



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

October 29, 2021

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, D.C. 20426

Re: WBI Energy Transmission, Inc.
North Bakken Expansion Project
Docket Nos. CP20-52-000 and CP20-52-001
Variance Request for Project Modification

Dear Ms. Bose:

On June 1, 2021, the Federal Energy Regulatory Commission (FERC or Commission) issued an Order Issuing Certificate (Order) in the above referenced dockets authorizing WBI Energy Transmission, Inc. (WBI Energy) to construct and operate its North Bakken Expansion Project (Project) in Burke, McKenzie, Mountrail and Williams Counties, North Dakota. On July 8, 2021, 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 Level 3 variance request for a minor reroute on the south spread of the Tioga-Elkhorn Creek pipeline between mileposts 51.2 and 51.4 due to the presence of a third-party pipeline. The proposed reroute will allow the necessary clearance between WBI Energy's pipeline and the third-party pipeline for safe operations. A project variance request form and attachments are included with this filing and provide the information required for FERC staff to review and approve the request.

WBI Energy respectfully requests approval of this variance request today Friday, October 29, 2021 in order to continue with Project work in this area.

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.

Should you have any questions or comments regarding this filing, please call the undersigned at (701) 530-1563.

Sincerely,

/s/ Lori Myerchin

Lori Myerchin
Director, Regulatory Affairs and
Transportation Services

Attachment

Courtesy Copies:

Dawn Ramsey, FERC Environmental Project Manager (via email)
Shannon Crosley, FERC Environmental Deputy Project Manager (via email)
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 29th day of October 2021.

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

Attachment A

North Bakken Expansion Project Variance Request Form



Variance Request Number: V63

Anticipated Variance Level (1, 2, or 3): 3

Date Landowner Requested/Approved: 10/25/2021

Date Submitted to FERC: 10/29/2021

Date FERC Approval Needed: 10/29/2021

Date FERC Approved: _____

FERC Approval No.: _____

Request Prepared By:	Austin Chase, ERM	Landowner:	See tract numbers
Pipeline/Facility:	Tioga to Elkhorn Creek	Tract Number(s):	149-98-22-163, 149-98-22-164, 149-98-22-165
Spread:	South	In or within 50 feet of a wetland?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
County:	McKenzie	In or within 50 feet of a waterbody?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Milepost(s):	51.25 – 51.4 (station numbers 2682+57 – 2691+37)	In or within 50 feet of another environmentally sensitive area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Net Acreage Affected:	0.57		
Current Land Use/ Vegetative Cover:	Grassland/Herbaceous, Shrub/Scrub, and Developed – Low Intensity		

Description of Nearby Features/Resources (Wetland, Waterbody, T&E Habitat, Invasive Species Area, Residence, Cultural Site, etc. [include distance(s)]):

No wetlands, waterbodies, T&E habitats, invasive species areas, residences, or cultural sites exist within 100 feet of the variance request.

Variance From: Permit Plan/Procedure Workspace Drawing Mitigation Measure Other

Detailed Description of Variance: Attachments? Yes No Number of Attachments: 6

WBI Energy is requesting a minor re-route of the Highway 23 bore crossing directly north of the Cherry Creek valve site near Tioga-Elkhorn Creek mileposts 51.25 to 51.4 to eliminate a shallow crossing angle with a perpendicularly-running Tesoro pipeline and allow the necessary clearance between the two lines. The reroute will result in a shift of the project centerline and associated permanent easement and temporary workspaces to the east of the existing location between approximately stations 2685+71 to 2691+37, though the bore end location at station 2683+43 will shift approximately 15 feet to the west within the existing permanent easement to allow for the necessary approach angle. From station 2682+57, the centerline will inflect to the southwest from the current route for 66 feet, before inflecting southeast for 579 feet, then inflecting southwest for 166 feet before rejoining the original route at station 2690+68.

