



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

July 30, 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 to adjust temporary and permanent workspaces and temporary and permanent right-of-way north of the Tioga Compressor Station to avoid conflicts with an adjacent foreign pipeline right-of-way (V22). 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 by Monday, August 2, 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 30th day of July 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

North Bakken Expansion Project Variance Request Form



Variance Request Number: V22

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

Date Approval Needed: 8/2/2021 (ASAP)

Date Submitted to FERC: 7/30/2021

Date FERC Approved: _____

FERC Approval No.: _____

Request Prepared By: <u>Austin Chase, ERM</u>	Landowner: <u>See tract numbers</u>
Pipeline/Facility: <u>Line Section 25 Loop</u>	Tract Number: <u>157-95-24-002 and 157-95-24-003</u>
Spread: <u>North</u>	In or within 50 feet of a wetland? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
County(ies): <u>Williams</u>	
Milepost(s): <u>0.1</u>	In or within 50 feet of a waterbody? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Net Acreage Affected: <u>0.13</u>	
Current Land Use/ Vegetative Cover: <u>Grassland/herbaceous</u>	In or within 50 feet of another environmentally sensitive area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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

There is a cultural feature north of the Tioga Compressor Station that is less than 100 feet from the right-of-way shift area; site avoidance fencing shall be installed along the perimeter of the proposed route in specific locations to fully protect the feature. State Historical Society of North Dakota concurrence of the revised cultural site fencing plan was received and filed on the docket (see below).

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

Detailed Description of Variance: Attachments? Yes No Number of Attachments: 4





WBI Energy is requesting a slight readjustment of the Line Section 25 Loop right-of-way configuration just north of the Tioga Compressor Station to avoid conflicts with an adjacent Alliance pipeline right-of-way as shown in the attachments to this variance request. Total acreage affected is as follows: 0.04 permanent workspace addition, 0.06 permanent workspace deletion, 0.16 permanent right-of-way converted to temporary right-of-way, 0.18 temporary workspace addition, 0.05 temporary right-of-way converted to permanent right-of-way, and 0.03 temporary workspace deletion; totaling 0.13 net acreage affected.

The shift in temporary workspace is within the existing previously surveyed area for cultural, wetlands and waterbodies, and Dakota skipper (DASK) habitat. WBI Energy will implement the measures in FERC's Upland Erosion Control, Revegetation, and Maintenance Plan and other applicable project mitigation measures to reduce potential impacts.

Variance Justification:

This right-of-way reconfiguration at this location is a request of an adjacent foreign utility line to avoid the associated pipeline easement. By shifting the Line Section 25 Loop right-of-way to a more askew angle in relation to the Alliance pipeline right-of-way, there will be less overlapping workspace and potential construction safety incidents will be lessened (e.g., line strikes).

This change will not result in impacts on T&E habitats, wetlands or waterbodies, or other environmentally sensitive areas. Additionally, the State Historical Society of North Dakota has concurred that, with implementation of approved cultural site fencing modifications, these changes will have "No Effect" on Historic Properties. WBI Energy will implement the measures in FERC's Upland Erosion Control, Revegetation, and Maintenance Plan and other applicable project mitigation measures to further reduce impacts during construction. For these reasons, implementation of this variance will provide equal protection to environmental 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	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
T&E Survey:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
Wetland/Waterbody:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
Filed Survey Report(s) Documenting Survey Coverage (include FERC accession number(s)):			
<p>WBI Energy submitted updated fencing maps showing proposed segregation efforts (site avoidance fencing) protecting cultural resources; the State Historical Society of North Dakota approved the plan on 7/29/2021 granting concurrence that the new footprint changes will have No Effect on Historic Properties (filed under accession no. 20210729-5142).</p> <p>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)</p> <p>DASK and waterbody/wetland surveys were filed under accession nos. 20210608-5151 and 20200911-5167.</p>			
Sign-off (as appropriate)	Name (print)	Approval Signature	Conditions or Notes (See Attached)
Project Manager	Dave Linn	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
Engineering	Mollie Hunt or Allison Stephens		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Land Agent *	Wade Nielson		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Environmental Manager	Jill Linn		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Regulatory Affairs	Lori Myerchin		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Lead Environmental Inspector **		N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
Third Party Compliance Monitor		N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
Third Party Compliance Manager		N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other – Position		N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>*Where request would affect areas outside of previously approved work areas, signature denotes approval gained from affected landowner(s)</p> <p>**Or designated Environmental Inspector for facility/facilities</p>			
VARIANCE CONDITIONS OR NOTES			
Name:	Title:	Organization:	
Conditions or Notes:			
Name:	Title:	Organization:	
Conditions or Notes:			
Name:	Title:	Organization:	
Conditions or Notes:			

