

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

June 27, 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 Condition No. 5 of the Order, WBI Energy is hereby submitting a variance request to combine two guided bore crossings into one guided bore crossing: 36<sup>th</sup> Street SE at milepost (MP) 4.9<sup>1</sup> and the Burlington Northern Santa Fe Railway railroad tracks north of MP 5.2<sup>2</sup> in Cass County, North Dakota (V65). WBI Energy has determined the approved access road (AR005) located between approved Bores #7 and #8 is too steep to allow safe travel of heavy construction equipment and trucks to the approved temporary workspaces. Additionally, the proximity of the access road to the railroad tracks and crossing does not provide enough space to unload construction equipment and pipe safely. WBI Energy will retain AR005 for vehicle access to the construction right-of-way during guided bore activities.

WBI Energy is requesting to:

- Extend approved Bore #7 to include approved Bore #8 as one continuous guided bore;
- Add additional temporary workspace (ATWS) east of MP 4.6<sup>3</sup> for the fabrication of the longer guided bore pipe string (additional construction impacts are 0.13 acre); and
- Remove approved ATWS south of 36<sup>th</sup> Street SE and north of the Burlington Northern Santa Fe Railway tracks (reduced construction impacts are 1.18 acres).

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<sup>1</sup> Bore # 7 from Station Nos. 257+98 to 261+87 on Alignment Sheet No. 3.

<sup>2</sup> Bore # 8 from Station Nos. 268+32 to 273+63 on Alignment Sheet No. 3.

<sup>3</sup> New ATWS at Station No. 244+39.57 on Alignment Sheet No. 3.

These modifications, as depicted in Attachment A<sup>4</sup>, will result in a net reduction of 1.05 acres of temporary impacts and have no change in operational impacts. No wetlands/waterbodies, cultural resources, or other sensitive environmental resources will be impacted by this Project modification. Therefore, implementation of this variance will provide equal or better protection to environmental resources. Additionally, WBI Energy will implement the mitigation measures in FERC's Upland Erosion Control, Revegetation, and Maintenance Plan, WBI Energy's Guided Bore Drilling Fluid Monitoring and Operations Plan, and other permits/plans as applicable to further reduce impacts during construction.

The requested modification is located within the biological and cultural survey corridors<sup>5</sup> for the Project and no further consultation is required. WBI Energy has received landowner approval for the modification.

Project modification V65 is not located within an environmental justice community.

As required under Environmental Condition No. 5 of the Order, WBI Energy respectfully requests written authorization from the Director of the Office of Energy Projects to utilize the requested Project modification by Wednesday, July 3, 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  
Vice President, Regulatory Affairs  
and Transportation Services

Attachment

cc: via email

David Hanobic, FERC Environmental Project Manager  
Dawn Ramsey, FERC Deputy Environmental Project Manager  
Official Service List

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<sup>4</sup> The figure does not depict two landowner requested minor field realignments from Sta. Nos. 193+73 to 258+13 (MPs 3.67 to 4.89) reported in Weekly Status Report 29 (see eLibrary accession number 20240620-5221).

<sup>5</sup> 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).

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).

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)).

## **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 27th day of June, 2024.

By /s/ Lori Myerchin

Lori Myerchin

Vice President, Regulatory Affairs and  
Transportation Services

WBI Energy Transmission, Inc.

1250 West Century Avenue

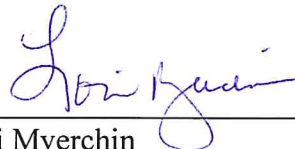
Bismarck, ND 58503

Telephone: (701) 530-1563

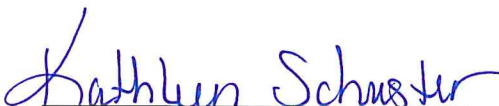
STATE OF NORTH DAKOTA     )  
COUNTY OF BURLEIGH     )

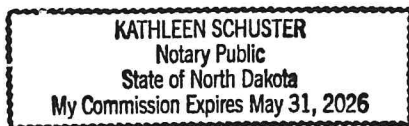
I, Lori Myerchin, being first duly sworn, do hereby depose and say that I am the Vice President, Regulatory Affairs and Transportation Services for WBI Energy Transmission, Inc.; that I have read the foregoing document; that I know the contents thereof; that I am authorized to execute such document; 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 27<sup>th</sup> day of June, 2024.

By   
Lori Myerchin  
Vice President, Regulatory Affairs and  
Transportation Services

Subscribed and sworn to before me this 27<sup>th</sup> day of June, 2024.

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



# Attachment A

## Variance Figure



This information is for environmental review purposes only.

- TEMP Workspace Added
- TEMP Workspace Removed
- Milepost
- Proposed Bore Location
- Centerline
- No Change

1:3,000

0 250 500 Feet

### Proposed Project Modifications

## V65

