ben Rhodd, THPO Rosebud Sioux Tribe P.O. Box 809 Rosebud, SD 57570</p>  <p>9590 9402 4954 9063 6401 07</p>	 <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
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Your item was delivered at 2:17 pm on February 21, 2020 in ROSEBUD, SD 57570.

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Delivered
ROSEBUD, SD 57570

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From: [Kevin Malloy](#)
To: rst.thpo@rst-nsn.gov
Cc: [Pat Robblee](#)
Subject: WBI Energy, North Bakken Expansion Project - Additional Work
Date: Monday, March 30, 2020 1:07:00 PM
Attachments: [RST_Outreach-Additional work- Letter.pdf](#)

Dear Mr. Rhodd,

Please reference our previous correspondence regarding WBI Energy Transmission, Inc.'s (WBI Energy's) North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of the three Class III inventory reports detailing the results of the 2019 field season. Attached is a letter providing an update on the status of the Project and information on upcoming surveys planned for the spring/summer of 2020. We are hoping you will be available for a call later this week or next to review the survey results from 2019 and discuss the survey plan for 2020, including your interest in participating in these surveys.

Due to the pandemic, we are sending this letter to you via email to minimize the need for our staff, who are otherwise working from home, to go to the office or bring mail to the U.S. Post Office or another carrier; and to ensure that you are able to receive the letter if you too are working outside of your office. We respectfully ask that you acknowledge receipt of this email so we know you received the letter.

Please reach out to me with any comments, questions, or concerns you might have.

Thank you

Kind regards,
Kevin Malloy



March 30, 2020

Via E-Mail

Ben Rhodd
Tribal Historic Preservation Officer
Rosebud Sioux Tribe
PO Box 809
Rosebud, SD 57570

Subject: WBI Energy Transmission, Inc.
North Bakken Expansion Project – Upcoming Fieldwork
McKenzie, Williams, Burke, and Mountrail Counties, North Dakota
ND SHPO Ref.: 19-5593

Dear Mr. Rhodd:

Please reference WBI Energy Transmission's (WBI Energy's) previous correspondence regarding the North Bakken Expansion Project (Project), including our letter dated February 14, 2020 transmitting copies of Class III survey reports for the 2019 field season. The purpose of this letter is to update you on the status of the Project and inform you of upcoming field surveys, site testing, and geomorphological testing planned for spring/summer 2020.

As described in our previous correspondence, WBI Energy proposes to construct and operate new natural gas transmission facilities in Burke McKenzie, Mountrail, and Williams Counties, North Dakota. The Project is regulated by the Federal Energy Regulatory Commission (FERC) under Section 7(c) of the Natural Gas Act. Under the Energy Policy Act of 2005, FERC is the lead agency for coordinating federal authorizations and complying with the National Environmental Policy Act on natural gas pipeline projects subject to its jurisdiction. WBI Energy filed an application with FERC on February 14, 2020.

FERC also is the lead federal agency for complying with Section 106 of the National Historic Preservation Act (NHPA) on natural gas pipeline projects under its jurisdiction. In accordance with 36 CFR 800.2(c)(4), WBI Energy is assisting the FERC in meeting its obligations under Section 106 of the NHPA by coordinating with agencies and tribes and conducting surveys to identify historic properties that may be affected by the Project.

WBI Energy retained Environmental Resources Management (ERM) to conduct a Class III survey of the Project area for archaeological sites and historic structures. Between June and October 2019 ERM conducted field surveys of the Project area. As of the completion of the 2019 field season, approximately 90 percent of the Project area was examined for archaeological resources, and the entire Project area was examined for historic structures. Prior to the survey, WBI Energy and ERM contacted 13 federally recognized Indian tribes, including the Rosebud Sioux Tribe, to solicit input on the Project. A monitor from the Rosebud Sioux Tribe participated in the archaeological survey beginning on September 23, 2019 and continuing through the end of the 2019 survey season. The results of the surveys are provided in the Class III reports sent to you on February 14, 2020.

Additional fieldwork is planned for spring/summer 2020 to complete the Class III survey of the Project area (including route modifications to avoid sites); conduct additional testing at a historic period homestead site (32W12407); and conduct geomorphological coring in select floodplains to

assess the potential for deeply buried archaeological sites to occur in these areas. Addendum reports will be prepared when these investigations are complete.

