



Wyoming Interstate
Company, L.L.C.
a Kinder Morgan company

April 15, 2024

Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Attention: Ms. Debbie-Anne A. Reese, Acting Secretary

Re: Wyoming Interstate Company, L.L.C.,
Fort Union Gas Gathering, L.L.C.,
Docket No. CP23-545-000,
Response to Data Request – OEP/DG2E/Gas Branch 5

Dear Ms. Reese:

On April 5, 2024, Wyoming Interstate Company, L.L.C ("WIC") and Fort Union Gas Gathering, L.L.C. ("FUGG") received a data request ("Data Request") in Docket No. CP23-545-000 from the Office of Energy Projects Regulation ("OEP") seeking environmental-related information on the Bakken xPress Project. Accordingly, WIC is herein filing with the Federal Energy Regulatory Commission ("Commission") responses to the Data Request.

Description of Proceeding

On September 18, 2023, WIC submitted its application, pursuant to Section 7(c) of the Natural Gas Act requesting a certificate of public convenience and necessity for authorization for WIC to lease 300,000 dekatherm per day of natural gas transportation capacity from FUGG, Bison and Northern Border for use by WIC that will be used to provide transportation service to its shippers. Concurrently, FUGG is seeking grant of a limited jurisdiction certificate to allow for the transportation of interstate natural gas through its respective systems, while leaving the entity's other natural gas gathering and processing operations exempt from NGA jurisdiction. The project is referred to as the "Bakken xPress Project."

Description of Information Being Filed

WIC is herein submitting its responses to the April 5, 2024 OEP Data Request questions.

Filing Information

WIC is e-Filing this letter and response with the Commission's Secretary in accordance with the Commission's Order No. 703, *Filing Via the Internet*, guidelines issued on November 15, 2007 in Docket No. RM07-16-000.

Respectfully submitted,

WYOMING INTERSTATE COMPANY, L.L.C.

/s/

Francisco Tarin
Director, Regulatory

Attachment

WYOMING INTERSTATE COMPANY, L.L.C.
Response to OEP Data Request
Dated April 5, 2024 in Docket No. CP23-545
Bakken xPress Project

1. Wyoming Interstate Company, LLC's response to staff's October 31, 2023 data request, regarding compliance with Title 18 of Code of Federal Regulations, section 157.206(b) (18 CFR 157.206[b]) was insufficient. Please provide the following information in relation to the Fort Union Gas Gathering, LLC facility modifications and construction:
 - a. an affirmative statement regarding 18 CFR 157.206(b)(1);
 - b. additional information on compliance with the Clean Air Act, including the application submittal date for the Title V amendment permit and anticipated permit approval date;
 - c. dates of concurrence from the U.S Fish and Wildlife Service and State Historic Preservation Office;
 - d. potential effects on floodplains (Executive Order 11988);
 - e. compliance with the Wild and Scenic Rivers Act and the Coastal Zone Management Act;
 - f. compliance with the National Parks and Recreation Act of 1978 and the National Wilderness Act;
 - g. compliance with 18 CFR 157.206(b)(3); and
 - h. compliance with 18 CFR 157.206(b)(5).

Response:

Fort Union Gas Gathering, LLC ("FUGG") owns and operates a non-jurisdictional gathering system that is exempt from FERC's jurisdiction pursuant to Section 1(b) of the Natural Gas Act. 15 U.S.C. §717(b). Wyoming Interstate Company ("WIC") notes that FERC's policy is that when a non-jurisdictional entity such as FUGG undertakes construction activity related to capacity that will be leased to a jurisdictional entity such as WIC, the non-jurisdictional entity's construction is not subject to FERC's jurisdiction and is categorically exempt from FERC's environmental review.¹ While the minor construction activities that FUGG would need to perform to support the capacity lease are non-jurisdictional and categorically exempt from the Commission's environmental

¹ See, e.g., *Sabine Pipe Line LLC*, 171 FERC ¶ 61,147 (2020) at P 34 ("[A]lthough Bridgeline [an intrastate pipeline] will be making limited non-jurisdictional improvements to two compressor stations to enhance the unsubscribed leased capacity and may undertake minor non-jurisdictional construction activities with respect to the new interconnection with TransCameron Pipeline, the Commission has held that these types of activities by a non-jurisdictional pipeline prior to a lease are non-jurisdictional and qualify as categorically exempt from the Commission's environmental requirements." See also *Tennessee Gas Pipeline Co., L.L.C.*, 163 FERC ¶ 61,123, at P 18 (2018).

