



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

July 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 to utilize additional temporary and permanent workspace at permanent access roads associated with Elkhorn Creek Compressor Station and the Northern Border Interconnect. The additional workspace is required to comply with McKenzie County road permit requirements (V32). 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 29th 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: V32

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

Date Approval Needed: 8/2/2021

Date Submitted to FERC: 7/29/2021

Date FERC Approved: TBD

FERC Approval No.: TBD

<b>Request Prepared By:</b> Stephanie Merrell, ERM		<b>Landowner:</b> See tract number	
<b>Pipeline/Facility:</b> Elkhorn Creek Compressor Station		<b>Tract Number:</b> 149-98-33-170	
<b>Spread:</b> South		<b>In or within 50 feet of a wetland?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>County(ies):</b> McKenzie			
<b>Milepost(s):</b> 62.7		<b>In or within 50 feet of a waterbody?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Net Acreage Affected:</b> 0.31 (including 0.02 acre permanent workspace and 0.29 acre temporary workspace)			
<b>Current Land Use/ Vegetative Cover:</b> Cultivated crops/existing dirt road		<b>In or within 50 feet of another environmentally sensitive area?</b> <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 wetlands, waterbodies, T&E habitats, invasive species areas, residences, or cultural sites exist that are within 100 feet of the proposed variance request.

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

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

To comply with McKenzie County road permit requirements, WBI Energy is requesting additional temporary and permanent workspace at permanent access roads associated with the Elkhorn Creek Compressor Station and the Northern Border Interconnect on both sides of an existing staging area adjacent to 18<sup>th</sup> Street NW as shown on the figures included with this variance form.

For the Northern Border Interconnect access road approach west of the existing staging area, this request includes 0.08 acre of additional temporary workspace west of the access road and adjacent to 18<sup>th</sup> Street NW. This temporary workspace is necessary to achieve the required roadway slope. While the sloping will be retained, the temporary workspace will be returned to as close to preconstruction conditions as feasible and will not be retained during operations.

For the Elkhorn Creek Compressor Station access road approach east of the existing staging area, this request includes:

- 0.01 acre of additional permanent workspace on the east side of the road and 0.01 acre of permanent workspace (converted from existing temporary workspace) on the west side of the road that will be used to construct the permanent turning radius;
- 0.08 acre of additional temporary workspace east of the permanent access road and adjacent to 18<sup>th</sup> Street NW, which will be necessary to achieve the required slope of the road approach; while the sloping will be retained, the temporary workspace will be restored to as close to preconstruction conditions as feasible and will not be retained for operations; and
- 0.13 acre of additional temporary workspace, including 15 feet on each side of the recently relocated permanent access road, which will be required to achieve the county-required slope and grade requirements for the permanent access road. While the sloping will be retained, the temporary workspace will be restored to as close to preconstruction conditions as feasible and will not be retained for operations.

Portions of the existing temporary staging area immediately adjacent to and west of the Elkhorn Creek Compressor Station access road and immediately adjacent to and east of the Northern Border Interconnect access road will also be used to achieve the required road slopes. These sloped areas will not be retained for operations and will be returned to as close to preconstruction conditions as feasible.

**Variance Justification:**

The permanent and temporary workspace at these permanent access roads is necessary for WBI Energy to maintain compliance with the McKenzie County road permit requirements, which include the installation of a permanent turning radius / road approach, a 24-foot top width of the roadway, and an 8:1 slope off of the road down to normal grade. The turning radius will be a permanent change retained for operations, but the temporary workspace needed to achieve the slope will not be retained for operations. These changes have been approved by the landowner.





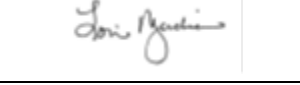
As described above, the workspace described in this variance is required to comply with the McKenzie County road permit requirements. No wetlands/waterbodies, T&E habitats, cultural resources, or other environmental resources will be affected by this change. Additionally, WBI Energy will implement the mitigation measures in FERC's Upland Erosion Control, Revegetation, and Maintenance Plan and other permits/plans as applicable to further reduce impacts during construction. Therefore, implementation of this variance will provide equal protection to environmental resources. Compliance with McKenzie County's road permit, also improves the safety and accessibility of the permanent accesses.

**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)):**

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	Conditions or Notes (See Attached)
Project Manager	Dave Linn		<input type="checkbox"/> Yes <input type="checkbox"/> No
Engineering	Mollie Hunt		<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 checked="" 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)

**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:



Photo 1: View north on east edge of access road.