The re-route will result in the following acreage additions: 0.43 of permanent easement, 0.03 of temporary workspace, and 0.36 of additional temporary workspace; will result in the following acreage reductions: 0.18 of permanent easement; and will result in the following acreage conversions: 0.04 of permanent valve site to permanent easement, 0.01 of permanent easement to permanent valve site, 0.26 of permanent easement to temporary workspace, 0.04 of temporary workspace to permanent easement, and 0.15 of additional temporary workspace to permanent easement. WBI Energy is requesting to retain usage of the existing temporary workspaces west of the requested variance re-route as temporary workspaces due to the area having been previously disturbed and regularly used during ongoing construction activities.

The North Dakota Department of Transportation (NDDOT) and Tesoro have granted the necessary approvals for the proposed re-route as indicated in Attachment 1. WBI Energy will implement the measures in FERC's Upland Erosion Control, Revegetation, and Maintenance Plan (Plan) and other applicable project mitigation measures to reduce potential impacts.

Variance Justification:

Tesoro requested that WBI Energy implement the proposed reroute at the Highway 23 bore crossing site to attain the necessary safe clearance between their pipeline and the Tioga-Elkhorn Creek pipeline. Changes to the guided bore route beneath State Highway 23 have been approved by the NDDOT.

The activities associated with this variance will not affect any wetlands, waterbodies, cultural sites, or other environmentally sensitive areas. WBI Energy will implement accepted best management practices in accordance with project specifications to ensure that equipment and materials remain within the approved limits of disturbance. WBI Energy will implement the measures in FERC's Plan and other applicable project permits, plans, and mitigation measures to reduce potential impacts associated with this re-route. For these reasons, implementation of this variance will provide equal protection to environmental and cultural resources.

For WBI Energy Use Only

Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
T&E Survey: <input type="checkbox"/> Yes		<input type="checkbox"/> Yes <input type="checkbox"/> No
Wetland/Waterbody: <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No

Cultural survey reports are included as attachment 6-2 of WBI Energy's Implementation Plan (filed as CUI//PRIV under FERC accession no. 20210608-5150)

DASK and waterbody/wetland surveys were filed under accession nos. 20210608-5151 and 20200911-5167.

Sign-off (as appropriate)	Name (print)	Approval Signature	
Project Manager	Dave Linn		<input type="checkbox"/> Yes
Engineering	Mollie Hunt or Allison Stephens		<input type="checkbox"/> Yes <input type="checkbox"/> No
Land Agent *	Wade Nielsen		<input type="checkbox"/> Yes <input type="checkbox"/> No
Environmental Manager	Jill Linn		<input type="checkbox"/> Yes <input type="checkbox"/> No
Regulatory Affairs	Lori Myerchin		<input type="checkbox"/> Yes <input type="checkbox"/> No
Lead Environmental Inspector **#			<input type="checkbox"/> Yes <input type="checkbox"/> No
Third Party Compliance Monitor #			<input type="checkbox"/> Yes <input type="checkbox"/> No
Third Party Compliance Manager			<input type="checkbox"/> Yes <input type="checkbox"/> No
Other – Position #			<input type="checkbox"/> Yes <input type="checkbox"/> No

* Where request would affect areas outside of previously approved work areas, signature denotes approval gained from affected landowner(s)

** Or designated Environmental Inspector for facility(ies)

If necessary

VARIANCE CONDITIONS OR NOTES

Name:

Title:

Organization:

Conditions or Notes:

Name:

