



## FEDERAL ENERGY REGULATORY COMMISSION FIELD INSPECTION REPORT

**Date** September 17 and 18, 2024

**Project** WBI Energy Transmission, Inc.  
Wahpeton Expansion Project  
Cass and Richland Counties, North Dakota  
Docket No.: CP22-466-000  
Authority: Section 7(c)

**Personnel** FERC Contractor: Tetra Tech, Inc.  
FERC Contractor Staff: Stacie Grove  
Company Staff: Andrew Bates (Regulatory Affairs Manager);  
Steve Kelly (Project Manager); Kathy  
Schester (Regulatory Specialist)

Inspection Summary	
<u>2</u>	Problem Areas
<u>1</u>	Noncompliance
<u>Yes</u>	Follow-Up Letter Required
<u>No</u>	Refer to Enforcement

### Introduction

On September 17 and 18, 2024, Stacie Grove of NewEarth Ecological, subcontractor to Tetra Tech, performed a construction and restoration inspection of the WBI Energy Transmission, Inc. (WBI) Wahpeton Expansion Project (Project), under contract to the Federal Energy Regulatory Commission (FERC or Commission) and per the request of the FERC Project Manager, David Hanobic.

The Project consists of the construction and operation of a total of approximately 60.2 miles of new natural gas pipeline and appurtenant facilities in Cass and Richland Counties, North Dakota. More specifically, the Project includes:

- construction of an approximately 60.2-mile-long, 12-inch-diameter pipeline extending in a southeastward direction from WBI's existing Mapleton Compressor Station (CS) in Cass County, North Dakota, to the Project's ultimate terminus at the new Wahpeton Border Station in Richland County, North Dakota;
- minor modifications to WBI's existing Mapleton CS;
- construction of the new Montana-Dakota Utilities (MDU)-Wahpeton Border Station;
- construction of the new MDU-Kindred Border Station;
- construction of seven new block valve settings;

- construction of four new pig<sup>1</sup> launcher/receiver stations; and
- construction of new ancillary facilities.

The Project is designed to provide up to approximately 20.6 million cubic feet of natural gas per day to southeastern North Dakota and provide natural gas service for the first time to Kindred, North Dakota. The Project will also include the installation of two farm taps along the pipeline route.

Currently, the anticipated in-service date for the Project is November 1, 2024.

The purpose of the inspection was to determine WBI's compliance with the environmental conditions of the Commission's October 23, 2023 *Order Issuing Certificate* for the Project and to inspect the construction and restoration conditions of the pipeline rights-of-way (ROW) and facilities.

The findings of the inspection were that one noncompliance (with multiple instances observed along an approximately seven-mile-long section of the Wahepton Lateral right-of-way [ROW]), and two problem areas (including one problem area with multiple instances observed along an approximately five-mile-long section of the ROW) were identified.

A site map, photographic record, and FERC *Notification of Required Corrective Action or Response* (NRCAR) form are presented in this report.

## **Inspection**

On September 17, 2024, weather conditions were sunny, with temperatures ranging from the low-70s (°F) to the low-90s (°F) in nearby Fargo, North Dakota. Weather conditions during the second day of the inspection (September 18, 2024) were mostly cloudy, with occasional light drizzle and temperatures ranging from the low-70s (°F) to the low-80s (°F). The Project area received less than 0.10 inch of precipitation during the two weeks preceding the inspection, according to data collected at the Fargo Hector International Airport. Soil conditions were generally dry and stable, but standing water from previous flooding remained in some low-lying areas of the Project.

The first day of the inspection (Photo Numbers [Nos.] 1 through 12) began at the existing WBI Mapleton Station, continued south along the ROW, and ended at the northernmost guided bore crossing of Interstate 29. On September 18, 2024 (Photo Nos. 14 through 20), the inspection began at the southernmost extent of the Project, continued north along the ROW, and ended near the southernmost guided bore crossing of Interstate 29.

WBI stated that significant rainfall in August had resulted in Project delays; although since then, cleanup and work had resumed in most areas and was progressing well. WBI also reported that trench backfilling and rough grading were approximately 80 percent complete along the lateral ROW and that final clean-up had recently begun along the northern end of the ROW, progressing southward. Work was ongoing at six of the seven valve sites, and construction was over 50 percent complete at each, according to WBI.

