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December 9, 2011

Mr. Jeffrey Towner, Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926

Subject: Montana-Dakota Utilities - Heskett Station Pipeline Project
U.S. Fish and Wildlife Service – Environmental Review

Dear Mr. Towner:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

The purpose of this communication is to provide your office with notification of the proposed pipeline project. **We also request a review of all Federal and State listed species, wildlife preserves, wilderness areas, and designated critical habitats for the project area.** The proposed route corridor is depicted on the attached map.

ProSource reviewed information obtained from the United States Fish and Wildlife Service (USFWS) regarding proposed or endangered species or designated critical habitats. According to the USFWS Mountain-Prairie Region (USFWS 2010), the only listed species occurring or potentially occurring in Morton County are the endangered black-footed ferret (*Mustela nigripes*), endangered gray wolf (*Canis lupus*), endangered interior least tern (*Sternula antillarum*), endangered pallid sturgeon (*Scaphirhynchus albus*),

endangered whooping crane (*Grus americana*), and the threatened piping plover (*Charadrius melodus*). The Sprague's pipit (*Anthus spragueii*), a candidate species, is also listed for Morton County.

Black-footed Ferret

According to the USFWS (2007a), black-footed ferrets were most likely extirpated from the wild until 1991 when they were reintroduced to a prairie dog complex, which it depends on for food, in the Shirley Basin of Wyoming. Since the 1991 reintroduction to the wilds of Wyoming, the black-footed ferret has also been reintroduced to Colorado, South Dakota, Montana, Arizona, Utah, Kansas, and New Mexico (USFWS 2007a). Because it is expected that the black-footed ferret has been extirpated from North Dakota, the proposed pipeline project is not expected to adversely affect the black-footed ferret.

Gray Wolf

According to the USFWS (2011), "gray wolves, in the lower 48 states, are found mainly in the forested lands of Minnesota, Wisconsin, Michigan, Montana, Idaho and Wyoming but are also known to or is believed to occur in Colorado, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Washington." The gray wolf is a highly mobile species, prefers low density areas away from roads and people, and the last confirmed reported sighting within North Dakota was in 1991 (USGS 2006). Based on their high mobility, tendency to avoid humans, and limited number of confirmed sightings, the proposed pipeline is expected to have no effect on the gray wolf.

Interior Least Tern

According the USFWS (1990), the least tern was historically found throughout the Missouri River system and utilizes sparsely vegetated sandbars, in conjunction with the piping plovers, on the Missouri River in North Dakota. The proposed pipeline route does not cross the Missouri River and all rivers and streams with flowing water at the time of construction will be directionally drilled to avoid impacts to the river/stream bed and banks; therefore the project is not expected to adversely affect the interior least tern.

Pallid Sturgeon

According the USFWS (2007b) the pallid sturgeon can be found in the main channel area of the Missouri and Mississippi Rivers from Montana to Louisiana and the Atchafalaya River in Louisiana. The proposed pipeline route does not cross the Missouri River but does cross the Heart River and several smaller tributaries that flow into the Missouri River. All rivers and streams with flowing water at the time of construction will be directionally drilled to avoid impacts to the river/stream bed and banks. In addition to directionally drilling all rivers and streams with flowing water at the time of construction, sediment barriers such as silt fence, staked hay or straw bales, or sand bags will be installed, as needed. The sediment barriers will help minimize siltation from entering waterbodies. Crossing the river/streams by directional drilling and the use of sediment barriers will limit effects to this species thereby having no effect on the pallid sturgeon.

Whooping Crane

Whooping cranes would be most likely be found in the croplands and shallow freshwater wetlands of Morton County during the fall and spring migration (Lewis 1995). Because both cropland and wetlands exist within the proposed project right-of-way, the proposed project may affect the whooping crane. However, one would expect whooping cranes to actively avoid croplands and wetlands where pipeline construction is occurring in favor of suitable adjacent habitat; therefore the project is not expected to adversely affect the whooping crane.

