

1250 West Century Avenue  
Mailing Address:  
P.O. Box 5601  
Bismarck, ND 58506-5601  
(701) 530-1600

May 9, 2024

Debbie-Anne Reese, Acting Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, D.C. 20426

Re: WBI Energy Transmission, Inc.  
Wahpeton Expansion Project  
Docket No. CP22-466-000  
Variance Request for Project Modifications

Dear Acting Secretary Reese:

On October 23, 2023, the Federal Energy Regulatory Commission (FERC or Commission) issued an Order Issuing Certificate (Order) in the above referenced docket authorizing WBI Energy Transmission, Inc. (WBI Energy) to construct, modify, operate, and maintain its Wahpeton Expansion Project (Project) in Cass and Richland Counties, North Dakota. On February 13, 2024, the Commission authorized WBI Energy to proceed with construction of all Project facilities.

Pursuant to Environmental Conditions No. 5 of the Order, WBI Energy is hereby submitting a table identifying and describing the following requested Project modifications:

- A change in construction method from a guided bore to the standard trenching method at milepost 55.6 (V6);
- A minor landowner requested reroute between mileposts 30.4 and 30.8 (V11);
- The relocation of approved access roads AR-007.1 and AR-030 (V17, V35);
- Utilize 15 existing approaches as temporary access roads (V22, V25, V27, V29, V30, V36, V37, V38, V39, V48, V49, V50, V52, V53, V54); and
- Construct 11 new temporary access roads (V18, V19, V20, V21, V23, V24, V26, V28, V33, V46, V47). The installation of a temporary culvert would be dependent upon the following conditions: the specific location of the access road to the high or low end of the agricultural field; the elevation of the access road to the construction right-of-way; the need to maintain and/or allow water flow; if existing/functioning ditches are adjacent; or the type of material used to construct the temporary access road (mat bridge or fill).

The table provided as Attachment A provides descriptions and justifications for the requested Project modifications. The requested Project modifications are located within the previous biological and cultural survey corridor of the Project as noted in the footnotes of Attachment A.

WBI Energy has received landowner approval for each of the modifications as also indicated in Attachment A.

Project modifications will not affect environmentally sensitive areas. Attachment B provides a figure for each Project modification.

As required under Environmental Condition No. 5 of the Certificate, WBI Energy respectfully requests written authorization from the Director of the Office of Energy Projects to utilize the requested Project modifications, as described in Attachments A and B. WBI Energy requests approval of the attached variances by Thursday, May 23, 2024.

Pursuant to 18 CFR § 385.2010 of the Commission's regulations, copies of this filing are being served to 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 Environmental Project Manager  
Dawn Ramsey, FERC Deputy Environmental Project Manager  
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 9th day of May, 2024.

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 9<sup>th</sup> day of May, 2024.

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

Subscribed and sworn to before me this 9<sup>th</sup> day of May, 2024.