WBI also reported that there were no outstanding landowner concerns since the previous inspection on August 21 and 22, 2024, except for minor punchlist items that were being addressed. However, WBI noted that the company had self-reported two fuel spills at Station Number (Sta. No.) 617+00 and Sta. No. 1575+00, which were contained and cleaned up, per the Project's *Spill Prevention, Control, and Countermeasure Plan*. WBI also reported several instances of inadvertent releases of drilling mud between Sta. No. 2708+00 and Sta. No. 2710+00 at Bore #64. WBI stated that all materials had been contained and addressed, per the Project's *Guided Bore Drilling Fluid Monitoring and Operations Plan*.

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<sup>1</sup> A "pig" is a tool that moves through the pipeline and is used for cleaning, internal inspections, or other purposes. A launcher/receiver is an aboveground structure used to install/retrieve pigs from the pipeline.

At the time of inspection, the pipeline was installed, and rough grading was completed along most of the Project right-of-way (ROW) (Photo Nos. 6, 12, and 18). Some exceptions included areas where work was delayed due to migratory bird nesting (Photo No. 10), saturated unstable soils (Photo No. 5), or where tie-in work was recently completed or is pending (Photo Nos. 2, 5, 7, 8, 9, and 12). Guided bore crossings were in progress at the combined Bore #7 and Bore #8 sites but was halted at the Bore #64 crossing of the Wild Rice River due to a bore hole collapse (Photo No. 15). Final grading and cleanup had recently begun and were mostly complete along the ROW from the Project kickoff at Milepost (MP) 0.00 to approximately MP 4.00. Construction activities were also ongoing at the Wahpeton CS, MDU-Mapleton Border Station, and six valve sites.

Overall, environmental conditions were generally acceptable throughout inspected upland areas of the ROW, most of which crossed agricultural land.

However, one noncompliance was identified because of numerous observed instances along an approximately 16-mile-long section of ROW from approximately MP 42.10 through MP 58.50 where construction materials (including soil and construction materials and debris) were not contained within approved workspace limits per the FERC *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan), Section IV.A (Photo Nos. 13, 16, 18, 19, and 20).

Two problem areas were also identified. One problem area was identified at MP 47.40 because erosion control devices (ECDs) were not installed along the edge of the construction ROW to prevent sediment flow into nearby wetland and waterbody resources, as required by FERC *Wetland & Waterbody Construction & Mitigation Procedures* (Procedures), Section V.B.10.b. (Photo No. 14). No protected resources appeared to be impacted.

A second problem area was identified because of the lack of visual markers to identify approved workspace limits, per the FERC Plan, Section II.B.3. Instances of this were observed from approximately MP 11.64 through MP 18.18 (Photo Nos. 3, 4, and 5). There did not appear to be any construction activities or materials outside the approved workspace limits, but the workspace limits could not be clearly determined. A contractor was observed removing wooden stakes from the ROW edge near MP 18.30, reportedly per landowner request. In response, WBI immediately instructed the contractor to stop removing markers along workspace limits and to begin re-installing markers, where needed.

Otherwise, approved ROW and workspace limits were adequately marked, and all observed construction activities were within approved areas. In areas requiring topsoil segregation, topsoil was properly segregated, stockpiled within approved ROW limits, and appeared to be adequately stabilized (Photo Nos. 3, 5, 6, 8, 11, and 19). ECDs, consisting primarily of silt fence or fiber logs, were installed where appropriate and properly maintained. At construction entrances and road crossings, safety flagging and wooden access pads were properly installed and maintained, and no tracking of mud or debris onto roadways was observed (Photo Nos. 2 and 8). Restored areas were free of rutting and erosion, and no excessive rock was observed (Photo No. 1). At the Mapleton CS, MDU-Wahpeton Border Station, 4Suns Contractor Yard, and active construction site at the Bore #64 crossing, spill kits were readily available onsite and were present on heavy equipment (Photo No. 15). Except for a collapsed wall on a secondary containment structure around a generator at the Bore #64 entry site, hazardous materials were properly stored within secondary containment (Photo No. 15). No materials were released from the faulty containment structure, and the structure was immediately replaced by WBI.

