



BILLING CODE 6717-01-P

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

**[Docket No. PF19-7-000]**

### **WBI Energy Transmission, Inc.; Notice of Intent to Prepare An Environmental Assessment for the Planned North Bakken Expansion Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Session**

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 North Bakken Expansion Project involving construction and operation of facilities by WBI Energy Transmission, Inc. (WBI) in Burke, McKenzie, Mountrail, and Williams Counties, 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 about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover 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 issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00pm Eastern Time on **October 15, 2019**.

You can make a difference by submitting 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. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission **before** the opening of this docket on June 28, 2019, you will need to file those comments in Docket No. PF19-7-000 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 easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the

pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge 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)) at <https://www.ferc.gov/resources/guides/gas/gas.pdf>. 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**

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@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, which is on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to [Documents and Filings](#). Using eComment 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, which is also 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](#).” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing;”
- 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 (PF19-7-000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426; or
- 4) In lieu of sending written comments, the Commission invites you to attend one of the public scoping sessions its staff will conduct in the project area, scheduled as follows:

<b>Date and Time</b>	<b>Location</b>
<p style="text-align: center;">1 October 2019 4:30-7:30 pm</p>	<p style="text-align: center;">Central Elementary School 321 Benson Street N Tioga, ND 58852 (701) 664-3441</p>
<p style="text-align: center;">2 October 2019</p>	<p style="text-align: center;">Civic Center Hall 213 2<sup>nd</sup> Street NE</p>

4:30-7:30 pm	Watford City, ND 58854 (701) 444-2533
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The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the EA. Individual verbal comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments, in a convenient way during the timeframe allotted.

Each scoping session is scheduled from 4:30 pm to 7:30 pm Central Daylight Time. You may arrive at any time after 4:30 pm. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken until 7:30 pm. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 7:00 pm. Please see appendix 1 for additional information on the session format and conduct.<sup>1</sup>

Your scoping comments will be recorded by a court reporter (with FERC staff or representative present) and become part of the public record for this

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<sup>1</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.

proceeding. Transcripts will be publicly available on FERC's eLibrary system (see the last page of this notice for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commentor.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided verbally at a scoping session. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process.

Representatives from WBI will also be present to answer project-specific questions.

Please note this is not your only public input opportunity; please refer to the review process flow chart in appendix 2.

### **Summary of the Planned Project**

WBI plans to construct and operate five sections of new natural gas pipeline totaling 102.5 miles. The North Bakken Expansion Project would provide about 300 million standard cubic feet of natural gas per day to the Midwest via Northern Border Pipeline Company's (Northern Border) existing mainline. According to WBI, its project would reduce flaring in northwest North Dakota.

The North Bakken Expansion Project would consist of the following facilities:

- a 61.9-mile-long, 20-inch-diameter natural gas pipeline from WBI's existing Tioga Compressor Station near Tioga, North Dakota to a new interconnect with Northern Border's mainline south of Watford City, North Dakota;
- a new 2,760 horsepower compressor station (Elkhorn Creek Compressor Station) near the interconnect with Northern Border's mainline;
- a 20.2-mile-long, 12-inch-diameter pipeline (Line Section 25 Loop<sup>2</sup>) between the Tioga Compressor Station and an existing receipt station along WBI's existing Line Section 25;
- a 9.5-mile-long, 12-inch-diameter pipeline (Line Section 30 Loop) along WBI's existing Line Section 30;
- a 0.5-mile-long, 20-inch-diameter receipt pipeline (Tioga Compressor Lateral) at the Tioga Compressor Station;
- a 10.4-mile-long, 12-inch-diameter pipeline (Line Section 7 Lateral) to WBI's existing Line Section 7;
- addition of about 16,875 horsepower to the existing Tioga Compressor Station;
- uprates to WBI's existing Line Section 25; and

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<sup>2</sup> A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

- installation of new and modifications to existing receipt and delivery points and lateral pipeline facilities along the pipeline routes, including metering and regulating facilities.

The general location of the project facilities is shown in appendix 3.

### **Land Requirements for Construction**

Construction of the planned facilities would disturb about 1,490 acres of land for the aboveground facilities and the pipeline. Following construction, WBI would maintain about 675 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. About 43 percent of the planned pipeline route parallels existing pipeline, utility, or road rights-of-way.

### **The EA Process**

The EA 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;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- socioeconomics;
- air quality and noise;

- public safety; and
- cumulative impacts

Commission staff 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, Commission staff have already initiated a 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 Commission receives an application. As part of the pre-filing review, Commission staff will contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary<sup>3</sup> and the Commission's website (<https://www.ferc.gov/industries/gas/enviro/eis.asp>). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

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<sup>3</sup> For instructions on connecting to eLibrary, refer to the last page of this notice.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate 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. Currently, the U.S. Army Corps of Engineers, the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management have expressed their intention to participate as cooperating agencies in the preparation of the EA to satisfy their NEPA responsibilities related to this project.

#### **Consultation 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, the Commission is 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> The EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

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

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

## **Currently Identified Environmental Issues**

Commission staff have already identified several issues that deserve attention based on a preliminary review of the planned facilities and the environmental information provided by WBI. This preliminary list of issues may change based on your comments and our analysis.

- Potential presence of the federally endangered Dakota Skipper butterfly;
- Crossing underneath Lake Sakakawea using the horizontal directional drill method;
- Crossing federally owned land managed by the U.S. Army Corps of Engineers and the U.S. Forest Service; and
- Crossing a federal conservation easement in the U.S. Fish and Wildlife Service Crosby Wetland Management District.

## **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. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that

Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website ([www.ferc.gov](http://www.ferc.gov)). **If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached Mailing List Update Form (appendix 4).**

### **Becoming an Intervenor**

Once WBI files its application with the Commission, you may want to become an intervenor which is an official party to the Commission's proceeding. Only intervenors have the right to seek rehearing of the Commission's decision 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 pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at <http://www.ferc.gov/resources/guides/how-to/intervene.asp>. 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, after which the Commission will issue a public notice that establishes an intervention deadline.

### **Additional Information**

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 in the Docket Number field, excluding the last three digits (i.e., PF19-7). 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 all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions 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: September 13, 2019.

**Kimberly D. Bose,**

*Secretary.*

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