Piping Plover

In North Dakota, piping plovers inhabit barren sand and gravel shores of the Missouri River natural alkaline lakes with salt-encrusted, white beaches (Elliott-Smith and Haig 2004). Because the proposed route does not cross the Missouri River nor any alkaline lakes with salt-encrusted, white beaches, the project is not expected to adversely affect the piping plover.

Sprague's Pipit

Sprague's pipits are small birds that inhabit the grassland prairies of North Dakota during the breeding season and then migrate to southern United States and northern Mexico for winter (Jones 2010). According to Jones (2010), "the principal causes for the declines in Sprague's pipit populations are habitat conversion to seeded pasture, hayfield, and cropland, as well as overgrazing by livestock". While suitable habitat does occur within the project area, the proposed pipeline will not permanently alter or convert any native habitat to seeded pasture, hayfield, or cropland. In addition, Sprague's pipit is a highly mobile species and would most likely use suitable adjacent habitat; therefore the project is not expected to adversely affect Sprague's pipits.

Designated Critical Habitats

ProSource reviewed information pertaining to designated critical habitat for listed species in the Mountain-Prairie Region. According to the on-line mapper (USFWS 2011), designated critical habitats have not been designated for any of the species listed above, except for the piping plover. The on-line mapper shows that the Missouri River Basin is designated as critical habitat for the piping plover as it contains barren sand and gravel shores. The proposed pipeline route does not cross the Missouri River and all rivers and streams with flowing water at the time of construction will be directionally drilled to avoid impacts to the river/stream bed and banks. Therefore, the designated critical habitat for the piping plover is not expected to be adversely affected as a result of construction.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcectech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

Literature Cited

- Elliott-Smith, Elise and Susan M. Haig. 2004. Piping Plover (*Charadrius melodus*). The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/002>. [Accessed October 04, 2011].
- Jones, S. L. 2010. Sprague's Pipit (*Anthus spragueii*) conservation plan. U.S. Department of Interior, Fish and Wildlife Service, Washington, D.C.
- Lewis, James C. 1995. Whooping Crane (*Grus americana*). The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/153>. [Accessed October 03, 2011].
- U.S. Fish and Wildlife Service (USFWS). 1990. Recovery plan for the interior population of the least tern (*Sterna antillarum*). U.S. Fish and Wildlife Service, Twin Cities, Minnesota.
- USFWS. 2007a. Black-footed Ferret (*Mustela nigripes*) 5-year review summary and evaluation. U.S. Fish and Wildlife Service, Pierre, South Dakota.
- USFWS. 2010. Endangered, Threatened, Proposed and Candidate Species - North Dakota Counties, U.S. Fish and Wildlife Service, Bismarck, North Dakota
- USFWS. 2011. Species profile for the Gray Wolf (*Canis lupus*). U.S. Fish and Wildlife Service. Available online at <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A00D>. [Accessed October 03, 2011].
- USFWS. 2007b. Pallid sturgeon (*Scaphirhynchus albus*) 5-year review summary and evaluation. U.S. Fish and Wildlife Service, Billings, Montana.
- USFWS. (2011). U.S. FWS Critical Habitat Portal. Available Online at <http://www.npwrc.usgs.gov/resource/wildlife/endanger/canilupu.htm> [Accessed October 03, 2011].
- U.S. Geological Survey (USGS). (2006). North Dakota's Endangered and Threatened Species. Available Online at <http://www.npwrc.usgs.gov/resource/wildlife/endanger/canilupu.htm>. [Accessed October 03, 2011].



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



MAY 18 2012

Mr. David Hennen
Director of Environmental Services
ProSource Technologies, Incorporated
9219 East River Road NW
Minneapolis, MN 55433

Re: Montana-Dakota Utilities Company proposed
construction of the Heskett Station Natural
Gas Pipeline Project in Morton County, North
Dakota
In reply please reference Tails #2012-CPA-
0263

Dear Mr. Hennen:

This is in response to your letter dated December 9, 2011, concerning a proposal by the Montana-Dakota Utilities Company (MDU) for the proposed construction of the Heskett Station Natural Gas Pipeline Project in Morton County, North Dakota. The proposed pipeline length is 24 miles. It would provide the required natural gas to power the proposed MDU 88-megawatt power plant to be located adjacent to the existing MDU Heskett Generating power plant located approximately 2 miles north of Mandan. A route siting application would be filed with the North Dakota Public Service Commission (NDPSC).