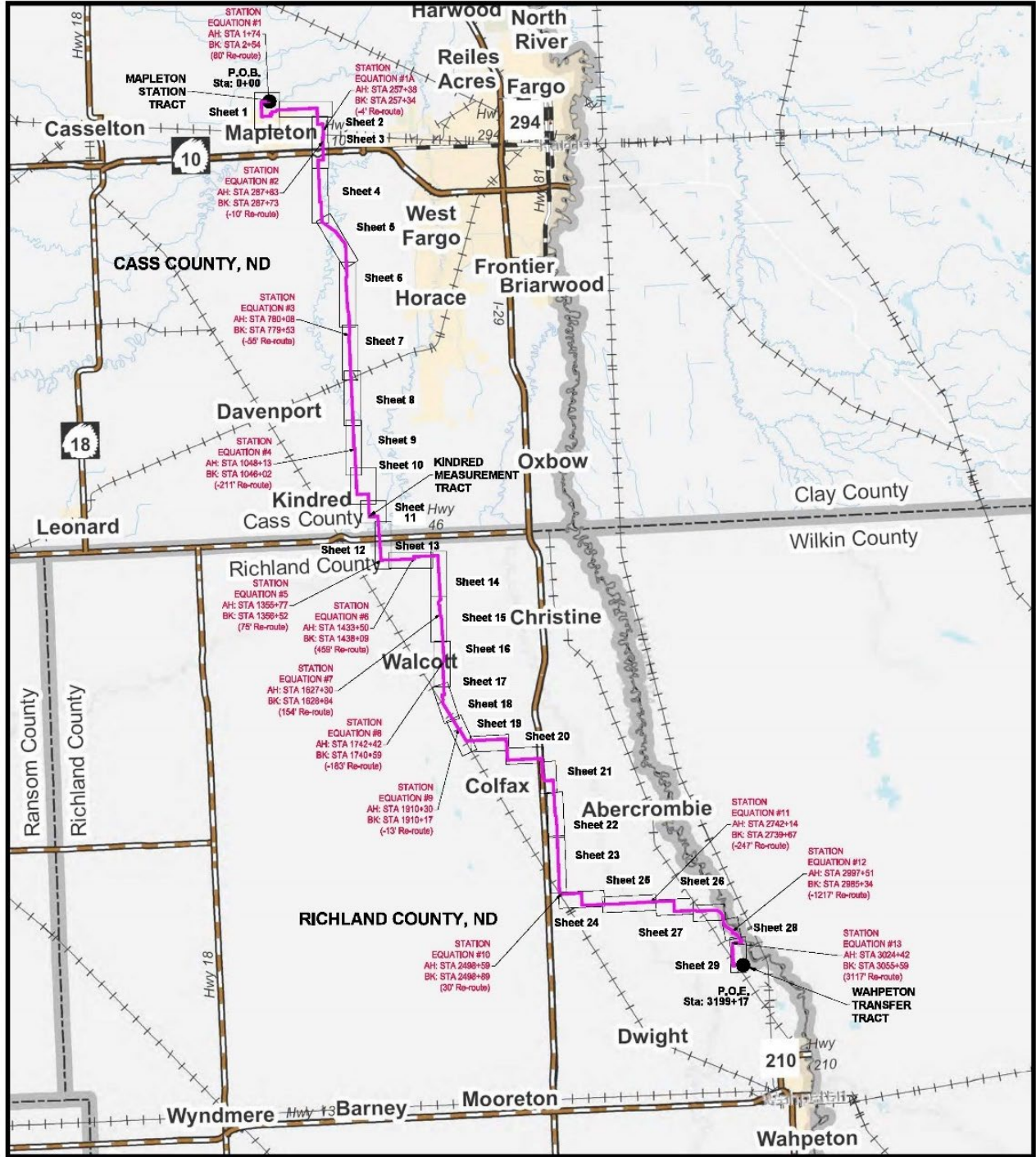
At non-agricultural wetlands and waterbody crossings (not flowing at the time of inspection), resource crossing and “no refueling” signs were installed. ECDs were in place, where appropriate, and were functioning as intended; and installed equipment bridges and equipment mats were properly maintained

(Photo Nos. 9, 10, 15, and 17). Geofabric was in place beneath most of the equipment mats along wetlands and at waterbody bridge crossings to keep upland spoil that was tracked onto the equipment mats from being washed into the resources. Inspection participants discussed the importance of routine inspections and maintenance of the installed measures, and also the benefit of additional ECDs at several locations (Photo Nos. 9, 10, and 17) to further protect resources and help ensure that materials remain contained within the approved workspace limits. No impacts to protected resources were observed. However, a problem area was issued where temporary ECDs were not properly installed along a wetland and stream, per the FERC Procedures, Section V.B.10.b. The features may or may not meet the FERC definition of a wetland or waterbody, which could not be determined by the inspector at the time of this inspection. Regardless of their classification, ECDs were not in place to prevent sediment from the extensive area of segregated and staged topsoil along the ROW and immediately upslope of the resources from being transported off-ROW (Photo No. 14). This left the area and resources vulnerable to sediment moving beyond the approved workspace limits during any future rainfall events.