*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

Attachment A

Variance Table

Wahpeton Expansion Project  
Summary of the Proposed Project Modifications

WBI Energy Variance Number	Modification	County	Pipeline Milepost	Alignment Sheet No. 1/ Approx. Station No.	Reason for Variance/Modification	Change in Construction Impacts (acres)	Change in Operation Impacts (acres)	Field Survey Complete – Environmental (Yes/No) 2/	Field Survey Complete – Cultural (Yes/No)	Existing Land Use	Landowner Approval and Date
V6	Change construction method from Guided Bore to Open Trench	Richland	55.6	27 / 2930+00	Upon further review of the route at this location, change the construction method from guided bore to open trench near MP 55.6 and 179th Ave. SE.	0	0	Yes 5/	Yes 6/	Agricultural / Developed	Yes 3/14/2024
V11	Pipeline Reroute	Richland	30.4-30.8	15 / 1602+30-1630+00	Landowner requested reroute to avoid field drain tiles and move the construction ROW closer to the section line.	-0.07	0	Yes 3/	Yes 4/	Agricultural	Yes 3/5/2024
V17	Relocate approved Access Road (AR)-007.1	Cass	6.6	3 / 360+00	A newly constructed guardrail is in the path of an approved access road. The access road requires relocation to the north. The relocated access road will be north of MP 6.6 and west of 165th Ave. SE.	-0.02	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/15/2024
V18	New Temporary AR-012.1	Cass	9.3	4 / 490+00	Construct a new temporary access road east of 165th Ave. SE and north of MP 9.3 to avoid steep banks/deep drainage ditches off of 40th St. SE onto the construction ROW.	0.04	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/15/2024
V19	New Temporary AR-017.1	Cass	13.7	6 / 722+47	Construct a new temporary access road west of 166th Ave. SE and north of MP 13.7 to avoid steep banks/deep drainage ditches off of 44th St. SE onto the construction ROW.	0.04	0	Yes 3/	Yes 4/	Agricultural	Yes 3/14/2024
V20	New Temporary AR-020.1	Cass	16.7	8 / 880+00	Construct a new temporary access road west of 166th Ave. SE, north of MP 16.7 and the Red River Valley & Western railroad tracks. Construction equipment cannot cross the railroad tracks along the construction ROW. This access road would allow access to the ROW north of the railroad tracks.	0.02	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/22/2024
V21	New Temporary AR-020.2	Cass	16.7	8 / 890+00	Construct a new temporary access road west of 166th Ave. SE and south of MP 16.7. A temporary access road will limit construction equipment traffic on 47th Ave. SE and provide access for equipment to guided bore workspace.	0.02	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/15/2024
V22	New Temporary AR-022.1	Cass	17.5	8 / 925+00	Utilize an existing approach west of 166th Ave. SE and north of MP 17.5 that connects directly to the construction ROW and would minimize construction equipment traffic on the ROW between approved access roads.	0.09	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/15/2024
V23	New Temporary AR-022.2	Cass	17.7	8 / 935+00	Construct a new temporary access road west of 166th Ave. SE and south of MP 17.7 to avoid steep slopes/deep ditches off of 48th St. SE (Highway 16) onto the construction ROW and minimize construction equipment crossing Highway 16.	0.03	0	Yes 3/	Yes 4/ 7/	Agricultural	Yes 3/14/2024
V24	New Temporary AR-022.3	Cass	17.8	8 / 937+50	Construct a new temporary access road west of 166th Ave. SE and north of MP 17.8 to avoid steep slopes/deep ditches off of 48th St. SE (Highway 16) onto the construction ROW and minimize construction equipment crossing Highway 16.	0.03	0	Yes 3/	Yes 4/	Agricultural	Yes 3/15/2024
V25	New Temporary AR-024.1	Cass	19.8	9 / 1042+00	Utilize an existing approach north of 50th St. SE and north of MP 19.8 to avoid a steep slope/deep ditch off of 166th Ave. SE onto the construction ROW and to avoid waterbody scab005e.	0.08	0	Yes 3/ 8/	Yes 4/	Agricultural / Developed	Yes 3/5/2024
V26	New Temporary AR-024.2	Cass	19.8	9 / 1043+00	Construct a new temporary access road east of 166th Ave. SE and west of MP 19.8 to avoid a bore pit for the guided bore crossing of 166th Ave. SE and 50th St. SE.	0.05	0	Yes 3/ 10/	Yes 4/	Agricultural / Developed	Yes 3/20/2024
V27	New Temporary AR-024.4	Cass	20.5	9 & 10 / 1090+00	Utilize an existing approach east of 166th Ave. SE and north of MP 20.5 that connects directly to the construction ROW and would minimize construction equipment traffic on the ROW between approved access roads.	0.05	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/20/2024
V28	New Temporary AR-024.5	Cass	20.8	10 / 1098+00	Construct a new temporary access road east of 166th Ave. SE and west of MP 20.8 to avoid steep slope/deep ditches off of 51st St. SE onto the construction ROW.	0.03	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/5/2024
V29	New Temporary AR-024a.1	Cass	21.3	10 / 1126+00	Utilize an existing approach east of 166th Ave. SE and south of MP 21.3 that connects directly to the construction ROW and would minimize construction equipment traffic on the ROW between approved access roads.	0.06	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/20/2024
V30	New Temporary AR-024a.2	Cass	21.8	10 / 1152+63	Utilize an existing approach east of 166th Ave. SE and west of MP 21.8 to avoid steep slopes/deep ditches off of 52nd St. SE crossing onto the construction ROW.	0.02	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/15/2024
V33	New Temporary AR-028a.1	Cass	24.4	12 / 1290+00	Construct a new temporary access road west of 167th Ave. SE, south of existing access road AR_028.1, and north of MP 24.4 to safely transport construction equipment to the construction ROW from a curve off of 167th Ave SE.	0.13	0	Yes 3/	Yes 4/	Agricultural	Yes 3/20/2024
V35	Relocate approved AR-030	Richland	25.7	12 / 1355+78	Relocate an approved access road to the east, north of 55th St. SE and west of MP 25.7 to safely transport construction equipment to the construction ROW. The approved access road has a steep embankment off of the intersection of 165th Ave. SE and 55th St SE.	-0.04	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/15/2024
V36	New Temporary AR-030.1	Richland	26.1	13 / 1380+00	Utilize an existing approach north of 55th St. SE and east of MP 26.1 that connects directly to the construction ROW and would minimize construction equipment traffic on the ROW between approved access roads.	0.06	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/13/2024