Name:	Title:	Organization:
Conditions or Notes:		

perm. workspace
total acreage
added - 0.04

perm. right-of-way to temp. right-of-way
acreage converted - 0.16

perm. workspace total
acreage removed - 0.06

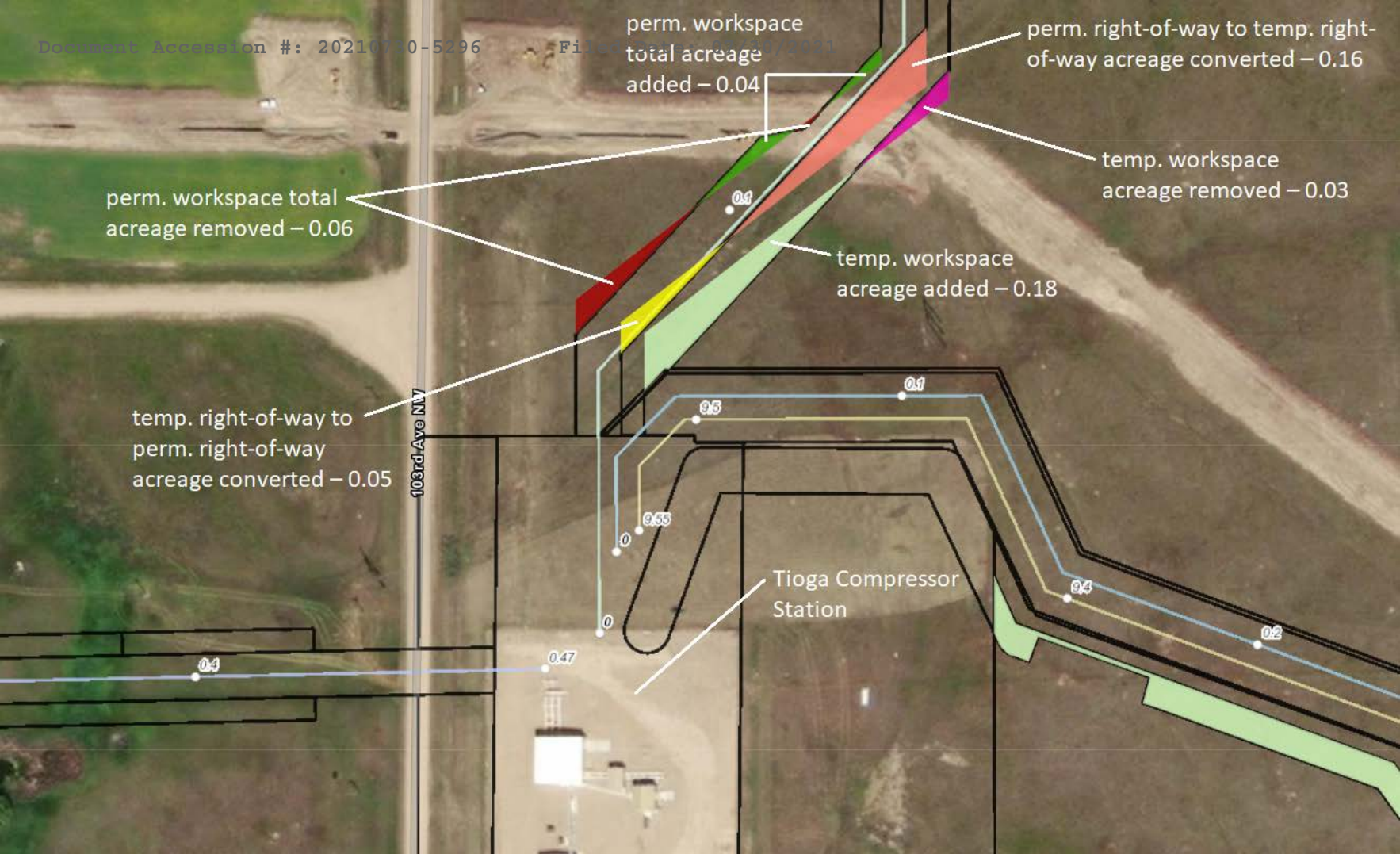
temp. workspace