### **Conclusions and Recommendations**

A follow-up letter is required because one noncompliance was issued for numerous instances along an approximately seven-mile-long section of the Wahepton Lateral ROW because construction materials were not contained within approved workspace limits (see FERC Plan, Section IV.A; Photo Nos. 13, 16, 18, 19, and 20). Additionally, two problem areas were issued where, including one with multiple instances along an approximately five-mile-long section of the ROW because approved workspace limits were not visually marked (FERC Plan, Section II.B.3; Photo Nos. 3, 4, and 5). A second problem area was identified because sediment barriers were not installed in a manner that would prevent sediment from entering a wetland and stream and exiting approved workspace limits (FERC Procedures, Section V.B.10.b; Photo No. 14). Elsewhere, construction and restoration activities were progressing satisfactorily, and no additional environmental concerns were identified. Another inspection is tentatively scheduled for the week of October 14, 2024.

# Site Map



**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 1

**MP:** 1.2

**Direction:** Southwest

**Assessment:** Acceptable

**Comments:** Agricultural ROW, Bore #2 Site. Final grading was complete at the guided bore site and along the adjacent ROW. According to WBI, some additional decompaction may be needed. The area was free of rutting, large rock, and construction debris. Equipment mats remained in place at the construction entry point from the public roadway. The entry was well maintained, and the roadway was free of tracked mud and construction materials. No environmental concerns were identified.



**Photo No.:** 2

**MP:** 5.10

**Direction:** East

**Assessment:** Acceptable

**Comments:** Agricultural ROW, Bore #7 Site. Completion of the guided bore crossing was pending at this location. Safety measures at the construction entrance were in place, and the equipment mats at the entry point were properly installed and maintained. The public roadway was free of tracked mud and debris. No environmental concerns were identified.

**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 3

**MP:** 11.64

**Direction:** Southeast

**Assessment:** Problem Area

**Comments:** Agricultural ROW, Valve Set #2 Site. Survey crews were reinstalling stakes and flagging along approved workspace limits along the active construction area. A problem area was issued for the lack of visual markers to identify approved workspace limits, per the FERC Plan, Section II.B.3. Instances of this were observed from approximately MP 11.64 through approximately MP 18.18. It did not appear that any construction activities or materials were outside the approved workspace limits.



**Photo No.:** 4

**MP:** 13.70

**Direction:** South

**Assessment:** Problem Area

**Comments:** Agricultural ROW. Rough grading was in progress along the ROW. Spotters were present to monitor the work, but the approved workspace limits were not clearly marked, per the FERC Plan, Section II.B.3, to ensure construction activities and materials would not exceed approved workspace limits. It was not possible to determine whether any construction activities or materials were outside the approved workspace limits.

**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 5

**MP:** 14.75

**Direction:** North

**Assessment:** Problem Area

**Comments:** Agricultural and Open ROW, Bore #23 Site. Pipe segments were staged along the ROW from approximately MP 14.75 through MP 15.70, pending dryer site conditions needed to complete welding and pipe installation, according to WBI. Construction materials and topsoil were staged along the edge of the ROW, but the approved workspace limits were not clearly marked, per the FERC Plan, Section II.B.3.



**Photo No.:** 6

**MP:** 18.30

**Direction:** Southeast

**Assessment:** Acceptable

**Comments:** Agricultural ROW. Trench backfilling was complete, and approved workspace limits along this section of the ROW were marked with wooden stakes and flagging. Topsoil was properly segregated and staged along the edge of the ROW. Nearby to the north, a contractor was observed removing wooden stakes from the ROW edge. WBI immediately instructed contractors to stop removing markers along workspace limits and to begin re-installing markers, where needed.