The Service is providing these comments to assist ProSource Technologies, Incorporated (ProSource) for planning purposes only. In your email dated April 23, 2012, you indicated that the Army Corps of Engineers (Corps) would be the federal action agency. It is our understanding that a Federal Energy Regulatory Commission (FERC) permit is required for the proposed power-plant. The proposed pipeline may be included in the FERC permit for the injection well. To satisfy the requirements for the NEPA process, direct and indirect effects must be addressed and considered by the Corps and/or FERC.

The U.S. Fish and Wildlife Service (Service) offers the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*), the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57), Executive Order 11990 "Protection of Wetlands", Fish and Wildlife Coordination Act (FWCA), the Bald and Golden Eagle Protection

Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), and the National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended).

Below are recommendations to assist in complying with each of these authorities. Your plans should integrate these recommendations to the extent practicable to insure compliance. Recommendations addressing the trust resources under Service authorities are tailored to address protective measures for a variety of species. As such, recommended timing restrictions are not identical and the federal action agency or project proponent should evaluate the trust resources that may be affected by the proposed project and use the appropriate protective timing restriction accordingly.

Threatened, Endangered and Candidate Species

The proposed pipeline may be included in the FERC permit for the power plant as an interrelated action. Interrelated actions are actions that are part of a larger action and depend on the larger action for their justification [50 CFR §402.02]. If the Corps and/or FERC is the Federal action agency, the Corps and/or FERC will need to determine the anticipated effects of the project on federally listed species and consult with the Service as necessary. Until such time as the Corps and/or FERC provides the Service with their determination of effects, or provides written designation for ProSource as the Corps' and/or FERC's non-federal representative for informal Section 7 consultation, these comments should be considered as preliminary.

The nearest designated critical habitat for piping plover (*Charadrius melodus*) is adjacent to the terminus of the proposed project at the existing MDU Heskett Generating Station power plant. Critical habitat can be viewed on the Service website: (http://www.fws.gov/northdakotafieldoffice/endspecies/species/piping_plover.htm). GIS layers of critical habitat can be obtained by contacting our office at the letterhead address.

Sprague's pipit (*Anthus spagueii*) was added to the candidate species list in 2010. According to the Service's data, we expect there to be suitable habitat for the Sprague's pipit along the proposed route. Candidate species such as the Sprague's pipit are not protected under the ESA. However, Sprague's pipit as a migratory bird is still protected under the MBTA.

Sprague's pipits require large patches of grassland habitat for breeding, with preferred grass height between 4 and 12 inches. The species prefers to breed in well-drained, open grasslands and avoids grasslands with excessive shrubs. They can be found in lightly to heavily grazed areas. They avoid intrusive human features on the landscape, so the impact of a development can be much larger than the actual footprint of the feature. If Sprague's pipit habitat is present within your proposed project area, the Service requests that you and the Federal action agency document any steps taken to avoid and minimize disturbance of this habitat, and that you share this information with our office.

Suitable habitat for the Dakota skipper (*Hesperia dacotae*) may also occur along the proposed project route. The Dakota skipper is a small to medium-sized hesperiine butterfly associated with high quality prairie ranging from wet-mesic tallgrass prairie to dry-mesic mixed grass prairie. The first type of habitat is relatively flat and moist native bluestem prairie. Three species of wildflowers are usually present: wood lily (*Lilium philadelphicum*), harebell (*Campanula rotundifolia*), and smooth camas (*Zygadenus elegans*). The second habitat type is upland (dry) prairie that is often on ridges and hillsides. Bluestem grasses and needlegrasses dominate these habitats. On this habitat type, three wildflowers are typically present in high quality sites that are suitable for Dakota skipper: pale purple (*Echinacea pallida*) and upright (*E. angustifolia*) coneflowers and blanketflower (*Gaillardia sp.*). Because of the difficulty of surveying for Dakota skippers and a short survey window, we recommend that the project avoid any impacts to potential Dakota skipper habitat.