While WBI Energy will conduct the fieldwork, we recognize that tribes have expertise in providing information regarding historic properties with religious or cultural significance. We continue to request your comments regarding field surveys and information on traditional cultural properties, traditional cultural landscapes, and other places of importance to the Rosebud Sioux Tribe in the Project area, as well as feedback on the Class III survey reports provided to you with our February 14, 2020 letter. We look forward to the continuing participation of the Rosebud Sioux Tribe in the field surveys for the Project. We will contact you to schedule a call in the coming weeks to discuss the survey results from 2019, the status of the Project, and logistics for the upcoming field investigations to be completed in 2020.

While the regulations for implementing Section 106 (36 CFR 800) allow companies like WBI Energy (and their consultants) to gather information, the FERC is responsible for all determinations required under Section 106 of the NHPA. Additionally, the FERC, not WBI Energy, is responsible for government-to-government consultations with tribes. As the Project sponsor, WBI Energy is authorized by FERC to contact tribes for information, but FERC has not delegated government-to-government consultations with tribes.

If you have any questions or comments on the Project or the reports, please contact me at 612-840-8976 or pat.robblee@erm.com, or Dr. Kevin Malloy at 906-285-0361 or kevin.malloy@erm.com. Please direct written correspondence to Dr. Malloy's attention at:

Environmental Resources Management
1000 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Any comments or information you provide will be sent to the FERC.

If you would like to communicate directly with the FERC natural gas archaeological staff to discuss its cultural resource review and consultation processes, please contact Eric Howard, Tribal Coordinator (at 202-502-6263 or eric.howard@ferc.gov) or Dawn Ramsey, the Cultural Resource Specialist assigned to the Project (at 202-502-6856 or dawn.ramsey@ferc.gov).

Sincerely,



Patrick Robblee
Program Director

cc: Jill Linn, WBI Energy
Andrea Thornton, ERM
Kevin Malloy, ERM

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Rosebud Sioux Tribe – Ben Rhodd
Phone number	605.747.4255
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	March 31, 2020
Time of Conversation	2:50 pm
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy attempted to contact Ben Rhodd with the THPO office for the Rosebud Sioux Tribe in order to set up a meeting to discuss upcoming field work and confirm they received the update letter sent on March 30, 2020. There was no answer, so a message was left.

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.

From: Kevin Malloy <Kevin.Malloy@erm.com>
Sent: Wednesday, April 8, 2020 11:40 AM
To: rst.thpo@rst-nsn.gov
Cc: Pat Robblee <Pat.Robblee@erm.com>
Subject: RE: WBI Energy, North Bakken Expansion Project - Additional Work

Dear Mr. Rhodd,

I hope this email finds you well. I am writing to confirm you received the letter we emailed on March 30, 2020 regarding the WBI Energy Transmission, Inc.'s North Bakken Expansion Project (Project). The letter contained an update on the Project's status, and additional information regarding the upcoming surveys that are planned for this spring/summer. Please feel free to reach out to me with any questions or comments you might have.

Kind regards,

Kevin Malloy

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Rosebud Sioux Tribe – Ben Rhodd
Phone number	605.747.4255
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	April 13, 2020
Time of Conversation	9:40
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy attempted to contact Ben Rhodd with the THPO office for the Rosebud Sioux Tribe in order to set up a meeting to discuss upcoming field work and confirm they received the update letter sent on March 30, 2020. There was no answer, so a message was left.

Oglala Sioux Tribe

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Oglala Sioux Tribe – Tom Brings
Phone number	605.867.5624
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	March 13, 2020
Time of Conversation	11:44 am
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy called the Oglala Sioux Tribe THPO to speak with Tom Brings, and confirm that they received our reports for the WBI North Bakken Expansion Project surveys conducted in 2019. There was no answer, so a message was left.

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.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Tom Brings, THPO Syla Sioux Tribe P.O. Box 320 Pine Ridge, SD 57770-2070</p> <p>9590 9402 4954 9063 6401 38</p>	<p>A. Signature <input checked="" type="checkbox"/> Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Thomas Brings</p> <p>C. Date of Delivery 3-16-20</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Enter the item number below)</p> <p>7019 1120 0001 8701 9021</p> <p>Restricted Delivery</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9063</p>	<p>Domestic Return Receipt</p>

USPS TRACKING #

9590 9402 4954 9063 6401 38

United States Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

ERM
 Attn: Patrick Robblee
 3300 Breckinridge Blvd, Suite 300
 Duluth, GA
 30096

First-Class Mail
 Postage & Fees Paid
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 Permit No. G-10

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Remove X

Your item was delivered at 10:49 am on March 16, 2020 in PINE RIDGE, SD 57770.