Wahpeton Expansion Project  
Summary of the Proposed Project Modifications

WBI Energy Variance Number	Modification	County	Pipeline Milepost	Alignment Sheet No. 1/ Approx. Station No.	Reason for Variance/Modification	Change in Construction Impacts (acres)	Change in Operation Impacts (acres)	Field Survey Complete – Environmental (Yes/No) 2/	Field Survey Complete – Cultural (Yes/No)	Existing Land Use	Landowner Approval and Date
V37	New Temporary AR-030.2	Richland	26.6	13 / 1406+50	Utilize an existing approach north of 55th St. SE and east of MP 26.6 to provide safe access to the construction ROW and minimize construction equipment crossing County Road 26 (Highway 26).	0.03	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/15/2024
V38	New Temporary AR-030.3	Richland	26.7	13 / 1410+00	Utilize an existing approach north of 55th St. SE and west of MP 26.7 to provide safe access to the construction ROW and would minimize construction equipment crossing County Road 26 (Highway 26).	0.03	0	Yes 3/	Yes 4/	Agricultural	Yes 3/15/2024
V39	New Temporary AR-030.4	Richland	27.1	13 / 1432+26	Utilize an existing approach north of 55th St. SE and south of MP 27.1 that connects directly to the construction ROW and would provide additional access to the construction ROW between approved access roads.	0.07	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/22/2024
V46	New Temporary AR-044.1	Richland	42.4	21 / 2238+00	Construct a new temporary access road west of 172nd Ave. SE and north of MP 42.4 to eliminate the need to cross the north slope of County Road 4 and minimize construction equipment crossing the road. Additionally, it would avoid impacts to wetland wria009e. 11/	0.04	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/5/2024
V47	New Temporary AR-044.2	Richland	42.4	21 / 2239+04	Construct a new temporary access road west of 172nd Ave. SE and south of MP 42.4 to eliminate the need to cross the south slope of County Road 4 and minimize construction equipment crossing the road. Additionally, it would avoid impacts to wetland wria008e. 9/ 12/	0.04	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/22/2024
V48	New Temporary AR-045.1	Richland	42.9	21 / 2266+00	Utilize an existing approach west of 172nd Ave. SE and at MP 42.9 that connects directly to the construction ROW and would minimize construction equipment traffic on the ROW between approved access roads. 9/	0.08	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/15/2024
V49	New Temporary AR-045.2	Richland	43.3	22/ 2278+69	Utilize an existing approach west of 172nd Ave. SE and north of MP 43.3 that connects directly to the construction ROW and would minimize construction equipment traffic on the ROW between approved access roads. 9/	0.07	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/14/2024
V50	New Temporary AR-046.1	Richland	43.8	22/ 2300+00	Utilize an existing approach west of 172nd Ave. SE and north of MP 43.8 that connects directly to the construction ROW and would minimize construction equipment traffic on the ROW between approved access roads.	0.06	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/15/2024
V52	New Temporary AR-057.1	Richland	52.9	26 / 2794+45	Utilize an existing approach off 177th Ave. SE and east of MP 52.9 to access the construction ROW and avoid a bore pit for the guided bore crossing of 177th Ave. SE.	0.03	0	Yes 3/	Yes 4/	Developed	Yes 3/22/2024
V53	New Temporary AR-058.1	Richland	54.4	27 / 2873+60	Utilize an existing approach west of 178th Ave. SE and north of MP 54.4 to provide safe access to the construction ROW and minimize construction equipment crossing 71st St. SE (County Road 8).	0.02	0	Yes 3/	Yes 4/	Agricultural / Developed	Yes 3/22/2024
V54	New Temporary AR-058.2	Richland	54.4	27 / 2874+93	Utilize an existing approach east of 178th Ave. SE and southeast of MP 54.4 to provide safe access to the construction ROW and minimize construction equipment crossing 71st St. SE (County Road 8).	0.03	0	Yes 5/	Yes 6/	Agricultural / Developed	Yes 3/22/2024