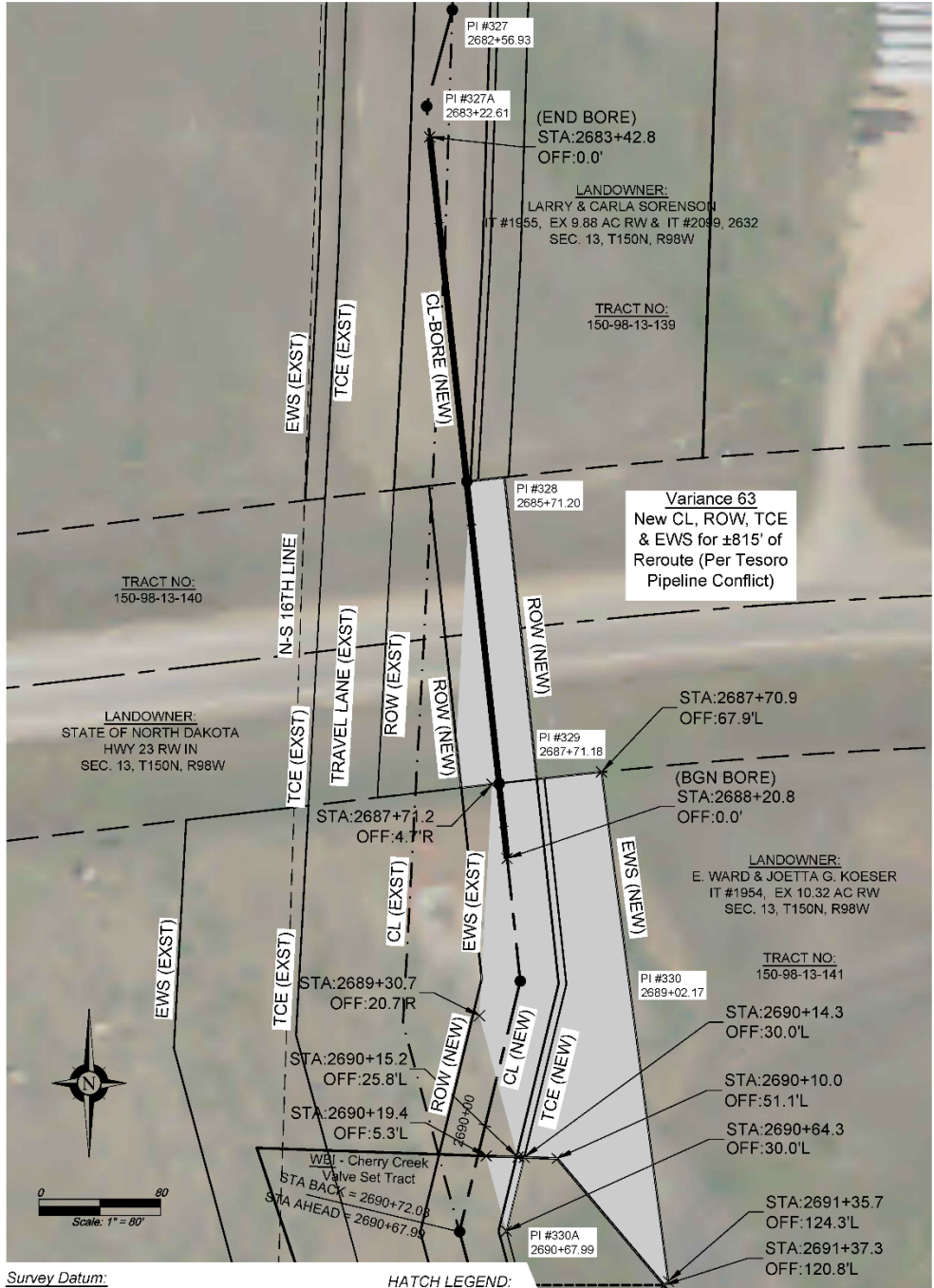
Title:

Organization:

Conditions or Notes:

WBI NORTH BAKKEN EXPANSION

TRACT NO.'s. 150-98-13-139, 140 & 141
 NEW ROW, TCE & EWS (VARIANCE 63) FOR REROUTE
 SEC. 13, T150N, R98W, 5TH P.M.,
 MCKENZIE COUNTY, NORTH DAKOTA