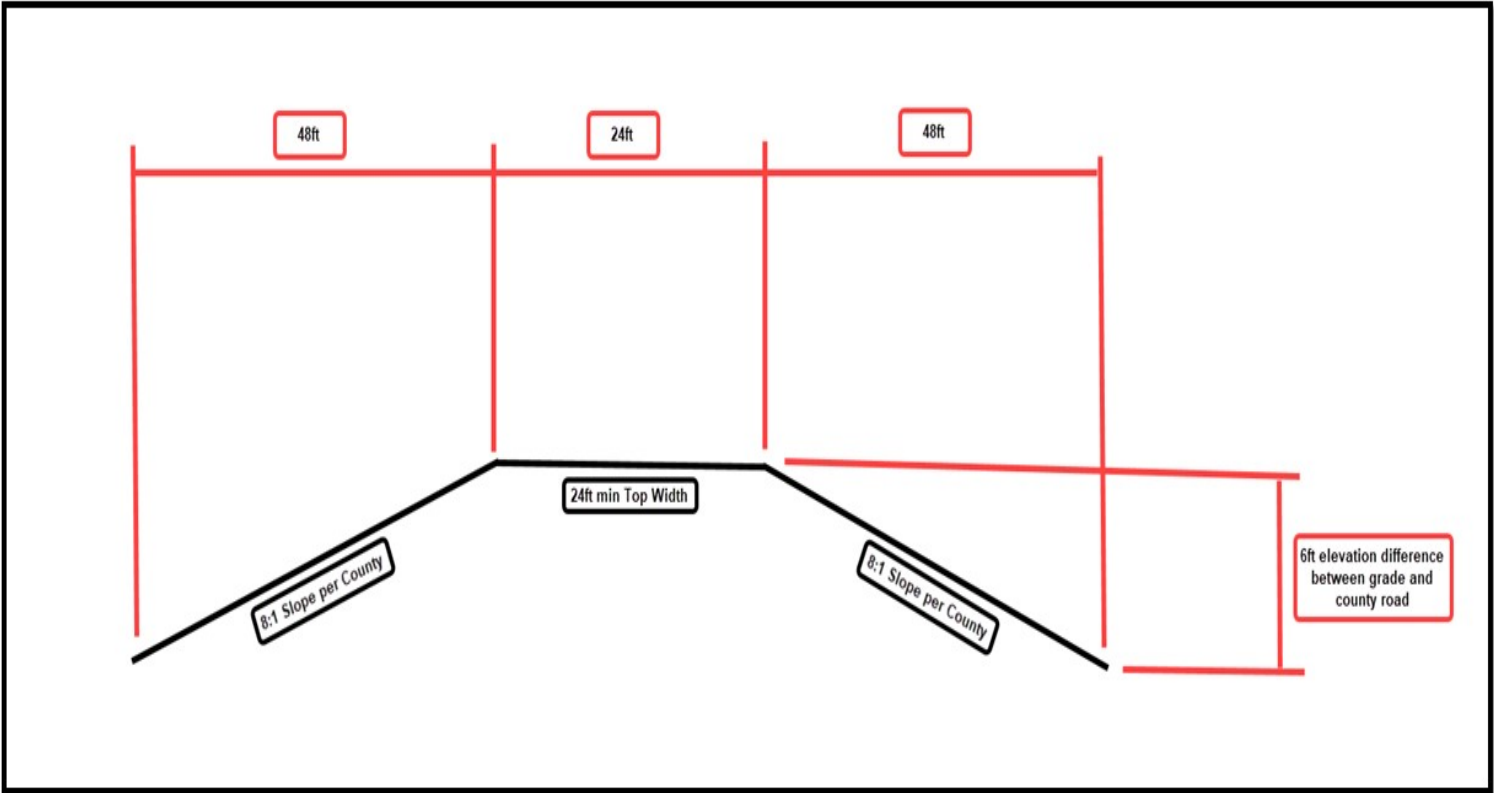


Photo 2: Road approach profile required to maintain compliance with county road permit.





