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September 1, 2022

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

Re: WBI Energy Transmission, Inc.
Wahpeton Expansion Project
Docket No. CP22-466-000
Supplemental Filing

Dear Ms. Bose:

WBI Energy Transmission, Inc. (WBI Energy), herewith submits supplemental information in the above referenced docket to assist Federal Energy Regulatory Commission (Commission) staff in the preparation of the environmental impact statement for the Wahpeton Expansion Project.

First, WBI Energy is supplementing its response to the Commission's August 10, 2022 Environmental Information Request, Resource Report 3, Request No. 2 by providing its initial consultation package with the U. S. Fish and Wildlife Service.

Second, in Commission staff's April 4, 2022 Comments on Draft Resource Reports 1 through 8 and 10, Resource Report 10, Request No. 5, Commission staff asked WBI Energy to discuss route variations that would avoid two crossings of the Wild Rice River near milepost 56.8. Upon completion of 2022 field surveys, WBI Energy has identified a route alternative that avoids two crossings of the Wild Rice River and is submitting an analysis of the route alternative with this supplemental filing.

WBI Energy is also submitting a list of landowners potentially impacted by the route alternative. 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, a copy of this filing is being served on 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
David Hanobic, FERC Project Manager
Dawn Ramsey, FERC
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 1st day of September 2022.

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

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

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

Dated this 1st day of September 2022.

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

Subscribed and sworn to before me this 1st day of September 2022.

Kathleen Schuster
Kathleen Schuster, Notary Public
Burleigh County, North Dakota
My Commission Expires: 5/31/2026

KATHLEEN SCHUSTER
Notary Public
State of North Dakota
My Commission Expires May 31, 2026

WBI Energy Transmission, Inc.
Wahpeton Expansion Project
Docket No. CP22-466-000

Supplemental Response to FERC's August 10, 2022 Environmental Information Request

Resource Report 3 – Request No. 2

The response for RR 3 No. 8 does not include a discussion of the status of consultation for the whooping crane with the U.S. Fish and Wildlife Service (FWS). Provide the results of any consultation with the FWS for the whooping crane or information why further consultation is not required. Provide a copy of WBI Energy's May 27, 2022 biological assessment sent to the FWS.

Supplemental Response:

As a supplement to WBI Energy's August 19, 2022 response, a copy of the informal consultation package sent to the U.S. Fish and Wildlife Service is attached to this filing.

Attachment

Resource Report 3 Request No. 2 Attachment – FWS Consultation Package

WBI Energy Transmission, Inc.
Wahpeton Expansion Project
Docket No. CP22-466-000

Supplemental Response to FERC's April 4, 2022 Comments on Draft Resource Reports 1 through 8 and 10

Resource Report 10 – Request No. 5

Discuss a minor variation that would shift the planned route slightly east near MP 56.8, thereby avoiding two crossings of the Wild Rice River.

Supplemental Response:

Wild Rice River Route Alternative MP 55

In response to FERC's request above, WBI Energy included in Resource Report 10 of its application filed with the Commission on May 27, 2022 a route variation between MPs 56.78 and 57.79 in Richland County that would avoid the two crossings of the Wild Rice River (Wild Rice River Route Variation/MP57). Upon completion of 2022 field surveys, WBI Energy has identified an additional route alternative between MPs 55.13 and 59.63 that also avoids two crossings of the Wild Rice River. This alternative is shown on figure 1 and is referred to in this analysis as the Wild Rice River Route Alternative MP 55. The alternative separates from the proposed route in Richland County in an agricultural field at MP 55.13 just west of 178th Avenue SE. From there, it continues east across agricultural land for approximately 1.26 miles until it reaches the west side of 180 Avenue SE. It then follows the west side of 180th Avenue SE on the edge of an agricultural field for 0.4 mile. After that, it turns south and eventually east crossing agricultural fields for approximately 1.96 miles until it again reaches 180 Avenue SE. From there, it proceeds south for 0.5 mile until it rejoins the proposed route on the west side of 180th Avenue SE at MP 59.63.

An environmental comparison of the Wild Rice River Route Alternative MP 55 to the corresponding segment of the proposed route between MPs 55.13 and 59.63 is included in Table 1.

TABLE 1

Wahpeton Expansion Project
Comparison of Wild Rice River Route Alternative MP 55 to the Corresponding Segments of Proposed Route

Criteria	Wild Rice River Route Alternative MP 55 [a]	Proposed Route
Length (miles)	4.12	4.50
Land affected by construction (acres)	37.5	40.9
Land within permanent right of way (acres)	25.0	27.3
Length collocated/uncollocated (miles)	0.94/3.18	3.59/0.91
Percent collocated	21	87
NHD waterbody crossings (number)	1	4
Major (>100 feet) waterbody crossings (number)	0	0
NWI wetlands affected (acres)	0.0	0.0
Forestland affected (acres) [b]	0.0	0.4
Agricultural land affected (acres)	35.4	39.7
Steep slopes (>15%) crossed (feet)	0	0
Road/railroad crossings (number)	5/0	5/1 abandoned railroad
Residences within 50 feet of the centerline (number)	0	0
Federal/state/municipal land crossed (acres)	0.0 [c]	0.0

TABLE 1

Wahpeton Expansion Project
Comparison of Wild Rice River Route Alternative MP 55 to the Corresponding Segments of Proposed Route

Criteria	Wild Rice River Route Alternative MP 55 [a]	Proposed Route
Parcels/Landowners crossed (number)	12/7	17/8
Cultural sites crossed/within 50 feet [d] (number)	0	1

Source: U.S. Fish and Wildlife Service, 2016; U.S. Geological Survey, National Hydrography, n d; NDGISHUB, 2009; NDGISHUB-DOT, 2018.

[a] A 75-foot-wide corridor was used to calculate the acreage of construction impacts and a 50-foot-wide corridor was used to calculate the acreages of any permanent impacts. Actual acreage for the proposed route would increase at the guided bore entry and exit locations but decrease between the guided bore entry and exit locations.

[b] Forestland acreage includes forestland located between the guided bore entry and exit locations. Actual impacts on forestland along the proposed route would be less and very limited.

[c] The alternative crosses a narrow strip of Richland County land associated with a county road right-of-way; this is not park land or recreational land.

[d] Cultural resource sites include previously mapped sites identified by the Class I literature search and sites identified within 50 feet of potential workspace during WBI Energy's Class III field surveys that cannot be determined ineligible for listing on the National Register of Historic Places without further evaluation.

Both routes cross flat to gently sloping terrain. The Wild Rice River Route Alternative MP 55 is shorter than the proposed route by about 0.38 mile and would impact less land by approximately 3.4 acres. However, it collocates less with other existing rights-of-way. This reduction in collocation would be insignificant from a land use perspective as nearly all the alternative is located in agricultural land, which would revert to crop production following construction.

The alternative would reduce the crossing of intermittent streams from two to one and avoid the two crossings of the Wild Rice River. The alternative would also avoid the crossing of approximately 0.4 acre of riparian forest adjacent to the Wild Rice River crossings. However, WBI Energy notes that the proposed design—which will use the guided bore method to cross the Wild Rice River and the adjacent forestland—would avoid trenching of the bed and banks of the river and limit tree clearing to a small amount of disturbance that may be necessary to lay electric-grid guide wires and potentially access the river for hydrostatic test water. The alternative would also avoid a cultural resource site discovered along the proposed route north of the Wild Rice River during the 2022 Class III field surveys. The eligibility status of this site has not yet been determined; however, a portion of the workspace for the proposed guided bore overlaps the newly discovered archaeological site.

The alternative would directly impact (i.e., have construction workspace on) five fewer parcels and one less landowner than the corresponding segment of the proposed route. Of the seven landowners identified along the Wild Rice River Route Alternative MP 55, four are landowners affected by the proposed route (i.e., by the corresponding segment of the proposed route or elsewhere along the 60.5 miles of the Project route). Neither route passes close to (within 600 feet of) any residences and both routes cross five roads.

WBI Energy has been granted 100 percent survey access along both the alternative and corresponding segment of the proposed route. WBI Energy notes that there is one abutting landowner along the alternative route that denied permission to survey. The workspace for the alternative route would not cross this abutter's property.

WBI Energy Transmission, Inc.
Wahpeton Expansion Project
Docket No. CP22-466-000

Supplemental Response to FERC's April 4, 2022 Comments on Draft Resource Reports 1 through 8 and 10

WBI Energy has completed survey efforts along the proposed route and has performed field surveys of the alternative route. Evaluation of the civil and environmental surveys and development of survey reports along the alternative route are ongoing. Moreover, WBI Energy has not yet initiated agency consultations for the alternative route, which may impact certain aspects of the alternative route's final design. Based on FERC's request to evaluate potential alternatives that would avoid two crossings of the Wild Rice River and currently available survey information, WBI Energy is submitting this alternative for evaluation in the draft Environmental Impact Statement. To assist with this, WBI Energy is including a list of the landowners that would be affected by the alternative route. This list is filed under separate cover as Controlled Unclassified Information / Privileged and Confidential (CUI//PRIV).

Attachment

Resource Report 10 Request No. 5 Attachment – Figure 1 (Wild Rice River Route Alternative MP 55) and the Alternative Landowner List filed under separate cover as Controlled Unclassified Information / Privileged and Confidential (CUI//PRIV).

ENVIRONMENTAL INFORMATION REQUEST RESPONSE ATTACHMENTS

Resource Report 3 Request No. 2 Attachment

FWS Consultation Package

WBI ENERGY TRANSMISSION, INC.
2010 Montana Avenue
Glendive, MT 59330
(406) 359-7200
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May 27, 2022

Jerry Reinisch
U.S. Fish and Wildlife Service, Region 6
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926

Subject: WBI Energy Transmission, Inc.
Proposed Wahpeton Expansion Project
Cass and Richland Counties, North Dakota
Section 7 Endangered Species Act Consultation

Dear Mr. Reinisch:

WBI Energy Transmission, Inc. (WBI Energy) operates a natural gas transmission pipeline system in the Northern Plains and is proposing to expand its system in southeastern North Dakota. The Wahpeton Expansion Project (Project) will involve constructing approximately 60.5 miles of 12-inch diameter natural gas transmission pipeline from WBI Energy's existing Mapleton Compressor Station near Mapleton, North Dakota, to a new Montana-Dakota Utilities Company (MDU)-Wahpeton Border Station near Wahpeton, North Dakota. The Project will include minor modifications at the Mapleton Compressor Station, a new MDU-Kindred Border Station near Kindred, North Dakota, and new block valves and pig launcher/receiver settings. The Project may also include newly constructed farm taps along the pipeline route. The Project overview map, located in Attachment A as Figure 1.1-1, shows the proposed pipeline route and locations of the Project facilities. Additional information, including specifics on the location and description of facilities, land requirements, and construction and restoration procedures, on the proposed Project is located in Attachment A.

This Project will allow WBI Energy to transport an additional 20.6 million cubic feet of natural gas per day to help meet growing demand for natural gas in southeastern North Dakota. Montana-Dakota Utilities Co., (MDU) a local distribution company, has engaged WBI Energy to construct this Project to fulfill MDU's need for additional uninterrupted natural gas supply at Wahpeton, North Dakota, and to extend natural gas service to the community of Kindred, North Dakota, for the first time, which has been requested by city officials and residents.

The Project is regulated by the Federal Energy Regulatory Commission (FERC) under 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 (NEPA) on natural gas pipeline projects subject to its jurisdiction. As such, FERC is required to consult with the U.S. Fish and Wildlife Service (USFWS) in compliance with Section 7 of the Endangered Species Act of 1973 (ESA). FERC's

regulations at 18 Code of Federal Regulations 380.13 designate the project sponsor as FERC's non-federal representative for informal Section 7 ESA consultation. In accordance with FERC guidelines, WBI Energy will provide the results of this consultation to FERC and notify FERC if any federally listed species or designated critical habitat may be affected by the Project.

WBI Energy has retained ERM-West, Inc. (ERM) to assist with the environmental review and permitting for the Project.

WBI Energy is requesting that the USFWS North Dakota Ecological Services Field Office located in Bismarck, North Dakota, provide technical assistance with the effects determinations for those federally listed species that are discussed in this letter. Written concurrence, or comments otherwise, will ensure that the applicant can provide FERC with the information necessary for an accurate and thorough assessment of federally listed species potentially affected by the proposed Project.

On September 13, 2021, on behalf of WBI Energy, ERM submitted a Project introduction letter to the USFWS, and requested review and comment on the consultation required for the Project. On February 2, 2022, during the scoping period, the USFWS submitted a letter on the FERC docket in response to the proposed Project. This is included in the USFWS agency correspondence found in Attachment B.

SPECIES LIST AND DATA REQUESTS

On May 27, 2022, ERM performed an updated query of the USFWS Information for Planning and Consultation (IPaC) system to identify federally listed species and designated critical habitat with the potential to occur within the Project area. The IPaC system generated an official species list (Attachment C) that identified five threatened, endangered, or candidate species including one mammal, three insects, and one flowering plant with the potential to occur within the Project area in Cass and Richland counties:

- Northern long-eared bat (*Myotis septentrionalis*): Threatened (Proposed Endangered)
- Dakota skipper (*Hesperia dacotae*): Threatened
- Monarch butterfly (*Danaus plexippus*): Candidate
- Poweshiek skipperling (*Oarisma poweshiek*): Endangered
- Western prairie fringed orchid (*Platanthera praeclara*): Threatened

The IPaC results indicated that designated critical habitat is not present within the Project area. North Dakota Critical Habitat Units 1, 2, and 13, which are the closest Dakota skipper designated critical habitat to the Project, are located in Richland and Ransom counties approximately 22, 26, and 27 miles west and southwest of the Project area. Additionally, North Dakota Critical Habitat Units 1 and 2, which are the closest Poweshiek skipperling designated critical habitat to the Project, are located in Richland County approximately 22 and 26 miles southwest of the Project area. ERM did not identify any additional designated critical habitat for federally listed species near the Project in North Dakota through review of the USFWS critical habitat mapper and Federal Register documentation.

In addition to USFWS communications, on October 11, 2021, ERM requested natural heritage data from the North Dakota Parks and Recreation Department (NDPRD). Data were received on December 17, 2021. On January 27, 2022, ERM requested bald eagle (*Haliaeetus leucocephalus*) nesting data from the North Dakota Game and Fish Department (NDGFD). Data were received on March 3, 2022.

SPECIES EFFECTS DETERMINATIONS

Table 1, provided below, lists the federally listed and proposed species identified from the sources described above and provides the effects determination further described in this letter. ERM has

evaluated the potential effects for each species by reviewing historical and present occurrences, availability of potential habitat within the Project area, the species' natural history, and results of desktop and field-based habitat assessments. The assessment also utilized natural heritage information from the NDPRD Natural Heritage Inventory, NDGFD and USFWS species profiles, USFWS listing and recovery plan data; and prior correspondence with the USFWS (Attachment B).

The northern long-eared bat (NLEB) is currently listed as a threatened species; however, on March 23, 2022, the USFWS proposed to reclassify the species as endangered. If this proposed rule is finalized (expected November 2022), the species would become endangered and the 4(d) rule would no longer be applicable. The Project schedule means that impacts to NLEB are possible after this status change. For the purposes of the analysis below, potential impacts under current regulations are discussed, with additional information provided to support future review. The USFWS is expected to publish additional guidance and review tools closer to the finalization of this status change.

Table 1: Federally Listed, Proposed, or Candidate Species and Federally Designated or Proposed Critical Habitat Potentially Occurring in the Project Vicinity [a]

Common Name *Scientific name*	Federal Status	Suitable Habitat Within the Project Vicinity?	Determination of Effect
Mammal			
Northern long-eared bat *Myotis septentrionalis*	Threatened (Proposed Endangered)	Yes	NLAA
Insects			
Dakota skipper *Hesperia dacotae*	Threatened	No	NLAA
Monarch Butterfly *Danaus plexippus*	Candidate	Yes	N/A [b]
Poweshiek skipperling *Oarisma powshiek*	Endangered	No	NE
Flowering Plant			
Western prairie fringed orchid *Platanthera praeclara*	Threatened	No	NLAA

Notes:

NE = no effect; NLAA = may affect, not likely to adversely affect

[a] *There is no designated or proposed critical habitat within the Project area.*

[b] *N/A = not applicable. Formal determination of effect has not been concluded for the monarch because this species is currently not listed under the ESA; however, Project impacts to the monarch are anticipated to be minor.*

Northern Long-eared Bat

Current Status

The NLEB is listed as threatened under the ESA with a 4(d) rule. Section 4(d) of the ESA allows the USFWS to establish prohibitions or exceptions to prohibitions for threatened species, which do not automatically have the same protections as endangered species. The finalized 4(d) rule for the NLEB allows incidental take of bats in populations outside of the counties or districts where white-nose syndrome is known to be present (81 Federal Register [FR] 1900). The 4(d) rule applies to the entire

state of North Dakota. Under the final 4(d) rule, incidental take outside of hibernacula that results from tree removal is only prohibited when it (1) occurs within 0.25 mile (0.4 kilometer) of known NLEB hibernacula; or (2) cuts or destroys known occupied maternity roost trees, or any other trees within a 150-foot (45-meter) radius from the known occupied maternity trees, during the pup season (June 1 through July 31).

The USFWS is currently undergoing a review of the federal listing for the NLEB, and this species is proposed to be listed as endangered in November 2022. If the species is listed as endangered, the 4(d) rule will no longer be applicable. The USFWS anticipates publishing additional guidance for the species closer to the final rule publication. Although WBI Energy cannot anticipate the details of this guidance, it is likely that projects outside of occupied habitats with limited tree felling will have little impact to this species.

The NLEB is very susceptible to white-nose syndrome, which has led to significant losses and caused a population concern range wide. Other sources of mortality for the NLEB include impacts to winter hibernation areas, loss or degradation of summer habitats, and wind farm operations.[1] No critical habitat has been designated for this species in or near the Project area.

Potential Habitat Surrounding and within the Project Area

The NLEB ranges across the eastern and north-central United States and all Canadian provinces west to the southern Yukon Territory and eastern British Columbia (78 FR 61046). NLEBs are considered common in only small portions of the western part of its range (i.e., Black Hills of South Dakota) and are uncommon or rare in the western extremes of the range (78 FR 61046). During winter, NLEBs hibernate in large caves and mines that have large passages and entrances, constant temperatures, and high humidity with no air currents. Estimated NLEB hibernation season in North Dakota is from October 1 through May 15.[2]

Across their range, migration between winter hibernacula and summer habitat occurs from mid-March to mid-May with bats returning to hibernacula from mid-August to mid-October. In the summer, NLEBs roost underneath bark, in cavities, and in crevices of live and dead trees that either retain their bark or provide suitable cavities or crevices. NLEBs are opportunistic in their selection of tree species used for roosting, and have been documented using numerous tree species, utilizing both crevices and bark of trees as well as a range of stem diameters and heights. In Minnesota, common roost tree species have been documented and include aspen (*Populus* spp.), oak (*Quercus* spp.), and maple (*Acer* spp.).[3]

In North Dakota, NLEBs summer maternity season is typically from April 1 through September 30. Breeding occurs in late July in northern regions and females store sperm until spring (78 FR 61046). Maternity colonies form in the summer months where females give birth to a single bat (pup). Most bats within a colony give birth around the same time, from late May or early June to late July, where maternity colonies containing females and young typically have 30 to 60 bats at the beginning of the summer.[1]

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1 U.S. Fish and Wildlife Service. 2022. *Myotis septentrionalis*. Available online: https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis. Accessed March 2022.