Status

Delivered

March 16, 2020 at 10:49 am
 Delivered
 PINE RIDGE, SD 57770

Get Updates v

Delivered

Text & Email Updates v

Tracking History v

Product Information v

See Less ^

From: [Kevin Malloy](#)
To: t.brings@oglala.org
Cc: [Pat Robblee](#)
Subject: WBI Energy, North Bakken Expansion Project - Additional Work
Date: Monday, March 30, 2020 1:50:00 PM
Attachments: [OST_Outreach-Additional work- Letter.pdf](#)

Dear Mr. Brings,

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Due to the pandemic, we are sending this letter to you via email to minimize the need for our staff, who are otherwise working from home, to go to the office or bring mail to the U.S. Post Office or another carrier; and to ensure that you are able to receive the letter if you too are working outside of your office. We respectfully ask that you acknowledge receipt of this email so we know you received the letter.

Please reach out to me with any comments, questions, or concerns you might have.

Thank you.

Kind Regards,
Kevin Malloy



March 30, 2020

Tom Brings
Tribal Historic Preservation Office
Oglala Sioux Tribe
PO Box 320
Pine Ridge, SD 57770-2070

Subject: WBI Energy Transmission, Inc.
North Bakken Expansion Project – Upcoming Fieldwork
McKenzie, Williams, Burke, and Mountrail Counties, North Dakota
ND SHPO Ref.: 19-5593

Dear Mr. Brings,

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While WBI Energy will conduct the fieldwork, we recognize that tribes have expertise in providing information regarding historic properties with religious or cultural significance. We continue to request your comments regarding field surveys and information on traditional cultural properties, traditional cultural landscapes, and other places of importance to the Oglala Sioux Tribe in the Project area, as well as feedback on the Class III survey reports provided to you with our February 14, 2020 letter. If you wish to participate in the upcoming field survey for the Project, you have the opportunity to do so. We anticipate that monitors from the Rosebud Sioux Tribe and Northern Cheyenne Tribe will participate in the 2020 fieldwork.

While the regulations for implementing Section 106 (36 CFR 800) allow companies like WBI Energy (and their consultants) to gather information, the FERC is responsible for all determinations required under Section 106 of the NHPA. Additionally, the FERC, not WBI Energy, is responsible for government-to-government consultations with tribes. As the Project sponsor, WBI Energy is authorized by FERC to contact tribes for information, but FERC has not delegated government-to-government consultations with tribes.

If you have any questions or comments on the Project or the reports, and/or if you wish to participate in the 2020 fieldwork, please contact me at 612-840-8976 or pat.robblee@erm.com, or Dr. Kevin Malloy at 906-285-0361 or kevin.malloy@erm.com. Please direct written correspondence to Dr. Malloy's attention at:

Environmental Resources Management
1000 IDS Center
80 South 8th Street
Minneapolis, MN 55402

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Sincerely,



Patrick Robblee
Program Director

cc: Jill Linn, WBI Energy
Andrea Thornton, ERM
Kevin Malloy, ERM

From: Kevin Malloy <Kevin.Malloy@erm.com>
Sent: Wednesday, April 8, 2020 11:38 AM
To: t.brings@oglala.org
Cc: Pat Robblee <Pat.Robblee@erm.com>
Subject: RE: WBI Energy, North Bakken Expansion Project - Additional Work

Dear Mr. Brings,

I hope this email finds you well. I am writing to confirm you received the letter we emailed on March 30, 2020 regarding the WBI Energy Transmission, Inc.'s North Bakken Expansion Project (Project). The letter contained an update on the Project's status, and additional information regarding the upcoming surveys that are planned for this spring/summer. Please feel free to reach out to me with any questions or comments you might have.

Kind regards,

Kevin Malloy

Call Log

Log of Telephone Conversation



Call To/From Whom	To: Oglala Sioux Tribe – Tom Brings
Phone number	605.867.5624
Company	WBI Energy Transmission Inc.
ERM Contact	Kevin Malloy
Phone number	906-285-0361
Date	April 13, 2020
Time of Conversation	9:15 am
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy called the Oglala Sioux Tribe THPO to speak with Tom Brings, and confirm that they received our reports for the WBI North Bakken Expansion Project surveys conducted in 2019, to enquire whether they have any questions or comments about the reports, and to confirm they received the Project update letter sent out on March 30, 2020. There was no answer and the voicemail inbox was full. No message was left.

