

Sovereign Land Permit No. S-1757

Permittee: **Minnkota Power Cooperative Inc.**
1822 Mill Road
P.O. Box 13200
Grand Forks, ND 58208-3200

Location: **SW ¼ SW ¼ of Section 33, Township 148 North, Range 65 West, Eddy County**

Project Description:

The Permittee is hereby authorized to construct a transmission line across the James River in Eddy County. Specifically, the applicant is constructing a 345 kilovolt transmission line from Center to Grand Forks. The line is routed to cross the Missouri River, James River at two locations, and the Sheyenne River. No towers will be placed on sovereign lands.

This authorization is subject to the conditions listed below and to the attached North Dakota Department of Health "Construction and Environmental Disturbance Requirements." Any other use of sovereign land is prohibited. Any proposed additional use must comply with the application and permitting process and all other requirements of state law.

General Conditions

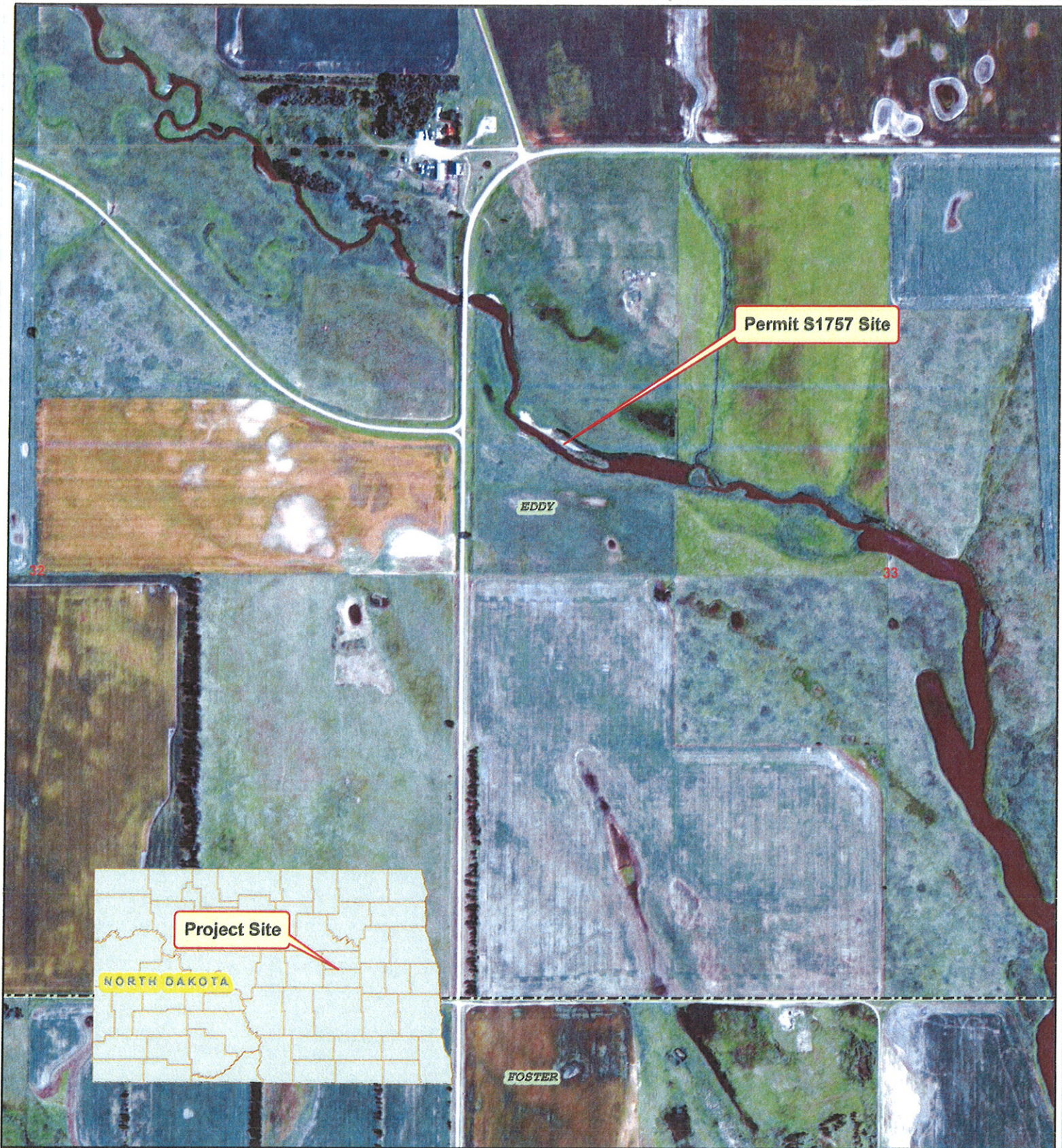
1. Construction of the transmission line over the James River is a privileged use of a public resource and does not constitute a property right. The public use and enjoyment of the James River is of high priority.
2. All construction, maintenance, and reclamation activities shall be carried out in a manner reasonably designed to prevent degradation of the James River.
3. No work is to be conducted within the James River from April 15 to June 1 to protect fisheries resources.
4. The Permittee will implement erosion control measures to minimize the opportunity for sediments to enter the James River.
5. All construction debris or excess material shall be disposed of in a non-wetland, non-timbered upland site or in an approved landfill.
6. All disturbed sites are to be revegetated with species native to the project area.