For candidate species such as the Sprague's pipit and the Dakota skipper, Federal agencies and non-federal applicants have the option of requesting a conference with the Service to ensure that their actions minimize and mitigate effects to candidate species.

Fish and Wildlife Coordination

According to your email dated April 23, 2012, the Corps may require a Department of the Army permit, for the placement of dredge or fill material into waters of the U.S., or other impacts to navigable waters. We suggest you contact Mr. Daniel Cimarosti, Regulatory Office, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504 (701-255-0015), to determine the Corps' permit requirements. If a 404 or section 10 permit is required, the Service will provide recommendations on this project to the Corps.

Bald and Golden Eagles

The BGEPA prohibits anyone without a permit issued by the Secretary of the Interior from taking bald or golden eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald or golden eagle, alive or dead, or any part, nest, or egg thereof. The Act defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or

is likely to cause, a loss of productivity or nest abandonment.

According to the Service's data, there is a documented bald eagle nest approximately one-mile from the proposed route. There may be additional eagle nests along the proposed project route. The Service recommends that bald and golden eagle nest surveys be conducted prior to any on-the-ground activities. The Service recommends that an aerial nest survey (preferably by helicopter) be conducted within a one-mile-wide evaluation corridor to identify occupied and unoccupied eagle nest sites near the proposed project route and associated facilities. The aerial surveys should include surveys for any proposed new roads. Aerial surveys should be conducted between March 1 and May 15, before leaf-out so that nests are visible.

Aerial surveys should include the following:

1. Due to the ability to hover and facilitate observations of the ground, helicopters are preferred over fixed wing aircraft, although small aircraft may also be used for the eagle nest survey. The Service requests that MDU also report nests of any other raptors found during the survey. Whenever possible, two observers should be used to conduct the surveys. Even experienced observers only find approximately 50 percent of nests on a flight, so we recommend that two flights be performed prior to any on-the-ground work, including other biological surveys or other work.
2. Observations of any eagles nest sites should be recorded using GPS. The date, location, nest condition, activity status, raptor species, and habitat should be recorded for each sighting.
3. We request that you share the qualifications of the biologist(s) conducting the survey, method of survey, and results of the survey with the Service.

Alternatively, MDU could conduct ground surveys to identify bald or golden eagle nests within a one-mile-wide evaluation corridor of the proposed route prior to leaf-out. If a bald or golden eagle nest is observed, the Service recommends that the proposed project be relocated to maintain at least a 0.5 mile buffer from the nest. The Service's May 2007, National Bald Eagle Management Guidelines contains detailed information on protecting bald eagles from disturbance due to human activity. The guidelines can be accessed on the Service's website: (<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>).

Migratory Birds

The MBTA prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the MBTA has no provision for allowing unauthorized take, the Service realizes that some birds may be killed during project construction and operation even if all known reasonable and effective measures to protect birds are used. The Service Office of Law Enforcement carries out

its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and agencies that have taken effective steps to avoid take of migratory birds, and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent, and effective measures to avoid that take. Individuals, companies, and agencies are encouraged to work closely with Service biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