WYOMING INTERSTATE COMPANY, L.L.C.
Response to OEP Data Request
Dated April 5, 2024 in Docket No. CP23-545
Bakken xPress Project

requirements, WIC nonetheless supplements the information it previously provided about those activities² with the following:

- a. As noted above, FUGG will not perform any jurisdictional construction activities. Nonetheless, FUGG has conducted environmental studies and due diligence to minimize impacts from the construction of this facility as described in the Application and below. FUGG states that the siting, construction, and maintenance of facilities shall be undertaken in a way that avoids or minimizes effects on scenic, historic, wildlife, and recreational values.
- b. FUGG is currently operating in compliance with the Clean Air Act and maintains a Title V Permit for the existing Bison Compressor Station facility. An application to modify the existing permit to authorize construction of the new facility is anticipated to be submitted to WDEQ in early summer 2024. Anticipated approval date for the permit modification is 4th Quarter of 2024. It should be noted that based on changes to the existing equipment, the permit will be revised from a Title V Major Source Permit to a Minor Source Permit.
- c. As noted above, FUGG will not perform any jurisdictional construction activities. Nonetheless, efforts were made to confirm no impacts would be expected to any species of concern by utilizing the iPaC (USFWS species database) or to any cultural/historic resources by undertaking both a Class III cultural resource inventory and field work at the site of the compressor station.
- d. The FUGG Bison Compressor Station is not located within a FEMA designated floodplain, and therefore will not be the cause of any potential effects.
- e. In August 2023, FUGG confirmed that the facility is in compliance with the Wild and Scenic Rivers Act and the Coastal Zone Management Act.
- f. In August 2023, FUGG confirmed that the facility is in compliance with the National Parks and Recreation Act of 1978 and the National Wilderness Act.
- g. In August 2023, FUGG confirmed the facility would be in compliance with 18 CFR 157.206(b)(3).

² See WIC's responses filed on November 15, 2023 to data request issued on October 31, 2023 in this proceeding.

WYOMING INTERSTATE COMPANY, L.L.C.
Response to OEP Data Request
Dated April 5, 2024 in Docket No. CP23-545
Bakken xPress Project


- h. Noise attributable to the compression added to the FUGG Bison Compressor Station will not exceed a day-night level (Ldn) of 55 dBA at any pre-existing noise-sensitive area (such as schools, hospitals, or residences). Additionally, there are no schools, hospitals or residences located within 1-mile of the facility.

Response prepared by or under the supervision of:

Francisco Tarin
Director, Regulatory
Wyoming Interstate Company, L.L.C.
719-667-7517

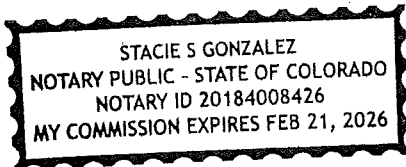
STATE OF COLORADO)
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COUNTY OF EL PASO)

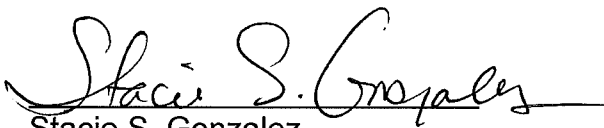
FRANCISCO TARIN, being first duly sworn, on oath, says that he is the Director of the Regulatory Affairs Department of Wyoming Interstate Company, L.L.C.; that he has read the foregoing Response to the Office of Energy Projects' Data Request dated April 5, 2024 in Docket No. CP23-545-000, that as such he is authorized to verify the Response, that he is familiar with the contents thereof; and that the matters and facts set forth therein are true to the best of his information, knowledge and belief.



Francisco Tarin

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 15th day of April, 2024.





Stacie S. Gonzalez
Notary Public, State of Colorado
My Commission Expires: February 21, 2026

Certificate of Service

I hereby certify that I have this day caused a copy of the foregoing document to be served upon each person designated on the official service list compiled by the Commission's Secretary in this proceeding in accordance with the requirements of Section 385.2010 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure.

Dated at Colorado Springs, Colorado as of this 15th day of November, 2023.

/s/

Francisco Tarin

Two North Nevada Avenue
Colorado Springs, Colorado 80903
(719) 667-7517