2 Wisconsin Department of Natural Resources, Bureau of Natural Heritage Conservation. 2017. *Northern Long-Eared Bat (Myotis septentrionalis) Species Guidance*. PUB ER-700. Available online: https://dnr.wi.gov/files/PDF/pubs/er/ER0700.pdf. Accessed: March 2022.

3 Swingen, M., R. Moen, M. Walker, R. Baker, G. Nordquist, T. Catton, K. Kirschbaum, B. Dirks, and N. Dietz. 2018. Northern long-eared bat Roost Tree Characteristics 2015-2017. Natural Resources Research Institute, University of Minnesota Duluth. Regents of the University of Minnesota. Technical Report NRRI/TR-2018/41. Available online: https://conservancy.umn.edu/bitstream/handle/11299/204334/NRRI-TR-2018-41.pdf?sequence=1. Accessed: February 2022.

This species has only been identified in a few locations in North Dakota, which include forested habitat in the Turtle Mountains, and the riparian corridors of the Little Missouri and Missouri rivers.[4] Of these known occurrences, the nearest documented NLEB to the Project area is greater than 180 miles away in the Missouri River Valley. In addition to the Missouri River Valley and the Badlands of western North Dakota, Gillam et al. (2015)[5] document one observation of the NLEB in Fort Buford, McKenzie County, and in the Little Missouri National Grassland, which is located in parts of McKenzie, Billings, Slope, and Golden Valley counties. Minnesota records for NLEB are from the north-central and eastern half of the state, including Becker County, Minnesota, located approximately 40 miles east/northeast of the Project area.[5,6] Dominant vegetation types crossed by the Project consist of agricultural grain and row crops. Less than 1 percent of the Project area is classified as forested land, and there are no large, contiguous forested habitats within the Project vicinity. Therefore, highly suitable NLEB habitat is not present within the Project area. There are no known NLEB hibernacula or maternity roosts within 50 miles of the proposed Project (78 FR 61046),[7] and no caves or mines are present within the Project area that would provide suitable winter habitat.

Effects Analysis

The Project site is within the probable range of NLEB; however, no documented occurrences of the species have been recorded in Cass or Richland counties, North Dakota.[5] Construction of the Project is anticipated to occur from spring to late fall of 2024, which overlaps the active and breeding season of the NLEB. Less than 1 percent of the Project footprint consists of forested areas. Once construction is complete, approximately 1.1 acre of forested land will be retained as open land within the new permanent right-of-way. No forested lands are located within the aboveground facilities, contractor yards, access roads, or valve site locations. WBI Energy has implemented measures (e.g., avoidance of wooded areas to the extent possible when developing the proposed pipeline route; proposing use of the guided bore crossing method at select feature crossings; and reducing workspaces at contractor yards) to avoid and minimize impacts on vegetation including forested lands. Small patches of trees are present along riparian corridors, windrows, and shelterbelts, which could provide potentially suitable roosting trees. However, there are no large forested habitats in the vicinity of the proposed Project, and suitable habitat is very limited. In addition, there are no known hibernacula or maternity roosts within 50 miles of the proposed Project. Therefore, the Project is not anticipated to have any direct or indirect impacts on the NLEB.

Determination

Due to the overall lack of suitable habitat within and immediately adjacent to the Project area, in addition to no known presence of the species within Cass and Richland counties, the Project may affect, but is not likely to adversely affect, the NLEB. Until the USFWS review is complete, the NLEB is listed as “threatened” and the 4(d) rule still applies; therefore, WBI Energy completed an IPaC determination key for the Project (Attachment D), based on that submission the USFWS determined the activities related to the Project are consistent with those analyzed in the USFWS’s January 5, 2016, Programmatic Biological Opinion. Given the small amount of tree clearing that will occur, and the lack of documented occurrences

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4 North Dakota Game and Fish Department. 2019. *Northern Long-eared Bat*. Available online: https://gf.nd.gov/wildlife/id/bats/northern-long-eared. Accessed March 2022.

5 Gillam, E., J.J. Nelson, and P. Barnhart. 2015. *North Dakota State Bat Management Plan*. North Dakota Game and Fish Department. Available online: https://gf.nd.gov/sites/default/files/publications/nd-state-bat-management-plan.pdf. Accessed April 2022.

6 Minnesota Department of Natural Resources. 2022. *Myotis septentrionalis: Northern Long-eared Bat.* Rare Species Guide. Available online: https://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=AMACC01150. Accessed April 2022.

7 North Dakota Game and Fish Department. 2019. *Species Identification (Common, Game and SCP Species)*. Available online: https://gf.nd.gov/wildlife/id. Accessed: March 2022.

of NLEB in the Project area, the Project *may affect, but is not likely to adversely affect* the NLEB. Any impacts to NLEB would fall under the final 4(d) rule, and would not be prohibited.

If the proposed rule to list the species is finalized, the Project will reengage with USFWS as required to reassess impacts. However, based on the very small amount of proposed tree felling (less than 2 acres) and the distance to known occupied habitats (over 50 miles), it is likely that a determination of *may affect, but is not likely to adversely affect* the NLEB will still be applicable.

Dakota Skipper

Current Status

The Dakota skipper (DASK) was listed as threatened under the ESA in 2014. Critical habitat for DASK has been designated in North Dakota, South Dakota, and Minnesota (80 FR 59248). Main threats to DASK and its habitat include cattle grazing, haying, lack of habitat management, pesticide use, flooding, habitat fragmentation, isolation of populations, and prairie conversion.[8] Other risks relate to climate change, including catastrophic drought.[9]

Potential Habitat Surrounding and within the Project Area

Within the United States, DASK has been extirpated from Illinois and Iowa, and are now only present in scattered isolated sites in western Minnesota, northeastern South Dakota, and the northern half of North Dakota.[10] The Project area is within the DASK's historical range and the species was historically documented within Richland County. These historical locations of known DASK observations within Richland County were concentrated within the northwestern and southcentral townships of the County. There are no recent records of the DASK in the Project area and it is now considered extirpated in Richland County.

DASK inhabit two types of prairie habitat; low wet-mesic prairie with little topographic relief that occurs on near-shore glacial lake deposits (Type A) and dry-mesic mixed-grass prairie dominated by mixed bluestem (*Andropogon* spp.) and green needlegrasses (*Nassella viridula* [Trin.] Barkworth) occurring primarily on rolling terrain over gravelly glacial moraine deposits (Type B).[10] Both habitat types contain an abundance of flowering plants and alkaline soils. In dry mixed-grass prairie, DASK can be found along ridges and hillsides.[11]

DASK complete one generation per year.[11] The larvae overwinter at or below ground level. During the spring, the larvae emerge to complete their development. The larvae eventually pupate in June.[12] Adults generally emerge in mid-June to early July and mate during a 2- to 4-week flight period.[11, 12] Peak flight times occur within a span of about 10 days in early July each year.[9] Females lay eggs on a range of broadleaf plants and grasses,[12] which hatch after incubating for 7 to 20 days.[11] Little bluestem (*Schizachyrium scoparium*) is often selected for both egg laying and as a food source for larvae.[12] Nectar

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8 Selby, G. 2006. *Effects of Grazing on the Dakota Skipper Butterfly; Prairie Butterfly Status Surveys 2003-2005*. Final Report. Minnesota Department of Natural Resources. Available online: https://files.dnr.state.mn.us/eco/nongame/projects/consgrant_reports/2006/2006_selby.pdf. Accessed: March 2022.

9 U.S. Fish and Wildlife Service. 2018. *Dakota Skipper (Hesperia dacotae), Report on the Species Status Assessment, Version 2 - September 2018.* Available online: https://ecos.fws.gov/ServCat/DownloadFile/155865. Accessed: March 2022.

10 U.S. Fish and Wildlife Service. 2016. *Dakota Skipper Conservation Guidelines*.

11 Cochrane, J. F., and P. Delphey. 2002. *Status Assessment and Conservation Guidelines: Dakota skipper: Hesperia dacotae (Skinner), (Lepidoptera: Hesperiidae): Iowa, Minnesota, North Dakota, South Dakota, and Manitoba*. U.S. Fish and Wildlife Service. Available online: https://ecos.fws.gov/ServCat/DownloadFile/4020?Reference=4171. Accessed March 2022.

12 Vaughan, D. M., and M. D. Shepherd. 2005. Species Profile: *Hesperia dacotae*. In Shepherd, M. D., D. M. Vaughan, and S. H. Black (Eds), *Red List of Pollinator Insects of North America*. CD-ROM Version 1 (May 2005). Portland, OR: The Xerces Society for Invertebrate Conservation. Available online: https://xerces.org/endangered-species/species-profiles/at-risk-butterflies-moths/dakota-skipper. Accessed: January 2022.

sources for adults vary regionally and include purple coneflower (*Echinacea* sp.), blanketflowers (*Gaillardia* sp.), black-eyed Susans (*Rudbeckia* sp.), and evening primrose (*Calylophus serrulatus*).[11, 12]

The best available information for the presence of the DASK comes from the *Population Distribution and Occupancy Status* section of the Federal Register (79 FR 63672) documenting species presence, species surveys by Royer et al. (2014),[13] and from the USFWS DASK North Dakota Survey Protocol.[14] The closest documented population to the Project area includes one site within the Sheyenne National Grassland complex in Ransom County; however, the status of DASK at this site is currently unknown, since the species was not observed during subsequent surveys. In addition, the Federal Register (79 FR 63672) states that DASK habitat in the Sheyenne National Grassland complex have experienced intensive grazing, leafy spurge (*Euphorbia esula*) invasions, and extensive herbicide use leading to habitat modifications and resulting in the extirpation of DASK from previously known sites. [11,15] Historical records of DASK have also been recorded southwest of the Project area (greater than 2 miles southwest of milepost 25.7) within suitable grassland habitat[16]; however, the Project area does not contain suitable DASK habitat but is largely composed of agricultural land, which comprises approximately 92 percent of the vegetation resources within the Project area.[17]

There is no critical habitat for the species within 20 miles of the Project Area. There is one critical habitat site in Richland County and two critical habitat sites in Ransom County (80 FR 59248). Critical Habitat Unit 4, which is the closest critical habitat in Minnesota, is located in Clay County more than 20 miles from the Project area. North Dakota Critical Habitat Units 1, 2, and 13 are located in Richland and Ransom counties approximately 22, 26, and 27 miles west and southwest of the Project area, respectively.

WBI Energy consulted with the NDPRD regarding ecological communities through the Natural Heritage Program and was provided a list of ecological communities within 1 mile of the Project. For the majority of these ecological communities, the last observations date back to the late 1990s, but consisted of the following: wet-mesic tallgrass prairie, wet prairie, northern reedgrass wet meadow, sand mixed-grass prairie, and dry-mesic tallgrass prairie. These communities are located near the Project area at mileposts 34 to 37.

WBI Energy conducted a habitat assessment of the vegetation within the Project area in the fall of 2021. In the USFWS Dakota Skipper North Dakota Survey Protocol,[14] suitable habitat for the DASK is defined as native prairies containing native grasses and diverse forbs. Croplands, non-native haylands, pastures, shrublands, forests, or other grasslands dominated by non-native plant species are typically not considered suitable for DASK. Following this guidance, suitable habitat for DASK was not documented within the Project area.

DASK are not likely to be present in the dominant vegetation found within the Project area including cropped areas, previously cropped areas, non-native haylands/pastures, or other grassland that is dominated by non-native species. Overall, there is a strong correlation between DASK occurrences and the dominance of native grasses in habitat, which indicates that populations of DASK and their

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13 Royer, R.A., M.R. Royer, and E.A. Royer. 2014. *Dakota Skipper Field Survey and Habitat Assessment at 12 North Dakota Sites during the 2014 season*. Minot: Minot State University.

14 U.S. Fish and Wildlife Service. 2018. *2018 Dakota Skipper (Hesperia dacotae) North Dakota Survey Protocol*. Available online: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd639206.pdf. Accessed March 2022.

15 Delphey, P., E. Runquist, C. Nordmeyer. 2017. *Plan for the Controlled Propagation, Augmentation, and Reintroduction of Dakota Skipper (Hesperia dacotae)*. Available online: https://www.lccmr.mn.gov/projects/2014/finals/2014_05j1_DakotaSkipper_report.pdf. Accessed March 2022.

16 U.S. Fish and Wildlife Service. 2022. Personal communication (electronic correspondence) between USFWS (J. Reinisch) and ERM (L. Rodman-Jaramillo) January 19, 2022.

17 WBI Energy Transmission, Inc. *Wahpeton Expansion Project Draft Resource Report 3*. Draft Resource Report 3 was filed with the Federal Energy Regulatory Commission on March 3, 2022.

persistence require native grasses for survival.[9] For example, Davis (2020)[18] documented that pastures dominated by smooth brome (*Bromus inermis*) provide poor habitat for DASK larvae as the widely spaced stems are unsuitable for their shelter-building behavior. Additionally, Nordmeyer et al. (2021)[19] observed negative effects on DASK larvae growth and survival resulting from foraging on invasive grass species, including smooth brome and Kentucky bluegrass. Smooth brome and Kentucky bluegrass were documented during the 2021 habitat assessment as typical species observed within the agricultural and grassland areas of the Project area. In addition, DASK are unlikely to use the Project area during dispersal as they are not known to disperse widely. DASK have a mean mobility of 3.5 (standard deviation = 0.7) on a scale of 0 (sedentary) to 10 (highly mobile).[20, 21] Delphey et al. (2017)[15] document a mark-recapture study where adult DASK movements were less than 984 feet (300 meters) over 3 to 7 days, and marked adults crossed less than 656 feet (200 meters) of unsuitable habitat between two prairie patches, and they typically moved along ridges than across valleys. Delphey et al. (2017)[15] suggested that DASK dispersal is limited in part to their short life span and single annual flight. As a result, DASK extirpation from a site is likely permanent unless it is within about 0.62 mile of a site that generates a sufficient number of emigrants, or the species is reintroduced to a site (79 FR 63672).[21]

As documented in the North Dakota summary section within the *Population Distribution and Occupancy Status* section of the Federal Register (79 FR 63672), "*although only a small fraction of all grassland in North Dakota has been surveyed for Dakota skippers, a significant proportion of the un-surveyed area is likely not suitable for Dakota skipper*." Additionally, "*surveys for the Dakota skipper are typically conducted only in areas where floristic characteristics are indicative of their presence. New potential sites surveyed are generally focused on prairie habitat that appears suitable for the species and has a good potential of hosting the species…*"

Effects Analysis

While DASK are not specifically known to occur within the Project area, they may be present within suitable habitat located outside of the Project area during the annual flight period. Outside of the flight period, DASK eggs and larvae would be restricted to reproductive habitats, which include native grassland comprising diverse forbs and bunchgrasses,[14] which are not known to occur within the Project area. Adult DASK are generally believed to avoid areas of active disturbance[21]; however, they can traverse areas of disturbance or be driven by wind into disturbed areas. As described above, DASK are not known to disperse widely and have relatively low mobility[15]; therefore, we do not expect DASK dispersal within the Project area.

The Project would involve disturbances related to the physical presence of people, development activities, and moving vehicles and equipment within the Project area, which may be visually or physically disruptive to DASK.[21] There is no evidence suggesting that acoustics from the construction and operation of the Project would elicit a disruptive (positive or negative) behavioral response or injurious physiological impairment to adults or larvae of the species.[21] Human presence is expected to have no effect to the egg or larval stages, but adult DASK could be consistently disturbed during the adult flight period. The

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18 Davis, K.A. 2020. *The Status of Dakota Skipper (Hesperia dacotae Skinner) in Eastern South Dakota and the Effects of Land Management.* Electronic Theses and Dissertations. 3914. South Dakota State University. Available online: https://openprairie.sdstate.edu/etd/3914/. Accessed March 2022.

19 Nordmeyer, C.S., E. Runquist, and S. Stapleton. 2021. "Invasive grass negatively affects growth and survival of an imperiled butterfly." *Endangered Species Research* 45:301–314.

20 Burke, R., J. Fitzsimmons, and J. Kerr. 2011. "A mobility index for Canadian butterfly species based on naturalists' knowledge." *Biodiversity and Conservation* 20:2273–2295.

21 U.S. Fish and Wildlife Service. 2017. *Draft Final Biological Opinion on the effects to the Dakota skipper from the Antelope Master Development Plan: the proposed construction and operation of 49 oil and gas wells on 9 well pads in McKenzie County, North Dakota.* USFWS Reference # 2017-F-0081. Available online: https://www.fs.usda.gov/nfs/11558/www/nepa/104208_FSPLT3_4274833.pdf. Accessed March 2022.

disturbance could cause individuals to move from resting/nectaring locations or alter the flight paths of adults. These direct and indirect effects on DASK are those with the potential to occur if the Project area contained suitable DASK habitat and species' presence; however, we do not expect these effects on DASK for the proposed Project.

Project construction activities create an opportunity for introducing and spreading noxious weeds and invasive plant species within the Project area. Noxious weeds and invasive plants can out compete native forbs that are food sources for DASK.[21] Noxious weeds were observed concurrently with wetland and waterbody surveys and were not timed to coincide with any specific morphological state. Weed species identified during surveys were limited to one species—Canada thistle (*Cirsium arvense*). Weed control measures, including providing contractor education on noxious weeds, implementing preventative measures (e.g., flagging existing noxious weed infestations, cleaning equipment, segregating topsoil; and implementing reclamation following FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* [FERC Plan][22] and *Wetland and Waterbody Construction and Mitigation Procedures* [FERC Procedures]),[23] and implementing treatment methods will be incorporated into the Project to reduce the threat of introducing or spreading noxious weeds and invasive plant species within the Project area.

After soil is cleared in disturbed non-agricultural upland areas within the right-of-way and additional temporary workspace (ATWS) in accordance with the FERC Plan, revegetation efforts would include using seed mixes approved by the Natural Resources Conservation Service (NRCS), or landowners, and would provide habitat for the DASK while reducing habitat fragmentation along the Project alignment. Based on recommendations provided by the NRCS, WBI Energy proposes to use seed mixes designed for reseeding land in accordance with the North Dakota Department of Transportation 2020 *Standard Specifications for Road and Bridge Construction*.[24] Table 2 provides the NRCS-approved seed mixes for lands crossed by the Project. In addition to those species listed in Table 2, the NRCS also suggested adding 10 pounds of oats per acre to serve as a companion or nurse crop, which would reduce erosion and weed competition.