To the extent practicable, schedule construction for late summer or fall/early winter so as not to disrupt migratory birds during the breeding season (February 1 to July 15). If work is proposed to take place during the breeding season, there may be take of migratory birds, their eggs, or active nests. If project construction cannot avoid the nesting season, the Service suggests that the vegetation within the proposed project area be mowed/cleared outside of the nesting season in advance of project initiation to remove potential breeding habitat for nesting migratory birds in the project area. Once cleared, the project area should be maintained in a state that is unsuitable for nesting until the end of the breeding season or until construction is complete. Alternatively, MDU could hire a qualified biologist to conduct bird/nest surveys within 5 days prior to construction. If active nests are identified, MDU should cease construction, maintain a sufficient buffer around active nests to avoid disturbing breeding activities and contact the Service immediately. The Service recommends that MDU implement all practicable measures to avoid all take, such as suspending construction where necessary, and/or maintaining adequate buffers to protect the birds until the young have fledged. The Service further recommends that if you choose to conduct field surveys for nesting birds with the intent of avoiding take, that you maintain any documentation of the presence of migratory birds, eggs, and active nests, along with information regarding the qualifications of the biologist(s) performing the survey(s), and any avoidance measures implemented at the project site. Should surveys or other available information indicate a potential for take of migratory birds, their eggs, or active nests, the Service requests that you contact this office for further coordination on the extent of the impact and the long-term implications of the intended use of the project on migratory bird populations.

Our GIS analysis of the proposed pipeline route shows that it crosses a number of wetlands and native prairie. These habitat types provide important ecological services, including nesting and foraging habitat for migratory birds. Wetlands take at least two to three years for the vegetation to return, and at least this long for full functionality to be recovered. Native prairie can take a decade or more to recover, and even then, the replanted area is not as diverse as the original habitat. Additionally, non-natives which become established when the alignment is disturbed may spread into the adjacent prairie.

To help ameliorate these impacts, the Service suggests that MDU develop a conservation plan

for migratory birds to document and compensate for the impacts associated with the construction, operation, and maintenance of the proposed project. We recommend that the conservation plan include the following: an analysis of the type of habitat impacted, including a table showing how many acres of each type of habitat will be impacted; a discussion of how impacts on native habitat (wetlands, native prairie, woody draws) will be avoided or minimized; a plan to reclaim the native habitat; a monitoring plan to ensure that reclamation is successful and that non-natives do not take over; and a compensation plan for the impacts on native habitat that cannot be avoided. As part of the conservation plan, we recommend that MDU may consider purchasing perpetual grassland easements or perform additional habitat mitigation to ensure that the overall amount and quality of native habitat does not decline as a result of this project. In addition to benefitting migratory birds, the actions in the conservation plan may also benefit the candidate species. Prairie conversion was a major factor in the decision to add the Sprague's pipit and Dakota skipper to the list of candidate species, so efforts to compensate for native prairie habitat loss could also be included as part of the conference on candidate species, if applicable.

In replanting native prairie or other grassland habitat, the Service recommends planting a diverse mixture of native cool and warm season grasses and forbs. Recent research has suggested that a more diverse mix, including numerous forb species, is not only ecologically beneficial but is also more weed resistant, allowing for less intensive management and chemical use. In essence, the more species included in a mixture, the higher the probability of providing competition to resist invasion by non-native plants. The seed source should be as local as possible, preferably collected from the nearby native prairie. We recommend obtaining seed stock from nurseries within 250 miles of the project area to ensure the particular cultivars are well adapted to the local climate. The Natural Resources Conservation Service (NRCS) compiles a list of vendors in North Dakota that supply conservation seed and plants (<http://www.plant-materials.nrcs.usda.gov/pubs/ndpmcmt8152.pdf>). Additional information on native grasses and forbs may be found at the NRCS Bismarck Plant Materials Center (<http://www.plant-materials.nrcs.usda.gov/ndpmc/>).

High Value Habitat Avoidance

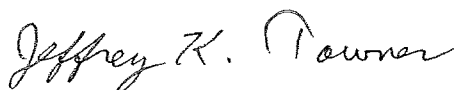
Our review of the National Wetland Inventory (NWI) maps and photographs indicates the proposed planning area includes a number of wetland basins. You may access the NWI data directly through their website (wetlands.fws.gov). The Service recommends that all wetlands and water bodies along the proposed project route, regardless of land ownership, be avoided through re-routing or by directionally drilling under the feature. Construction activities should be conducted in a manner that will avoid/minimize impacts to the existing habitat in the project area. The following recommendations are intended to reduce construction related impacts.