Elkhorn Creek Compressor Station

Existing temp. workspace

Existing perm. access road

Temp. workspace added - 0.08

Existing perm. access road (approved via variance no. 20)

Existing Staging Area

Existing temp. workspace

Temp. workspace converted to perm. - 0.01

Temp. workspace added for access road slope - 0.13

Temp. workspace added for road approach slope - 0.08

Perm. workspace added 0.01

18th St NW

18th St NW

18th St NW

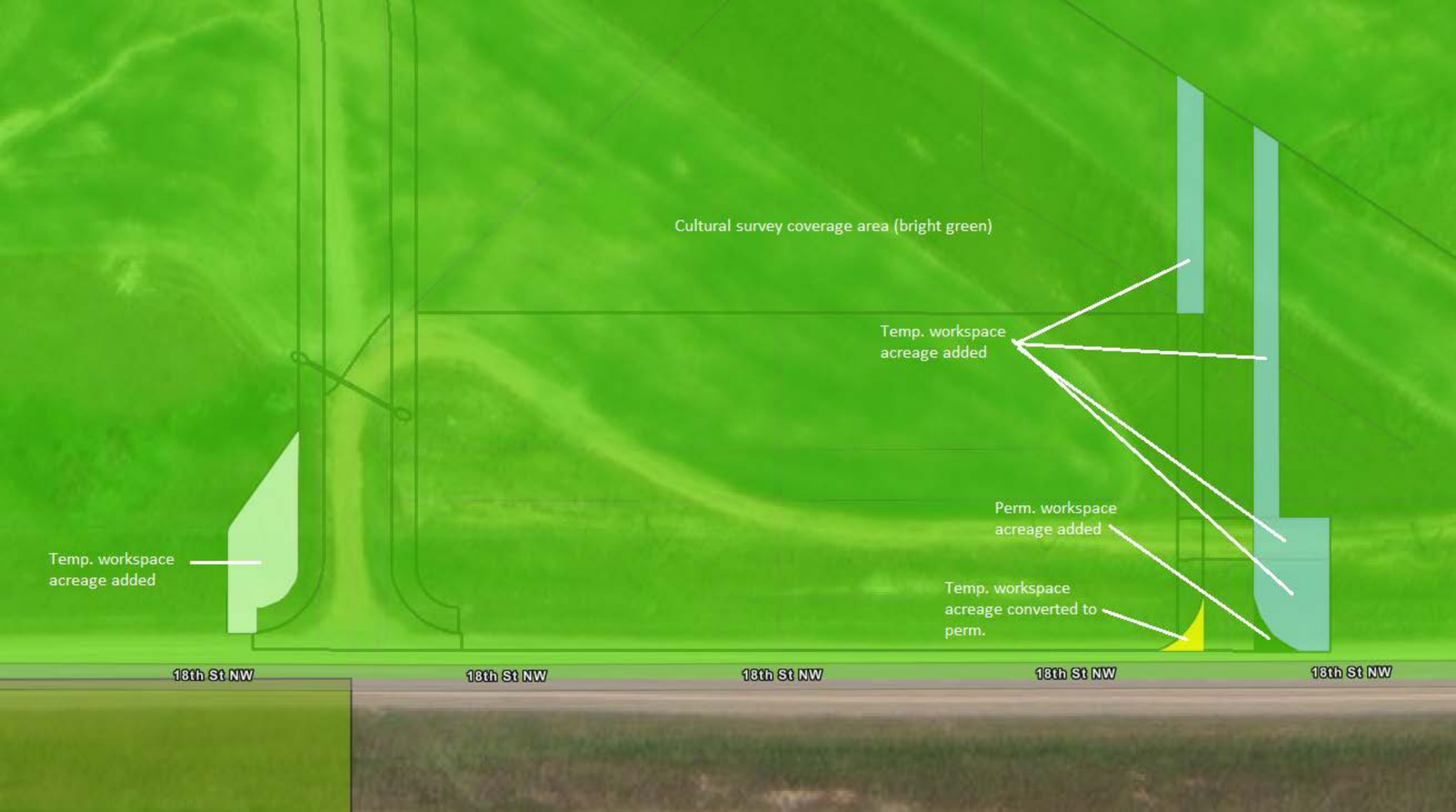
18th St NW

18th St NW

18th St NW

18th St NW





Cultural survey coverage area (bright green)

Temp. workspace acreage added

Perm. workspace acreage added

Temp. workspace acreage converted to perm.

Temp. workspace acreage added

18th St NW

18th St NW

18th St NW

18th St NW

18th St NW



Dakota skipper survey coverage area (bright green)

Temp. workspace  
acreage added

Temp. workspace  
acreage added

Perm. workspace acreage  
added

Temp. workspace  
acreage converted to  
perm.

18th St NW

18th St NW

18th St NW

18th St NW

18th St NW



Wetland/waterbody survey coverage area (bright green)

Temp. workspace acreage added

Temp. workspace acreage added

Perm. workspace acreage added

Temp. workspace acreage converted to perm.

18th St NW

18th St NW

18th St NW

18th St NW

18th St NW