



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

November 21, 2024

Debbie-Anne Reese, 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
Winter Construction and Stabilization Plan

Dear 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 Section V.A.1. of the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan), WBI Energy is hereby submitting for approval a project-specific Winter Construction and Stabilization Plan for the remaining clean-up, restoration and seeding activities¹ associated with the Project. The Project experienced snowfall and below freezing temperatures on November 19 and 20, 2024 impacting the Project area. The remaining activities along the construction right-of-way and aboveground facilities will be conducted in accordance with the FERC's Plan and WBI Energy's proposed Winter Construction and Stabilization Plan.

WBI Energy has and will continue to work with landowners during remaining restoration activities and address any landowner concerns.

Pursuant to 18 CFR § 385.2010 of the Commission's regulations, copies of this request are being served to each person whose name appears on the official service list for this proceeding.

¹ As reported in Weekly Status Report 51 filed concurrently with this filing.

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 Environmental Deputy 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 21st day of November, 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 21st day of November, 2024.

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

Subscribed and sworn to before me this 21st day of November, 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

WBI Energy Transmission, Inc.

Wahpeton Expansion Project

Docket No. CP22-466-000

Winter Construction and Stabilization Plan

1.0 Introduction

This Winter Construction and Stabilization Plan was prepared for WBI Energy Transmission, Inc.'s (WBI Energy) Wahpeton Expansion Project (Project) to address the activities to occur in winter conditions. Topsoil and subsoil conditions may be frozen and require additional consideration, fulfilled by this plan.

This plan describes the procedures that WBI Energy will implement for near-to-frozen and frozen conditions. In the transitional period between non-frozen and frozen conditions, WBI Energy will implement appropriate measures as described in this Winter Construction and Stabilization Plan based on site-specific conditions as determined by WBI Energy's designated Environmental Inspector (EI).

2.0 Snow Removal

Snow removal will be limited to active construction areas and areas needed to maintain access to the Project area. Snow will be bladed or pushed to the edges of the approved workspace with heavy equipment and stockpiled within the approved workspace area. Snow will not be bladed outside approved workspace boundaries. The blade on the heavy equipment will be fitted with a "shoe" to minimize impacts on the underlying soil and vegetation. Alternatively, in the event of extreme snow events or significant snow drifts, snow may be blown off the approved workspaces using industrial blowers mounted to vehicles. In all cases, snow removal equipment will access the Project area from within approved workspace boundaries.

Snow also will be removed, as necessary, from approved Project access roads by plowing to the edges of the road or blowing off the road to allow safe access to the Project area. The access roads will be maintained in accordance with applicable permit requirements and landowner agreements. Snow removal from private access roads will continue as necessary through the end of construction. WBI Energy will not be responsible for snow plowing or snow removal on publicly maintained roads.

Gaps will be left in stockpiled snow piles, as necessary, based on an assessment of drainage patterns to allow water to drain from the right-of-way (ROW) during the spring thaw; gaps also will be left in the stockpiled snow at drainage crossings. Large accumulations of snow on excavated spoil piles will be removed as practicable prior to backfilling. Snow will not be mixed with soil during backfilling to the extent practicable.

Generally, snow will be allowed to melt in place during spring thaw. WBI Energy's EI and crew will work to identify areas of increased runoff and minimize erosion. Erosion control devices and diversion berms will be installed as appropriate in these areas in accordance with the FERC Plan and Procedures or as described in Section 4.0 below. If site-specific conditions require the placement of erosion control devices or diversion berms outside the limits of the approved workspace areas, WBI Energy will require approval from the Federal Energy Regulatory Commission (FERC) and the affected landowner prior to installing these items.

3.0 General Construction and Restoration Methods in Frozen or Partially Frozen Soil Conditions

In non-frozen conditions, all activities (backfilling, restoration, and clean-up) will be conducted in accordance with the FERC Plan and Procedures, as appropriate. The following alternative methods will be implemented in frozen or partially frozen soil conditions:

Topsoil will be removed and segregated from subsoil material at excavation sites, with the exception of areas directly beneath snow stockpiles. Topsoil typically will be removed using a step blade attached to a bulldozer. Alternatively, WBI Energy may remove topsoil in frozen conditions by ripping with a grader or heavy disk or by utilizing a pavement excavator to pulverize the topsoil and allow for conventional removal. The method of topsoil removal will be determined by WBI Energy's EI based on site-specific conditions, including depth and extent of frost penetration into the soil. The method selected will be the best available for retaining soil and root structure within the excavated topsoil to the extent practicable given the soil conditions. Segregated topsoil will be placed adjacent to stockpiled snow. Subsoil will be stockpiled separately from the topsoil in the area immediately adjacent to the excavation.

Excavation and backfill operations will be scheduled to minimize the exposure time of excavated spoil material to freezing conditions and to reduce the potential for snow accumulation in the excavation. Any appreciable accumulations of snow in the excavation (generally greater than 1 foot in depth) will be removed prior to backfill. Backfilling operations will commence as soon as practicable.

In upland areas, excavations will be backfilled with subsoil as described below and the frozen topsoil will be stockpiled over the winter for replacement during the following spring or summer. Stockpiled subsoil will develop a layer of frost penetration, the thickness of which will be dependent on water content, temperature, wind, and snow cover conditions. Prior to backfilling, frozen material will be skimmed off the top of the subsoil pile to provide access to underlying, unfrozen subsoil for backfilling. The unfrozen subsoil material will be backfilled followed by the frozen subsoil material.

Where topsoil is stockpiled over winter, WBI Energy will ensure that the topsoil pile is stabilized (additional best management practices (BMPs) may be needed to prevent loss of topsoil during winter). Gaps may need to be left in stockpiled topsoil piles based on an assessment of drainage patterns to allow for water to drain off the approved workspace during the spring thaw.

