

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

August 30, 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 the following requested Project modifications:

- Change the construction method near milepost (MP) 55.1 from an open trench to a guided bore; and
- Change the construction method near MP 56.5 from a guided bore to an open trench.

WBI Energy is proposing to change the construction method from an open trench to a guided bore (V68) near MP 55.1<sup>1</sup> and at wetland wrif001e due to the location of a critical communications/network fiber optic line crossing the construction right-of-way. Utilizing the guided bore method would eliminate the need to fully expose and physically suspend this critical communication/network fiber optic line that supports a majority of the city of Wahpeton's digital communications network. No additional temporary workspace is required for the guided bore.

WBI Energy is also proposing to change the construction method of an approved guided bore (Bore 68) to an open trench (V69) near MP 56.5<sup>2</sup>. A guided bore was originally determined to be necessary at this location due to limited workspace due to a landowner request. After further

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<sup>1</sup> From Station Nos. 2901+20 to 2901+45 on Alignment Sheet No. 27.

<sup>2</sup> From Station Nos. 2964+44 to 2966+44 on Alignment Sheet No. 28.

discussions with the contractor about the feasibility of switching to an open trench installation with the limited workspace, WBI Energy has determined a guided bore is no longer required and open trench installation can be utilized at this location since no sensitive resources will be impacted during the open trench installation.

All construction activities associated at both locations in Richland County, North Dakota, would remain within the currently approved workspaces with no change in construction or operational acreage, as depicted in Attachment A. The requested modifications are located within the biological and cultural survey corridors<sup>3</sup> for the Project and no further consultation is required. WBI Energy has received approval from landowners of the change in construction method.

No wetlands/waterbodies, cultural resources, or other environmental resources will be impacted by the Project modifications. Therefore, implementation of the variances will provide equal protection to environmental resources. Additionally, WBI Energy will implement the mitigation measures in FERC's Upland Erosion Control, Revegetation, and Maintenance Plan and FERC's Wetland and Waterbody Construction and Mitigation Procedures, WBI Energy's Guided Bore Drilling Fluid Monitoring and Operations Plan, and other permits/plans as applicable to further reduce impacts during construction.

These Project modifications are 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 modifications, by Thursday, September 5, 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

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<sup>3</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)).

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 30th day of August, 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.

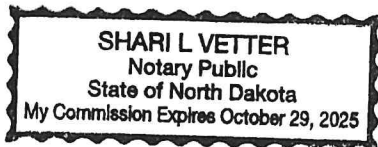
Dated this 30<sup>th</sup> day of August, 2024.

By *Lori Myerchin*  
Lori Myerchin  
Vice President, Regulatory Affairs and  
Transportation Services

Subscribed and sworn to before me this 30<sup>th</sup> day of August, 2024.

*Shari L Vetter*

Shari L Vetter, Notary Public  
Burleigh County, North Dakota  
My Commission Expires: 10/29/2025

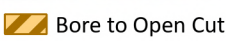
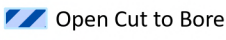
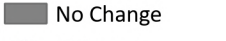
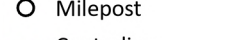
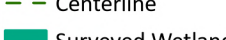
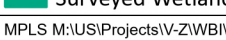



# Attachment A

Figure

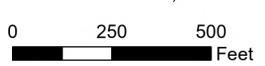


This information is for environmental review purposes only.

-  Bore to Open Cut
-  Open Cut to Bore
-  No Change
-  Milepost
-  Centerline
-  Surveyed Wetland



1:5,800



0 250 500 Feet

### Proposed Project Modifications

## V68 and V69