1/ Alignment sheets submitted with WBI Energy's Implementation Plan (see eLibrary accession number 20231201-5361, attachment 4-1).

2/ Addendums to Environmental Survey Reports - Wetland and Waterbody Delineation Report submitted with WBI Energy's Implementation Plan (see eLibrary accession number 20231201-5360, attachment 7-2).

3/ Resource Report 3 submitted with WBI Energy's Section 7 (c) Abbreviated Application (see eLibrary accession number 20220527-5343, Volume II RR3).

4/ Archaeological and Architectural Survey Reports - Class III Archaeological Inventory Survey Report submitted with WBI Energy's Supplemental Filing and Draft EIS comments (see eLibrary accession number 20221222-5270, attachment 8 (PRIV)).

5/ USFWS concurrence dated September 26, 2023 submitted with WBI Energy's Implementation Plan (see eLibrary accession number 20231201-5360, attachment 11-2).

6/ Addendums to Cultural Resources Survey Reports - Avoidance and Monitoring Plan supplementing WBI Energy's Implementation Plan (see eLibrary accession number 20231201-5361, attachment 7-1 (PRIV)).

7/ Proposed AR-022.2 is approximately 9 feet west (across the street) of the boundary of a historic architectural (arch) site and approximately 180 feet from the nearest structure within the arch site.

The arch site is located east of 166th Ave. SE and a shelter belt blocks the Project workspace from the viewshed of the structures of the arch site; therefore, no impacts are anticipated.

8/ Waterbody scab005e runs through the construction ROW on the west side of 166th Ave SE. This waterbody abuts the east side of the proposed temporary access road. No impacts are anticipated at this feature.

9/ The North Country Trail is located within the public road (172nd Ave. SE) at the proposed AR. No impacts on the trail are anticipated.

10/ Wetland wcab011e is approximately 35 feet west and outside of the construction ROW. No impact is anticipated at this feature.