Table 2: Proposed Upland Seed Mixes for Lands Crossed by the Project

Species	PLS Lbs/Acre	Percent of Mix
North Dakota Department of Transportation Mix		
Western wheatgrass *Pascopyrum smithii* (Rydb.) A. Love	9.6	20
Switchgrass *Panicum virgatum* L	1.6	20
Green needlegrass *Nassella viridula* [Trin.] Barkworth	3.6	20
Canada wild-rye *Elymus canadensis*	5.2	20

22 Federal Energy Regulatory Commission. 2013. *Upland Erosion Control, Revegetation, and Maintenance Plan*. Available online: https://www.ferc.gov/sites/default/files/2020-04/upland-erosion-control-revegetation-maintenance-plan.pdf. Accessed March 2022.

23 Federal Energy Regulatory Commission. 2013. *Wetland and Waterbody Construction and Mitigation Procedures*. Available online: https://www.ferc.gov/sites/default/files/2020-04/wetland-waterbody-construction-mitigation-procedures.pdf. Accessed March 2022.

24 North Dakota Department of Transportation. 2020. *Standard Specifications for Road and Bridge Construction*. Available online: https://www.dot.nd.gov/divisions/environmental/docs/supspecs/2020%20Standard%20Specifications%20for%20Road%20and%20Bridge%20Construction.pdf. Accessed March 2022.

Species	PLS Lbs/Acre	Percent of Mix
Slender wheatgrass *Elymus trachycaulus*	5.0	20
Total	**25.0**	**100**

Note: Lbs/Acre = pounds per acre; PLS = pure live seed

Determination

Due to the overall lack of suitable DASK habitat within and immediately adjacent to the Project area, as well as the species' poor dispersal abilities, and the implementation of the proposed mitigation measures (e.g., implementation of weed control measures and revegetation efforts), the Project *may affect, but is not likely to adversely affect,* DASK or its habitat.

Poweshiek Skipperling

Current Status

Poweshiek skipperling is listed as endangered under the ESA. Critical habitat for the Poweshiek skipperling occurs in North Dakota, South Dakota, Minnesota, Iowa, Michigan, and Wisconsin (80 FR 59248). North Dakota Critical Habitat Units 1 and 2, which are the closest critical habitat to the Project, are located in Richland County approximately 22 and 26 miles southwest of the Project area, respectively. Critical Habitat Units 4, 18, and 11, which are the closest critical habitat in Minnesota, are located in Clay and Wilkin counties more than 20 miles from the Project. Similar to the threats identified for DASK, main threats to Poweshiek skipperling and its habitat include cattle grazing, habitat loss, habitat fragmentation and isolation of populations, and periods of prolonged drought.[25, 26]

Potential Habitat Surrounding and within the Project Area

The Project area is within the Poweshiek skipperling's historical range. There are historical records from 16 sites in seven of North Dakota's counties, including Cass and Richland counties, for this species. The most recent observation of Poweshiek skipperling within its historical range in North Dakota was in 2001.[26] The NDGFD document that this species is rare and believed to be extirpated in North Dakota and the USFWS document that Poweshiek skipperling may have been extirpated from the Dakotas, Minnesota, and Iowa within the last 10 years.[27] The USFWS designated critical habitat for the Poweshiek skipperling is located in North Dakota, South Dakota, Minnesota, Iowa, Michigan, and Wisconsin. There is no designated critical habitat within 20 miles of the Project area.

Historically, the Poweshiek skipperling was distributed throughout tallgrass and mixed-grass prairie habitats of Illinois and Iowa in the south, to Michigan in the east, North Dakota and South Dakota in the west, and southern Manitoba in the north.[28] The Poweshiek skipperling has undergone rangewide declines in number of individuals and the location of populations and may have been extirpated from the

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25 Minnesota Department of Natural Resources. 2022. *Oarisma poweshiek: Poweshiek Skipperling*. Rare Species Guide. Available online: https://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=IILEP57010. Accessed: March 2022.

26 Selby, G. 2010. *Status assessment update (2010): Poweshiek skipperling (Oarisma poweshiek (Parker)) (Lepidoptera: Hesperiidae)*. Prepared for Twin Cities Ecological Services Field Office, United States Fish and Wildlife Service, Bloomington, MN. 29 p.

27 U.S. Fish and Wildlife Service. No Date. *Oarisma poweshiek*. Available online: https://www.fws.gov/species/poweshiek-skipperling-oarisma-poweshiek. Accessed: March 2022.

28 U.S. Fish and Wildlife Service. 2021. *Draft Recovery Plan for the Poweshiek Skipperling (Oarisma poweshiek)*. Available online: https://ecos.fws.gov/docs/recovery_plan/POSK%20Draft%20Recovery%20Plan_06152021_508%20compliant.pdf. Accessed: March 2022.

Dakotas, Minnesota, and Iowa within the last 10 years. Poweshiek skipperling populations are now known only from Wisconsin, Michigan, and Manitoba.[29, 30]

Poweshiek skipperling inhabit remnant prairie habitats including prairie fens, grassy lake and stream margins, moist meadows, sedge meadows, and wet-to-dry prairies with hillsides. Primary habitat plant species for Poweshiek skipperling include bluestem and purple coneflower.[28]

Poweshiek skipperling complete one generation per year, including a single flight period lasting 2 to 4 weeks. Adult Poweshiek skipperling emerge from mid-June to early July when they rely on high-quality nectar from flowers for feeding and a source of healthy and abundant host plants for egg laying.[31] Nectar plants vary geographically; nectar sources documented in North Dakota include smooth ox-eye (*Heliopsis helianthoides*) and purple coneflower.[32] Plant sources for egg laying and larval food include prairie dropseed (*Sporobolus heterolepis*), little bluestem, sideoats grama (*Bouteloua curtipendula*), and sedges (*Carex* spp.). Poweshiek skipperling overwinter as larvae above ground dependent on blades and/or stems of host plants; therefore, this species also requires suitable microclimate conditions for shelter during winter.[28] WBI Energy conducted a habitat assessment of the vegetation within the Project area in the fall of 2021. Suitable habitat for Poweshiek skipperling was not documented within the Project area; however, there is historically documented potential habitat outside of the Project area. Poweshiek skipperling are not likely to be present in the dominant vegetation found within the Project including cropped areas, previously cropped areas, non-native haylands/pastures, or other grassland that is dominated by non-native species.[31]

Determination

Due to the lack of suitable habitat and the likelihood that this species has been extirpated from the state,[27] WBI Energy has determined that the Project will have *no effect* on Poweshiek skipperling. Due to the distance between the Project and designated critical habitat, the Project is not anticipated to have an effect on Poweshiek skipperling critical habitat.

Western Prairie Fringed Orchid

Current Status

The western prairie fringed orchid (WPFO) is listed as threatened under the ESA. Identified threats to the WPFO throughout its range include woody encroachment, invasive plant species, siltation, erosion, altered fire regimes, land use/management changes (e.g., conversion of remnant prairie to cropland), and the use of herbicides and insecticides.[33]

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29 U.S. Fish and Wildlife Service. 2022. *ECOS Environmental Conservation Online System. Poweshiek skipperling (Oarisma poweshiek)*. Available online: https://ecos.fws.gov/ecp/species/9161. Accessed March 2022.

30 North Dakota Game and Fish Department. 2019. *Species Identification (Common, Game and SCP Species)*. Available online: https://gf.nd.gov/wildlife/id. Accessed: March 2022.

31 U.S. Fish and Wildlife Service. 2021. *Poweshiek Skipperling (Oarisma poweshiek) Species Needs Assessment.* Bloomington, MN. Available online: https://ecos.fws.gov/docs/recovery_plan/Poweshiek%20Skipperling%20Species%20Needs%20Assessment_508%20compliant.pdf. Accessed: March 2022.

32 Swengel, A. B., and S. R. Swengel. 1999. "Observations of prairie skippers (Oarisma poweshiek, Hesperia dacotae, H. ottoe, H. leonardus pawnee, and Atrytone arogos iowa) (Lepidoptera: Hesperiidae) in Iowa, Minnesota, and North Dakota during 1988-1997." *The Great Lakes Entomologist* 32:267–292.

33 U.S. Fish and Wildlife Service. 2009. *Western Prairie Fringed Orchid 5-Year Review: Summary and Evaluation*. Bloomington, MN. Available online: https://ecos.fws.gov/docs/five_year_review/doc2412.pdf. Accessed: March 2022.

Potential Habitat Surrounding and within the Project Area

The WPFO is found in Iowa, Kansas, Minnesota, Missouri, Nebraska, and North Dakota. In North Dakota, the WPFO distribution is confined to Richland and Ransom counties. The USFWS 2020 5-year review on the WPFO indicates that since 2009[33] there has been one new population discovered, and nine populations are now considered extirpated (primarily concentrated within the Sheyenne National Grassland) by the North Dakota Natural Heritage Program, as no orchids have been observed since 1995 or the habitat is no longer suitable.[33] The Sheyenne National Grassland is located more than 8 miles west/southwest of the Project area. Natural heritage data provided by the NDPRD documented one historical record (observation greater than 35 years ago) of the WPFO within 1 mile of the Project area to the east of milepost 30.4. The Project area is within the WPFO historical range. Based on USFWS 5-year species review, the WPFO has not been regularly surveyed outside of the Sheyenne National Grassland in North Dakota since the 1990s.

This species is found almost exclusively in remnant native plant communities.[34] In North Dakota, the WPFO most frequently occurs in sedge meadow communities on the Glacial Sheyenne Delta as well as the tallgrass prairie community classified as the Midland Grassland habitat type.[35] Associated plant species include big bluestem (*Andropogon gerardii*) and little bluestem, several sedge species, switchgrass (*Panicum virgatum*), and prairie sandreed (*Calamovilfa longifolia*).[36] WPFO habitat conditions vary across its geographic range; however, one common factor thought to influence the growth of this species is groundwater depth. In southeastern North Dakota, preferred habitat for the species includes northern wet prairie, northern mesic prairie, and prairie wet meadows. The populations of WPFO found within the Sheyenne National Grassland are located in sedge meadows associated with lowland depressions, called swales.[37]

The WPFO relies on its relationship with mycorrhizal soil fungi for seed germination and seedling development. This species has been documented emerging as early as late-March in southwestern Minnesota and senescence generally occurs in late September or earlier if the soil moisture is abnormally low. Peak flowering typically occurs from early to mid-July. The WPFO is also reliant on sphinx moth populations for seed production.[34]

WBI Energy conducted a habitat assessment of the vegetation within the Project area in the fall of 2021. The WPFO was not documented during the field surveys; however, surveys were not conducted during the peak blooming season for this species. Suitable habitat for the WPFO such as prairie and sedge meadows and associated native prairie plant species (e.g., big and little bluestem, sedges, switchgrass, and prairie sandreed) were not observed in the Project area. The WPFO is not likely to be present in the dominant vegetation found within the Project area—including cropped areas, previously cropped areas, non-native haylands/pastures, or other grassland that is dominated by non-native species.

As indicated on the Minnesota Department of Natural Resource (MNDNR) site,[34] conservation efforts for the WPFO should be directed toward protecting "*high quality, intact, native habitat*," which further indicate the specialized habitat that the WPFO is dependent upon and that is not present within the Project area.

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34 Minnesota Department of Natural Resources. 2022. *Platanthera praeclara: Western Prairie Fringed Orchid.* Rare Species Guide. Available online: https://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=PMORC1Y0S0. Accessed: March 2022.

35 U.S. Fish and Wildlife Service. 1996. *Platanthera praeclara (Western Prairie Fringed Orchid) Recovery Plan*. U.S. Fish and Wildlife Service, Ft. Snelling, MN. Available online: https://puc.sd.gov/commission/dockets/HydrocarbonPipeline/2014/HP14-002/rstexhibit/24.pdf. Accessed: March 2022.

36 Sieg, C.H., and A.J. Bjugstad. 1994. "Five years of following the western prairie fringed orchid (*Platanthera praeclara*) on the Sheyenne National Grassland, North Dakota." *North Amer. Prairie Conf.* 13:141–146. Available online: https://library.ndsu.edu/ir/bitstream/handle/10365/3242/634sie92.pdf?sequence=1&isAllowed=y. Accessed: March 2022.

37 Wolken, P.M., C.H. Sieg, and S.E. Williams. 2001. "Quantifying suitable habitat of the threatened western prairie fringed orchid." *Journal of Range Management* 54:611–616.

Further noted on the MNDNR's site,[34] annual haying can present problems for long-term WPFO survival, particularly if the haying occurs prior to seed capsule maturation; the WPFO reproduces entirely by seed, and annual mowing could lead to reproductive failure and eventually population collapse.[34] Given that the majority of land in the Project area is agricultural, which would include utilizing methods such as haying and mowing, the WPFO is not likely to be present within the Project area.

Effects Analysis

The majority of the land in the Project area is agricultural (approximately 92 percent), which includes rotated croplands. Limited areas of scrub-shrub and forested wetlands are found within the Project area. Construction of the proposed pipeline will require clearing and grading of the temporary right-of-way, which will temporarily impact vegetation communities. The permanent right-of-way will be maintained as cropland or other herbaceous and shrub vegetation communities while the remaining temporary workspace along the construction right-of-way and any ATWS areas will be allowed to revert to preconstruction conditions. Implementation of the measures specified in the FERC Plan and the FERC Procedures will minimize Project-related impacts on affected vegetation communities.

Following construction, WBI Energy will revegetate disturbed non-agricultural upland areas within the right-of-way and ATWS in accordance with the FERC Plan using seed mixes approved by the NRCS or landowners. Revegetation will provide protection against erosion. In areas where final grade and cleanup is completed during active construction, WBI Energy will comply with the timelines for seeding identified in the FERC Plan (weather and soil conditions permitting) or as recommended by the NRCS or Farm Service Agency (subject to approval by landowners). Timely restoration of the construction right-of-way, reseeding with the appropriate seed mixes, and the use of effective erosion control measures will minimize the duration of vegetation disturbance.

Construction and operation impacts on wetland vegetation will be minimized by implementing the measures identified in the FERC Plan and the FERC Procedures.

Project construction activities create an opportunity for introducing and spreading noxious weeds and invasive plant species within the Project area. Noxious weeds and invasive plants can out compete native forbs and grasses, which provide habitat for the WPFO. Weed control measures, as described above, including providing contractor education on noxious weeds, implementing preventative measures, and implementing treatment methods have been incorporated into the Project to reduce the threat of introducing or spreading noxious weeds and invasive plant species within the Project area.

Determination

After soil is cleared in non-agricultural grassland areas, revegetation efforts would include reseeding using an NRCS-approved seed mix including native species and would reduce habitat fragmentation along the Project alignment. Because noxious weeds and invasive plants can out compete native forbs and grasses, WBI Energy would implement weed control measures to reduce the threat of introducing or spreading noxious weeds and invasive plant species within the Project area. Based on recommendations provided by the NRCS, WBI Energy proposes to use seed mixes (Table 2) designed for reseeding land in accordance with the North Dakota Department of Transportation 2020 *Standard Specifications for Road and Bridge Construction*.[24] Due to the lack of suitable habitat for the WPFO, including intact prairie and sedge meadows (swales) and associated native plant species, and the implementation of the proposed mitigation measures (e.g., implementation of weed control measures and revegetation efforts), WBI Energy has determined that the Project *may affect, but is not likely to adversely affect*, the WPFO.

CANDIDATE SPECIES

Monarch Butterfly

Current Status

The monarch butterfly is a candidate species under the ESA and not yet listed or proposed for listing. Candidate species are plants and animals for which the USFWS has sufficient information on their biological status and threats to propose them as endangered or threatened under the ESA, but for which development of a proposed listing regulation is precluded by other higher priority listing activities. Candidate species receive no statutory protection under the ESA.[38]

Two North American populations, including migratory populations east and west of the Rocky Mountains, have been monitored at their overwintering sites since the mid-1990s. Monarch butterflies found east of the Rocky Mountains, including breeding populations found in North Dakota, migrate south or southwest to mountainous overwintering grounds in central Mexico.[39] While populations normally fluctuate from year-to-year, data indicate population declines over the last two decades.[40] Threats associated with these declines include habitat loss and fragmentation, pesticide use on milkweed (*Asclepias* spp.) host plants, and changing climate.[41]

Potential Habitat Surrounding and within the Project Area

In general, habitat requirements for monarch populations include specific quantities and optimal quality of milkweed and breeding season nectar sources; however, the specific optimal amount of habitat and its spatial distribution are unknown.[40]

The monarch life cycle varies geographically. Monarchs lay their eggs on milkweed host plants and the larvae emerge after 2 to 5 days. The larvae then develop and feed on the milkweed over a period of 9 to 18 days. The larvae pupate into chrysalis and 6 to 14 days later emerge as an adult butterfly. There are multiple generations of monarchs produced during the breeding season; where most adult butterflies live 2 to 5 weeks, overwintering adults enter into reproductive diapause (suspended reproduction) and live 6 to 9 months.[40]

WBI Energy conducted a habitat assessment of the vegetation within the Project area in the fall of 2021. While field surveys were not conducted during the peak blooming season for milkweed species, surveyors documented potentially suitable habitat, including small numbers of common milkweed, for the monarch within the Project area. About 10 species of native milkweed can be found in North Dakota and additional milkweed species and/or milkweed populations are likely present within the Project area near ditches and woodland edges.[42] Monarch butterflies and their suitable habitat are not likely to be present in the dominant vegetation found within the Project including cropped areas, previously cropped areas, non-native haylands/pastures, or other grassland that is dominated by non-native species.

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38 U.S. Fish and Wildlife Service. 2022. *Candidate Conservation*. Available online: https://www.fws.gov/library/collections/candidate-conservation. Accessed March 2022.

39 North Dakota Game and Fish Department. 2019. *Pollinators*. Monarch Butterfly. Available online: https://gf.nd.gov/pollinators. Accessed: March 2022.

40 U.S. Fish and Wildlife Service. 2020. *Monarch (Danaus plexippus) Species Status Assessment Report, version 2.1*. Available online: https://ecos.fws.gov/ServCat/DownloadFile/191345. Accessed: March 2022.

41 U.S. Fish and Wildlife Service. 2021. *Monarchs*. Available online: https://www.fws.gov/initiative/pollinators/monarchs. Accessed: March 2022.

42 North Dakota Game and Fish Department. 2019. *Milkweeds and Monarchs*. Authors and Contributors: Ron Wilson. Available online: https://gf.nd.gov/magazine/2017/jun/milkweeds-monarchs. Accessed: March 2022.

Effects Analysis

Direct and indirect effects on the monarch butterfly would be visual or physical disturbances from physical presence of people, development activities, and moving vehicles. The disturbance could cause individuals to move from resting/nectaring locations or alter the flight paths of adults.

The Project has the potential to impact habitat, including nectar-bearing wildflowers, on which adult monarch butterflies might feed. The Project's permanent impacts on vegetation will be associated with aboveground facilities, permanent access roads, and the maintained pipeline right-of-way. Peripheral workspace and the majority of the workspace for the pipeline system will be returned to preconstruction conditions and allowed to revegetate, resulting in only temporary habitat impacts. Where losses of potential habitat are permanent, including about 3.4 acres for the aboveground facilities, less than 1 acre for the valve sites, and about 1 acre for the permanent access roads, it is expected that similar adjacent available habitat could be utilized, should the species be present.

