

Agency	Type of Permit, Regulatory or Compliance	Need	Status
	Conditional Water Permit	For water appropriation	Will submit if necessary (currently, not anticipated that permit will be necessary)
State Historical Society	Section 106 of the National Historic Preservation Act Coordination	Compliance with NDCC §§ 55-03-01 and 55-03-01.1 and consultation under Section 106 of the NHPA is required for projects considered a federal undertaking (e.g., federal funding, federal permit).	Programmatic Agreement executed
North Dakota Highway Patrol	Overheight/Overweight Permit	Permit required for hauling construction equipment and materials on state highways. Contractors will obtain as necessary.	Will submit application after Route Permit issued
Department of Transportation	Road Approach/Access Permit	Permit required for construction of access roads from state highways.	Will submit application after Route Permit issued
	Utility Permit/Risk Management Documents	Permit required for utility crossings on state highway ROW.	Will submit application after Route Permit issued
Local			
Counties	Conditional Use Permits (See Table 2 below)	Permit may be required for project construction depending on zoning regulations.	Applications submitted
	Building Permit	Permit may be required for substation construction, fiber optic station, and structure locations.	Will submit applications after Route Permit issued
	Haul Road Agreement	Permit may be required for hauling construction equipment and materials on county roads.	Will submit applications after Route Permit issued
	Utility Permit	Permit required for utility crossings on county road ROW.	Will submit applications after Route Permit issued
Grand Forks County	Floodplain approval	Elevation certificates are required for any building in the floodplain	Will submit certificates after Route Permit issued
Townships	Conditional Use Permits (See Table 2 below)	Permit may be required for project construction depending on zoning regulations.	Applications submitted

Agency	Type of Permit, Regulatory or Compliance	Need	Status
	Conditional Water Permit	For water appropriation	Will submit if necessary (currently, not anticipated that permit will be necessary)
State Historical Society	Section 106 of the National Historic Preservation Act Coordination	Compliance with NDCC §§ 55-03-01 and 55-03-01.1 and consultation under Section 106 of the NHPA is required for projects considered a federal undertaking (e.g., federal funding, federal permit).	Programmatic Agreement executed
North Dakota Highway Patrol	Overheight/Overweight Permit	Permit required for hauling construction equipment and materials on state highways. Contractors will obtain as necessary.	Will submit application after Route Permit issued
Department of Transportation	Road Approach/Access Permit	Permit required for construction of access roads from state highways.	Will submit application after Route Permit issued
	Utility Permit/Risk Management Documents	Permit required for utility crossings on state highway ROW.	Will submit application after Route Permit issued
Local			
Counties	Conditional Use Permits (See Table 2 below)	Permit may be required for project construction depending on zoning regulations.	Applications submitted
	Building Permit	Permit may be required for substation construction, fiber optic station, and structure locations.	Will submit applications after Route Permit issued
	Haul Road Agreement	Permit may be required for hauling construction equipment and materials on county roads.	Will submit applications after Route Permit issued
	Utility Permit	Permit required for utility crossings on county road ROW.	Will submit applications after Route Permit issued
Grand Forks County	Floodplain approval	Elevation certificates are required for any building in the floodplain	Will submit certificates after Route Permit issued
Townships	Conditional Use Permits (See Table 2 below)	Permit may be required for project construction depending on zoning regulations.	Applications submitted

