

This information is for environmental review purposes only.



○ Milepost	▬ Bore Location
- - - Centerline	□ No Change

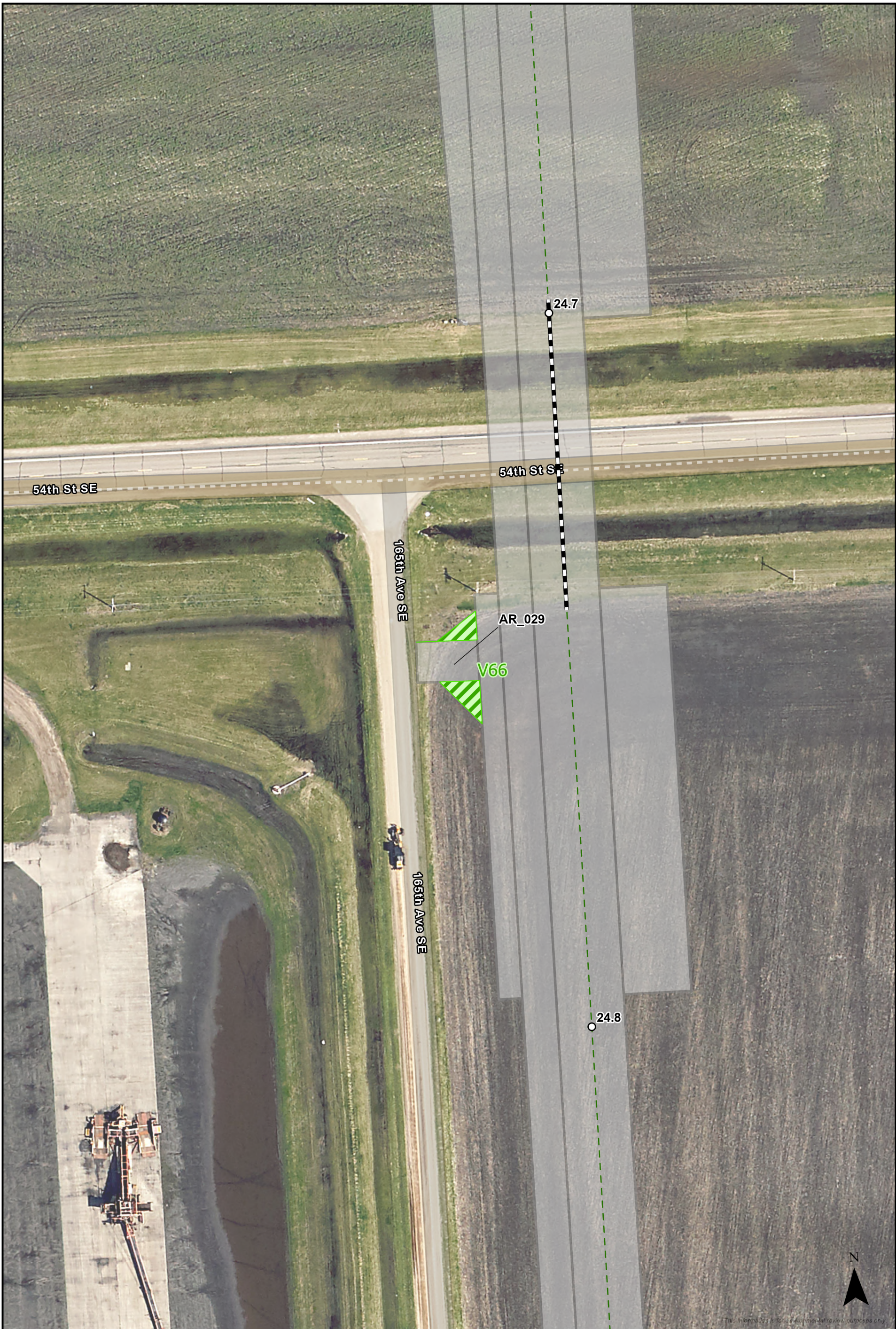
1:3,000

0    100    200  
Feet

**Proposed Project Modifications**

**V61**



This information is for informational review purposes only.



TEMP Workspace Added	Bore Location
Milepost	No Change
Centerline	

1:800

0      100      200  
Feet

**Proposed Project Modifications**

**V66**

# Attachment C

## USFWS and ND SHPO Correspondences

(Public)

# Attachment C-1

## USFWS Correspondences



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE North Dakota Ecological Services

IN REPLY REFER TO:  
2022-0000981  
Wahpeton Expansion  
Project

3425 Miriam Avenue  
Bismarck, North Dakota 58501  
June 17, 2024

Ms. Jill Lynn  
Environmental Affairs  
WBI Energy Transmission, Inc.  
2010 Montana Avenue  
Glendive, Montana 59330

Dear Ms. Lynn:

Thank you for the opportunity to provide comments on the proposed minor adjustments for the Wahpeton Expansion Project, submitted to our office on May 29, 2024. Previously WBI Energy Transmission, Inc. (WBI) submitted a Biological Assessment (BA) on May 27, 2022, and supplemental consultation letters on November 17, 2022, September 5, 2023 and October 20, 2023. After US Fish and Wildlife Service (FWS) concurrence, adjustments were again proposed for the project. WBI is proposing minor route adjustments and new temporary access roads. Under the authority of and in accordance with the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*), we have reviewed the alternatives and have concluded that the proposed modifications to the action will not cause an effect to the listed species or critical habitat that was not considered in the previous consultation.

