

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas 4
WBI Energy Transmission, Inc.
Wahpeton Expansion Project
Docket No. CP22-466-000

February 13, 2024

VIA FERC Service

Lori Myerchin
Director, Regulatory Affairs and Transportation Services
WBI Energy Transmission, Inc.
1250 West Century Avenue
P.O. Box 5601
Bismarck, ND 58506-5601

Re: Notice to Proceed with Construction and Approval of Variances

Dear Ms. Myerchin:

I grant your February 5, 2024 request for WBI Energy Transmission, Inc. (WBI Energy) to commence all construction activities associated with the Wahpeton Expansion Project in Cass and Richland Counties, North Dakota.

In considering this notice to proceed, we have reviewed your Implementation Plan filed on December 1, 2023, as supplemented, which included the information necessary to meet the construction conditions of the Commission's October 23, 2023 *Order Issuing Certificate* (Order) in the above-referenced docket. In addition, we have confirmed the receipt of all federal authorizations relevant to the approved activities herein.

Additionally, I approve the following variances as filed with your Implementation Plan:

- The addition of a contractor yard, known as the 4 Sons LLC Yard;
- Modification of workspace and permanent access road at milepost (MP) 11.6 and MP 39.5;
- Rerouting of the pipeline from:
 - MP 26.7 to 27.2, and from MP 54.4 to 57.0, to follow the property line/collocate with a road at the landowners' requests;
 - MP 34.7 to 36.2 to follow the property line/railroad at the landowner's request; and
- Modification of permanent and temporary workspace at MP 48.9.

I remind you that WBI Energy must comply with all applicable remaining terms and conditions of the Order. If you have any questions, please call David Hanobic, Environmental Project Manager, at (202) 502-8312.

Sincerely,

DAVID
SWEARINGEN

Digitally signed by
DAVID SWEARINGEN
Date: 2024.02.13
08:13:40 -05'00'

David Swearingen
Chief, Gas Branch 4
Division of Gas – Environment
and Engineering

Schuster, Kathy

From: Bates, Andrew
Sent: Tuesday, February 13, 2024 10:35 AM
To: Kelly, Steve; Linn, Jill; Stefka, Kyle; Pabst, Justin; Linn, Dave; Hill, Jakin; Rahr, Ben; Nielsen, Wade; Shields, A'Lynn; Gibbs, Beau; Robinson, Michael; Palmer, Alex; Melton, Marshall; Ryan, Patrick; Reukauf, Robbyn; Huncovsky, Greg; Schmierer, Jerrit; Walker, Shawn; Hood, Andrea; Lordemann, Darryl
Cc: WBI GO Regulatory Affairs; Johnson, Rob; Rust, Jeff; Gerving, Julie; Anderson, Mark; Dahms, David; Fuller, Steven; Baerlocher, Mark; Larry Brown; Lueder, Laura; Hager, Joshua; Dempewolf, Marc; Becky Moores; Chris Schmidt; Portscheller, Chad
Subject: Notice To Proceed with Construction - Wahpeton Expansion Project
Attachments: 20240213-3009_CP22-466-000_Construction Approval.pdf

Good morning,

The FERC has issued the notice to proceed with all construction activities, approving our Implementation Plan and the variances that were filed with the plan (see attached). This means that we can proceed with construction once we are able.

Please remember our commitment to having personnel working on any aspect of the project trained on the implementation of the environmental mitigation measures appropriate to their job before becoming involved with construction activities. Once construction starts we will need photos of work being performed for the weekly status reports. Also, as always, we need to follow the construction procedures and mitigation measures described in the Application and any supplemental filings, as identified in the Final EIS. Any variances following those that were filed in the Implementation Plan need to be filed and approved by the FERC.

Any questions, please let me know.

Thanks!

Andrew Bates
Regulatory Affairs Manager
1250 W. Century Ave.
Bismarck, ND 58503
O: 701.530.1576
C: 701.390.3565
andrew.bates@wbienenergy.com