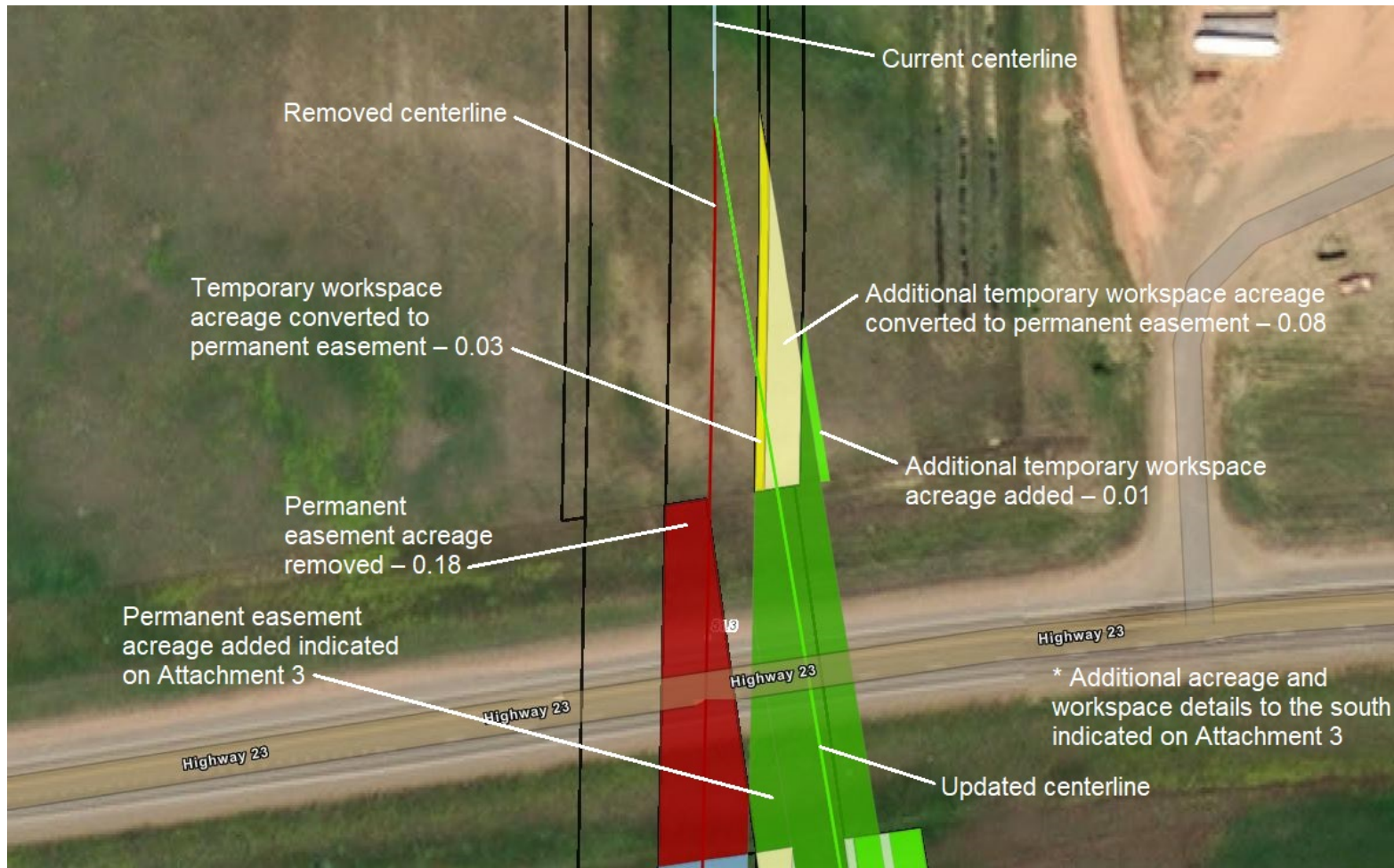


Survey Datum:
 NORTH DAKOTA NORTH (NAD83) - IFT
 *Grid Distances Displayed - CAF = 0.999846363
 (Ground to Grid) or 1.000153661 (Grid to Ground)

