

September 24, 2013



VIA POSTAL SERVICE

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: Minnkota power Cooperative, Inc.
345 kV Transmission Line – Center
to Grand Forks Project
Case No. PU-09-670**

Dear Mr. Nitschke:

Please accept the attached Letter of Permission under Section 10 requirements from the Department of the Army, Corps of Engineers regarding construction and placement of a new 345 kV transmission line across the Missouri River for your records.

Sincerely,



Mike Hennes
Senior Manager Transmission Operations
Minnkota Power Cooperative
(701) 795-4352

Encl. DA Letter of Permission

cc: Mr. Jerry Lein (w/ encl. – via e-mail)

274 PU-09-670 Filed: 9/24/2013 Pages: 9
Letter of Permission from the Department of the
Army

Minnkota Power Cooperative, Inc.

Mike Hennes



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640
September 16, 2013

North Dakota Regulatory Office

DA Letter of Permission
[NWO 2009-1037-BIS]
Resubmitter/255-0015

Mr. Brian Hunker
HDR Engineering, Inc.
701 Xenia Avenue, Suite 600
Minneapolis, Minnesota 55416

Dear Mr. Hunker:

Referring to your Department of the Army (DA) application, on behalf of Minnkota Power Cooperative, Inc., this Letter of Permission, recommended by the Chief of Engineers, under the provisions of Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403) authorizes the construction and placement of a new 345kV transmission utility line across the Missouri River. This Department of the Army authorization is in accordance with the enclosed drawings and subject to the enclosed conditions.

If the electrical utility line and associated work herein authorized is not completed on or before **September 16, 2014**, this Letter of Permission if not previously revoked or specifically extended, shall cease and be null and void.

This project is located on the Missouri River at river mile 1339.3, in the NE $\frac{1}{4}$ of Section 28, SW $\frac{1}{4}$ of Section 22, NW $\frac{1}{4}$ of Section 27, Township 127 North, Range 81 West, Oliver and Burleigh Counties, North Dakota.

Although an Individual Department of the Army permit will not be required for this project, this does not eliminate the requirement that you obtain and other Federal, State, Tribal and local permits as required. Please note any deviations from the original plans and specifications of this project could require additional authorization from this office.

You are responsible for all work accomplished in accordance with the terms and conditions of this authorization. If a contractor or other authorized representative will be accomplishing the work authorized by this permit on your behalf, they shall be provided a copy of this letter and attached conditions so they are aware of the requirements of this permit. Failure to comply with all of the terms and conditions of this authorization may result in an enforcement action. In compliance with General Condition "r" you are directed to notify the North Dakota Regulatory Office at 1513 South 12th Street, Bismarck, North Dakota 58504, when the work has been started and completed.

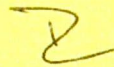
Also included is a Notification of Applicant Options (NAO) which explains the options available to you in your evaluation of the enclosed permit. The Final Rule Establishing and Administrative Appeal Process for the Regulatory Program of the Corps of Engineers was issued in the Federal Register on March 9, 1999 and became effective August 6, 1999. General conditions "a" through "s" are not appealable.

The Omaha District, North Dakota Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <http://per2.nwp.usace.army.mil/survey.html>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions concerning this determination, please contact this office by letter or telephone me or Mr. Jason Renschler, Project Manager at (701) 255-0015 and reference authorization number **NWO-2009-1037-BIS**.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

Joel R. Cross
Colonel, Corps of Engineers
District Engineer



Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosures

DA Letter of Permission
Project NWO-2009-1037-BIS
Minnkota Power Cooperative, Inc.
345kV Transmission Line
Missouri River; river mile 1339.3

After a detailed and careful review of all of the conditions contained in this permit, the permittee acknowledges that, although said conditions were required by the US Army Corps of Engineers, nonetheless the permittee agreed to those conditions voluntarily to facilitate issuance of the permit and the permittee will comply fully with all the terms of the permit conditions.

