



1250 West Century Avenue  
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Bismarck, ND 58506-5601  
(701) 530-1600

June 4, 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:

- The relocation of Valve Site #4 and access road AR-034 (V2);
- The modification of access road AR-013b (V3);
- Modifications to the Kindred Town Border Station and access road AR-026 (V13);
- Six landowners requested a minor realignment between mileposts 44.5 and 47.3 (V58); and
- Construct a new temporary access road (V62).
  - 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). Where the temporary access road is being installed across features defined as waterbodies in the FERC's Wetland and Waterbody Construction and Mitigation Procedures, WBI Energy commits to constructing the temporary access road in a manner to maintain the natural flow of water through these features.

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 and WBI Energy has received landowner approval for each of the modifications.

Project modifications V2, V3, V13 and V62 are not located within an environmental justice (EJ) community. A small portion of Project modification V58 (MPs 44.5 to 45.3) is within identified Census Tract 970700 Block Group 2 (MPs 36.7 to 45.3) that has a minority population of 11.6% which is meaningfully greater than that of Richland County. The impacts associated with Project modification V58 within this identified EJ community will be minor, temporary in nature, and no sensitivity receptors will be significantly impacted by the modification.

WBI Energy consulted with the U.S. Army Corps of Engineers (USACE) for Project modifications V2, V3 and V58 as the Project modifications will have minor impacts on wetlands and waterbodies. The USACE confirmed that the Project modifications are covered under Nationwide Permit 12. Additionally, WBI Energy confirmed with the North Dakota Department of Environmental Quality that the modifications do not impact the Section 401 Water Quality Certification for the Project. 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 Tuesday, June 11, 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 4th day of June, 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     )

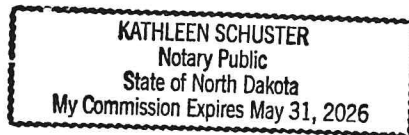
I, Lori Myerchin, being first duly sworn, do hereby depose and say that I am the Director, Regulatory Affairs and Transportation Services for WBI Energy Transmission, Inc.; that I have read the foregoing document; that I know the contents thereof; that I am authorized to execute such document; and that all such statements and matters set forth therein are true and correct to the best of my knowledge, information and belief.

Dated this 4<sup>th</sup> day of June, 2024.

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

Subscribed and sworn to before me this 4<sup>th</sup> day of June, 2024.

*Kathleen Schuster*  
Kathleen Schuster, Notary Public  
Burleigh County, North Dakota  
My Commission Expires: 5/31/2026



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	Reason for Variance/Modification	Change in Construction Impacts (acres)	Change in Operation Impacts (acres)	Field Survey Complete – Environmental (Yes/No) 2/ 3/	Field Survey Complete – Cultural (Yes/No) 4/	Existing Land Use	Landowner Approval and Date
V2	Relocate Valve Site #4 and Modify Approved Permanent Access Road (AR)	Richland	31.3	15 / 1655+00	Relocate approved Valve Site to avoid workspace associated with the guided bore crossing of 58th Street SE. The relocated valve site dimensions will be 65 feet x 75 feet and will require approximately 0.112 acre of land for permanent operation. Change approved permanent AR-034 to a temporary access road. Construct a new permanent access road AR-034.1 north of 58th Street SE to the relocated valve site. 5/	-0.18	0.06	Yes	Yes	Agricultural / Developed / Wetland	Yes 3/05/2024
V3	Modify Approved AR-013b	Cass	10.0	5 / 530+00	Widen approved access road by 10 feet (currently 20 feet wide) to safely transport construction equipment to the construction ROW. 6/	0.03	0	Yes	Yes	Agricultural / Wetland	Yes 3/05/2024
V13	Modify Kindred Town Border Station (TBS) and relocate AR	Cass	23.4	11 / 1231+70-1238+00	Change approved permanent workspace to temporary workspace at the Kindred TBS due to the distribution company not requiring as large of a permanent workspace for its distribution equipment. In addition, the landowner requested to keep the TBS facilities closer to the property line and to relocate approved permanent AR-026. 7/	0	-0.47	Yes	Yes	Agricultural	Yes 3/13/2024
V58	Minor Realignment New	Richland	44.5-47.3	22 & 23 / 2350+00-2500+00	Six landowners requested a minor realignment to co-locate the construction right-of-way closer to the east side of 172nd Ave. SE and to their property lines. 8/	-0.23	0.01	Yes	Yes	Agricultural / Developed	Yes 3/15/2024
V62	Temporary AR-014.2	Cass	10.6	5 / 562+75	Construct a new temporary access road west of 166th Ave. SE and south of MP 10.6 to minimize construction equipment crossing 41st Street SE.	0.02	0	Yes	Yes	Agricultural / Developed	Yes 3/13/2024

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/ Supplemental response to FERC's August 10, 2022 Environmental Information Request (see eLibrary accession number 20220901-5265, Resource Report 3, Request No. 2 Attachment - FWS Consultation Package).

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/ Wetland wria003e runs through the construction ROW and proposed permanent AR-034.1 north of 58th Street SE.

The variance will result in a net increase of 0.005 acre of temporary impacts and an increase of 0.009 acre of permanent impacts to wetland wria003e. Wetland wria004e is located south of 58th Street SE with no impacts anticipated at this feature.

6/ AR-013b crosses wetland wcaa006e and would result in a net increase of 0.012 acre of temporary impacts at this feature.

7/ Waterbody scae003e is approximately 50 feet north of approved TBS and north of 53rd Street SE. No impact is anticipated at this feature.

8/ The reroute includes a guided bore of Pitcairn Creek (srid002p) south of MP 44.9. No impacts are anticipated at this feature.

The variance will result in a net increase of 0.006 acre of temporary impacts to waterbody srid001e (a roadside ditch at MP 47.3).

The reroute is within 21 feet of wetland wrid002e (south of MP 45.9), 1.2 feet of wetland wrid001e (MP 46.1-46.4), and 6 feet of wetland wrid003e (north of MP 47.3). No impacts are anticipated at these features.

Attachment B

Variance Figures



This information is for environmental review purposes only.



○ Milepost	□ Old Valve 4
--- Centerline	□ Updated Valve and Access Road
--- Bore Location	■ Surveyed Wetland
□ No Change	

1:1,000

0 100 200 Feet

**Proposed Project Modifications**

**V2**





This information is for environmental review purposes only.



TEMP Workspace Added	No Change
Milepost	Surveyed Wetland
Centerline	
Bore Location	

1:1,000



0      100      200  
Feet








**Proposed Project Modifications**

**V3**



 PERM to TEMP Workspace Modification  
 TEMP to PERM Workspace Modification

 Milepost  
 Centerline  
 Bore Location  
 No Change  
 Updated Kindred Border Station  
 Old Kindred Border Station  
 Surveyed Waterbody

1:1,000

0 100 200 Feet

**Proposed Project Modifications**

**V13**