Project construction activities create an opportunity for introducing and spreading noxious weeds and invasive plant species within the Project area. Noxious weeds and invasive plants can outcompete native forbs that provide food and/or sources for egg laying for the monarch butterfly. Weed control measures, as described above, and treatment methods have been incorporated into the Project to reduce the threat of introducing or spreading noxious weeds and invasive plant species within the Project area. Therefore, due to the overall lack of suitable monarch butterfly habitat within the Project area, and the implementation of the proposed mitigation measures, Project impacts to the monarch are anticipated to be minor.

OTHER FEDERALLY PROTECTED RESOURCES

Migratory Birds

Migratory birds are protected under the Migratory Bird Treaty Act (MBTA; Title 16 United States Code Sections 703–711). The MBTA protects native migratory birds and their eggs and active nests. The MBTA prohibits intentionally taking, possessing, transporting, selling, or purchasing migratory birds and their parts, nests, or eggs without a valid permit.

Executive Order (EO) 13186 (66 FR 3853), *Responsibilities of Federal Agencies To Protect Migratory Birds*, directs federal agencies to identify where unintentional take is likely to have a measurable negative effect on migratory bird populations and to avoid or minimize adverse impacts on migratory birds through enhanced collaboration with the USFWS. In March 2011, FERC and the USFWS finalized a Memorandum of Understanding (MOU) to implement EO 13186. The MOU "focuses on avoiding or minimizing adverse impacts on migratory birds and strengthening migratory bird conservation through enhanced collaboration." Conservation of migratory bird habitats, avoiding or minimizing take of migratory birds, and developing effective mitigation measures to restore or enhance habitats on lands affected by an energy project are several obligatory elements in the MOU with emphasis on, but not exclusive to, the Birds of Conservation Concern. It also states that emphasis should be placed on species of concern, priority habitats, and key risk factors, and it prohibits the direct take of any migratory bird without authorization from the USFWS.

A variety of migratory bird species may occur seasonally along the proposed pipeline route. The Project is within the Central Flyway for migratory birds.[43, 44] Potential impacts on nesting migratory bird species

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43 National Audubon Society. No Date. *Flyways of the Americas*. Available online: https://www.audubon.org/birds/flyways. Accessed March 2022.

44 Dubovsky, J.A., compiler. 2020. *Central Flyway harvest and population survey data book 2020*. U.S. Fish and Wildlife Service, Lakewood CO.

include the following: habitat fragmentation; loss of wooded habitat; temporary removal of vegetation in grasslands, which could cause nesting species to relocate to other suitable habitat; and noise generated during construction, which could disturb nesting birds if present. Direct impacts on species include the potential for mortality or injury during construction from destruction of ground nests or vehicle collisions. Construction of the Project is planned to begin in the spring of 2024 subject to receipt of necessary permits and regulatory approvals, which could overlap with the migratory bird nesting season. To minimize impacts in areas where clearing cannot occur prior to the migratory bird nesting season, WBI Energy will conduct ground-based surveys within areas identified as open land for nesting birds prior to clearing of the right-of-way. If nests are identified during surveys, an appropriate buffer would be established based on the species and site-specific conditions. Construction activities in these areas could resume when the chicks have fledged or the nest is determined inactive. In areas where clearing occurs prior to migratory bird nesting but construction does not occur right after clearing, the construction area will be maintained (as needed) to avoid the regrowth of potential nesting habitat.

After construction is complete, WBI Energy will restore the right-of-way as near as practical to preconstruction condition in accordance with FERC's Plan and Procedures. Cropland will be restored to active agricultural production and other areas will be revegetated using methods and seed mixes appropriate to existing land use, cover type, or landowner preference. WBI Energy anticipates that the Project area, with the exception of forested areas on the maintained operational right-of-way and permanent aboveground facilities, will return to preconstruction conditions over time. Consequently, the Project will not permanently alter the character of available habitats for migratory birds.

Routine vegetation clearing for maintenance of the permanent right-of-way will be conducted in accordance with FERC's Plan and Procedures. The FERC Plan and Procedures do not allow routine vegetation maintenance clearing more frequently than once every 3 years with the exception of a 10-foot-wide corridor centered over the pipeline, which can be maintained annually in an herbaceous state to facilitate periodic corrosion and leak surveys. Routine maintenance clearing will not occur between April 15 and August 1 of any year, as specified in section VII.A.5 of the FERC Plan. However, the majority of the route is cropland or has low growing vegetation, which allows for regular inspection without regular clearing. In wetlands, the FERC Procedures allow for selective cutting of trees greater than 15 feet in height within 15 feet of the pipeline. As noted above, WBI Energy anticipates that the need for routine vegetation maintenance will be infrequent and limited to specific locations such as areas around pipeline markers and at road crossings.

Based on the relatively limited extent of the proposed disturbance within the broader landscape and with the implementation of the proposed mitigation and restoration measures, no substantial changes in migratory bird habitat availability or suitability are anticipated as a result of the Project. As such, the Project is not expected to result in adverse permanent impacts on migratory birds.

Eagles

The Bald and Golden Eagle Protection Act (BGEPA; Title 16 United States Code Section 668), provides additional protection to bald eagles and golden eagles (*Aquila chrysaetos*). The BGEPA prohibits the take, possession, sale, barter, offer to sell, purchase, transport, export, or import of any bald or golden eagle, alive or dead, including any part, nest, or egg unless allowed by permit. "Take" under the BGEPA is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." Disturb is defined as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior" (72 FR 31131). If a proposed project or action would occur in areas where nesting, feeding, or roosting eagles

occur, then project proponents may need to take additional conservation measures to achieve compliance with the BGEPA. The BGEPA includes limited exceptions to its prohibitions through a permitting process, including exceptions to take bald or golden eagle nests that interfere with resource development or recovery operations.

Golden eagle range and nesting habitat is concentrated in southwestern North Dakota. WBI Energy reviewed golden eagle nest habitat range data available from the NDGFD, which shows there is no nest habitat for golden eagles crossed by the Project. Therefore, the proposed Project is not expected to affect golden eagles.

Bald eagle status in North Dakota include both year-round and migratory populations, where they are typically found near large rivers and lakes or wetlands bordered by mature stands of trees (e.g., cottonwood [*Populus deltoids*]). Bald eagle nests are usually found within the top quarter of tall, living trees found within 1.2 miles of water.[7] However, Johnson (2009)[45] documented that bald eagles historically have utilized atypical habitats in North Dakota. The landscape surrounding nests across the state have varied from forested landscapes to open, prairie habitat. Nests have historically been found in a single tree or shelterbelt surrounded by agriculture.[45] WBI Energy reviewed bald eagle nest location data provided by the USFWS and NDGFD. Five bald eagle nest locations were identified within 2 miles of the Project area including:

- One northeast of the proposed Kost contractor yard, which is located along the Sheyenne River and near the city of Riverside (West Fargo), North Dakota;
- Two located southwest of the proposed pipeline milepost 25.7, approximately 1.4 and 1.7 miles away from the proposed centerline;
- One located northeast of the proposed pipeline milepost 38, approximately 1.9 miles away from the proposed centerline; and
- One located northeast of the proposed pipeline milepost 59.7, approximately 1.7 miles away, which is located along the Red River.

Incidental on-the-ground raptor nest surveys were conducted during wetland and waterbody surveys (limited to the 300-foot-wide wetland/waterbody survey corridor), during which no nesting activity for bald eagles was observed. If a bald eagle nest is identified near the Project area, WBI Energy will implement the measures described in the USFWS 2007 *National Bald Eagle Management Guidelines* to avoid and minimize impacts on nesting bald eagles.[46] The proposed Project is not expected to affect bald eagles.

SUMMARY/CLOSING

WBI Energy is providing this analysis in support of federal permitting for the Wahpeton Expansion Project. Based on the above analysis, we conclude that our action *may affect but is not likely to adversely affect* the NLEB, DASK, and WPFO; the Project will have *no effect* on the Poweshiek skipperling; and Project impacts on the monarch butterfly are anticipated to be minor. Additionally, the Project is not expected to result in adverse permanent impacts on migratory birds, and the Project is not expected to affect golden or bald eagles. As noted above, WBI Energy is requesting technical assistance, and concurrence with or comments otherwise, on the effects determinations for federally protected species discussed in this letter.

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[45] Johnson, S. 2009. *North Dakota Bald Eagle Nest Summary*. North Dakota Game and Fish Department. December 2009. Available online: https://efotg.sc.egov.usda.gov/references/public/ND/ND_Bald_Eagle_Nest_Summary_2009.pdf. Accessed March 2022.

[46] U.S. Fish and Wildlife Service. 2007. *National Bald Eagle Management Guidelines*. May 2007. Available online: https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf. Accessed March 2022.

If you have any questions or need further information, please contact me at Jill.Linn@wbienergy.com or Leslie Rodman-Jaramillo of ERM at Leslie.RodmanJaramillo@erm.com.

Thank you for your time and assistance with this Project.

Sincerely,

Jill Linn
Environmental Affairs
WBI Energy Transmission, Inc.

Enclosures: Attachment A: General Project Description and Project Overview Map
Attachment B: USFWS Correspondence
Attachment C: IPaC Official Species List
Attachment D: NLEB Determination Key

cc: Robbyn Reukauf, WBI Energy
Maggie Suter, ERM

WBI ENERGY TRANSMISSION, INC.

Wahpeton Expansion Project

Resource Report 1
General Project Description

Final

Docket No.
CP22-XXX-000

May 2022

WBI ENERGY TRANSMISSION, INC.
WAHPETON EXPANSION PROJECT
RESOURCE REPORT 1—GENERAL PROJECT DESCRIPTION

Minimum Filing Requirements:	**Addressed in Section:**
1. Describe and provide location maps of all jurisdictional facilities, including all aboveground facilities associated with the project (such as meter stations, pig launchers/receivers, valves) to be constructed, modified, abandoned, replaced, or removed, including related construction and operational support activities and areas such as maintenance bases, staging areas, communications towers, power lines, and new access roads (roads to be built or modified). As relevant, the report must describe the length and diameter of the pipeline, the types of aboveground facilities that would be installed, and associated land requirements. It must also identify other companies that must construct jurisdictional facilities related to the project, where the facilities would be located, and where they are in the Commission's approval process. —Title 18 of the Code of Federal Regulations (CFR) Part (§) 380.12(c)(1)	Section 1.1; figure 1.1.2-1; appendix 1A; and appendix 1B
2. Identify and describe all non-jurisdictional facilities, including auxiliary facilities that will be built in association with the project, including facilities to be built by other companies. i. Provide the following information: a. a brief description of each facility, including as appropriate: ownership, land requirements, gas consumption, megawatt size, construction status, and an update of the latest status of federal, state, and local permits/approvals; b. the length and diameter of any interconnecting pipeline; c. current 1:24,000/1:25,000 scale topographic maps showing the location of the facilities; d. correspondence with the appropriate State Historic Preservation Officer or duly authorized Tribal Historic Preservation Officer for tribal lands regarding whether properties eligible for listing on the National Register of Historic Places would be affected; e. correspondence with the United States Fish and Wildlife Service (and National Marine Fisheries Service, if appropriate) regarding potential impacts of the proposed facility on federally listed threatened and endangered species; and f. for facilities within a designated coastal zone management area, a consistency determination or evidence that the owner has requested a consistency determination from the state's coastal zone management program. ii. Address each of the following factors and indicate which ones, if any, appear to indicate the need for the Commission to do an environmental review of project-related non-jurisdictional facilities. a. whether or not the regulated activity comprises "merely a link" in a corridor type project (e.g., a transportation or utility transmission project) b. whether there are aspects of the non-jurisdictional facility in the immediate vicinity of the regulated activity which uniquely determine the location and configuration of the regulated activity c. the extent to which the entire project will be within the Commission's jurisdiction d. the extent of cumulative federal control and responsibility. —18 CFR § 380.12(c)(2)	Section 1.7

3. Provide the following maps and photos: i. Current, original United States Geological Survey 7.5-minute series topographic maps or maps of equivalent detail, covering at least a 0.5-mile-wide corridor centered on the pipeline, with integer mileposts identified, showing the location of rights-of-way, new access roads, other linear construction areas, compressor stations, and pipe storage areas. Show nonlinear construction areas on maps at a scale of 1:3,600 or larger keyed graphically and by milepost to the right-of-way maps. ii. Original aerial images or photographs or photo-based alignment sheets based on these sources, not more than 1 year old (unless older ones accurately depict current land use and development) and with a scale of 1:6,000 or larger, showing the proposed pipeline route and location of major aboveground facilities, covering at least a 0.5-mile-wide corridor, and including mileposts. Older images/photographs/alignment sheets should be modified to show any residences not depicted in the original. Alternative formats (e.g., blue-line prints of acceptable resolution) need prior approval by the environmental staff of the Office of Energy Projects. iii. In addition to the copy required under 18 Code of Federal Regulations ("CFR") §157.6(a)(2) of this chapter, applicant should send two additional copies of topographic maps and aerial images/photographs directly to the environmental staff of the Office of Energy Projects. —18 CFR § 380.12(c)(3)	Appendix 1A; appendix 1B; construction alignment sheets
4. When new or additional compression is proposed, include large scale (1:3,600 or greater) plot plans of each compressor station. The plot plan should reference a readily identifiable point(s) on the United States Geological Survey maps required in paragraph (c)(3) of this section. The maps and plot plans must identify the location of the nearest noise-sensitive areas (schools, hospitals, or residences) within 1 mile of the compressor station, existing and proposed compressor and auxiliary buildings, access roads, and the limits of areas that would be permanently disturbed—18 CFR § 380.12(c)(4).	Not Applicable
5. i. Identify facilities to be abandoned, and state how they would be abandoned, how the site would be restored, who would own the site or right-of-way after abandonment, and who would be responsible for any facilities abandoned in place. ii. When the right-of-way or the easement would be abandoned, identify whether landowners were given the opportunity to request that the facilities on their property, including foundations and below ground components, be removed. Identify any landowners whose preferences the company does not intend to honor, and the reasons therefore. —18 CFR § 380.12(c)(5)—18 CFR § 380.12(c)(5)	Not Applicable
6. Describe and identify by milepost, proposed construction and restoration methods to be used in areas of rugged topography, residential areas, active croplands, sites where the pipeline would be located parallel to and under roads, and sites where explosives are likely to be used.—18 CFR § 380.12(c)(6)	Section 1.3
7. Unless provided in response to Resource Report 5, describe estimated workforce requirements, including the number of pipeline construction spreads, average workforce requirements for each construction spread and meter or compressor station, estimated duration of construction from initial clearing to final restoration, and number of personnel to be hired to operate the proposed project.—18 CFR § 380.12(c)(7)	Section 1.2
8. Describe reasonably foreseeable plans for future expansion of facilities, including additional land requirements and the compatibility of those plans with the current proposal.—18 CFR § 380.12(c)(8)	Section 1.6
9. Describe all authorizations required to complete the proposed action and the status of applications for such authorizations. Identify environmental mitigation requirements specified in any permit or proposed in any permit application to the extent not specified elsewhere in this section.—18 CFR § 380.12(c)(9)	Section 1.8 and table 1.8-1
10. Provide the names and mailing addresses of all affected landowners specified in 18 CFR §157.6(d) and certify that all affected landowners will be notified as required in 18 CFR §157.6(d).—18 CFR § 380.12(c)(10)	Section 1.9; appendix 1G (filed under separate cover as Controlled Unclassified Information / Privileged and Confidential [CUI//PRIV])
Additional Information:	

Provide plot/site plans of all other aboveground facilities that are not completely within the right-of-way.	Appendix 1E (filed under separate cover as Controlled Unclassified Information / Critical Energy Infrastructure Information[CUI//CEII]; additional facility plot/site plans to be included in a subsequent draft of the resource report)
Provide detailed typical construction right-of-way cross-section diagrams showing information such as widths and relative locations of existing rights-of-way, new permanent right-of-way, and temporary construction right-of-way	Appendix 1C (typical right-of-way cross section diagrams to be included in a subsequent draft of the resource report)
Summarize the total acreage of land affected by construction and operation of the Project.	Section 1.1.3 and table 1.1-3
Federal Energy Regulatory Commission's November 17, 2021 Comments on Draft Resource Report 1:	
1. Provide all applicable agency correspondence. This includes letters, meeting notes, phone logs, and/or emails where substantive information has been discussed or received from relevant federal, state, and local agencies, and federally recognized Native American tribes.	Section 1.8. Copies of Agency Correspondence are included in applicable appendices of each resource report.
2. Provide the status of environmental and cultural resources surveys. Where surveys are pending, identify the anticipated completion date and the reason for incomplete surveys (for example, landowner access denied).	The status of environmental surveys is discussed in sections 2.2.1 and 2.3.1 of Resource Report 2 and in section 3.6 of Resource Report 3; the status of cultural surveys is discussed in section 4.3.2.1 of Resource Report 4.
3. Clarify whether the demand for natural gas service in Kindred and Wahpeton, North Dakota is for residential, commercial, or industrial uses.	Section 1.1.1
4. Many railroad operators require 24-hour installation of pipelines which cross railroads (i.e., boring under the railroad must continue without stopping until the railroad is crossed). Clarify if 24-hour construction would be required at any railroad crossing.	Section 1.3.2.3
5. Clarify if trench dewatering or any other additional activities (beyond those listed) may be required up to 24-hours a day. Clarify if lost workdays due to poor weather or anticipated poor weather (or any other additional circumstances) would result in work on Sundays and/or seven days per week.	Section 1.2
6. WBI Energy indicates that farm taps may be installed. Indicate: i. if the farm taps would be installed by WBI Energy and if they would be within the permanent easement and require new access roads; ii. what the tap facility would consist of (e.g., fenced, aboveground, belowground); iii. when and how the locations for the farm taps would be decided (including mapping as appropriate); and iv. any impacts that would occur on resources, and measures to be implemented to avoid, minimize, or mitigate impacts.	Section 1.1.3.5
7. Clarify whether there is potential to partially overlap the construction right-of-way with abutting rights-of-way in collocated segments.	Section 1.1.3.1
8. Clarify the pipeline depth of cover at ditches, which was reported as both 15 feet (section 1.3.2.1) and 6 feet (section 1.3.2.3).	Sections 1.3.1.4, 1.3.2.1, and 1.3.2.3
9. Clarify how roads affected by construction would be returned to as good or better condition (e.g., using pre-construction video or photo documentation).	Section 1.3.2.3
10. Include details regarding proposed cathodic protection facilities including location, dimensions, and type.	Section 1.1.2.1
11. In the description of horizontal directional drills (HDD), clarify the specific diameter of trees that would not be cut during guide wire installation. Also, discuss the feasibility of not removing any woody vegetation during placement of the guide wires for an HDD.	Section 1.3.2.1
12. Ensure the United States Geological Survey mapping in appendix 1A includes mileposts.	Section 1.2.2