I. General Conditions

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit, in whole or in part, as set forth more specifically in General Condition "h" hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended, or revoked in whole or in part.

b. That the permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife, and natural environmental values.

c. That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

d. That the permittee shall permit the District Commander or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under the authority of this permit is in accordance with the terms and conditions prescribed herein.

e. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

f. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges, and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, state or local laws, or regulations nor does it obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

g. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

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h. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Commander that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension; (2) the reasons for this action; and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Commander to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within 10 days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to permittee if no hearing is requested, the permit will be reinstated, modified or revoked.

i. That in issuing this permit, the Government has relied on the information and data, which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

j. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

k. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

l. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

m. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

n. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition q herein, he must restore the area to a condition satisfactory to the District Commander.

o. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

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p. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

q. That this permit may not be transferred to a third party without prior written notice to the District Commander by the transferee's written agreement to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

r. That the permittee shall notify the District Commander at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Commander may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

s. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the US Army Corps of Engineers, to remove, relocate, or alter the structure, work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

II. Special Conditions

1. Any work that may take place within the waterway not occur from April 15 to June 1 to protect the fishery resource.

2. That steps will be taken to prevent materials spilled or stored on shore from washing into the water as a result of cleanup activities, natural runoff, or flooding, and that, during construction, any materials which are accidentally spilled into the water will be retrieved.

3. If whooping crane(s) are sighted roosting or foraging within 1 mile of the project while under construction, all work will cease and the Fish and Wildlife Service (FWS) will be notified. In coordination with the FWS, work may resume once the bird(s) leave the area.

4. That all construction debris will be disposed of on land in such a manner that it cannot enter a waterway or wetland.

5. If construction occurs during the Tern and Plover nesting season (April 1 through August 31), a survey may be required. If nests are present, construction would be restricted during the nesting season.

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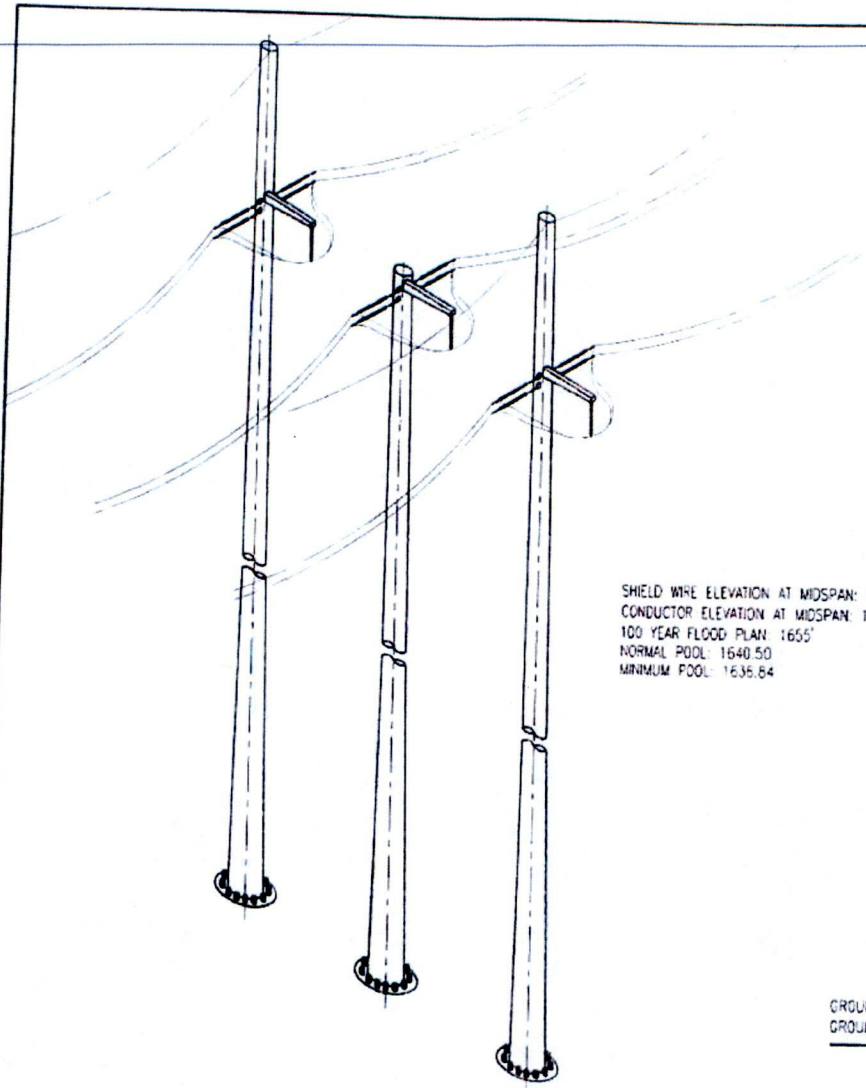
6. That when the District Commander has been notified that the activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Commander subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

7. That the permittee, upon receipt of a notice of revocation of this Letter of Permission or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or authorized representative, the Secretary or designee may restore the waterway to former condition, by contract or otherwise, and recover the cost thereof from the permittee.