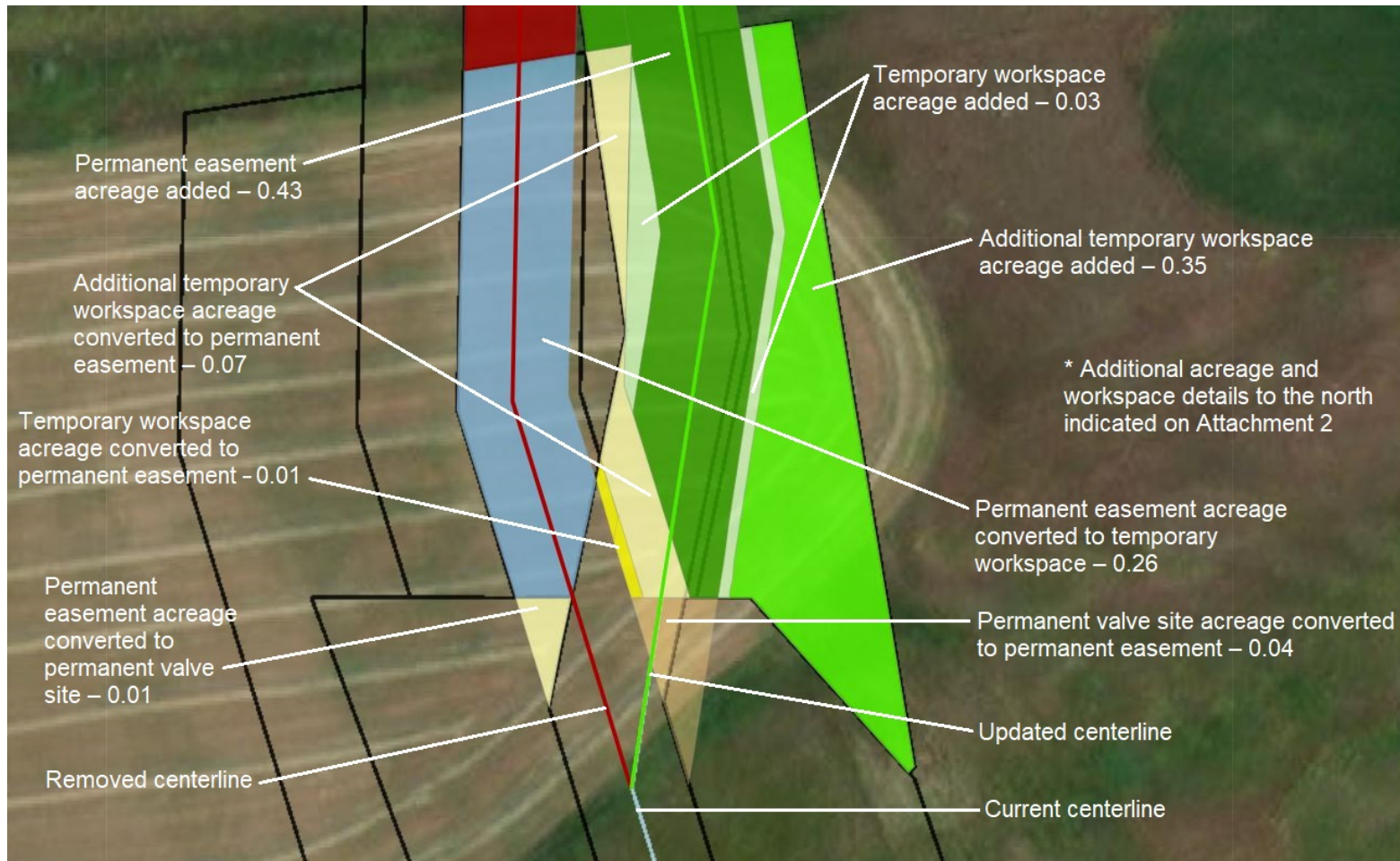
HATCH LEGEND:
 = ALL NEW WORKSPACE'S OUTSIDE THE CURRENTLY PERMITTED WORKSPACES.

