



817 Vandalia Street  
Suite 100  
St Paul, MN 55114

RECEIVED

MAY 05 2012

PUBLIC SERVICE COMMISSION

May 7, 2012

Mr. Patrick Fahn  
North Dakota Public Utilities Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

RE: PU 10-630 Plains Pipeline L.P.:Bakken North Crude Oil Pipeline, Williams Co.,ND

Mr. Fahn,

Please find the following permits issued to Plains Pipeline, L.P. for constructions of PU 10-630: Bakken North Crude Oil Pipeline Project. Enclosed you will find the following:

- U.S. Army Corps of Engineers Nation Wide Permit No. 12
- ND Dept. of Health ND PES Construction Stormwater Discharge Authorization – Notice of Coverage (NDR10-000)

Upon your review, should you have questions or seek additional information please contact me at 651-282-0650 or via e-mail at [wmccarthy@go2e3.com](mailto:wmccarthy@go2e3.com).

Best Regards,

William F. McCarthy  
E3 Environmental, LLC

Enclosures- (1) U.S. Army Corps of Engineers Nation Wide Permit No. 12  
(1) ND Dept. of Health ND PES Construction Stormwater Discharge Authorization – Notice of Coverage (NDR10-000)

CC: E3 Project Files

47 PU-10-630 Filed: 5/5/2012 Pages: 5  
Permit No. 12 & storm water discharge authorization  
Notice of Coverage

E3 Environmental, LLC

William McCarthy



March 6, 2012

North Dakota Pollutant Discharge Elimination System (NDPDES)  
General Permit for Stormwater Discharges from Construction Activity  
NOTICE OF COVERAGE

Permittee(s)

Owner Contact: Tom McCormick  
Plains All American Pipeline LP  
333 Clay Street Suite 1600  
Houston, TX 77002

Operator Contact: Mike Bondurant  
Tomahawk Pipeline Construction Inc  
PO Box 685  
Sheridan, WY 82801

Coverage under the 2009 reissued construction general permit (NDR10-0000) is identified as follows:

Permit ID: **NDR104374**      Site Name: **Bakken North Pipeline**

Please remember to update the Stormwater Pollution Prevention (SWPP) plan as appropriate for site conditions. The best management practices (BMPs) and temporary structures must be inspected, maintained and adjusted until the site is stabilized following construction activities. Once the site is stabilized as outlined in the general permit, you may end permit coverage by filing a termination notice. Cities or counties may impose additional requirements and/or specific BMPs for construction affecting their storm drainage system. Please check with the local officials to be sure all local stormwater management considerations are addressed.

Additional Information

The permit conditions, forms and related information may be found on our web site at:

[www.ndhealth.gov/wq/Storm/Construction/ConstructionHome.htm](http://www.ndhealth.gov/wq/Storm/Construction/ConstructionHome.htm)

Should you have any questions on the permit, please contact a stormwater staff person listed below.

Lucille Herrick  
Division of Water Quality  
701.328.5239  
[lherrick@nd.gov](mailto:lherrick@nd.gov)



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
1513 SOUTH 12<sup>TH</sup> STREET  
BISMARCK ND 58504-6640  
February 3, 2012

North Dakota Regulatory Office

[NWO-2012-0260-BIS]

SWCA, Bismarck Office  
ATTN: Michael J. Cook, Natural Resources Lead  
116 North 4<sup>th</sup> Street, Suite 200  
Bismarck, North Dakota 58501

Dear Mr. Cook:

1. **Project Authorization.** We have reviewed your request on behalf of **Plains All-American Pipeline, LP ["PAA"]** for Department of the Army (DA) authorization to install approximately 31.7 miles of 12-inch crude oil pipeline on private and state lands in Williams County. The project, known as **Bakken North Pipeline**, will connect PAA holdings near Trenton, North Dakota to an existing crude oil pipeline near Outlook, Montana. This authorization does not cover the alignment located in Montana. All crossings are proposed to be constructed utilizing standard, open-cut methods which result in only temporary impacts to aquatic ecosystems identified along the alignment. We have prepared a preliminary jurisdictional determination (JD) for the site which is a written indication that the waterway in the project area may be jurisdictional waters of the United States (US). Such waters have been treated as jurisdictional for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the preliminary JD, please sign it and return it to the letterhead address.