8. The United States shall not be responsible for damage to property or injuries to persons which may arise from or be incident to the work herein authorized, and the permittee shall hold the United States harmless from any and all such claims, except to the extent that the damage or injury is caused solely by the negligence of the United States.

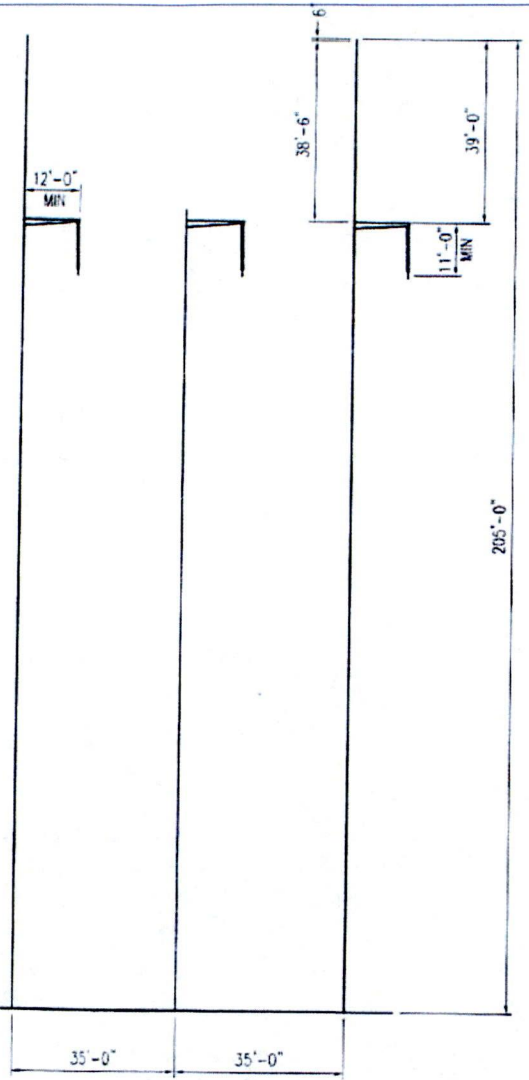
0:\21906\11-CADD\07-TAD\07-MWR_Burleigh County River Crossing\3_Pole.dwg

CADD: B1-R4 © STANLEY CONSULTANTS



SHIELD WIRE ELEVATION AT MIDSPAN: 1721'
 CONDUCTOR ELEVATION AT MIDSPAN: 1690'
 100 YEAR FLOOD PLAN: 1655'
 NORMAL POOL: 1640.50
 MINIMUM POOL: 1635.64

GROUND ELEVATION WEST STR: 1651'
 GROUND ELEVATION EAST STR: 1656'