acreage removed - 0.03

temp. workspace
acreage added - 0.18

temp. right-of-way to
perm. right-of-way
acreage converted - 0.05

103rd Ave N17

Tioga Compressor
Station



103rd Ave NW

cultural survey coverage area

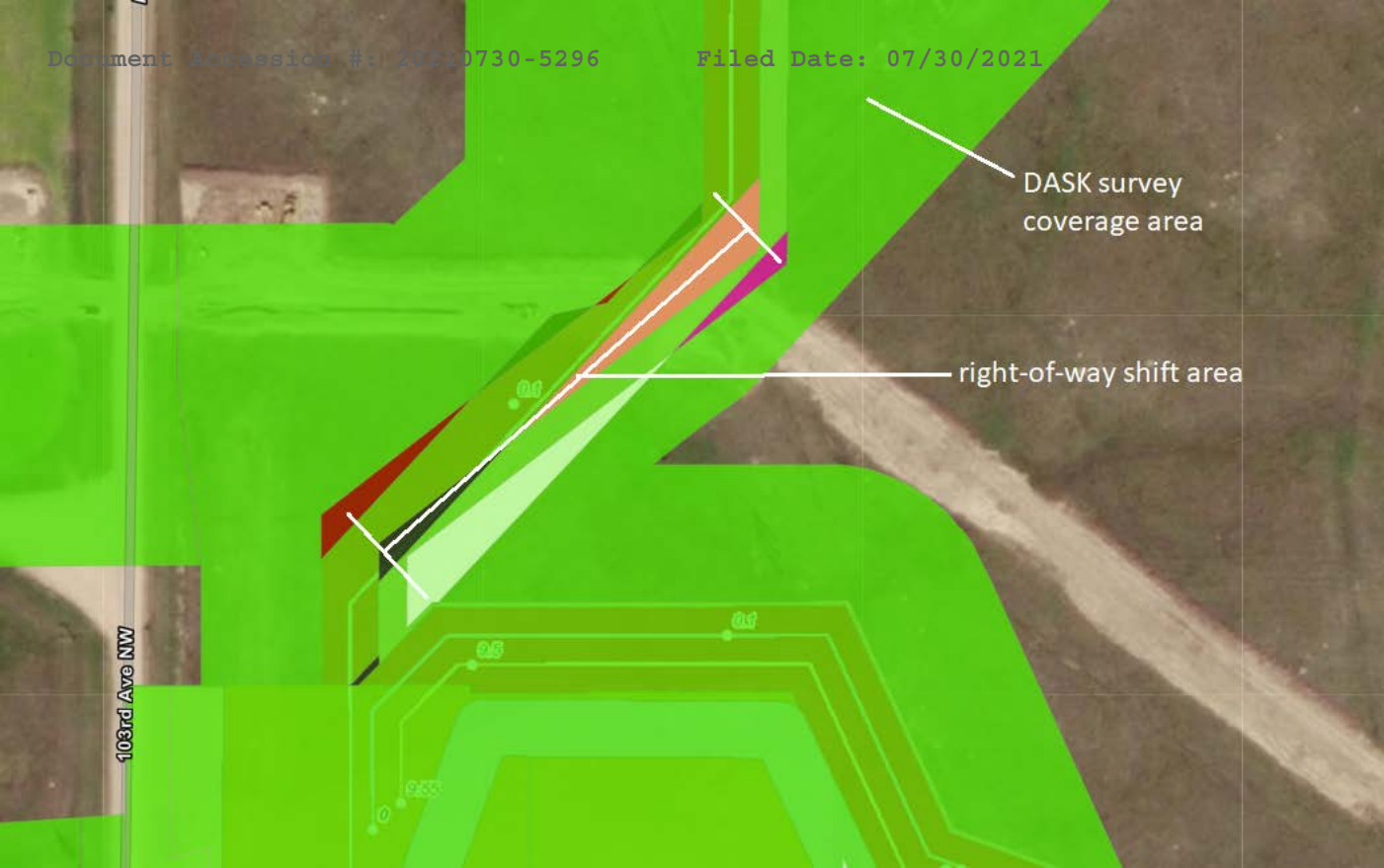
right-of-way shift area