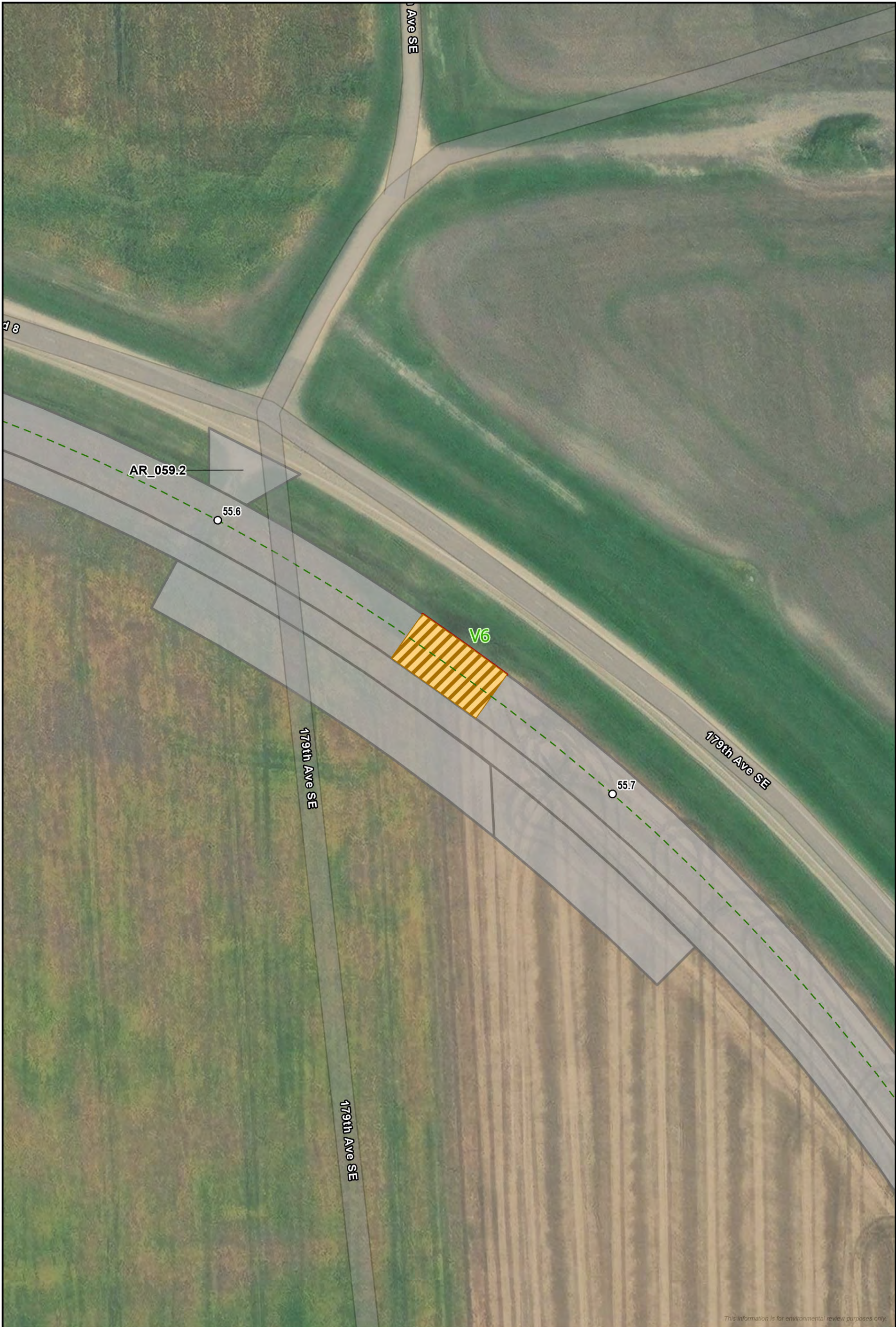
11/ Wetland wria009e is approximately 38 feet south. No impact is anticipated at this feature.

12/ Wetland wria008e is approximately 20 feet north. No impact is anticipated at this feature.

Attachment B

Variance Figures





This information is for environmental review purposes only.

Milepost	TEMP Workspace to PERM Workspace
Proposed Centerline	Bore to Open Cut
PERM Workspace Removed	No Change

1:1,000

0      100      200  
 Feet



**Proposed Project Modifications**

**V6**

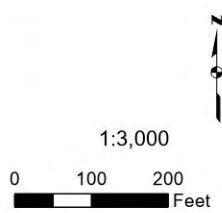




This information is for environmental review purposes only.

- Milepost
- - - Proposed Centerline
- ▬ PERM Workspace Added
- ▬ PERM Workspace Removed
- ▬ PERM Workspace to TEMP Workspace