13. Provide the following information for all non-jurisdictional facilities: i. company/owner; ii. type of facility; iii. dimensions (pipe diameter, length, dimensions, horsepower, etc., as appropriate for any pipelines and land area for other facilities); iv. as applicable, maps showing locations of existing facilities and any proposed relocations of those existing facilities; and v. federal, state, and local permits required and their status, along with any surveys conducted.	Section 1.7
Federal Energy Regulatory Commission's April 4, 2022 Comments on Draft Resource Report 1:	
1. Indicate if communication towers would be utilized for the planned Project, and if so include the applicable information in the appropriate resource reports.	Section 1.1.2.2
2. Specify whether block valves would be automatic shut-off or remote controlled.	Section 1.1.2.2
3. Ensure appendix 1A topographic maps depict all access roads.	The topographic maps in appendix 1A include access roads.
4. Indicate whether non-jurisdictional facilities, such as power or communication facilities, would be needed at valves and pig launchers/receivers. As applicable and if available, include actual or estimated details for non-jurisdictional facilities such as corridor lengths and widths, pipeline diameters, land requirements, survey status, permitting agencies and status, and maps.	Section 1.7
5. Include the size of individual construction workspaces for block valves 2, 4, 5, and 6 in table 1.1-3. Clarify whether during operations these block valves would be wholly contained within the 50-foot-wide permanent right-of-way.	Section 1.1.3 includes a revised table.
6. Clarify whether well pointing would be needed and if it would occur between 7:00 pm and 7:00 am.	Section 1.2
7. Specify how close (in feet) extra workspaces would be located relative to the wetlands described in table 1.3-1 and provide detailed justification as to why the workspaces cannot be offset from the wetland boundary by 50 feet. Describe whether there is an alternative to locating extra workspace within the wetland at milepost (MP) 36.1 and provide detailed justification if it cannot be relocated.	See section 1.3 for revised table 1.3-1.
8. Provide periodic updates to table 1.8-1 as permits, approvals, or consultations are obtained/completed.	See section 1.8 for updated table 1.8-1.
9. Include a draft Plan for Construction and Stabilization in Winter Conditions which also addresses how plowing of snow would avoid disturbance of soil underneath.	Section 1.2 clarifies that no winter construction is planned. Section 1.3 has been revised to remove references to snow plowing.
10. Include in Resource Reports 1 or 6, or in the Guided Bore Drilling Fluid Monitoring and Operations Plan: a. a table listing bore lengths, depths, setbacks (on both sides) from sensitive resources (e.g., wetlands, waterbodies), and estimated duration of boring operations; b. for each bore crossing of perennial waterbodies or wetlands, provide subsurface geology and soils data and site-specific risk and feasibility assessments for each bore based on desktop resources; c. an indication of what instrumentation would be used such as down-hole annular pressure tools; and d. bore pit dewatering discussion/typical drawings of dewatering devices.	Section 1.3.2.2 and appendix 6C address comment 10.a. Section 6.7 and appendix 6C address comment 10.b. Section 1.3.2.2 addresses comments 10.c and 10.d.
11. Revise the list of individual landowners in appendix 1G to include parcel identification numbers that can be matched to the parcel identification numbers depicted on the alignment sheets.	See revised appendix 1G which includes a separate list of parcel numbers matched to landowner names.
12. Include figures that illustrate each contractor yard. Each figure should depict the boundary of the yard at a scale of 0.5-inch = 500 feet (1:12,000) on an aerial image. Include the boundaries of any sensitive resources (waterbodies, wetlands, and cultural resources) using appropriate filing designations (e.g., CUI//PRIV – DO NOT RELEASE). Clarify the bounds and process if contractor yards would be restored "to a condition as specified in landowner agreements."	See revised appendix 1B.

13. Appendix 1B – Update all alignment sheets to include the following information: a. use different symbols for waterbodies and wetlands; b. include all wetlands (for example wetlands Wcaa007e and Wccaa009e are not included) c. ensure waterbody and wetland ID numbers used in table 2.2-1 and appendix C match the ID numbers on the alignment sheets (for example, table 2.2-1 lists the Sheyenne River as ID scab006p while the alignment sheet lists the Sheyenne River as scab005p; table 2.2-1 lists a roadside ditch at MP 47.4 as ID sird001e while the alignment sheet lists the roadside ditch as srid001e; and appendix 2C lists wetland wria006e at MP 36.3 while the alignment sheet lists wria006);; d. mark the crossing of Antelope Creek on the alignment sheet; e. depict the entire length of temporary and permanent access roads using different symbols or colors; f. depict the survey corridor; g. depict the location of all guided bore entry and exit points and workspaces; h. label all extra workspaces with extra workspace IDs and dimensions (ensure labeling is consistent with appendix 8A); i. depict locations of farm taps and cathodic protection (once available); j. include the Mapleton Compressor Station (including the location of Valve #1) and Valve #7 (within the MDU-Wahpeton Border Station); and k. clarify if the "Kindred Measurement Tract" and "Wahpeton Transfer Tract" are the MDU—Kindred Border Station and MDU—Wahpeton Border Station, respectively.	Updated alignment sheets are included in appendix 1B.
14. Section 2.2.7 and appendix 1F-2 (Guided Bore Drilling Fluid Monitoring and Operations Plan) states six waterbodies would be crossed via guided bore. However, table 2.2-1 lists eight waterbodies (ten crossings) would be crossed via guide bore. Resolve the apparent discrepancy.	See corrected appendix IF-2 and section 2.2.7.
15. Appendix 1H is referred to as for both names and addresses of affected landowners and as "Cumulative Impacts Outreach Correspondence." Clarify the apparent discrepancy.	Appendix 1H contains "Cumulative Impacts Outreach Correspondence". Appendix 1G contains the "Names and Addresses of affected Landowners".
16. Include an update of the status and schedule for remaining field surveys, along with an indication of the number and amount of parcels lacking survey permission.	WBI Energy has obtained 100 percent access to conduct environmental surveys. The specific status of environmental surveys is discussed in sections 2.2.1 and 2.3.1 of Resource Report 2 and in section 3.6 of Resource Report 3; the status of cultural surveys is discussed in section 4.3.2.1 of Resource Report 4. The remaining cultural and biological surveys are planned for 2022, weather permitting.
17. Clarify if the Kindred Airport Runway Expansion from appendix 1I is the same as the Robert Odegaard Field Airport Expansion on figure 1.10-1.	The "Kindred Airport Runway Expansion" in appendix 1I is the same as the "Robert Odegaard Field Airport Expansion" on figure 1.10-1. Revisions to these sources have been made to make the name consistent.
18. Regarding figure 1.10-1: a. Clarify if the items depicted in red are planned Project; b. Add the following Projects from appendix 1I: Asmoor Glenn, NDDOT 1 to NDDOT 3, NDDOT 6, and NDDOT 9; and components; and c. Add FMA Diversion Project Southern Embankment and River Control Structures and FMA Diversion Project Diversion Channel to appendix 1I or clarify if these projects are consistent with the entry "Fargo-Moorhead Area Diversion Project."	See updated figure 1.10-1 and updated appendix 1I.

19. Indicate in section 1.4.2 if FERC staff would be invited to attend environmental training.	Section 1.4.2

WBI ENERGY TRANSMISSION, INC.
WAHPETON EXPANSION PROJECT
RESOURCE REPORT 1—GENERAL PROJECT DESCRIPTION

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LIST OF FIGURES

APPENDICES

ACRONYMS AND ABBREVIATIONS

ACM	asbestos-containing material
AR	access road
ATWS	additional temporary workspace
Certificate	Certificate of Public Convenience and Necessity
CEII	Critical Energy Infrastructure Information
CFR	Code of Federal Regulations
EI	environmental inspector
FERC	Federal Energy Regulatory Commission
FERC Plan	FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan*
FERC Procedures	FERC's *Wetland and Waterbody Construction and Mitigation Procedures*
MDU	Montana-Dakota Utilities Company
MP	milepost
PRIV	Privileged and Confidential
Project	Wahpeton Expansion Project
RFFA	reasonably foreseeable future action
U.S. DOT	United States Department of Transportation
WBI Energy	WBI Energy Transmission, Inc.

WBI ENERGY TRANSMISSION, INC.
WAHPETON EXPANSION PROJECT

1.0 RESOURCE REPORT 1—GENERAL PROJECT DESCRIPTION

WBI Energy Transmission, Inc. (WBI Energy) proposes to construct, modify, operate, and maintain the Wahpeton Expansion Project (Project). The Project will involve the construction of approximately 60.5 miles of 12-inch-diameter natural gas transmission pipeline from WBI Energy's existing Mapleton Compressor Station near Mapleton, North Dakota to a new Montana-Dakota Utilities Company (MDU)—Wahpeton Border Station near Wahpeton, North Dakota. The Project will also include minor modifications at the Mapleton Compressor Station; a new MDU—Kindred Border Station near Kindred, North Dakota; new block valve settings; and new pig launcher/receiver settings. The Project may also include newly constructed farm taps along the pipeline route. The proposed Project facilities will be located in Cass and Richland Counties, North Dakota.

As required by Title 18 of the Code of Federal Regulations (CFR) Part 380.12, WBI Energy has prepared this Environmental Report in support of its application to the Federal Energy Regulatory Commission (FERC) for a Certificate of Public Convenience and Necessity (Certificate) under Section 7(c) of the Natural Gas Act to construct and operate the proposed facilities.

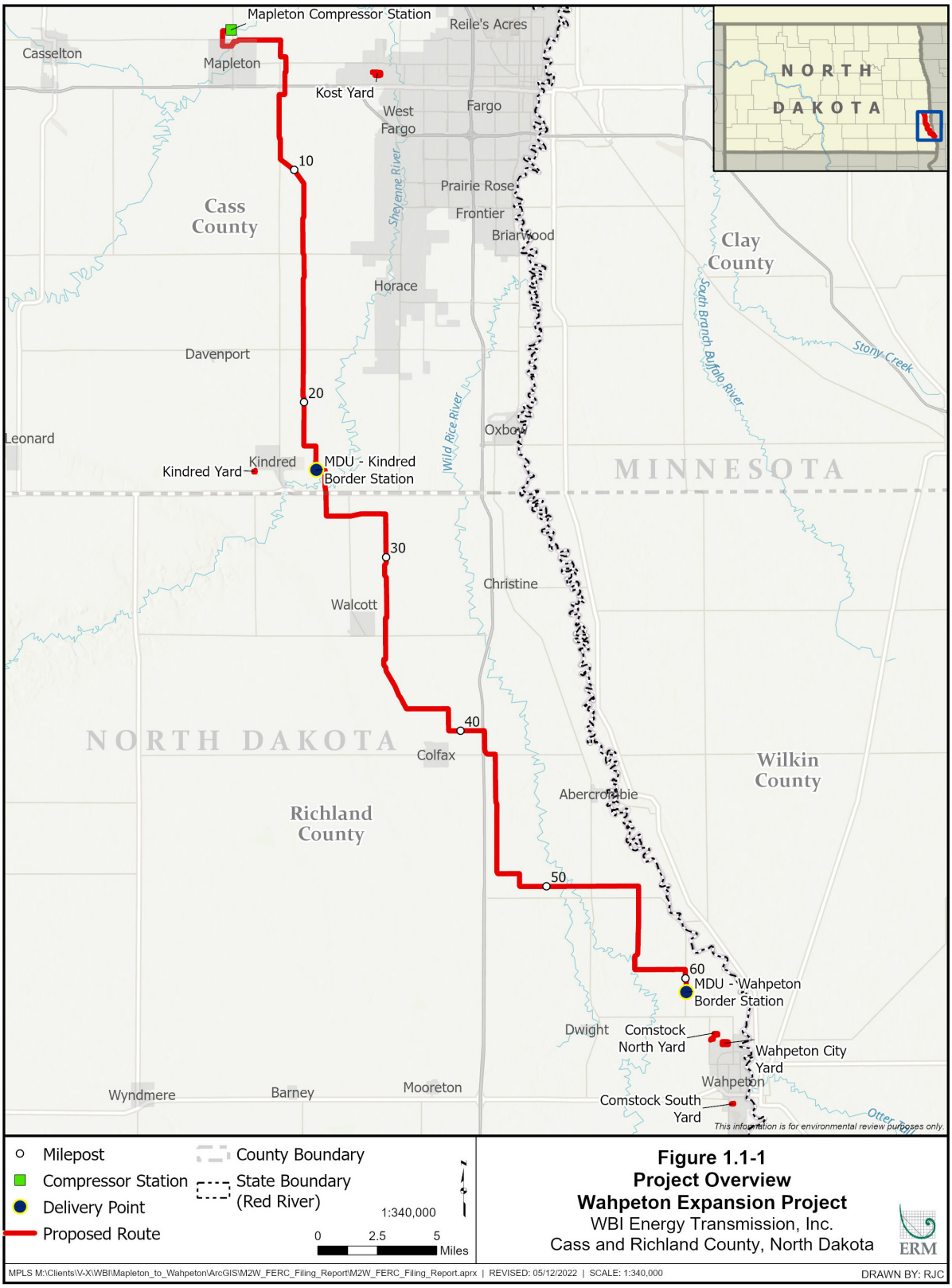
1.1 Project Description

1.1.1 Purpose and Need

WBI Energy intends to construct, modify, operate, and maintain the proposed Project facilities to provide an incremental 20,600 equivalent dekatherms per day of firm natural gas transportation capacity to meet a growing demand for natural gas in southeastern North Dakota. The Project is supported by a binding Precedent Agreement with MDU for 20,000 equivalent dekatherms per day of firm natural gas transportation service to provide additional uninterrupted natural gas service to the community of Wahpeton and to extend natural gas service to the community of Kindred. MDU's Distribution System will be built to provide natural gas to industrial, commercial, and residential customers. The target in-service date for the Project is November 1, 2024.

1.1.2 Location and Description of Facilities

The Project will include the construction and operation of approximately 60.5 miles of new 12-inch-diameter natural gas pipeline, minor modifications at the Mapleton Compressor Station, the construction of the new MDU—Kindred and MDU—Wahpeton Border Stations, seven block valve settings, and four pig launcher/receiver settings. The Project may also include newly constructed farms taps along the pipeline route, the locations of which have yet to be determined. The proposed Project facilities will be located in Cass and Richland Counties, North Dakota (see figure 1.1-1). Topographic route maps depicting the location of the proposed pipeline route and aboveground facility sites are provided in appendix 1A. Appendix 1B contains the aerial-based construction alignment sheets for the Project. Information on the existing land uses along the proposed pipeline and within the aboveground facility sites is provided in Resource Report 8.


Mapleton Compressor Station
Reile's Acres
Casselton
Mapleton
Kost Yard
West Fargo
Fargo
10
Cass County
Sheyenne River
Prairie Rose
Frontier
Briarwood
Clay County
Horace
South Branch Buffalo River
Stony Creek
Davenport
20
Leonard
Kindred Yard
Kindred
MDU - Kindred Border Station
Wild Rice River
Oxbow
MINNESOTA
30
Christine
Walcott
NORTH DAKOTA
40
Colfax
Wilkin County
Abercrombie
Richland County
50
60
MDU - Wahpeton Border Station
Dwight
Comstock North Yard
Wahpeton City Yard
Wahpeton
Comstock South Yard
Wyndmere
Barney
Mooreton
Otter Tail
This information is for environmental review purposes only.
NORTH DAKOTA
Milepost
Compressor Station
Delivery Point
Proposed Route
County Boundary
State Boundary (Red River)
1:340,000
0 2.5 5 Miles
Figure 1.1-1
Project Overview
Wahpeton Expansion Project
WBI Energy Transmission, Inc.
Cass and Richland County, North Dakota
ERM
MPLS M:\Clients\V-X\WBI\Mapleton_to_Wahpeton\ArcGIS\M2W_FERC_Filing_Report\M2W_FERC_Filing_Report.aprx | REVISED: 05/12/2022 | SCALE: 1:340,000
DRAWN BY: RJC

1.1.2.1 Pipeline Facilities

The Project pipeline consists of approximately 60.5 miles of 12-inch-diameter natural gas pipeline. The Project pipeline will be designed and constructed to allow for bi-directional flow and will have a maximum allowable operating pressure of 1,440 pounds per square inch gauge. The pipeline will begin at WBI Energy's existing Mapleton Compressor Station near Mapleton, North Dakota in Cass County (milepost [MP] 0.0) and end at the new MDU—Wahpeton Border Station near Wahpeton, North Dakota in Richland County (MP 60.5). As indicated in table 1.1-1, the first approximately 24.7 miles of the Project will be in Cass County. The remainder (approximately 35.8 miles) of the Project will be in Richland County.

TABLE 1.1-1

Wahpeton Expansion Project
Proposed Pipeline Facilities

Pipeline Facilities	County	Approximate MPs		Length (miles) [a]
		Begin	End	
New Pipeline				
	Cass	0.0	24.7	24.7
	Richland	24.7	60.5	35.8
Total New Pipeline Length				**60.5**

[a] The numbers in this table have been rounded for presentation purposes; as a result, the totals may not reflect the sum of the addends.

1.1.2.2 Aboveground Facilities

In addition to the new pipeline facilities described above, the Project will include minor modifications at the Mapleton Compressor Station; the construction of the new MDU—Kindred Border Station near Kindred, North Dakota and the new MDU—Wahpeton Border Station; seven block valve settings; and four pig launcher/receiver settings (collocated at Valves #1, #2, #5, and #7). The Project may also include newly constructed farm taps along the pipeline route. The proposed aboveground facilities are summarized in table 1.1-2 and described in more detail below.

TABLE 1.1-2

Wahpeton Expansion Project
Proposed New and Modified Aboveground Facilities

Facility Type and Name	Approximate MP	County	Description
Compressor Station			
Mapleton Compressor Station	0.0	Cass	Installation of additional equipment and facilities within the fence line of the existing compressor station for the tie-in of the Project pipeline to WBI Energy's existing transmission system. There will be no additional horsepower added as part of the Project.
Delivery Stations			
MDU—Kindred Border Station	23.4	Cass	New delivery station.
MDU—Wahpeton Border Station	60.5	Richland	New delivery station.

TABLE 1.1-2

Wahpeton Expansion Project
Proposed New and Modified Aboveground Facilities

Facility Type and Name	Approximate MP	County	Description
Other Appurtenant Facilities			
Valve Site #1 and pig launcher/receiver	0.0	Cass	New block valve and pig launcher/receiver installed within the Mapleton Compressor Station fence line.
Valve Site #2 and pig launcher/receiver	11.6	Cass	New block valve and pig launcher/receiver.
Valve Site #3	23.4	Cass	New block valve installed within the MDU—Kindred Border Station.
Valve Site #4	31.3	Richland	New block valve.
Valve Site #5 and pig launcher/receiver	39.5	Richland	New block valve and pig launcher/receiver.
Valve Site #6	48.9	Richland	New block valve.
Valve Site #7 and pig launcher/receiver	60.5	Richland	New block valve and pig launcher/receiver installed within the MDU—Wahpeton Border Station.
Farm Taps	TBD	TBD	Installation of a new tap, riser, and valve.