Fort Belknap Indian Community



Your package has been delivered

Tracking # 777783493427

Ship date:

Mon, 2/17/2020

Bill Stanyard

ERM

DULUTH, GA 30096

US

Delivery date:

Wed, 2/19/2020 1:11 pm

Michael Black Wolf

Ft. Belknap Indian Community

656 Agency Main St

HARLEM, MT 59526

US



Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number:	777783493427
Status:	Delivered: 02/19/2020 1:11 PM Signed for By: S.DRAGO
Reference:	0501732 05 06
Signed for by:	S.DRAGO
Delivery location:	HARLEM, MT
Delivered to:	Receptionist/Front Desk
Service type:	FedEx 2Day®
Packaging type:	FedEx® Box
Number of pieces:	1
Weight:	7.00 lb.
Special handling/Services:	Deliver Weekday
Standard transit:	2/19/2020 by 4:30 pm

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 2:18 PM CST on 02/19/2020.

From: [Kevin Malloy](#)
To: mblackwolf@ftbelknap.org
Cc: [Pat Robblee](#)
Subject: WBI Energy, North Bakken Expansion Project - Additional Work
Date: Monday, March 30, 2020 1:37:00 PM
Attachments: [FBIC_Outreach-Additional work- Letter.pdf](#)

Dear Mr. Black Wolf,

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Please reach out to me with any comments, questions, or concerns you might have.

Thank you.

Kind regards,
Kevin Malloy



March 30, 2020

Michael Black Wolf
Tribal Historic Preservation Officer
Fort Belknap Indian Community
656 Agency Main Street
Harlem, MT 59526

Subject: WBI Energy Transmission, Inc.
North Bakken Expansion Project – Upcoming Fieldwork
McKenzie, Williams, Burke, and Mountrail Counties, North Dakota
ND SHPO Ref.: 19-5593

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While the regulations for implementing Section 106 (36 CFR 800) allow companies like WBI Energy (and their consultants) to gather information, the FERC is responsible for all determinations required under Section 106 of the NHPA. Additionally, the FERC, not WBI Energy, is responsible for government-to-government consultations with tribes. As the Project sponsor, WBI Energy is authorized by FERC to contact tribes for information, but FERC has not delegated government-to-government consultations with tribes.

If you have any questions or comments on the Project or the reports, and/or if you wish to participate in the 2020 fieldwork, please contact me at 612-840-8976 or pat.robblee@erm.com, or Dr. Kevin Malloy at 906-285-0361 or kevin.malloy@erm.com. Please direct written correspondence to Dr. Malloy's attention at:

Environmental Resources Management
1000 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Any comments or information you provide will be sent to the FERC.

If you would like to communicate directly with the FERC natural gas archaeological staff to discuss its cultural resource review and consultation processes, please contact Eric Howard, Tribal Coordinator (at 202-502-6263 or eric.howard@ferc.gov) or Dawn Ramsey, the Cultural Resource Specialist assigned to the Project (at 202-502-6856 or dawn.ramsey@ferc.gov).

Sincerely,



Patrick Robblee
Program Director

cc: Jill Linn, WBI Energy
Andrea Thornton, ERM
Kevin Malloy, ERM

From: Kevin Malloy <Kevin.Malloy@erm.com>
Sent: Wednesday, April 8, 2020 11:39 AM
To: mblackwolf@ftbelknap.org
Cc: Pat Robblee <Pat.Robblee@erm.com>
Subject: RE: WBI Energy, North Bakken Expansion Project - Additional Work

Dear Mr. Black Wolf

I hope this email finds you well. I am writing to confirm you received the letter we emailed on March 30, 2020 regarding the WBI Energy Transmission, Inc.'s North Bakken Expansion Project (Project). The letter contained an update on the Project's status, and additional information regarding the upcoming surveys that are planned for this spring/summer. Please feel free to reach out to me with any questions or comments you might have.