 <small>WBI ENERGY TRANSMISSION ALL WBI RECORDS DISPLAYED</small>	WBI ENERGY TRANSMISSION Tract No.'s 150-49-13-139, 140, 141 Revised ROW, TCE, & EWS for Reroute; Over, Under & Across Sec. 13, T150N, R98W, 5TH P.M., McKenzie County, North Dakota	Project No.: 2018-23-0200.000 Dwg. Date: 10-27-21 Drawn By: J. Reineking Checked By: _____ Rev. No: _____ Date: _____	Surveying & Drafting Services By: <small>ERICKSON CONTRACT SURVEYING 333 10th Ave. SE Sidney, Montana Office 406-482-6808 / Fax 406-482-6800</small>
	System Name: North Bakken Expansion Sheet 1		

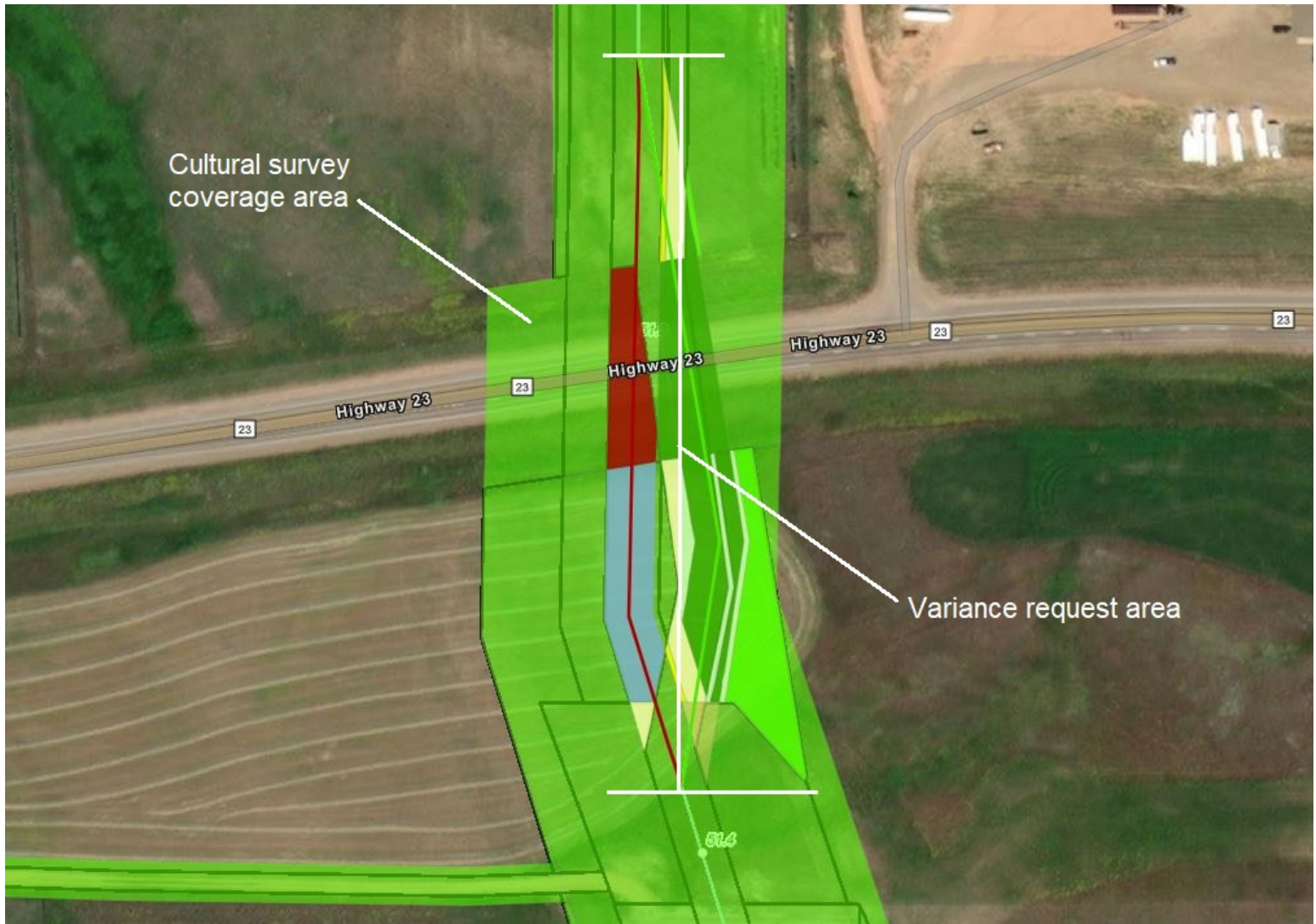
Attachment 1: Proposed re-route



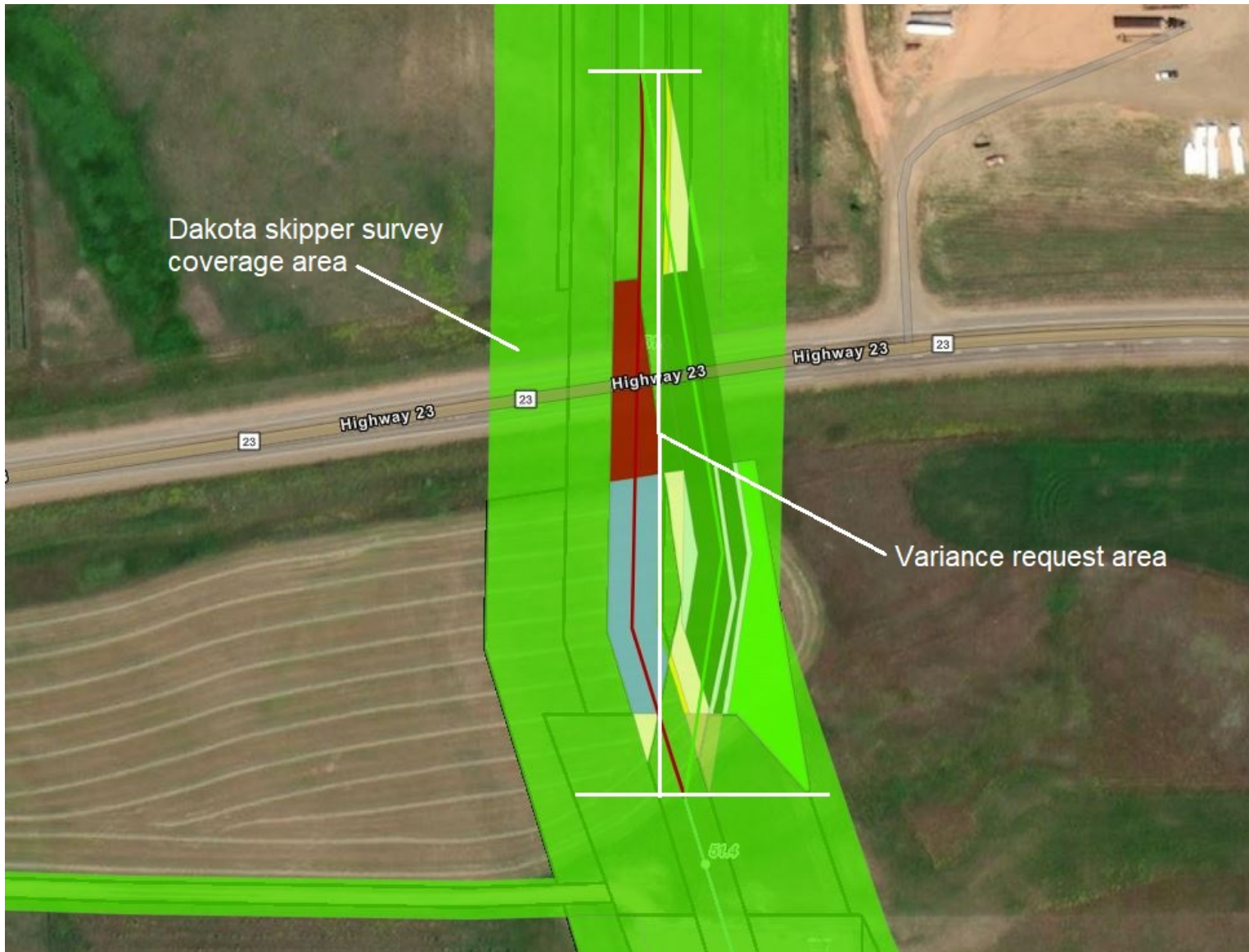
Attachment 2: Northern portion of variance request area



