



This document is scheduled to be published in the Federal Register on 08/04/2015 and available online at <http://federalregister.gov/a/2015-19069>, and on [FDsys.gov](http://FDsys.gov)

BILLING CODE 6717-01-P  
DEPARTMENT OF ENERGY  
FEDERAL ENERGY REGULATORY COMMISSION

WBI Energy Transmission, Inc.

Docket No. PF15-24-000

NOTICE OF INTENT TO PREPARE AN  
ENVIRONMENTAL ASSESSMENT FOR THE PLANNED  
DEMICKS LAKE PIPELINE PROJECT  
AND REQUEST FOR COMMENTS ON ENVIRONMENTAL ISSUES

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Demicks Lake Pipeline Project (Project) involving construction and operation of facilities by WBI Energy Transmission, Inc (WBI Energy) in McKenzie County, North Dakota. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before **August 27, 2015**.

If you sent comments on this project to the Commission **before** the opening of this docket on May 13, 2015, you will need to file those comments in Docket No. PF15-24-000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" is available for viewing on the FERC website ([www.ferc.gov](http://www.ferc.gov)). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

### **Public Participation**

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502-8258 or [efiling@ferc.gov](mailto:efiling@ferc.gov). Please carefully follow these instructions so that your comments are properly recorded.

- 1) You can file your comments electronically using the [eComment](#) feature on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to [Documents and Filings](#). This is an easy method for submitting brief, text-only comments on a project;
- 2) You can file your comments electronically by using the [eFiling](#) feature on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to [Documents and Filings](#). With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "[eRegister](#)." If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; or
- 3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (PF15-24-000) with your submission:

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

## **Summary of the Planned Project**

WBI Energy plans to construct and operate 22.7 miles of 24-inch-diameter natural gas pipeline and appurtenant facilities between a proposed non-jurisdictional gas plant, ONEOK Rockies Midstream LLC's (ONEOK) Demicks Lake Plant, located west of Keene, North Dakota and a tie-in along Northern Border Pipeline Company's (Northern Border) existing mainline located approximately 8 miles southeast of Watford City, North Dakota. The Project would provide approximately 221,500 Mmcf/d (million standard cubic feet per day) of natural gas transportation capacity to Northern Border's mainline, which would transport the gas to the midcontinent region of the United States. The maximum allowable operating pressure of the new pipeline would be 1,650 pounds per square inch gauge.

The Demicks Lake Pipeline Project would consist of the following facilities:

- 22.7 miles of 24-inch-diameter natural gas pipeline;
- a meter station located at milepost (MP) 22.7 at the site of ONEOK's Demicks Lake Plant;
- two pig launcher/receivers at MP 0.0 and MP 22.7; and
- one mid-point block valve located at approximately MP 10.7.

WBI Energy also proposes to construct a 3,300-foot-long, 16- to 24-inch-diameter tie across pipeline between the proposed 24-inch-diameter Demicks Lake pipeline and WBI Energy's existing 16-inch-diameter Garden Creek II pipeline just south of Highway 23. The tie across pipeline facilities would consist of a block valve on both of the Demicks Lake pipeline and the Garden Creek II pipeline, a pig launcher at both ends of the tie across pipeline, and a metering facility at one end of the tie across pipeline.<sup>1</sup>

The general location of the Project facilities is shown in appendix 1.<sup>2</sup>

---

<sup>1</sup> The decision to construct the tie across pipeline and associated facilities is still under review by WBI Energy and is not shown on Project maps.

<sup>2</sup> The appendices referenced in this notice will not appear in the Federal Register. Copies of the appendices were sent to all those receiving this notice in the mail and are available at [www.ferc.gov](http://www.ferc.gov) using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

## **Land Requirements for Construction**

Construction of the planned facilities would disturb about 266 acres of land for the pipeline and aboveground facilities. Following construction, WBI Energy would maintain about 133 acres of land for permanent operation of the Project's facilities; the remaining land would be restored and revert to former uses. About 67 percent of the planned pipeline route parallels existing pipeline, utility, or road rights-of-way.

## **Non-jurisdictional facilities**

Construction of ONEOK's proposed Demicks Lake Plant is not subject to FERC jurisdiction. However, in the EA, we will provide available descriptions of the non-jurisdictional facilities and include them under our analysis of cumulative impacts. The plant would be located west of Keene, North Dakota. As proposed, the plant would be constructed on a plot of approximately 160 acres located in the NE ¼ of Section 20, Township 151 North, Range 96 West in McKenzie County. Construction of the plant would include the installation of underground piping, above ground piping, and above ground gas processing facilities.

## **The EA Process**

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us<sup>3</sup> to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA/EIS we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;

---

<sup>3</sup> "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Directions for use of eLibrary are provided on page 6 under Additional Information. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.<sup>4</sup> Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

### **Consultations Under Section 106 of the National Historic Preservation Act**

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.<sup>5</sup> We will define

---

<sup>4</sup> The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

<sup>5</sup> The Advisory Council on Historic Preservation regulations are at Title 36, Code

the project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

### **Environmental Mailing List**

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

Copies of the EA will be sent to the environmental mailing list for public review and comment. **If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).**

### **Becoming an Intervenor**

Once WBI Energy files its application with the Commission, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Intervenor status plays a more formal role in the process and is able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the "e-filing" link on the Commission's website. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

### **Additional Information**

---

of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Additional information about the project is available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website ([www.ferc.gov](http://www.ferc.gov)) using the eLibrary link. Click on the eLibrary link, click on “General Search” and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF15-24). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Finally, public meetings or site visits will be posted on the Commission’s calendar located at [www.ferc.gov/EventCalendar/EventsList.aspx](http://www.ferc.gov/EventCalendar/EventsList.aspx) along with other related information.

DATED: July 28, 2015

Kimberly D. Bose,  
Secretary.

[FR Doc. 2015-19069 Filed: 8/3/2015 08:45

am; Publication Date: 8/4/2015]