- Make no stream channel alterations or changes in drainage patterns.
- Locate construction to avoid placement of fill in wetlands.

- Replace unavoidable loss of wetland habitat with functionally equivalent wetland
- Install and maintain appropriate erosion control measures to reduce sediment transport to adjacent wetlands and stream channels.

Thank you for the opportunity to comment on this project. If additional information is required, please contact April Simnor of my staff at (701) 250-4481 or at the letterhead address.

Sincerely,



Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

cc: FERC, Washington D.C.
Regulatory Office, Army Corps of Engineers, Bismarck
(Attn: D. Cimarosti)

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December 7, 2011

Mr. Richard Long, Field Manager
Bureau of Reclamation
North Dakota Field Office
304 East Broadway Avenue
Bismarck, ND 58501

Subject: Bureau of Reclamation
Notification of Heskett Station Pipeline Project

Dear Mr. Long:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with notification of the proposed pipeline project. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetek.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in cursive script that reads "David Hennen".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
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December 7, 2011

Mr. Lonny Bagley, Field Manager
Bureau of Land Management
North Dakota Field Office
99 23rd Avenue West, Suite A
Dickinson, ND 58601

Subject: Natural Resources Conservation Service
Notification of Heskett Station Pipeline Project

Dear Mr. Bagley:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcecotech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive style with a large, stylized "D" and "H".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

Dave Hennen

From: Gisvold, Linda R [lgisvold@blm.gov]
Sent: Thursday, December 22, 2011 2:16 PM
To: Dave Hennen
Subject: Notification of Heskett Station Pipeline Project

Hello Mr. Hennen,

Thank you for your letter regarding the above-mentioned project within Morton County, ND.

After reviewing the map of the project area, the Bureau of Land Management does not have any surface management areas impacted by this project. Therefore the Bureau of Land Management has no comments to the identification of opportunities and constraints for the siting of the proposed pipeline.

Thank you for the opportunity to comment.

Linda Gisvold, Realty
NDFO – BLM
99 23rd Avenue West, Suite A
Dickinson, ND 58601
Phone: 701-227-7711

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December 7, 2011

Ms. Mary Podoll, State Conservationist
Natural Resources Conservation Service
220 East Rosser Avenue
Federal Building, Room 270
Bismarck, ND 58501

Subject: Natural Resources Conservation Service
Notification of Heskett Station Pipeline Project

Dear Ms. Podoll:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with notification of the proposed pipeline. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetechn.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive style with a large, stylized "D" and "H".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

December 21, 2011

David Hennen
ProSource Technologies, Inc.
9219 East River Road NW
Minneapolis, MN 55433

RE: Heskett Station Natural Gas Pipeline Project

Dear Mr. Hennen:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated December 7, 2011, concerning the Heskett Station Natural Gas Pipeline Project.

Important Farmlands - NRCS has a major responsibility with Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use when the project utilizes federal funds. It appears your proposed project is not supported by federal funding; therefore, FPPA does not apply and no further action is needed.

Wetlands - The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose of, or to have the effect of, making agricultural production possible, loss of USDA benefits could occur. NRCS has developed the following guidelines for the installation of buried utilities. If these guidelines are followed, the impacts to the wetland(s) will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements: 1) Disturbance to the wetland(s) must be temporary, 2) no drainage of the wetland(s) is allowed (temporary or permanent), 3) mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained, 4) temporary side cast material must be placed in such a manner not to be dispersed in the wetland, and 5) all trenches must be backfilled to the original wetland bottom elevation.

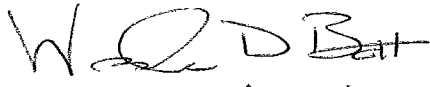


Mr. Hennen
Page 2

NRCS would recommend that impacts to wetlands be avoided. If the alignment of the project requires passage through a wetland, NRCS can complete a certified wetland determination, if requested by the landowner/operator.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, NRCS, Bismarck, North Dakota (701-530-2019).