**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 7

**MP:** 26.15

**Direction:** Northeast

**Assessment:** Acceptable

**Comments:** Agricultural ROW, Bore #34 Site. Crews were completing tie-in work at the bore site. Topsoil was properly segregated and staged within approved workspace limits that were clearly marked with stakes and flagging. No construction activity or materials were observed outside of approved workspace limits. No environmental concerns were identified.



**Photo No.:** 8

**MP:** 30.35

**Direction:** Southeast

**Assessment:** Acceptable

**Comments:** Agricultural ROW, Bore #38 Site. Contractors were completing tie-ins at the bore site. Topsoil was properly segregated, and all construction materials and activities were within well-marked workspace limits. Equipment mats at the construction entry point were well maintained, and the adjacent public roadway was free of tracked mud and construction debris. No environmental concerns were identified.

**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 9

**MP:** 33.50

**Direction:** South

**Assessment:** Acceptable

**Comments:** Agricultural ROW, Bore #41 Site, Wetland wrib007e. A crew was completing the guided bore road crossing. Equipment mats and ECDs were properly installed and maintained. Workspace limits were well marked, and resource identification signs were in place. Construction materials staged within the wetland along the west edge of the equipment mats were within a temporary workspace in the resource that was approved by the FERC. No environmental concerns were identified.



**Photo No.:** 10

**MP:** 36.10

**Direction:** Southeast

**Assessment:** Acceptable

**Comments:** Agricultural ROW, Wetland wrib019e. Pipe was welded and staged along the ROW and wetland. Work along this area was on hold due to the presence of several migratory bird nests. Installed ECDs and equipment mats were well maintained. Resource protection signs were in place along the wetland edge. Inspection participants discussed the importance of installing additional ECDs along the toe of slope at the wetland boundary across the ROW prior to grading in the area.

**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 11

**MP:** 39.50

**Direction:** West

**Assessment:** Acceptable

**Comments:** Agricultural ROW, Valve Set #4 Site. The ROW and valve site were stable and free of excessive rutting and erosion. Topsoil was properly segregated and staged within workspace limits. Nearby, the trench was backfilled, and rough grading was complete. The adjacent construction access point from the public road was well maintained, and the roadway was free of tracked mud and construction debris. No environmental concerns were identified.



**Photo No.:** 12

**MP:** 40.90

**Direction:** West

**Assessment:** Acceptable

**Comments:** Agricultural ROW, Bore #50 Site. Trench backfilling was pending at the guided bore tie-in, but was complete on the adjacent ROW to the west. Topsoil was segregated and staged along the ROW pending final restoration. Construction materials were within approved workspace limits, which were well marked with stakes and flagging. No environmental concerns were identified.

**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 13

**MP:** 42.05

**Direction:** East

**Assessment:** Noncompliance

**Comments:** Agricultural ROW. Topsoil was properly segregated along the edge of the ROW, pending final restoration, but a noncompliance was identified because soil was not contained within approved workspace limits, per the FERC Plan, Section IV.A. The trench was backfilled along the adjacent ROW, and rough grading was complete.



**Photo No.:** 14

**MP:** 47.40

**Direction:** South

**Assessment:** Problem Area

**Comments:** Agricultural ROW. Waterbody srid001e, Wetland wrid003e. ECDs were not in place, as required by FERC Procedures, Section V.B.10.b, leaving the area vulnerable to sediment movement from the staged topsoil into the wetland and stream. This created the potential for sediment to be transported beyond the approved workspace limits during future significant rainfall events.

**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 15

**MP:** 51.40

**Direction:** Northeast

**Assessment:** Acceptable

**Comments:** Agricultural ROW, Bore #64 Site. Boring efforts at the Wild Rice River crossing entry site were on hold due to a bore hole collapse. All materials and equipment were within well-marked workspace limits. Hazardous materials and gas-operated pumps were stored within secondary containment, and spill kits were staged throughout the site. However, a nearby containment structure was noted to have a collapsed wall. No impacts were observed, and the structure was immediately replaced by WBI, prior to departing the site.



**Photo No.:** 16

**MP:** 51.90

**Direction:** Southwest

**Assessment:** Noncompliance

**Comments:** Agricultural ROW, Temporary Access Road (AR) 56.1. A noncompliance was identified because construction materials were not contained within approved workspace limits, per the FERC Plan, Section IV.A. Elsewhere, the equipment mats were well maintained.