Exhibit P – Updated Table 6.0-1. Potential Required Permits and Approvals

Agency	Type of Permit, Regulatory or Compliance	Need	Status
Federal			
Rural Utilities Service	Approval of Financial Assistance	Needed to receive financial assistance.	In progress
	NEPA Compliance	Required for projects considered a federal undertaking (e.g., federal funding).	Finding of No Significant Impact (FONSI) anticipated in late February
	Section 7 of the Endangered Species Act	Required as part of NEPA compliance.	Biological Assessment submitted to USFWS
	Section 106 of the National Historic Preservation Act Coordination	Required as part of NEPA compliance	Programmatic Agreement executed
	Native American Consultation	Required as part of Section 106 consultation/NEPA compliance.	Programmatic Agreement executed
U.S. Fish and Wildlife Service	Special Use Permit	Special Use Permit needed for disturbance to land subject to a grassland easement or wetland subject to a wetland easement.	EA submitted - USFWS is drafting the Special Use Permit
U.S. Army Corps of Engineers	Section 404 of the Clean Water Act	Nationwide Permit 12 - required for dredging or fill in jurisdictional waters of the United States for utility line projects.	Only pre-construction notification required
	Section 10 of the Rivers and Harbors Act of 1899	Section 10 Permit - Letter of Permission required for the Missouri River crossing.	Will submit application after FONSI issued
	Pre-Construction Notification	Pre-Construction Notification needed for the Nationwide Permit 12 and Section 10 - Letter of Permission.	Will submit notification after FONSI issued
Federal Aviation Administration	FAA Form 7460-1 - Notice of Proposed Construction or Alteration	The FAA must confirm that construction of the Project does not constitute a hazard to air navigation.	Form submitted
	FAA Form 7460-2 - Notice of Actual Construction or Alteration	Notifies FAA of actual constructed or altered structures.	Will submit form after construction

Agency	Type of Permit, Regulatory or Compliance	Need	Status
	FAA Form 7461-1, Notice of Proposed Construction Hazard Determination	Notifies FAA of structures that might affect navigable airspace. Form requires proposed markings and lighting. FAA must review possible impacts to air safety and navigation, as well as the potential for adverse effects on radar systems.	Form submitted
Environmental Protection Agency	Spill Prevention Control and Countermeasure (SPCC) Plan	Required if the substation facility has greater than 1,320 gallons of oil. Current SPCC Plans will be revised as necessary. A copy of the plan will be maintained on file with the substation's owner/operator and will be reviewed by the certifying engineer every five years.	To be updated, if necessary
U.S. Department of the Interior - Bureau of Reclamation	Special Use Permits	Needed for spanning the Chain of Lakes Recreation Area and a structure located within the McClusky Canal lands in Sheridan County.	Application submitted
State			
Public Service Commission	Certificate of Corridor Compatibility	Required prior to construction of a transmission facility; designates corridor within which a route may be located.	Issued September 7, 2011
	Route Permit	Required prior to construction of a transmission facility; designates route location within approved corridor.	Route Permit Application submitted
Department of Health	NPDES Permit: General Construction Storm Water	Required for disturbance of over 1 acre of land. Must prepare a SWPPP.	Will submit application prior to construction
Division of Emergency Management	Emergency Planning and Community Right-to-Know Act (EPCRA) Tier II report	Required for owner/operators of facilities containing hazardous materials. A copy of the report must be filed annually by March 1 st .	Will file, if necessary
State Water Commission – Office of State Engineer	State Sovereign Lands Permit	If a project's proposed construction activities could impact an island or bed of a navigable water or stream, a Sovereign Lands Permit must be obtained from the North Dakota State Water Commission, Office of the State Engineer.	Applications submitted

Agency	Type of Permit, Regulatory or Compliance	Need	Status
	Conditional Water Permit	For water appropriation	Will submit if necessary (currently, not anticipated that permit will be necessary)
State Historical Society	Section 106 of the National Historic Preservation Act Coordination	Compliance with NDCC §§ 55-03-01 and 55-03-01.1 and consultation under Section 106 of the NHPA is required for projects considered a federal undertaking (e.g., federal funding, federal permit).	Programmatic Agreement executed
North Dakota Highway Patrol	Overheight/Overweight Permit	Permit required for hauling construction equipment and materials on state highways. Contractors will obtain as necessary.	Will submit application after Route Permit issued
Department of Transportation	Road Approach/Access Permit	Permit required for construction of access roads from state highways.	Will submit application after Route Permit issued
	Utility Permit/Risk Management Documents	Permit required for utility crossings on state highway ROW.	Will submit application after Route Permit issued
Local			
Counties	Conditional Use Permits (See Table 2 below)	Permit may be required for project construction depending on zoning regulations.	Applications submitted
	Building Permit	Permit may be required for substation construction, fiber optic station, and structure locations.	Will submit applications after Route Permit issued
	Haul Road Agreement	Permit may be required for hauling construction equipment and materials on county roads.	Will submit applications after Route Permit issued
	Utility Permit	Permit required for utility crossings on county road ROW.	Will submit applications after Route Permit issued
Grand Forks County	Floodplain approval	Elevation certificates are required for any building in the floodplain	Will submit certificates after Route Permit issued
Townships	Conditional Use Permits (See Table 2 below)	Permit may be required for project construction depending on zoning regulations.	Applications submitted