TBD = To be determined

Modifications at Existing Mapleton Compressor Station

WBI Energy proposes to install equipment and interconnecting piping facilities at the existing Mapleton Compressor Station for the tie-in of the Project pipeline to WBI Energy's existing Line Sections 31 and 24 via a transfer grid at the station. Facilities will include a regulator, meter, station piping, and valves. All proposed modifications will be within WBI Energy's existing parcel for the station. No new or modified compression or other air emission sources will be added to the existing compressor station. A block valve setting (Valve #1) and a pig launcher/receiver setting will also be installed within the compressor station boundary.

MDU Border Stations and Other Appurtenant Facilities

WBI Energy will construct two delivery stations, seven block valve settings, four pig launcher/receiver settings, and other appurtenant facilities.

The new delivery stations will serve as the interconnect between WBI Energy's transmission pipeline system and MDU's Distribution System. The MDU—Kindred Border Station will be located approximately 1 mile east of Kindred, North Dakota at approximate MP 23.4. The station will include the installation of a meter, filter, valves, communication equipment, station piping, and appurtenant facilities. A meter building and a communications building will house the equipment. A security fence will be installed around the delivery station with a permanent access road to be constructed north of the station. A block valve setting (Valve #3) will also be installed within the MDU—Kindred Border Station boundary.

The MDU—Wahpeton Border Station will be located at the terminus of the Project Pipeline at MP 60.5, approximately 2 miles northwest of Wahpeton, North Dakota. The station will include the installation of meters, a filter, valves, communication equipment, station piping, and appurtenant facilities. A meter building and a communications building will house the equipment. A security fence will be installed around the delivery station and a permanent access road will be

constructed south of the station. A block valve setting (Valve #7) and a pig launcher/receiver setting will also be installed within the MDU—Wahpeton Border Station boundary.

Seven block valve settings will be installed along the length of the pipeline. WBI Energy anticipates that remote-controlled actuation will be installed with all in-line block valves. All valve settings will be installed per Pipeline and Hazardous Materials Safety Administration requirements. Valve #1 will be constructed and operated within the Mapleton Compressor Station at MP 0.0. Valves #3 and #7 will be constructed and operated within the construction and operational footprints of the MDU—Kindred Border Station at MP 23.4 and the MDU—Wahpeton Border Station at MP 60.5, respectively, and the remaining four block valve settings will be installed in between those points. Additionally, four pig launcher/receiver settings will be installed and collocated with Valves #1, #2, #5, and #7. Each facility not collocated within the compressor or delivery stations will be fenced and new permanent access roads will be built to access the facility.

As described in section 11.2.4 of Resource Report 11, WBI Energy will also install cathodic protection systems at various points along the proposed pipeline to inhibit external corrosion of the underground facilities. The cathodic protection system will impart a low-voltage current to the pipeline to offset natural soil corrosion potential should the coating become damaged over the life of the pipeline. Specifics regarding the locations and design of these systems are still being determined, but facilities will include a new Cathodic Protection Unit and ground bed at the MDU—Kindred Border Station. WBI Energy will also connect the system to an existing rectifier at the Mapleton Compressor Station. Test lead locations will be installed along the proposed pipeline and will be located directly over the top of the pipe.

No communication towers will be installed as part of the Project.

The Project may include farm taps along the pipeline route and locations of the farm taps have not yet been determined.

1.1.3 Land Requirements

Table 1.1-3 summarizes the land requirements for the Project. More detailed information regarding land requirements and use will be provided in Resource Report 8. Construction of the Project will affect approximately 791.5 acres of land, including the pipeline construction right-of-way, additional temporary workspace (ATWS), contractor yards, temporary and permanent access roads, and aboveground facilities. Following construction, approximately 419.0 acres—including the temporary construction right-of-way, ATWS, contractor yards, temporary access roads, and the ATWS at aboveground facility sites—will revert to preconstruction conditions and uses. The remaining approximately 372.5 acres—including the permanent pipeline easement, permanent aboveground facility sites, and permanent access roads—will be retained for operation of the Project facilities. However, most uses, such as current agricultural uses, will be allowed to resume on the permanent pipeline easement after the pipeline is installed.

TABLE 1.1-3

Wahpeton Expansion Project
Summary of Land Requirements [a]

Facility	County	Land Affected During Construction (acres)	New Land Affected During Operation (acres)
Pipeline Right-of-Way [b]			
Project Pipeline	Cass, Richland	544.8	365.7
ATWS[c]	Cass,Richland	113.0	0.0
Subtotal		**657.8**	**365.7**
Contractor Yards			
Kost Yard	Cass	34.2	0.0
Kindred Yard	Cass	4.1	0.0
Comstock South Yard[d]	Richland	4.7	0.0
Comstock North Yard[e]	Richland	21.0	0.0
Wahpeton City Yard	Richland	28.5	0.0
Subtotal		**92.5**	**0.0**
Access Roads			
Temporary access roads	Cass/Richland	24.4	0.0
Permanent access roads	Cass/Richland	3.2	3.2
Subtotal		**27.6**	**3.2**
Aboveground Facilities			
Mapleton Compressor Station	Cass	2.9	0
MDU—Kindred Border Station[f]	Cass	4.1	1.7
MDU—Wahpeton Border Station[f]	Richland	4.0	1.7
Valve Site #1 [g]	Cass	0.0	0.0
Valve Site #2	Cass	0.7	0.1
Valve Site #3 [g]	Cass	0.0	0.0
Valve Site #4	Richland	0.5	<0.1
Valve Site #5	Richland	1.0	0.1
Valve Site #6	Richland	0.4	<0.1
Valve Site #7 [g]	Richland	0.0	0.0
Pig launchers/receivers [h]	Cass/Richland	0.0	0.0
Cathodic Protection Facilities [i]	Cass/Richland	0.0	0.0
Subtotal		**13.6**	**3.6**
PROJECT TOTAL		**791.5**	**372.5**

TABLE 1.1-3

Wahpeton Expansion Project
Summary of Land Requirements [a]

Facility	County	Land Affected During Construction (acres)	New Land Affected During Operation (acres)

[a] The numbers in this table have been rounded for presentation purposes; as a result, the totals may not reflect the sum of the addends.
[b] Based on a 75-foot-wide construction right-of-way for the 12-inch-diameter pipeline and a 50-foot-wide permanent right-of-way. Includes the cathodic protection facilities (the locations of which have not yet been determined), which are expected to be installed within the currently proposed workspace for the pipeline and aboveground facilities.
[c] Includes ATWS associated with pipeline.
[d] The Comstock South Yard (formally the Wahpeton Yard) was renamed after WBI Energy submitted its draft resource reports.
[e] The Comstock North Yard (formally the Comstock Yard) was renamed after WBI Energy submitted its draft resource reports.
[f] The acreage for these aboveground facilities excludes the temporary and permanent pipeline right-of-way within the temporary construction footprint of the facility. This acreage is attributed under the acreage for the pipeline.
[g] Valve #1 will be constructed and operated within the Mapleton Compressor Station fence line. Valves #3 and #7 will be constructed and operated within the construction and operational footprints of the MDU—Kindred Border Station and the MDU—Wahpeton Border Station, respectively. Land requirements for Valves #1, #3, and #7 are accounted for in the land requirements for the compressor station modification and MDU Border Stations.
[h] The four pig launcher/receiver settings will be collocated with Valves #1, #2, #5, and #7; therefore, land requirements for the pig launchers/receivers are accounted for in the land requirements for the four valve sites or other aboveground facilities (i.e., the compressor station modifications and the MDU—Wahpeton Border Station).
[i] The specific locations of the cathodic protection facilities are still being determined. These facilities are expected to be installed within the currently proposed workspace for the pipeline and aboveground facilities.

1.1.3.1 Pipeline Right-of-Way

Construction of the proposed 12-inch-diameter pipeline will require a standard 75 -foot-wide construction right-of-way in both uplands and wetlands. As shown in the drawings provided in appendix 1C, the construction right-of-way typically will consist of a 50-foot-wide working side and a 25-foot-wide spoil side to provide sufficient workspace to accommodate topsoil storage while allowing safe passage of construction equipment and material along the working side of the right-of-way during construction. Following construction and restoration of the disturbed areas, a 50-foot-wide permanent easement (25 feet on either side of the pipeline centerline) will be retained for pipeline operations. WBI Energy's retention of this permanent easement will not preclude agricultural use of the permanent easement following construction with the exception of excavations or the building of new structures. In total, construction of the pipeline right-of-way, not including ATWS, will require approximately 544.8 acres, of which approximately 365.7 acres will be retained as a permanent easement. Appendix 1C provides typical pipeline construction right-of-way cross sections.

To minimize the creation of new corridors, WBI Energy proposes to collocate new pipeline facilities along road corridors, utilities, and property lines to the extent practicable. However, to avoid conflicts, WBI Energy has not designed the pipeline right-of-way to overlap with the operational rights-of-way of other roads, pipelines, electric transmission lines, or utilities. As shown in the summary table in appendix 1D, the new pipeline will be collocated (i.e., within 150 feet of the road/utility) with roads, railroads, or electric transmission lines for 31.0 miles (or 51 percent) of its length, including the following:

- 22.9 miles (38 percent) along roads;

- 6.0 miles (10 percent) along railroads; and
- 2.1 miles (3 percent) along electric transmission lines.

1.1.3.2 Additional Temporary Workspace

ATWS outside of the 75-foot-wide construction right-of-way will be required for certain road crossings, points of intersection along the route, areas where special construction methods will be implemented (e.g., the guided bore method), and areas where additional space is needed for storage of stripped topsoil. In total, use of ATWS during construction will affect approximately 113.0 acres, all of which will be restored to preconstruction condition. Locations of ATWS are provided in appendix 8A of Resource Report 8 and depicted on the route maps provided in appendices 1A and 1B.

Unless topographic or other factors impose constraints, ATWS will be set back at least 50 feet from the edges of waterbodies and wetlands except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land. WBI Energy is requesting modifications to FERC's *Wetland and Waterbody Construction and Mitigation Procedures* (FERC Procedures)[1] for the site-specific locations where less than a 50-foot setback from the edges of wetlands is proposed (see section 1.3).

1.1.3.3 Contractor Yards

WBI Energy has identified five contractor yards for office trailers, parking, vehicle maintenance, and storage of pipe and equipment to be used by the contractor before and during construction of the Project (see table 1.1-3). Contractor yards are depicted on the Project route maps provided as appendices 1A and 1B.

As shown in table 1.1-3, use of the contractor yards will affect approximately 92.5 acres. WBI Energy has adjusted and minimized the workspace for its contractor yards since filing the draft resource reports to avoid wetlands and forested areas to the extent possible. Preparation of the contractor yards will consist of topsoil segregation, minor grading, and leveling; however, these impacts will be temporary. Contractor yards will be restored to preconstruction conditions in accordance with FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* (FERC Plan)[2] or to a condition as specified in landowner agreements.

1.1.3.4 Temporary and Permanent Access Roads

WBI Energy will use existing public and private access roads on a temporary basis to transport personnel, equipment, vehicles, and materials to the proposed Project work areas during construction. Standard-maintenance public roads will be used for access without modification or improvement. Some minimum-maintenance public roads and private roads, however, may require improvement to safely accommodate Project equipment and vehicles—including the following: grading; widening (including the access road entrances off of public roads), placement of gravel or crushed rock for stability, and surface improvement; replacing or installing culverts; and clearing of overhead vegetation, if present. A list of these roads is provided

[1] The FERC Procedures is available online: http://www.ferc.gov/industries/gas/enviro/guidelines.asp.
[2] The FERC Plan is available online: http://www.ferc.gov/industries/gas/enviro/guidelines.asp.

in appendix 8B of Resource Report 8. Locations of access roads are depicted on the Project route maps provided as appendices 1A and 1B.

WBI Energy will use 80 temporary access roads. Use of the temporary access roads will affect approximately 24.4 acres (see table 1.1-3). WBI Energy will document existing road conditions (likely using photography) prior to construction and will restore any access roads that are damaged by the Project to pre-disturbed or better condition in accordance with landowner or road agency requirements. As a result, the Project will have no permanent impact on these roads. WBI Energy is requesting modifications to FERC Procedures for the site-specific locations where a small number of new or modified access roads require crossing wetlands (see section 1.3).

As currently designed, WBI Energy will construct seven permanent access roads that will be required to access the new MDU—Kindred Border Station, the new MDU—Wahpeton Border Station, the four new block valve setting sites (Valve #2, #4, #5, and #6) not collocated with another Project facility, and the Project right-of-way. These permanent access roads will affect 3.2 acres. The new roads to the MDU—Kindred Border Station and the MDU—Wahpeton Border Station will be gravel. The new roads to the block valve setting and pig launcher/receiver sites will be gravel and/or dirt. If additional access roads are required for construction or operation of the Project at a later date, WBI Energy will submit a variance request to FERC for approval to use the road and complete all appropriate federal, state, and local permitting associated with the Project change.

1.1.3.5 Aboveground Facilities

Modifications at the Existing Mapleton Compressor Station

Proposed modifications at WBI Energy's existing Mapleton Compressor Station at MP 0.0 will occur within the existing fence line of the compressor station in areas that are currently part of the operational footprint of the compressor station. WBI Energy plans to use the available space within the existing fence line for construction activities comprising approximately 2.9 acres. However, no new operational right-of-way will be required at the compressor station. A plot plan for the modifications at the compressor station is provided as appendix 1E (filed under separate cover in Volume III as Controlled Unclassified Information / Critical Energy Infrastructure Information [CUI//CEII] and is marked as "CUI//CEII – DO NOT RELEASE").

MDU Border Stations, Block Valve Settings, Pig Launcher/Receiver Settings, and Cathodic Protection Systems

WBI Energy is finalizing the details for the MDU—Kindred Border Station and the MDU—Wahpeton Border Station, block valve settings, pig launcher/receiver settings, and other appurtenant facilities. The current design includes approximately 4.1 acres to construct the MDU—Kindred Border Station and approximately 4.0 acres to construct the MDU—Wahpeton Border Station. These acreages do not include the temporary and permanent pipeline right-of-way within the temporary construction footprint of each facility. Approximately 1.7 acres of the construction workspace (approximately 200 feet wide by 360 feet long) will be retained to operate each MDU Border Station. Plot plans for the border stations are provided in appendix 1E (filed under separate cover in Volume III as Controlled Unclassified Information / Critical Energy Infrastructure Information [CUI//CEII] and is marked as "CUI//CEII – DO NOT RELEASE").

Valve and Pig Launcher/Receiver Settings

Typical drawings for block valve settings and pig launcher/receiver settings are provided in appendix 1B. Valve Site #1 will be constructed and operated within the Mapleton Compressor Station fence line. The land for the construction and operation of this facility is included in the land requirements at the Mapleton Compressor Station described above. Valve Sites #3 and #7 will be constructed and operated within the construction and operational footprints and fence lines of the MDU—Kindred Border Station and the MDU—Wahpeton Border Station, respectively. Construction of Valve Sites #2, #4, #5, and #6 will each require between 0.4 and 1.0 acre of land. The operational footprint of Valve Sites #4 and #6 will be approximately 45 feet wide by 55 feet long (less than 0.1 acre) and will not extend past the width of the permanent pipeline right-of-way. The operational footprint for Valve Sites #2 and #5, which will also include a pig launcher/receiver, will be approximately 60 feet wide by 80 feet long (about 0.1 acre) and, therefore, will extend 5 feet beyond either side of the permanent right-of-way for the pipeline.

The first pig launcher/receiver setting will be constructed and operated within the Mapleton Compressor Station fence line. The remaining three pig launcher/receiver settings will be collocated with Valves #2, #5, and #7. The land required for these facilities is included in the compressor station and block valve requirements described above.

Cathodic Protection Systems

As described in sections 1.1.2.2 and 11.2.4 of Resource Report 11, WBI Energy will also install cathodic protection systems at various points along the proposed pipeline to inhibit external corrosion of the underground facilities. The specific locations of these facilities are still being determined.

Farm Taps

Specific details regarding the number and locations of farm taps are still being determined. WBI Energy will provide more details and maps regarding farm taps when available. It is anticipated that the farm taps would be installed by WBI Energy within the proposed permanent right-of-way. Each tap setting would consist of valves, pipes, and a small fence enclosure typically 4 feet square and 3 feet high. If the setting is in or near a cultivated field, a high visibility marker will make the setting easier to see. The FERC Plan and FERC Procedures would be implemented to minimize the impact of these facilities.

1.2 Construction Schedule and Workforce

WBI Energy anticipates that the commencement of certain preconstruction activities (e.g., establishing pipe and contractor yards) may occur in the fall of 2023, with construction of the Project beginning in April 2024 subject to the receipt of necessary permits and regulatory approvals. WBI Energy anticipates that construction of the Project facilities will be completed by October 2024 with all facilities being placed into service by November 2024.

Based on the current 2024 construction schedule and November 2024 in-service date, WBI Energy anticipates that no construction will be necessary during winter or snow conditions. However, if a change in the construction schedule necessitates that construction activities occur during the winter months, WBI Energy will file a *Plan for Construction and Stabilization in Winter Conditions* with FERC for review/approval prior to conducting winter construction activities.

Construction activities will generally occur Monday through Saturday from 7:00 a.m. to 7:00 p.m. local time. However, certain activities may occur up to 24 hours per day, including on Sundays and on potentially federal holidays. These activities include guided bore operations, hydrostatic testing and associated activities, critical tie-ins, trench dewatering (if necessary), completing in-progress construction activities and wetland/waterbody crossings, incident response procedures/measures, emergency equipment repairs/maintenance, and aboveground facility commissioning. WBI Energy does not anticipate wellpoint dewatering methods will be used for the Project. If used, the well point operations would be conducted during normal working hours (generally Monday through Saturday 7:00 a.m. to 7:00 p.m).

WBI Energy currently anticipates that construction of the proposed pipeline will be accomplished using one or two construction spreads with a combined peak temporary workforce of about 225 people and an average workforce of about 175 people, including inspection crews. Construction of the aboveground facilities and modifications at the Mapleton Compressor Station will require a temporary workforce of about 15 additional people working for up to seven weeks at each facility. WBI Energy is still evaluating operational staffing needs but anticipates one new hire to assist in operation and maintenance of the new facilities. Additional information regarding construction and permanent workforce requirements is provided in Resource Report 5.

1.3 Construction and Restoration Procedures

The Project will be designed, constructed, modified, tested, operated, and maintained in accordance with all applicable requirements defined by the United States Department of Transportation (U.S. DOT)—Pipeline and Hazardous Materials Safety Administration regulations in 49 CFR 192, *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards*; by 18 CFR 380.15, *Siting and Maintenance Requirements*; and by other applicable federal, state, and local regulations—except as otherwise specified in this application or approved by the appropriate regulatory agency.

WBI Energy proposes to conduct Project activities in accordance with the 2013 versions of the FERC Plan and FERC Procedures with the exception of the proposed modifications to section VI.B.1 of the FERC Procedures (see table 1.3-1). WBI Energy notes that wetlands identified in Resource Report 2 are based on delineations performed in accordance with the U.S. Army Corps of Engineers requirements. However, section VI.B.1.a of the FERC Procedures does not require site-specific modifications for extra work areas within 50 feet of a wetland boundary if "the adjacent upland consists of cultivated or rotated cropland or other disturbed land". Therefore, table 1.3-1 only requests modifications in instances where the adjacent upland does not consist of cultivated or rotated cropland or other disturbed land.