DASK survey
coverage area

right-of-way shift area

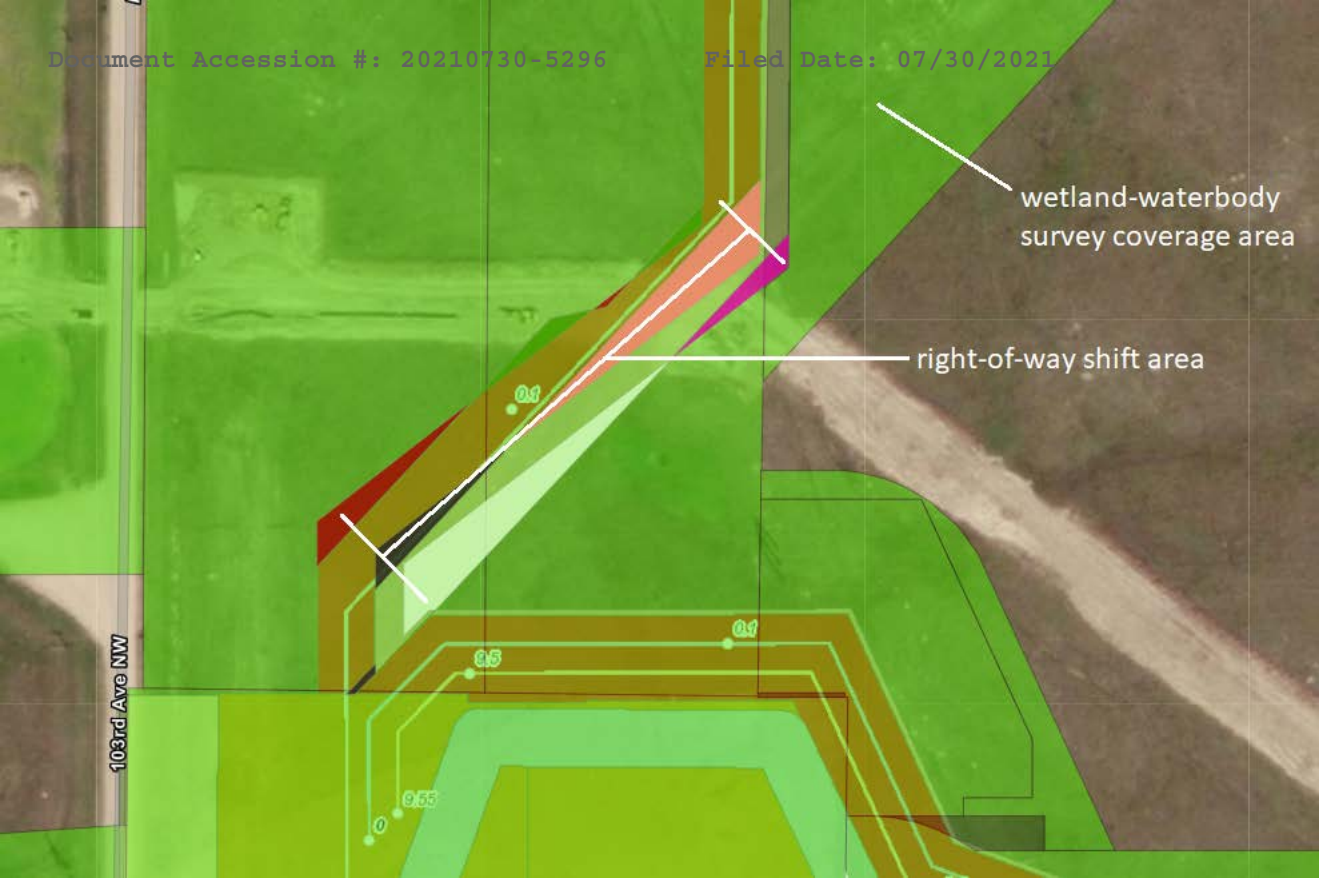
103rd Ave NW



103rd Ave NW

wetland-waterbody
survey coverage area

right-of-way shift area



Document Content(s)

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