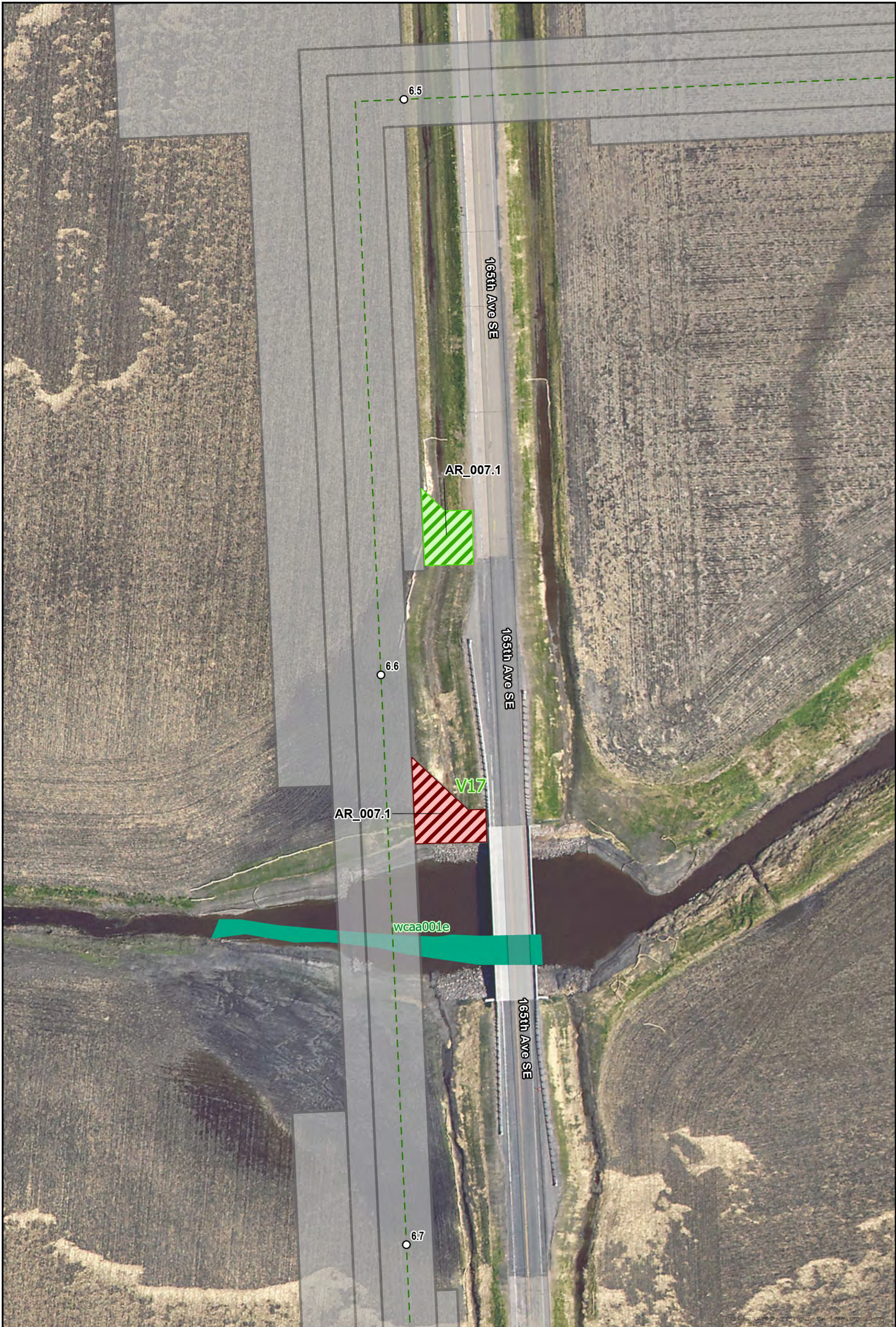
- ▬ TEMP Workspace Added
- ▬ TEMP Workspace Removed
- ▬ TEMP Workspace to PERM Workspace
- ▬ No Change