REVISIONS	DSGN	CHKD	APVD	DATE

DESIGNED: T.J. STREICH
 DRAWN: B.E. CAMPBELL
 CHECKED: _____
 APPROVED: _____
 APPROVED: _____
 DATE: _____



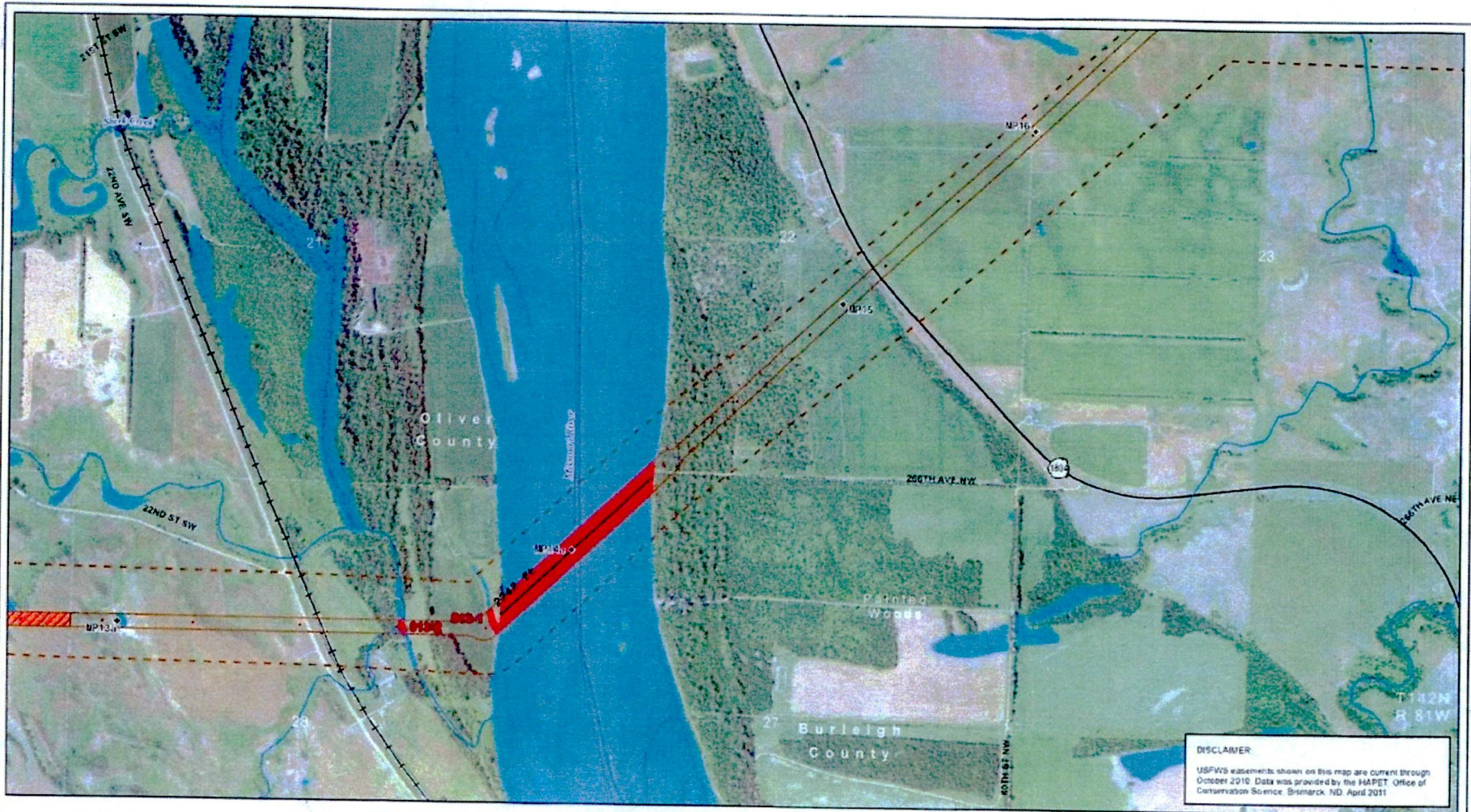
8000 South Chester Street, Suite 500
 Centennial, Colorado 80112
 www.stanleyconsultants.com

MINNKOTA POWER
 COOPERATIVE, INC.
 GRAND FORKS, N.D.

CGF TRANSMISSION LINE
 MISSOURI RIVER CROSSING

SCALE: NONE	REV.
NO. 21906	
3_POLE	A

NWO-2009-1037-BIS



DISCLAIMER
 USFWS easements shown on this map are current through October 2010. Data was provided by the HAPET, Office of Conservation Science, Bismarck, ND, April 2011.

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|---------------------------------------|---------------------------|-----------------------------|------------------------------------|
| Field Survey Incomplete | Reference Milepost | USGS Mapped Waterway | State Park/ Recreation Area or VMA |
| Project Corridor - November 18, 2011 | Wetland | USFWS Wetland Easement | USFWS WPA or WDA |
| Project ROW - November 11, 2011 | Delineated Wetland Basin | USFWS Grassland Easement | US Bureau of Reclamation Land |
| Project Structure - November 11, 2011 | Forested Wetland Basin | Wetland Crossing - 500 feet | |
| Laydown Area | Permanent Wetland Impacts | | |

Figure 5.007
 Detailed Wetland Delineation
 Center to Grand Forks Project
 Minnkota Power Cooperative, Inc.

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Aerial photography published by National Agriculture Imagery Program (NAIP), 2009.