TABLE 1.3-1

Wahpeton Expansion Project
Proposed Modifications to the FERC Plan and FERC Procedures

Procedures Section Number	Measure	MP	Proposed Modification	Distance to Wetland	Justification for Proposed Modification
VI.B.1.a	Locate all extra workspace (ATWS; such as staging areas and additional spoil storage areas) at least 50 feet away from wetland boundaries, except where the adjacent upland consists of cultivated or rotated cropland or other disturbed land.	33.4/33.5	Locate ATWS 159 and ATWS 160 in an emergent wetland wrib007e	ATWSs in wetland wrib007e	The ATWSs south of the road (ATWS 156 and ATWS 160) are needed for staging and spoil storage associated with the guided bore of County Road 2. This workspace is located in an agricultural hay field that includes emergent wetland wrib007e. The wetland begins between MPs 33.4 and 33.5, about 95 feet south of the road and extends south from there for approximately 550 feet. Most of ATWS 156 and a small portion of ATWS 160 are located in wrib007e (but most of ATWS 160 is 40 or more feet from the edge of the wetland). To avoid having ATWS in this wetland, either the road bore, which is about 185 feet long, would need to be extended or spoil from the road bore would need to be moved another 590 feet further south. The first option would nearly quadruple the length of the bore. The second would require additional equipment traffic back and forth within the wetland to relay the bore spoil to the new ATWS outside of the wetland. Neither of these options is practicable or warranted given that its implementation of the Procedures will protect and restore the wetland. Additionally, only 0.9 acre of the emergent wetland will be affected by the workspace (construction right-of-way and ATWS) for the bore and the wetland consists mostly (90 percent cover) of foxtail barley and lesser amounts of other mostly fast growing species including yellow foxtail and reed canary grass, which will quickly recolonize any disturbed areas. WBI Energy will protect and restore wetland wrib007e by implementing FERC's procedures.
		35.65	Locate ATWSs 165 and 166 within 50 feet of an emergent wetland wrib016e associated with a road ditch adjacent to 62nd Street SE.	ATWSs within 14 to 15 feet of wetland wrib016e and within 40 feet of wetland wrib017e	The ATWS south of the road is needed for staging and spoil storage associated with the guided bore of 62nd Street SE. This workspace is located in open land between emergent wetland wrib016e, adjacent to the road and emergent wetland wrib017e to the south. Both wetlands are dominated by the following three species in different proportions: narrowleaf cattail, reed canary grass, and prairie cordgrass. ATWSs 165 and 166 are approximately 14 to 15 feet from the wetland wrib016e and 40 feet from wrib017e, respectively. There is not enough distance between these 2 wetlands to maintain the ATWS 50 feet from both wetlands. WBI Energy elected to position the workspace closer to wrib016e in the road ditch to maintain the ATWS further from the larger wetland wrib017e. WBI Energy's implementation of the construction and restoration measures of the FERC Procedures including the installation, maintenance, and monitoring of erosions and sediment controls will protect wetlands wrib016e and wrib017e.

TABLE 1.3-1

Wahpeton Expansion Project
Proposed Modifications to the FERC Plan and FERC Procedures

Procedures Section Number	Measure	MP	Proposed Modification	Distance to Wetland	Justification for Proposed Modification
		36.1	Locate ATS 167 in emergent wetland wrib019e.	ATWS is within wetland wrib019e	The ATWS north of the road is needed for staging and spoil storage associated with the guided bore of 168th Avenue SE. The ATWS is located within emergent wetland wrib019e, which is dominated primarily by reed canary grass but includes lesser amounts (less than 10 percent cover) of goldenrod species, sandbar willow, peachleaf willow, and gray dogwood. The ATWS is approximately 170 from the road but the wetland extends north from the road beyond the ATWS. To avoid having ATWS in this wetland, either the road bore, which is about 270 feet long, would need to be extended or spoil from the road bore would need to be moved another approximately 600 feet further north. The first option would nearly triple the length of the bore. The second would require additional equipment traffic back and forth within the wetland to relay the bore spoil to the new ATWS outside of the wetland. Moving the ATWS north would also encroach on one of the few forested wetlands on the Project. Neither of these options is practicable. Only 0.9 acre of the emergent wetland will be affected by the workspace (construction right-of-way and ATWS) for the bore and the wetland consists mostly (75 percent cover) of fast growing reed canary grass, which, along with the other existing species, will quickly recolonize any disturbed areas. WBI Energy will implement the FERC Procedures to protect and restore this wetland.
VI.B.1.d	The only access roads, other than the construction right-of-way, that can be used in wetlands are those existing roads that can be used with no modifications or improvements, other than routine repair, and no impact on the wetland.	5.1	Access Road (AR) 005	Crosses wetland	New temporary AR005 crosses emergent wetland wcaa009e east of 165th Avenue SE. This wetland is covered almost entirely (98 percent cover) with reed canary grass. This wetland needs to be crossed to access the north side of the Burlington Northern Santa Fe Railroad bore at MP 5.1. As described in the table in appendix 8B, modifications including grading, widening, and placement of mats, gravel, and/or culverts may be needed for this access road. Approximately 0.11 acre of this wetland will be within the temporary construction footprint of the road. WBI Energy will protect the wetland through implementation of the FERC Procedures including the use of erosion and sediment controls. Following construction when the road is no longer needed, WBI Energy will restore the affected wetland area pursuant to the FERC Procedures. Any mats, culverts, or gravel that is needed will be removed from the wetland and the preconstruction grade will be restored. Given that the wetland consists mostly of fast growing reed canary grass, any areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.

TABLE 1.3-1

Wahpeton Expansion Project
Proposed Modifications to the FERC Plan and FERC Procedures

Procedures Section Number	Measure	MP	Proposed Modification	Distance to Wetland	Justification for Proposed Modification
		9.9	AR 013	Crosses wetland	New temporary access road AR 013 crosses emergent wetland wcaa007e. This wetland needs to be crossed for equipment to access the workspace associated with the bore of wetland wcaa006e. This wetland is dominated by reed canary grass (95 percent cover) and narrowleaf cattail (5percent cover). As described in the table in appendix 8B, work on the new road may include grading, widening, and placement of mats, gravel, and/or culverts. Approximately 0.02 acre of this wetland will be within the temporary construction footprint of the road. WBI Energy will protect the wetland through implementation of the FERC Procedures including the use of erosion and sediment controls. Following construction when the road is no longer needed, WBI Energy will restore the affected wetland area pursuant to the FERC Procedures. Any mats, culverts, or gravel that is needed will be removed from the wetland and the preconstruction grade will be restored. Given that the wetland consists mostly of fast growing species, any areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.
		13.7	AR 018	Crosses wetland	Existing/New temporary access road AR 018 crosses emergent wetland wacb003e, which is associated with a road ditch that runs along the east side of 166th Avenue SE on the south side of 44 Street SE. This wetland is dominated by needle spikerush, dark-green bulrush, narrowleaf cattail, and swamp smartweed. This wetland needs to be crossed for equipment to access the workspace associated with the 44th Street SE/right-of-way from the 166th Avenue SE road bore. As described in the table in appendix 8B, work on the new portion of the road and modifications to the existing portions may include grading, widening, and placement of mats, gravel, and/or culverts. Approximately 0.01 acre of this wetland will be within the temporary construction footprint of the road. WBI Energy will protect the wetland through implementation of the FERC Procedures including the use of erosion and sediment controls. Following construction when the road is no longer needed, WBI Energy will restore the affected wetland area pursuant to the FERC Procedures. Any mats, culverts, or gravel that is needed will be removed from the wetland and the preconstruction grade will be restored. Given that the wetland consists mostly of fast growing species, any areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.

TABLE 1.3-1

Wahpeton Expansion Project
Proposed Modifications to the FERC Plan and FERC Procedures

Procedures Section Number	Measure	MP	Proposed Modification	Distance to Wetland	Justification for Proposed Modification
		14.7	AR019	Crosses wetland	New temporary access road AR019 crosses emergent wetland wcab004e, which is associated with a road ditch that runs along the west side of 166th Avenue SE on the south side of 45th Street SE. This wetland is dominated by swamp smartweed, prairie cordgrass, redroot pigweed (red-root or common amaranth), narrowleaf cattail, and smaller amounts of needle spikerush. This wetland needs to be crossed for equipment to access the workspace associated with the 45th Street SE/right-of-way from 166th Avenue SE road bore right-of-way from 166th Avenue SE. As described in the table in appendix 8B, work on this access road may include grading, widening, and placement of mats, gravel, and/or culverts. Approximately 0.01 acre of this wetland will be within the temporary construction footprint of the road. Following construction when the road is no longer needed, WBI Energy will restore the affected wetland area pursuant to the FERC Procedures. Any mats, culverts, or gravel that is needed will be removed from the wetland and the preconstruction grade will be restored. Given that the wetland consists mostly of fast growing species, any areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.
		31.3	AR034	Crosses wetland	Existing/New permanent access road AR034 crosses emergent wetland wria003e, which is in the road ditch on the north side of 58th Street SE. This wetland is dominated by needle spikerush, dark-green bullrush, reed canary grass, and narrowleaf cattail. WBI Energy needs to cross the wetland to access the Valve #4 site during construction and for later operation of the valve. As described in the table in appendix 8B, work on the road may include grading, widening, and placement of mats, gravel, and/or culverts. Less than 0.01 acre of this wetland will be within the construction and permanent footprint of the road. WBI Energy will protect adjacent wetland areas through implementation of the FERC Procedures including the use of erosion and sediment controls. Following installation of the road, WBI Energy will remove any mats, culverts, or gravel that are not needed for the permanent road and restore any portions of the wetland that are temporarily affected. Given that the wetland consists mostly of fast growing species, any temporarily impacted areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.

TABLE 1.3-1

Wahpeton Expansion Project
Proposed Modifications to the FERC Plan and FERC Procedures

Procedures Section Number	Measure	MP	Proposed Modification	Distance to Wetland	Justification for Proposed Modification
		34.5	AR038	Crosses wetland	New temporary access road AR038 crosses emergent wetland wrib021e, which is located in a field south of 61st SE. The predominant vegetation in this wetland is foxtail barley, goldenrod species, reed canary grass, and all other species constituting 10 percent cover or less. WBI Energy's crossing of this wetland will minimize equipment traffic crossing the wetland on the right-of-way and potentially minimize tree clearing. As described in the table in appendix 8B, modifications including grading, widening, and placement of mats, gravel, and/or culverts may be needed for this access road. Approximately 0.26 acre of this wetland will be within the temporary construction footprint of the road. WBI Energy will protect the wetland through implementation of the Procedures including the use of erosion and sediment controls. Following construction when the road is no longer needed, WBI Energy will restore the affected wetland area pursuant to the FERC Procedures. Any mats, culverts, or gravel that is needed will be removed from the wetland and the preconstruction grade will be restored. Given that the wetland consists mostly of fast growing species, any areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.
		43.4	AR046	Crosses wetland	Existing temporary access road AR046 crosses emergent wetland wria010e, which is in a road ditch on the west side of 172nd Avenue SE. This wetland is dominated by narrowleaf cattail (60 percent cover) with lesser amounts of reed canary grass, perennial sow thistle, and yellow foxtail (each less than five percent cover). As described in the table in appendix 8B, modifications including grading, widening, and placement of mats, gravel, and/or culverts may be needed for this access road. Less than 0.01 acre of this wetland will be within the temporary construction footprint of the road. WBI Energy will protect the wetland through implementation of the FERC Procedures including the use of erosion and sediment controls. Following construction when the road is no longer needed, WBI Energy will restore the affected wetland area pursuant to the FERC Procedures. Any mats, culverts, or gravel that is needed will be removed from the wetland and the preconstruction grade will be restored. Given that the wetland consists mostly of fast growing species, any areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.

TABLE 1.3-1

Wahpeton Expansion Project
Proposed Modifications to the FERC Plan and FERC Procedures

Procedures Section Number	Measure	MP	Proposed Modification	Distance to Wetland	Justification for Proposed Modification
		44.2	AR046.1	Crosses wetland	Existing temporary access road AR046.1 crosses emergent wetland wria014e, which is in a road ditch on the west side of 172nd Avenue SE. This wetland is dominated by narrowleaf cattail (80 percent cover) with lesser amounts of reed needle spikerush (about 10 percent cover). As described in the table in appendix 8B, modifications including grading, widening, and placement of mats, gravel, and/or culverts may be needed for this access road. Less than 0.01 acre of this wetland will be within the temporary construction footprint of the road. WBI Energy will protect the wetland through implementation of the FERC Procedures including the use of erosion and sediment controls. Following construction when the road is no longer needed, WBI Energy will restore the affected wetland area pursuant to the FERC Procedures. Any mats, culverts, or gravel that is needed will be removed from the wetland and the preconstruction grade will be restored. Given that the wetland consists mostly of fast growing species, any areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.
		46.3	AR049	Crosses wetland	New temporary access road AR049 crosses emergent wetland wrid001e, which is in a road ditch on the east side of 172nd Avenue SE. This wetland is dominated by broadleaf cattail. As described in the table in appendix 8B, modifications including grading, widening, and placement of mats, gravel, and/or culverts may be needed for this access road. Less than 0.01 acre of this wetland will be within the temporary construction footprint of the road. WBI Energy will protect the wetland through implementation of the FERC Procedures including the use of erosion and sediment controls. Following construction when the road is no longer needed, WBI Energy will restore the affected wetland area pursuant to the FERC Procedures. Any mats, culverts, or gravel that is needed will be removed from the wetland and the preconstruction grade will be restored. Given that the wetland consists mostly of fast growing species, any areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.

TABLE 1.3-1

Wahpeton Expansion Project
Proposed Modifications to the FERC Plan and FERC Procedures

Procedures Section Number	Measure	MP	Proposed Modification	Distance to Wetland	Justification for Proposed Modification
		47.3	AR051	Crosses wetland	New temporary access road AR051 crosses emergent wetland wrid003e, which is in a road ditch on the east side of 172nd Avenue SE. This wetland is dominated by narrowleaf cattail and reed canary grass. As described in the table in appendix 8B, modifications including grading, widening, and placement of mats, gravel, and/or culverts may be needed for this access road. Less than 0.01 acre of this wetland will be within the temporary construction footprint of the road. WBI Energy will protect the wetland through implementation of the FERC Procedures including the use of erosion and sediment controls. Following construction when the road is no longer needed, WBI Energy will restore the affected wetland area pursuant to the FERC Procedures. Any mats, culverts, or gravel that is needed will be removed from the wetland and the preconstruction grade will be restored. Given that the wetland consists mostly of fast growing species, any areas of the wetland that are disturbed will be quickly recolonized with vegetation similar to what is in the wetland now.

WBI Energy will implement additional construction, restoration, and mitigation plans prepared for the Project. These will, or may, include the following as needed: *Spill Prevention, Control, and Countermeasures Plan* (provided in appendix 1F-1) and *Guided Bore Drilling Fluid Monitoring and Operations Plan* (provided in appendix 1F-2); *Fugitive Dust Control Plan* (provided in appendix 9A); *Plan for Unanticipated Discovery of Contaminated Environmental Media* (provided in appendix 2A)*; Noxious Weed Management Plan* (provided in appendix 3C)*; Plan for Unanticipated Discovery of Historic Properties or Human Remains during Construction* (provided in appendix 4G)*;* and *Plan for Unanticipated Discovery of Paleontological Resources During Construction* (provided in appendix 6A) and *Blasting Plan* (provided in appendix 6B).

1.3.1 General Pipeline Construction Procedures

Construction of the proposed pipeline will follow industry-standard practices and procedures as described below. Conventional open-ditch construction methods will be used to install most of the proposed pipeline. In a typical scenario, construction involves a series of discrete activities conducted in a linear sequence. These include survey and staking; right-of-way clearing and grading; pipe stringing, bending, and welding; trenching; lowering-in and backfilling; hydrostatic testing; final tie-in; commissioning; and right-of-way cleanup and restoration. Figure 1.3-1 illustrates each of the steps in a typical construction scenario. A description of each step in the process is provided in the following sections.

WBI ENERGY TRANSMISSION
An MDU Resources Group company

WBI ENERGY TRANSMISSION, INC.
2010 Montana Avenue
Glendive, MT 59330
(406) 359-7200
www.wbienergy.com

September 13, 2021

U.S. Fish and Wildlife Service
Region 6
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926

Subject: WBI Energy Transmission, Inc.
Proposed Wahpeton Expansion Project
Cass and Richland Counties, North Dakota

To Whom it may Concern:

WBI Energy Transmission, Inc. (WBI Energy) operates a natural gas transmission pipeline system in the Northern Plains and is proposing to expand its system in southeastern North Dakota. The Wahpeton Expansion Project will involve constructing approximately 60 miles of 12-inch diameter natural gas pipeline from WBI Energy's existing Mapleton Compressor Station near Mapleton, North Dakota, to a new delivery station near Wahpeton, North Dakota. The project will include minor modifications at the Mapleton Compressor Station and a new delivery station near Kindred, North Dakota. The enclosed map shows the preliminary proposed pipeline route and locations of project facilities.

This project will allow WBI Energy to transport an additional 20.6 million cubic feet of natural gas per day to help meet growing demand for natural gas in southeastern North Dakota. Montana-Dakota Utilities Co., a local distribution company, has engaged WBI Energy to construct this project to fulfill Wahpeton customers' needs for additional uninterrupted natural gas supply and to extend natural gas service to Kindred, at the request of city officials and residents.

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 (NEPA) on natural gas pipeline projects subject to its jurisdiction. WBI Energy plans to submit an application with the FERC in May 2022 for a Certificate of Public Convenience and Necessity to

construct and operate the proposed pipeline and associated facilities. Applications for other federal or state authorizations will be submitted prior to or at approximately the same time as the FERC application, or on timelines defined by the appropriate federal or state regulations. Pending regulatory approvals, WBI Energy anticipates beginning construction in early 2024, with the new facilities in service by November 2024.

WBI Energy plans to file a request with the FERC to use the FERC's pre-filing process for the project. This process will provide agencies, landowners, and other stakeholders the opportunity to work with WBI Energy and the FERC to identify and resolve environmental issues prior to the filing of the Certificate application, which will result in a more efficient regulatory review process. WBI Energy plans to submit its request to use the pre-filing process in late September 2021 and anticipates receiving FERC's approval to use the process in early October 2021. Pending FERC's approval, WBI Energy will also hire and fund a third-party environmental consultant to assist FERC in the preparation of the NEPA document for the project.

WBI Energy has retained Environmental Resources Management (ERM) to provide environmental support services for the project. An ERM representative and/or FERC staff will be in touch with you in the near future to gauge your interest in participating in the pre-filing process, provide additional information, and discuss specific permitting and/or consultation requirements. In the meantime, if you have questions about the project, please contact me at 406-359-7332 or Maggie Suter of ERM at 410-972-4125.

Thank you for your time and assistance with this project.

Sincerely,

Jill Linn
Environmental Affairs
WBI Energy Transmission, Inc.