7. This Authorization is site specific for the project as proposed and outlined in the application and supporting documents. Any changes or deviation from the site or design will need authorization from the State Engineer.
8. At the discretion of the State Engineer, in accordance with the exercise of any of the State Engineer's duties, the project is subject to modification or removal at the expense of the permittee.
9. The State Engineer or the State Engineer's representative shall have access to inspect the authorized project during construction and associated activities and for the life of the project to ensure that it is being or has been accomplished and maintained in accordance with the terms and conditions of this Authorization.
10. By granting this Authorization, no liability for damages of any kind, including those caused by improper construction, operation and maintenance, design or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.



Todd Sando
State Engineer

Date: 3/26/12



Minnkota Power Coop. Inc
T148N, R65W Sec. 33

Eddy Co
Permit No. S1757





1200 Missouri Avenue
P.O. Box 5520
Bismarck, North Dakota 58506-5520
Fax #701-328-5200

Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



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HISTORICAL
SOCIETY
OF NORTH DAKOTA**

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Governor of North Dakota

February 17, 2012

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Mr. Gerald R. Heiser
Sovereign Lands Manager
North Dakota State Water Commission
900 East Boulevard Avenue
Bismarck, North Dakota 58505-0830

NDSHPO REF.: 10-0173d USDA-RUS/PSC Center to Grand Forks 345 kV Transmission
Line Project:

SWC: S-1755 Missouri River Crossing, Oliver-Burleigh Counties [142-81-27 and -28]

SWC: S-1756 James River Crossing, Wells County [147-72-3]

SWC: S-1757 James River Crossing, Wells County [148-65-33]

SWC: S-1758 Sheyenne River Crossing, Griggs County [147-58-6]

Dear Mr. Heiser:

We have received and reviewed correspondence and documentation for: 10-0173d USDA-RUS/PSC Center to Grand Forks 345 kV Transmission Line Project: "SWC: Missouri, James, and Sheyenne River Crossings."

As indicated in the correspondence and attachments, concurrent federal and state review is being completed. At that time, we would concur with "No Historic Properties Affected" and "No Significant Sites Affected" determinations provided the project river crossing are of the nature stated and that each takes in the location plotted and mapped in the SWC documentation.

Thank you for the opportunity to review the project. If you have questions please contact either Susan Quinnell at (701) 328-3576 or squinnell@nd.gov or Paul Picha at ppicha@nd.gov or (701) 328-3574.

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)
and
Director, State Historical Society of North Dakota