**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 17

**MP:** 54.95

**Direction:** South

**Assessment:** Acceptable

**Comments:** Agricultural ROW, wrif001e. ECDs were installed and maintained along the wetland in this cultivated agricultural area. Inspection participants discussed the importance of inspection and maintenance of the geofabric material beneath the equipment mat crossing to ensure sediment would not be deposited into the resource and transported off-ROW. Resource identification signs were in place. The trench was backfilled on most of the adjacent ROW, and rough grading was complete.



**Photo No.:** 18

**MP:** 55.58

**Direction:** Northwest

**Assessment:** Noncompliance

**Comments:** Open ROW. The trench was backfilled along the ROW in this area. However, a noncompliance was identified because construction materials and equipment (based on track marks) were not contained within approved workspace limits, per the FERC Plan, Section IV.A.

**FEDERAL ENERGY REGULATORY COMMISSION  
PHOTOGRAPHIC RECORD**

**Company:** WBI Energy

**Docket Nos.:** CP22-466-000

**Project:** Wahpeton Expansion Project

**Spread:** Wahpeton Lateral



**Photo No.:** 19

**MP:** 57.10

**Direction:** East

**Assessment:** Noncompliance

**Comments:** Agricultural ROW. The trench was backfilled along the ROW. Topsoil was properly segregated and staged along the ROW edge, pending final restoration, but a noncompliance was identified because construction materials were not contained within approved workspace limits, per the FERC Plan, Section IV.A.



**Photo No.:** 20

**MP:** 58.50

**Direction:** East

**Assessment:** Noncompliance

**Comments:** Agricultural ROW, MDU-Wahpeton Border Station, Valve Set #7 Site. A noncompliance was identified because construction materials were not contained within approved workspace limits, per the FERC Plan, Section IV.A. At the adjacent station and valve site, pad installation was complete. Spill kits were present, and the road entry point was well maintained. Topsoil was properly segregated and staged within the site, but some soil was observed outside of the approved workspace limits.

**FEDERAL ENERGY REGULATORY COMMISSION  
NOTIFICATION OF REQUIRED CORRECTIVE ACTION OR RESPONSE**

FEDERAL ENERGY REGULATORY COMMISSION  
OFFICE OF ENERGY PROJECTS  
WASHINGTON, D.C. 20426

**Notification of Required Corrective Action or Response**

Company: WBI ENERGY TRANSMISSION Docket No.: CP22-466

Project: WANPETON EXPANSION PROJECT

Our environmental compliance inspection identified the following items that require corrective action within the indicated timeframes. Report on the status of corrective measures in your next required weekly, biweekly, or quarterly report. File all responses with the Secretary of the Federal Energy Regulatory Commission.

The following noncompliance(s) require your immediate attention.

Due to the nature/extent of noncompliance, file a response within 5 working days of the date of this notification. For each item below, describe how it occurred; how and when each occurrence was corrected (include photo documentation) or a precise schedule for correction; and how your company will ensure that similar occurrences will be avoided.

Date	Location (MP, Station No., etc.)	NONCOMPLIANCE(S)	Correct Within	
			24 hrs	Other
9-18-24	58.50 57.99 57.10 56.70	PROJECT-RELATED MATERIALS NOT CONTAINED WITHIN APPROVED		BEGIN RETURNING MATERIALS TO APPROVED AREAS ASAP
	52.95	WORKSPACE LIMITS PER PLAN IV.A		
	51.90	WIDESPREAD SOUTH OF I29		
	44.45			
	42.05			

The following problem area(s) require correction. Failure to correct these items may result in a noncompliance.

Date	Location (MP Station No., etc.)	Problem Area(s)	Correct Within	
			24 hrs	Other
9-17-24	~ 11.64 THRU 18.18	AUTHORIZED WORKSPACE LIMITS NOT VISIBLY MARKED PER PLAN II-B.3		7-DAYS
9-18-24	47.4	TEMP ECD'S NOT INSTALLED ALONG RESOURCES PER PROCEDURES V.B.10.b		2-DAYS

Stacie L Grove 9/18/2024 STACIE L GROVE  
FERC Representative / Contractor (signature / date) (print name)

[Signature] 9/18/24 Andrew Bates  
Received by: Company Representative (signature / date) (print name)