Table 2. Conditional Use Permit Status

County/Township	Conditional Use Permit Approval
Oliver Co.	Yes
Painted Woods Twp – Burleigh Co.	Yes
Wilson Twp – Burleigh Co.	Yes
McLean Co.	Yes
Sheridan Co.	Yes
Wells Co.	Yes
Eddy Co. ¹	Yes
Foster Co.	Yes
Griggs Co.	Yes
Addie Twp – Griggs Co.	Yes
Sharon Twp – Steele Co.	Yes
Franklin Twp – Steele Co.	Yes
Nelson Co.	Yes
Grand Forks Co.	Yes
Fairfield Twp – Grand Forks Co.	(See Note 2)
Logan Twp – Grand Forks Co.	(See Note 2)
Lorretta Twp – Grand Forks Co.	(See Note 2)

Notes:

¹ Eddy Co. does not have formal process, but has issued letter from County Commissioners authorizing approval.

² Townships with planning & zoning authority in Grand Forks Co. requested delay in local permitting process until Grand Forks Co. approval was authorized.

Table 2. Conditional Use Permit Status

County/Township	Conditional Use Permit Approval
Oliver Co.	Yes
Painted Woods Twp – Burleigh Co.	Yes
Wilson Twp – Burleigh Co.	Yes
McLean Co.	Yes
Sheridan Co.	Yes
Wells Co.	Yes
Eddy Co. ¹	Yes
Foster Co.	Yes
Griggs Co.	Yes
Addie Twp – Griggs Co.	Yes
Sharon Twp – Steele Co.	Yes
Franklin Twp – Steele Co.	Yes
Nelson Co.	Yes
Grand Forks Co.	Yes
Fairfield Twp – Grand Forks Co.	(See Note 2)
Logan Twp – Grand Forks Co.	(See Note 2)
Lorretta Twp – Grand Forks Co.	(See Note 2)

Notes:

¹ Eddy Co. does not have formal process, but has issued letter from County Commissioners authorizing approval.

² Townships with planning & zoning authority in Grand Forks Co. requested delay in local permitting process until Grand Forks Co. approval was authorized.

Table 2. Conditional Use Permit Status

County/Township	Conditional Use Permit Approval
Oliver Co.	Yes
Painted Woods Twp – Burleigh Co.	Yes
Wilson Twp – Burleigh Co.	Yes
McLean Co.	Yes
Sheridan Co.	Yes
Wells Co.	Yes
Eddy Co. ¹	Yes
Foster Co.	Yes
Griggs Co.	Yes
Addie Twp – Griggs Co.	Yes
Sharon Twp – Steele Co.	Yes
Franklin Twp – Steele Co.	Yes
Nelson Co.	Yes
Grand Forks Co.	Yes
Fairfield Twp – Grand Forks Co.	(See Note 2)
Logan Twp – Grand Forks Co.	(See Note 2)
Lorretta Twp – Grand Forks Co.	(See Note 2)

Notes:

¹ Eddy Co. does not have formal process, but has issued letter from County Commissioners authorizing approval.

² Townships with planning & zoning authority in Grand Forks Co. requested delay in local permitting process until Grand Forks Co. approval was authorized.