Enclosures: Project Overview Map

cc: Robbyn Reukauf, WBI Energy Transmission, Inc.
Maggie Suter, ERM

WBI ENERGY TRANSMISSION, INC.
2010 Montana Avenue
Glendive, MT 59330
(406) 359-7200
www.wbienergy.com

September 13, 2021

U.S. Fish and Wildlife Service, Region 6
Tewaukon Wetland Management District
9754 143 ½ Avenue SE
Cayuga, ND 58013
701-724-3598
tewaukon@fws.gov

Subject: WBI Energy Transmission, Inc.
Proposed Wahpeton Expansion Project
Cass and Richland Counties, North Dakota

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WBI Energy Transmission, Inc.

Enclosures: Project Overview Map

cc: Robbyn Reukauf, WBI Energy Transmission, Inc.
Maggie Suter, ERM

WBI ENERGY TRANSMISSION, INC.
2010 Montana Avenue
Glendive, MT 59330
(406) 359-7200
www.wbienergy.com

September 13, 2021

U.S. Fish and Wildlife Service, Region 6
Valley City Wetland Management District
11515 River Road
Valley City, ND 58072
(701)-845-3466

Subject: WBI Energy Transmission, Inc.
Proposed Wahpeton Expansion Project
Cass and Richland Counties, North Dakota

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Thank you for your time and assistance with this project.

Sincerely,

Jill Linn
Environmental Affairs
WBI Energy Transmission, Inc.

Enclosures: Project Overview Map

cc: Robbyn Reukauf, WBI Energy Transmission, Inc.
Maggie Suter, ERM

From: Leslie Rodman-Jaramillo
To: "Reinisch, Jerry D"
Subject: RE: [EXTERNAL] WBI Energy Wahpeton Expansion Project shapefile
Date: Thursday, January 13, 2022 10:45:00 AM
Attachments: M2W_Construction_Footprint_20220106.kmz
image001.png

Hi Jerry,

Please see the attached KMZ for the Wahpeton Expansion Project. As we discussed, if you have time to outline a few details that you are able to point out on an initial review, that would be appreciated! Please let me know if you have any questions at this time.

Thank you,

Leslie

Leslie Rodman-Jaramillo
Senior Consultant, Scientist
Pronouns: she/her/hers
ERM
M +1 503 984 6609

From: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Sent: Monday, January 10, 2022 5:32 AM
To: Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Subject: RE: [EXTERNAL] WBI Energy Wahpeton Expansion Project shapefile

Leslie
Thank you for the updated information. I will be busy from 9-11 as we have our weekly staff meetings.
Regards
Jerry

From: Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Sent: Sunday, January 9, 2022 10:19 PM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Subject: [EXTERNAL] WBI Energy Wahpeton Expansion Project shapefile

Hi Jerry,

As we discussed earlier, I wanted to provide you with an updated shapefile of the Wahpeton Expansion Project that is proposed to cross Cass and Richland Counties. Please let me know if you have any trouble accessing this file.

I'd like to follow-up with you on a call with some additional questions I have at this time. I'll try to reach out to you Monday, January 10th. Please let me know if there are times that will not work for you.

Thank you,
Leslie

Leslie Rodman-Jaramillo
Senior Consultant, Scientist
Pronouns: she/her/hers
ERM
1050 SW 6th Ave Suite 1650 ¦Portland, OR ¦97204
M +1 503 984 6609
E Leslie.RodmanJaramillo@erm.com | **W** www.erm.com

From: Reinisch, Jerry D
To: Leslie Rodman-Jaramillo
Subject: RE: [EXTERNAL] WBI Energy Wahpeton Expansion Project shapefile
Date: Wednesday, January 19, 2022 5:48:12 AM
Attachments: image001.png

Leslie
After a quick review of the Wahpeton Expansion Project I noted the following:

1. Bald eagle nest near the staging area in West Fargo
2. Two bald eagle nests south of highway 46 near Kindred along the Sheyenne River
3. DASK presence southwest of the eagles'nests, similar habitat continues from Kindred to Norman.

Attached map shows the locations. Yellow circles are bald eagle locations and green triangles are for DASK activities.
Regards
Jerry

From: Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Sent: Thursday, January 13, 2022 12:46 PM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Subject: RE: [EXTERNAL] WBI Energy Wahpeton Expansion Project shapefile

Hi Jerry,

Please see the attached KMZ for the Wahpeton Expansion Project. As we discussed, if you have time to outline a few details that you are able to point out on an initial review, that would be appreciated! Please let me know if you have any questions at this time.

Thank you,

Leslie

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From: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Sent: Monday, January 10, 2022 5:32 AM
To: Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Subject: RE: [EXTERNAL] WBI Energy Wahpeton Expansion Project shapefile

recognize the sender and know the content is safe.

Leslie
Thank you for the updated information. I will be busy from 9-11 as we have our weekly staff meetings.
Regards
Jerry

From: Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Sent: Sunday, January 9, 2022 10:19 PM
To: Reinisch, Jerry D <jerry_reinisch@fws.gov>
Subject: [EXTERNAL] WBI Energy Wahpeton Expansion Project shapefile

Hi Jerry,

As we discussed earlier, I wanted to provide you with an updated shapefile of the Wahpeton Expansion Project that is proposed to cross Cass and Richland Counties. Please let me know if you have any trouble accessing this file.

I'd like to follow-up with you on a call with some additional questions I have at this time. I'll try to reach out to you Monday, January 10th. Please let me know if there are times that will not work for you.

Thank you,
Leslie

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From: Wilson, Eric D
To: Leslie Rodman-Jaramillo
Subject: Re: [EXTERNAL] WBI Energy proposed Wahpeton Expansion Project - FWS easements
Date: Monday, February 14, 2022 9:17:19 AM
Attachments: image001.png

Hi Leslie,

I looked over the shapefiles you sent and can confirm that there is one wetland easement within 1mi of the proposed construction footprint.

If you need more info, or if the route changes, please let me know.

Thanks,

Eric Wilson
Wildlife Refuge Specialist
Tewaukon National Wildlife Refuge Complex
9754 143 1/2 Ave SE
Cayuga, ND 58013
O) 701-724-3598 x 5
C) 701-403-0041
eric_wilson@fws.gov
https://www.fws.gov/refuge/tewaukon

From: Leslie Rodman-Jaramillo <leslie.rodmanjaramillo@erm.com>
Sent: Friday, February 11, 2022 12:00 PM
To: Wilson, Eric D <eric_wilson@fws.gov>
Cc: Azure, Dave <dave_azure@fws.gov>; Fitzmorris, Patrick J <patrick_fitzmorris@fws.gov>
Subject: [EXTERNAL] WBI Energy proposed Wahpeton Expansion Project - FWS easements

Hi Eric,

I spoke with your colleague, Dave Azure, this morning and he passed along your contact information. I'm working with WBI Energy on a proposed project, the Wahpeton Expansion Project, which would include about 60-miles of natural gas pipeline crossing Cass and Richland Counties in

southeastern North Dakota. For additional reference, please see the attached WBI Energy project introductory letter, which was sent to the Tewaukon District, as well as the FWS response to FERC.

I wanted to get confirmation on the fee title and/or easement properties and proximity to the proposed Project. I've attached a copy of the shapefile as well as the KMZ. In checking the spatial data I have for these FWS lands, I have found that one FWS conservation easement or management area is within 1-mile of the proposed Project. This area is within the Tewaukon WMD and includes one waterfowl production area. I'm hoping that you can confirm this, and please let me know if there are additional properties as well.

Please let me know if you need additional information and have any questions.

Thank you,
Leslie

Leslie Rodman-Jaramillo
Senior Consultant, Scientist
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ERM
1050 SW 6th Ave Suite 1650 ¦Portland, OR ¦97204
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E Leslie.RodmanJaramillo@erm.com | **W** www.erm.com

Read our Sustainability Report and ERM Foundation Annual Review

---

Jessica Johnson, Bismarck, ND.
United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

Dear Ms. Bose:

Thank you for your letter dated January 4, 2022 requesting comments on the proposed Wahpeton Expansion Project, a 60-miles natural gas pipeline that will be constructed and operated by WBI Energy Transmission, Inc. in Cass and Richland Counties, North Dakota. The U.S. Fish and Wildlife Service (FWS) has the following comments.

Section 7 of the Endangered Species Act

Section 7 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 et seq.) requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the FWS if they determine their project and associated actions "may affect" listed species or critical habitat. If Federal agencies or their non-federal representatives determine their project and associated actions will have "no effect" on listed species, their habitats, or designated critical habitat, consultation is not required. However, if a "no effect" is determined, we recommend that you maintain a written record in support of your conclusion.

Consultations on IPaC

We invite you to use a new tool the FWS has designed to help with the consultation process – the Information for Planning and Consultation (IPaC) database (http://ecos.fws.gov/ipac). The database provides guidance to help you determine what your action area is, whether endangered species may be found within the action area, and if your project and associated actions may affect listed species. Additionally, the Section 7(a)(2) Technical Assistance webpage (https://www.fws.gov/midwest/endangered/section7/s7process/index.html) contains step-by-step guidance for the Section 7(a)(2) consultation process as well as informal consultation letter examples templates for documenting your findings related to threatened and endangered species.

Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act

Additionally, while not all are listed as threatened or endangered, eagles and migratory birds have protections under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). The BGEPA prohibits take which

is defined as, “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb” (50 CFR 22.3). Disturb is defined in regulations as, “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” The MBTA makes it unlawful without a waiver to pursue, hunt, take, capture, kill, or sell birds listed as migratory birds, including eagles. The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs, and nests.

Service Property Interests

As part of the National Wildlife Refuge System, the FWS administers fee title Refuge and Waterfowl Production Areas, as well as wetland and grassland easements, throughout North Dakota. For exact locations of FWS interest lands, please contact the Eastern North Dakota Wetland Management Districts (WMD) for guidance regarding FWS easements. The contact is Dave Azure at (701) 285-3341.

Conclusion

These comments provide technical assistance only and do not constitute the report of the Secretary of the Interior on the project within the meaning of Section 2(b) of the Fish and Wildlife Coordination Act, do not fulfill the requirements under the Endangered Species Act, the Bald and Golden Eagle Protection Act, or the Migratory Bird Treaty Act, nor do they represent the review comments of the U.S. Department of the Interior on any forthcoming environmental statement. Thank you for the opportunity to provide comments early in the planning process. If you have any additional questions or comments, please contact Jessica Johnson of my staff at (701) 355-8507 or via email at Jessica_n_Johnson@fws.gov, or contact me at (701) 355-8512 or Drew_Becker@fws.gov.

Sincerely,

Drew Becker
North Dakota Ecological Services Supervisor

United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
Phone: (701) 250-4481 Fax: (701) 355-8513
https://www.fws.gov/office/north-dakota-ecological-services

In Reply Refer To: May 27, 2022
Project Code: 2022-0009567
Project Name: WBI Energy - Wahpeton Expansion Project

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
(701) 250-4481

Project Summary

Project Code: 2022-0009567
Event Code: None
Project Name: WBI Energy - Wahpeton Expansion Project
Project Type: Natural Gas Distribution
Project Description: WBI Energy Transmission, Inc. (WBI Energy) proposes to construct, modify, operate, and maintain the Wahpeton Expansion Project (Project). The Project will involve the construction of approximately 60.5 miles of 12-inch-diameter natural gas transmission pipeline from WBI Energy's existing Mapleton Compressor Station near Mapleton, North Dakota to a new Montana-Dakota Utilities Company (MDU)—Wahpeton Border Station near Wahpeton, North Dakota. The Project will also include minor modifications at the Mapleton Compressor Station; a new MDU—Kindred Border Station near Kindred, North Dakota; new block valve settings; and new pig launcher/receiver settings. The Project may also include newly constructed farm taps along the pipeline route. The proposed Project facilities will be located in Cass and Richland Counties, North Dakota.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@46.88506060000006,-96.92490216586465,14z

Counties: Cass and Richland counties, North Dakota

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Dakota Skipper *Hesperia dacotae* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1028	Threatened
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate
Poweshiek Skipperling *Oarisma poweshiek* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/9161	Endangered

Flowering Plants

NAME	STATUS
Western Prairie Fringed Orchid *Platanthera praeclara* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1669	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: ERM
Name: Leslie Rodman-Jaramillo
Address: 1050 SW 6th Ave
Address Line 2: Suite 1650
City: Portland
State: OR
Zip: 97204
Email leslie.rodmanjaramillo@erm.com
Phone: 5039846609

Lead Agency Contact Information

Lead Agency: Federal Energy Regulatory Commission

United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
Phone: (701) 250-4481 Fax: (701) 355-8513
http://www.fws.gov/northdakotafieldoffice/endspecies/endangered_species.htm

In Reply Refer To: February 18, 2022
Project code: 2022-0009567
Project Name: WBI Energy - Wahpeton Expansion Project

Subject: Verification letter for the 'WBI Energy - Wahpeton Expansion Project' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Leslie Rodman-Jaramillo:

The U.S. Fish and Wildlife Service (Service) received on February 18, 2022 your effects determination for the 'WBI Energy - Wahpeton Expansion Project' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Dakota Skipper *Hesperia dacotae* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Poweshiek Skipperling *Oarisma poweshiek* Endangered
- Western Prairie Fringed Orchid *Platanthera praeclara* Threatened

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

WBI Energy - Wahpeton Expansion Project

2. Description

The following description was provided for the project 'WBI Energy - Wahpeton Expansion Project':

> WBI Energy Transmission, Inc. (WBI Energy) proposes to construct, modify and operate the Wahpeton Expansion Project (Project) in Cass and Richland Counties, North Dakota. The Project will involve construction of approximately 60.6 miles of 12-inch-diameter natural gas pipeline from WBI Energy's existing Mapleton Compressor Station near Mapleton, North Dakota, to a new delivery station near Wahpeton, North Dakota. The Project will also include minor modifications at the Mapleton Compressor Station, a new delivery station near Kindred, North Dakota, and new block valve and pig launcher/receiver settings. The Project may also include newly constructed farm taps along the pipeline route.

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@46.88506060000006,-96.92490216586465,14z

Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service’s PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

   Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

   No

3. Will your activity purposefully **Take** northern long-eared bats?

   No

4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

   Automatically answered
   No

5. [Semantic] Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?

   Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

   Automatically answered
   No

6. [Semantic] Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?

   Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

   Automatically answered
   No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

2.0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

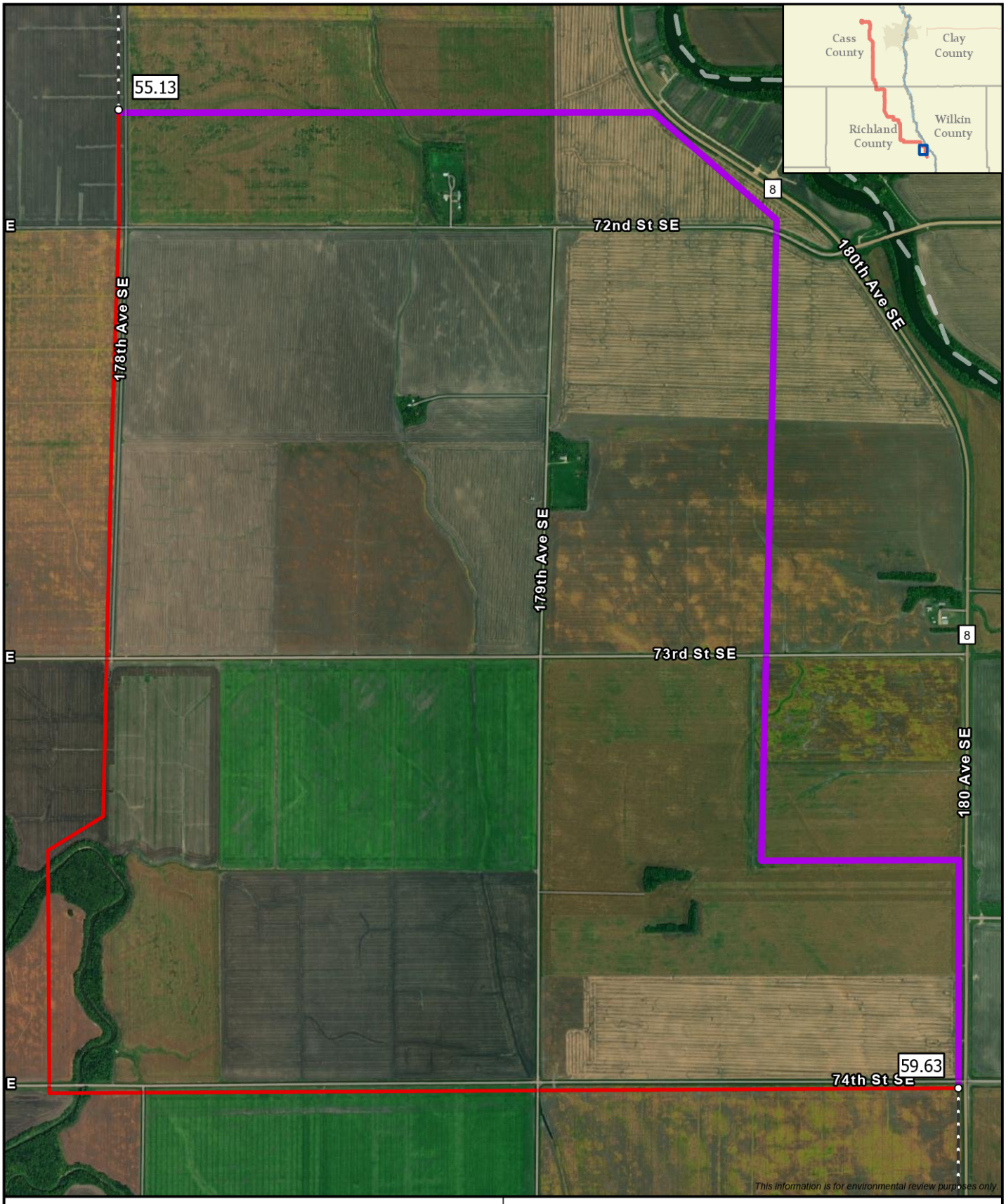
IPaC User Contact Information

Name: Leslie Rodman-Jaramillo
Address: 1050 SW 6th Ave
City: Portland
State: OR
Zip: 97204
Email leslie.rodmanjaramillo@erm.com
Phone: 5039846609

Resource Report 10 Request No. 5 Attachment

Figure 1 (Wild Rice River Route Alternative MP 55)

The Alternative Landowner List filed under separate cover as Controlled Unclassified Information / Privileged and Confidential (CUI//PRIV)



Alternative/Variation

Corresponding Segment of Proposed Route

Milepost

Proposed Route

1:20,000

0 0.07 0.15 0.3 Miles

Figure 1
Wild Rice River Route Alternative MP 55
Wahpeton Expansion Project
WBI Energy Transmission, Inc.
Richland County, North Dakota

MPLS M:\Clients\V-X\WBI\Mapleton_to_Wahpeton\ArcGIS\M2W_FERC_Filing_Report\M2W_FERC_Filing_Report.aprx | REVISED: 09/01/2022 | SCALE: 1:3,677,839

DRAWN BY: RJC