The FWS appreciates the opportunity to work with WBI and the Federal Energy Regulatory Commission (FERC) on our shared conservation goals. Should you have any questions regarding these comments, please have your staff contact Jessica Johnson of my staff at (701) 355-8507 or at the letterhead address or contact me at (720) 793-6797.

**LUKE** Digitally signed  
by LUKE TOSO  
**TOSO** Date: 2024.06.17  
16:03:26 -05'00'  
Luke Toso  
ND Ecological Services Supervisor

**From:** [Kathleen McDaniel](#)  
**To:** [jessica\\_n\\_johnson@fws.gov](mailto:jessica_n_johnson@fws.gov)  
**Cc:** [Chris Schmidt](#); [Jill.Linn@wbienenergy.com](mailto:Jill.Linn@wbienenergy.com); [Robbyn.Reukauf@WBIEnergy.com](mailto:Robbyn.Reukauf@WBIEnergy.com)  
**Subject:** FWS Review Requested - Wahpeton Expansion Project (FERC Docket No. CP22-466-000)  
**Date:** Wednesday, May 29, 2024 11:43:00 AM  
**Attachments:** [Attachment B - Species List North Dakota Ecological Services Field Office.pdf](#)  
[image001.png](#)  
[image002.jpg](#)  
[Attachment A - Mapset of Modified Areas.pdf](#)

Ms. Johnson,

On May 27, 2022, WBI Energy Transmission, Inc. (WBI Energy) filed an application with the Federal Energy Regulatory Commission (FERC) for a Certificate of Public Convenience and Necessity (Certificate) authorizing WBI Energy to construct, modify, operate, and maintain natural gas transmission facilities in Cass and Richland counties, North Dakota, collectively known as the Wahpeton Expansion Project (Project). The FERC prepared and issued its final environmental impact statement (FEIS) on April 7, 2023. The FERC concluded in the FEIS that construction and operation of the Project would not result in significant environmental impacts. The FERC issued the certificate on October 23, 2023.

WBI Energy has identified a number of minor modifications to the Project workspaces, including route adjustments and new temporary access roads. These modifications are planned to be submitted for formal approval to the FERC in June 2024. WBI Energy is requesting the U.S. Fish and Wildlife Service (USFWS) provide technical assistance with the effects determination for those federally listed species that are discussed below and requests concurrence with the analysis that the proposed modifications will not change any prior determinations for federally protected species on the Project. Written concurrence, or comments otherwise, will ensure that WBI Energy can provide the FERC with the information necessary for an accurate and thorough assessment of federally listed species potentially affected by the proposed workspace modifications.

Proposed modifications include small route adjustments to accommodate landowner requests, new access roads, and extensions of workspaces. Many of these modifications will result in an overall reduction of area of impact. Modifications greater than 100 feet from the previously approved IP workspace and outside previously surveyed areas are shown in Attachment A. Additional information on smaller modifications (within 100 feet of previously proposed workspace) can be provided upon request, however, it is generally assumed that the Determination of Affect for these areas are not likely to be different from previous Determinations of Affect.

The FEIS concluded the following Determinations of Affect based on WBI Energy's analysis of species impacts and USFWS's June 29, 2022 concurrence letter as summarized in Table 1, below.

<b>Table 1: Federally Listed, Proposed, or Candidate Species and Federally Designated or Proposed Critical Habitat Potentially Occurring in the Project Vicinity <sup>a</sup></b>			
<b>Common Name Scientific name</b>	<b>Federal Status</b>	<b>Suitable Habitat Within the Project Vicinity?</b>	<b>Determination of Effect</b>
Northern long-eared bat <i>Myotis septentrionalis</i>	Endangered	Yes	Not Likely to Adversely Affect
Dakota skipper <i>Hesperia dacotae</i>	Threatened	No	Not Likely to Adversely Affect
Monarch Butterfly <i>Danaus plexippus</i>	Candidate	Yes	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.
Poweshiek skipperling <i>Oarisma powshiek</i>	Endangered	No	No Effect
Western prairie fringed orchid <i>Platanthera praeclara</i>	Threatened	No	Not Likely to Adversely Affect

<sup>a</sup> There is no designated or proposed critical habitat within the Project area.

On April 11, 2024, a new IPaC species list was generated to include the proposed modifications to the

workspace (Attachment B). The new official species list identified all species as described in Table 1, and also the tricolored bat (*Perimyotis subflavus*), which had not previously been listed on Project species lists. The species list states “this species needs to be considered if the project includes wind turbine operations” and therefore, the Project does not need to consider this species at this time. However, even without this qualifying statement, Project impact to the tricolored bat are expected to be minor, as there is little forested habitat and conservation measures put in place for the northern long-eared bat will also benefit the tricolored bat.

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 email.

I called your office number and left a voicemail – please feel free to reach out to me directly on my cell phone (315-214-9174) if you have questions or need additional information for you review.

Thanks,

Kathleen

ERM



**Kathleen McDaniel**  
Principal Consultant

Syracuse  
315-214-9174

[erm.com](http://erm.com)

Off on Fridays - please text my cell if urgent (315-214-9174). Thank you!

ERM named Leader in ESG and Sustainability Consulting