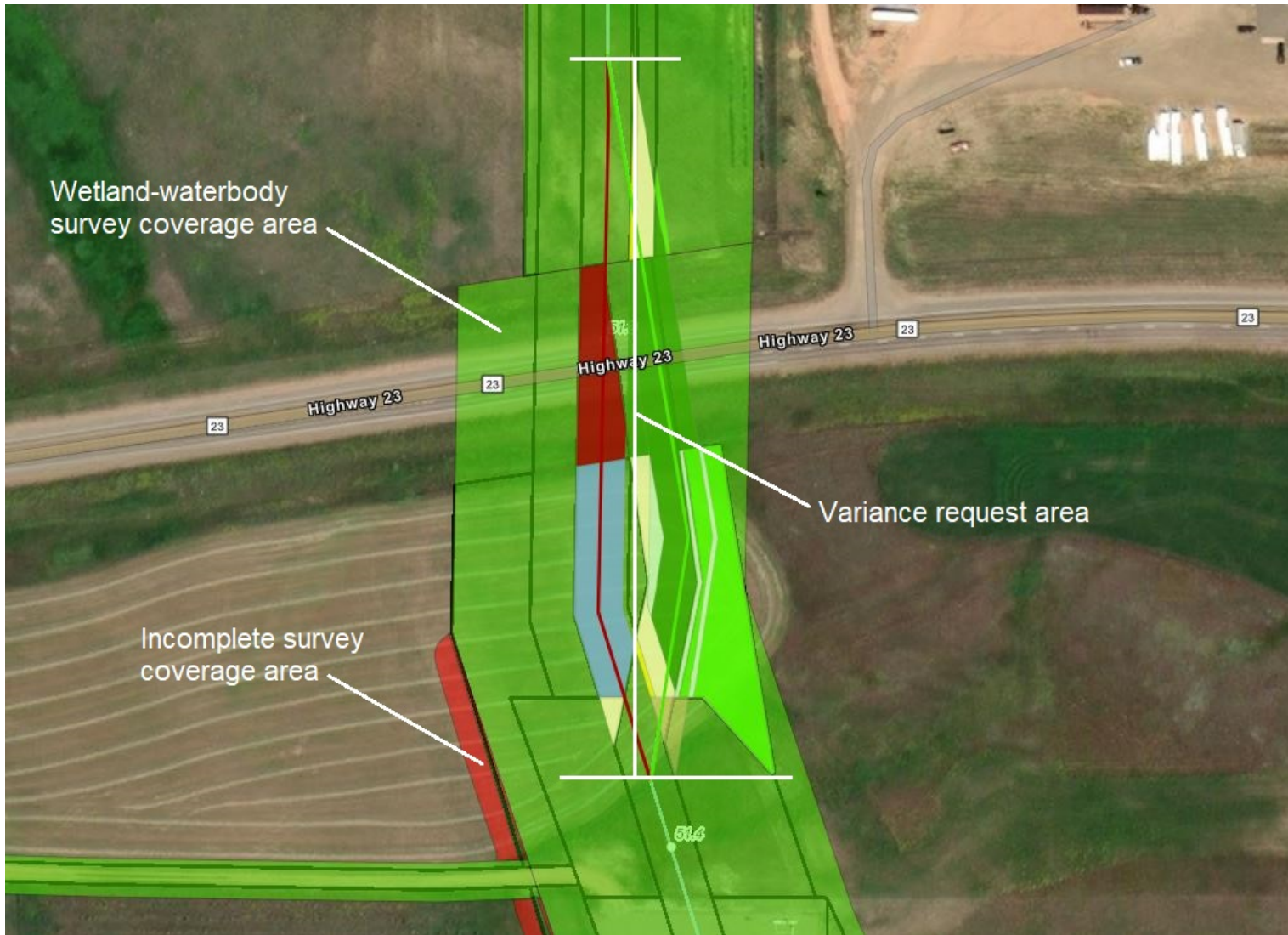
Attachment 3: Southern portion of variance request area



Attachment 4: Cultural survey coverage



Attachment 5: Dakota skipper survey coverage



Attachment 6: Wetland-waterbody survey coverage