Kind regards,

Kevin Malloy

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 13, 2020
Time of Conversation	12:28 pm
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy called Mr. Michael J. Black Wolf with Fort Belknap Indian Community THPO office in order to confirm they received the update letter emailed on March 30, 2020. Mr. Black Wolf was unable to confirm at that moment that the tribe received the email because he was out of the office. He said he would check when he was back at work on Tuesday 14, 2020 and get back to me. In addition, I asked if Mr. Black Wolf had any comments or questions about the reports that were sent out in February. He said he would check but offered no specific comments at this time.

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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 15, 2020
Time of Conversation	12:39, 12:40, 12:42 pm
Reference	North Bakken Expansion Project
Signature	

LOG OF CONVERSATION

Dr. Malloy called Mr. Michael J. Black Wolf with the Fort Belknap Indian Community THPO office in order to confirm they received the update letter emailed on March 30, 2020. Mr. Black Wolf was driving at the time and stated he would be for the better part of the day. This was causing the calls to be repeatedly dropped. Dr. Malloy opted to send a follow-up email proposing an alternative time to speak later in the week.

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From: Kevin Malloy
To: mblackwolf@ftbelknap.org
Subject: WBI North Bakken Project Update Letter - Follow-up
Date: Wednesday, April 15, 2020 12:52:00 PM

Hi Michael,

I hope this message finds you well. Given our phone connection issues I thought I would just send you an email instead. I was calling earlier to confirm that you received the Project update letter we sent out on March 30 regarding the WBI North Bakken Expansion Project. Due to concerns about social distancing and the COVID-19 pandemic we opted to send these letters via email. In addition, I was hoping to ask you if you had reviewed the reports we sent out back in February, and to see if you had any comments or questions regarding our findings and conclusions. I understand you're on the road for the rest of the day today. I would be happy to give you a call later this week if that would work for you?

I hope all is well. Please feel free to reach out to me at any time with questions or comments.

Kind regards,

Kevin

**Federal Energy Regulatory Commission Comments
Resource Report 8 – Request No. 1 Attachment**

Revised Table B-14: Hazardous Waste Sites Within 0.25 Mile of the Project

REVISED TABLE B-14

Hazardous Waste Sites Within 0.25 Mile of the Project

Facility Site	Location	Distance to Project (miles [feet]) ^a	Direction from Project to Site	Media Affected	Substance of Concern	Status of Remediation
Andeavor High Plains Company LLC Tioga Station	10318 68th Street NW Tioga, ND 58852	0.1	Southeast	N/A	N/A	N/A
Former "The Attic" Building	302 Elm St. NE Tioga, ND 58852	0.2	North	N/A	N/A	N/A
Triple Aggregate LLC – White Earth Pit	1027 S Welo St Tioga, ND 58852	0.1	North	N/A	N/A	N/A
Tioga Gas Processing Plant	10340 68th Street Northwest	0.1	Southeast	N/A	N/A	N/A
Tioga Airport Authority – Tioga Municipal Airport	67th St. NW Tioga, ND 58852	<0.1 [170 feet]	South	N/A	N/A	N/A
Hess Corporation – Tioga Gas Plant Lab	10340 68th Street NW Tioga, ND 58852	0.1	Southeast	Surface Water	Effluent	Complete
Hess Corporation	48.379807, -102.928248	<0.1 [155 feet]	North	N/A	N/A	N/A
Lignite Gas Plant	10050 84th Avenue Lignite, ND 58752	<0.1 [50 feet]	South	Soil	Brackish Water	In Progress
Lignite Gas Plant	10050 84th Avenue Lignite, ND 58752	<0.1 [50 feet]	South	Soil	Condensate	In Progress
Slawson Exploration Company, Inc. – Gunslinger 327 Right of Way	48.08890, -103.10250	<0.1 [38 feet]	West	Soil	Bentonite Clay and Water	Complete
Area Adjacent to WBI Energy Pipeline Access Road	47.80530, -103.16470	0.3	East	Soil	Hydraulic Fluid	Complete
OXY USA, Inc. – Storage Tank	10050 84th Avenue Lignite, ND 58752	<0.1 [50 feet]	North	N/A	N/A	N/A
Balsam, Inc. – Northern Tank Line Terminal	48.401767, -102.91635	<0.1 [175 feet]	South	N/A	N/A	N/A

Sources: EPA, 2019b; NDDEQ, 2020

^a Distance in feet is provided for any hazardous waste sites less than 0.1 mile from the project.

Notes: N/A = Not applicable