**Proposed Project Modifications**

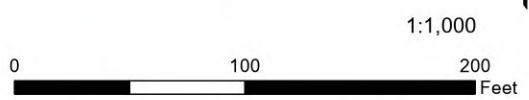
**V11**





- Milepost
- Proposed Centerline
- ▨ TEMP Workspace Added

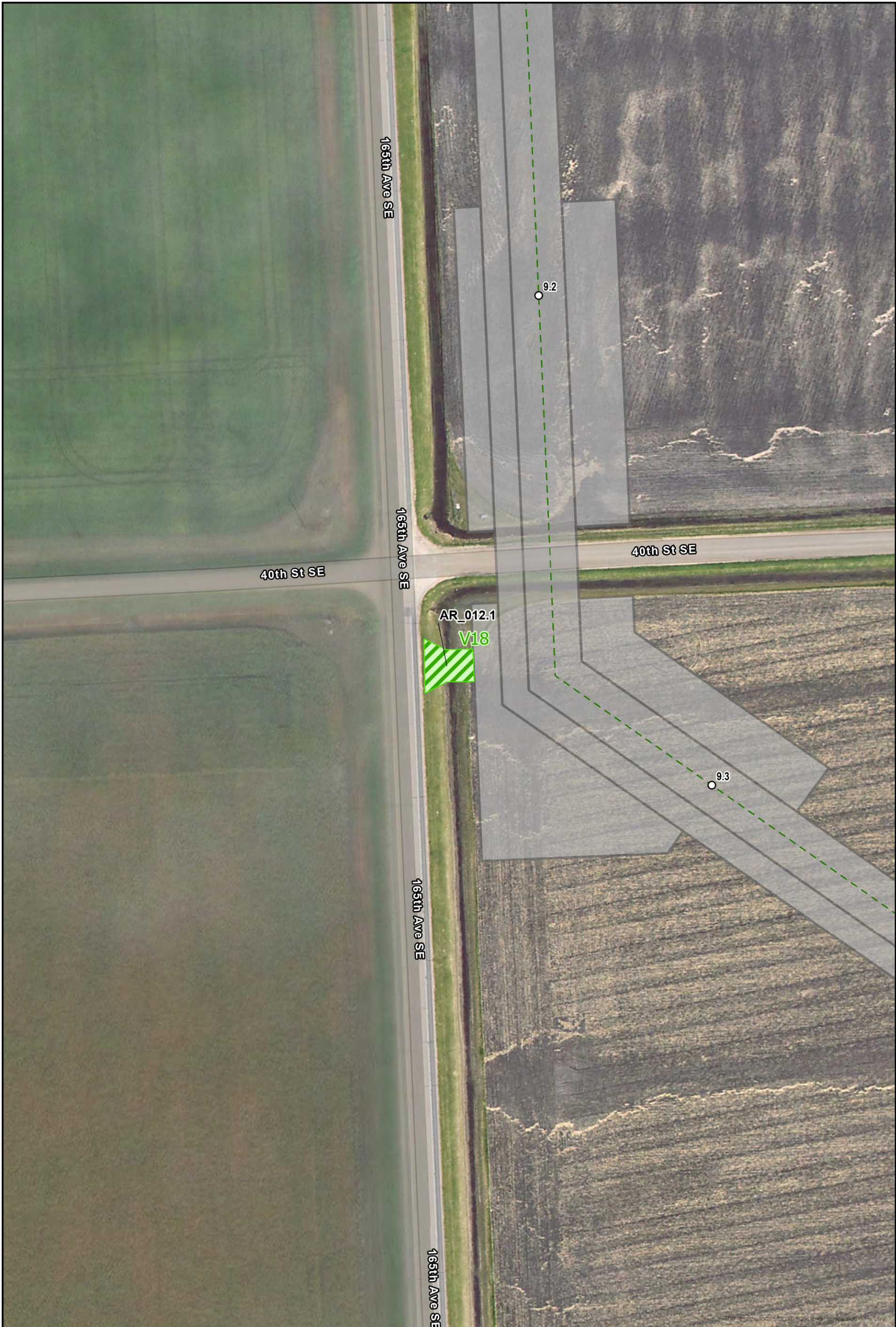
- ▨ TEMP Workspace Removed
- ▭ No Change
- ▭ Surveyed Wetland



**Proposed Project Modifications**

**V17**





- Milepost
- - - Proposed Centerline
- ▨ TEMP Workspace Added
- No Change

1:1,000

0      100      200  
Feet



**Proposed Project Modifications**

**V18**





This information is for environmental review purposes only.

- Milepost
- - - Proposed Centerline
- ▨ TEMP Workspace Added

- ▭ No Change
- ▭ Surveyed Wetland



**Proposed Project Modifications**

**V19**





*This information is for environmental review purposes only.*

-  Milepost
-  Proposed Centerline
-  TEMP Workspace Added
-  No Change

1:1,000

0      100      200  
Feet

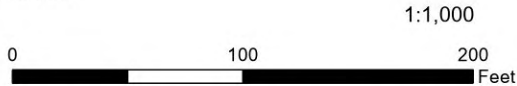


**Proposed Project Modifications**  
**V20 and V21**





- Milepost
- Proposed Centerline
- ▨ TEMP Workspace Added
- No Change



**Proposed Project Modifications**

**V22**





This information is for environmental review purposes only.

-  Milepost
-  Proposed Centerline
-  TEMP Workspace Added
-  No Change

1:1,000

0      100      200  
Feet



**Proposed Project Modifications**  
**V23 and V24**