Where final grading and restoration cannot be completed due to frozen conditions, the Project area will be left in a roughened condition to reduce the potential for erosion during spring melt. In upland areas, a slight subsoil crown may be left over excavation areas that have been backfilled to account for settling as soils thaw. If a crown is left, breaks may be installed to allow water to drain across the right-of-way during the spring melt. WBI Energy will install erosion and sediment control devices in accordance with the FERC Plan and Procedures or as described in the sections below but will not seed during frozen conditions.

In areas where topsoil replacement is delayed to the following spring or summer due to frozen soil conditions, or in areas where seeding is delayed due to seeding period restrictions, WBI Energy will stabilize disturbed areas.

Final cleanup activities will be performed once the ground is fully thawed and the topsoil (and subsoil, if applicable) stockpiled over winter has dried sufficiently to allow it to be worked without causing excessive compaction and/or rutting. The schedule for final clean-up will be determined by WBI Energy based on ground conditions. Final clean-up and restoration activities (including topsoil replacement, final grading, and seeding) will be conducted in accordance with the FERC Plan and Procedures.

4.0 Temporary and Permanent Erosion Controls, Mulching, and Seeding

Temporary and permanent erosion and sediment control measures will be implemented depending on ground conditions. WBI Energy's EI will verify that the erosion and sediment control measures are appropriate for the weather conditions. The following measures will be implemented to stabilize the Project area and ensure erosion control devices remain effective throughout the winter and are able to withstand runoff from spring thaw and snow melt conditions:

- Temporary erosion control devices (i.e., silt fence, straw bales, straw wattles, snow berms) will be installed where appropriate to prevent the movement of disturbed soils outside approved workspace boundaries.
- Temporary and permanent erosion control devices will be inspected daily by the EIs and repaired as soon as possible during active construction. Following completion of the Project (or following active construction), temporary erosion control devices will be removed if no longer needed. Permanent erosion control devices may remain in place until final stabilization is achieved. Post construction, erosion control devices will be inspected at the same frequency outlined in the Project Storm Water Pollution Prevention Plan (SWPPP).
- If an erosion control device is in an area which is not accessible due to weather conditions or saturated soils during spring thaw, inspections will be delayed until the site is accessible.
- In areas where topsoil is stockpiled over winter (where topsoil replacement is delayed to the following spring or summer) due to frozen soil conditions or in areas where seeding is delayed due to seeding period restrictions, the site will be stabilized. Potential temporary

BMPs that may be implemented or installed include (but are not limited to) mulching and erosion control blankets.

- If mulch is applied, mulch will typically be applied at a rate of 2 tons/acre. Where mulching before seeding, mulch will be applied at a rate of 3 tons/acre on slopes within 100 feet of waterbodies and wetlands in accordance with the Plan.
- Following remaining final grading and cleanup, and in the appropriate season, WBI Energy will prepare the Project area for seeding. Seeding will take place within Natural Resource Conservation Service (NRCS) recommended fall or spring seeding windows and in accordance with the Plan and Procedures.

5.0 Spring Thaw Conditions and Inspections

WBI Energy does not anticipate that active construction will be conducted during spring thaw conditions. If construction activities are required to continue in early spring, the following measures will be implemented to prevent soil mixing, rutting, and compaction:

- WBI Energy/construction contractors will work only in well drained, dry sites and/or frozen areas until conditions improve.
- WBI Energy/construction contractors will use equipment best suited to existing ground conditions, e.g., low ground pressure equipment.
- WBI Energy/construction contractors will install mats along the travel lane where soils are excessively wet, and rutting is occurring to prevent mixing of topsoil and subsoil.
- WBI Energy/construction contractors will use frost driving measures, such as snow packing, to increase the load bearing capacity of the ground where necessary to remove equipment off the approved workspace (but not as a condition to allow construction to continue). The frost driving measures will be implemented in the early morning or evening to take advantage of colder temperatures.
- When ground conditions are frozen, construction activities in problem areas will be postponed until evening or early morning.
- If the EI and construction manager determine that muddy conditions are severe and rutting is occurring, work will be suspended until conditions improve.
- The EI will implement FERC's Plan and Procedures to monitor, report, and repair problem areas associated with spring thaw.

- Following construction, WBI Energy will complete routine site inspections of the Project area (as conditions allow) until final stabilization/restoration has been achieved, in accordance the Plan and the Project SWPPP.

6.0 Final Cleanup and Restoration

In frozen conditions, final cleanup, and restoration (including weed treatments where required, topsoil replacement, final grading, and seeding) will be deferred to the spring and summer of 2025. These activities will be conducted in accordance with the FERC Plan and Procedures, as appropriate. EIs will confirm that cleanup and restoration work is conducted in compliance with environmental requirements of the Project.

Special measures will be implemented during final cleanup and restoration in the event that subsidence is identified along the Project area. If topsoil has been stockpiled over the winter, the Project area will be re-graded prior to topsoil replacement. Pre-construction contours will be restored to the extent practicable. If subsidence occurs in areas where topsoil has been replaced prior to winter stabilization, the topsoil will be removed as necessary and the Project area re-graded to restore pre-construction contours to the extent practicable. In both cases, topsoil will be replaced after re-grading is complete. If insufficient topsoil is available to restore the area to pre-construction conditions, additional topsoil (certified, weed-free topsoil) will be obtained from local sources to restore the area.

7.0 Landowner Communication

A land agent or a WBI Energy liaison will be available to address landowner concerns throughout the winter and into the following spring and summer. In addition, WBI Energy's environmental complaint resolution procedure will continue to operate throughout the winter and through the duration of spring/summer remaining final clean-up activities.