If you believe the preliminary JD is inaccurate, you may request this office complete an approved JD prior to commencement of any work in waters of the US. An approved JD is an official determination regarding the presence or absence of such waters. Completion of an approved JD may require coordination with the US Environmental Protection Agency.

If you do not want the Corps to complete an approved JD, you may proceed your project in accordance with the terms and conditions of Department of the Army Nationwide Permit No. 12, found in the March 12, 2007 Federal Register (72 FR 11092), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General and Regional Conditions and the Section 401 Water Quality Certification Requirements, if applicable, that must be complied with. **Please note any deviations from the plans and specifications of your project could require additional authorization from this office.**

This verification is valid until the Nationwide Permit is modified, reissued, or revoked. All of the existing nationwide permits are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice when the nationwide permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions.

2. **Project Location.** Work would occur in Sections 3, 10, 15, 22, 26, 27 and 35, Township 154 North, Range 102 West; Sections 32, 10, 15, 22, 27 and 34, Township 155 North, Range 102 West; Sections 4, 5, 9, 10, 13, 14, 15 and 24, Township 157 North, Range 103 West; and Sections 30, 31 and 32, Township 158 North, Range 103 West; all in Williams County, North Dakota.

3. **Project Compliance Certification for Permit No. NWO-2012-0260-BIS.** *In compliance with General Condition 26, you are required to submit the following project compliance certification within thirty (30) days of project completion. [Please check all applicable statements]*

- I certify that I have completed the projects as permitted.
- I certify that I have completed a modified version of the projects.
- I certify that I have completed all required mitigation.

Permittee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

4. **Other Authorizations.** This determination is applicable only to the permit program administered by the US Army Corps of Engineers. It does not eliminate the need to obtain other Federal, state, tribal, and local approvals before beginning work.

5. **Responsibility.** You are responsible for all work accomplished in accordance with the terms and conditions of this Nationwide Permit. If a contractor or other authorized representative will be accomplishing the work authorized by the Nationwide Permit on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the Nationwide Permit. Any activity that fails to comply with all the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

6. **Other Special Conditions.**

**Endangered Species**

That the permittee shall report any threatened or endangered species at the project site. Notification shall be made to the North Dakota Regulatory Office by telephone or fax within 24 hours. Written confirmation shall be provided within 48 hours if deemed necessary by the North Dakota Regulatory Office.

**Cultural Resources**

That the permittee and/or the permittee's contractor, or any of the employees, subcontractors or other persons working in the performance of a contract or contract(s) to complete the work authorized herein, shall cease work immediately and report the discovery of any previously unknown historic or archeological remains to the North Dakota Regulatory Office. Notification shall be by telephone or fax within 24 hours of the discovery and, in writing, within 48 hours. The North Dakota Regulatory Office will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Work shall not resume until notified by the North Dakota Regulatory Office.

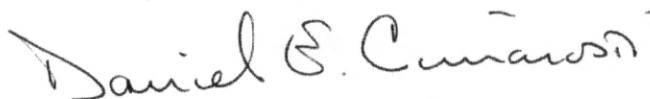
7. **Additional Information.**

**Suitable Material and 1978 Stream Evaluation Map:** Permittees are reminded that General Condition No. 6 prohibits the use of unsuitable material. In addition, organic debris, some building waste, and materials excessive in fines are not suitable material. Specific verbiage on prohibited materials and the 1978 Stream Evaluation Map for the State of North Dakota can be accessed on the North Dakota Regulatory Office's website at:  
<http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>

8. **Customer Service Survey.** 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.

9. **Point-of-Contact.** If you have any questions concerning this determination, please contact **Toni R. Erhardt** of this office by letter or telephone at 701-255-0015 and reference Authorization Number **NWO-2012-0260-BIS**.

Sincerely



Daniel E. Cimarosti  
State Program Manager  
North Dakota

Enclosures