Sincerely,


ACTING FOR

JEROME M. SCHAAR
State Soil Scientist/MO 7 Leader

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Aaron Krauter, State Executive Director
USDA Farm Service Agency
1025 28th St S
Fargo, ND 58103

Subject: USDA Farm Service Agency
 Notification of Heskett Station Pipeline Project

Dear Mr Krauter:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with notification of the proposed pipeline project. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetek.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive, flowing style.

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map



United States
Department of
Agriculture

Farm
Service
Agency

North Dakota State Office
1025 28th St South
Fargo, ND 58103-2372

Phone: (701) 239-5224
FAX: (701) 239-5061

January 31, 2012

David Hennen
ProSource Technology
9219 East River Road NW
Minneapolis, Mn 55433

Dear Mr. Hennen:

This is in response to your December 7, 2011, letter concerning proposed Heskett Station Natural Gas Pipeline Project.

We have reviewed the proposed route. There is one small Conservation Reserve Program (CRP) contract along the proposed corridor. The contract contains three rows of trees on 3.63 acres. If trees are removed by the installation of the pipeline, the impacted area will be terminated from the CRP contract and refunds will be required from the CRP participant. The 3.63 acres are in the corridor and not near the center line of the route. So, this likely will not be an issue.

FSA Farm Loan Program (FLP) borrowers who have a real estate mortgage in place on the affected land will need FSA consent to transactions that affects the real estate. Not receiving FSA consent could result in the FLP borrower being in non-monetary default, which may result in Foreclosure. Normally, either the FLP customer or the Company will contact the local FSA Farm Loan Manager to determine what forms are needed for FSA approval/consent. The local Farm Loan Manager in Mandan area is Todd Neurohr (701) 667-1163.

Sincerely,

Aaron Krauter
State Executive Director

cc: Morton County FSA

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetechn.com

December 7, 2011

Mr. Jason Renschler, Project Manager
U.S. Army Corps of Engineers
North Dakota Regulatory Office
1513 South 12th Street
Bismarck, North Dakota 58504

Subject: Notification of Heskett Station Pipeline Project

Mr. Renschler:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with notification of the proposed pipeline project. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map. We will be contacting your office regarding permits required for the project.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcectech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in cursive script that reads "David Hennen".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND, 58504-6640
December 16, 2011

REPLY TO
ATTENTION OF

[NWO-2011-2748-BIS]

North Dakota Regulatory Office

ProSource Technologies, Inc.
Attn: Mr. David Hennen
9219 East River Road NW
Minneapolis, Minnesota 55433

Dear Mr. Hennen:

This letter is in reply to your December 7, 2011, letter requesting comments on behalf of Montana-Dakota Utilities concerning the proposed Heskett Station Pipeline Project. The project would consist of a 24-mile, 10-inch natural gas pipeline from the Northern Border line to a proposed Montana-Dakota 88-megawatt power plant. The project would begin near St. Anthony and extend north to the Heskett Station in Mandan, all in Morton County, North Dakota.

The Corps of Engineers regulates work affecting navigable waterways under Section 10 of the Rivers and Harbors Act (10RHA) and the discharge of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act (404CWA).

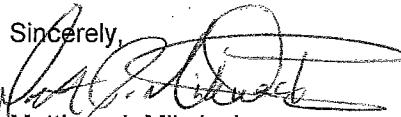
Based upon the information you provided, the project would not involve work affecting navigable waterways subject to 10RHA; however, the identified route and corridor contains numerous stream, rivers and wetlands regulated by the Corps under the auspices of 404CWA. Therefore, prior Department of the Army (DA) authorization is required should the project, including access roads, staging areas, or other associated facilities, require a discharge of dredged or fill material into waters of the United States.

For your convenience and review, we have enclosed a copy of the 2007 Nationwide Permit No. 12 (NWP12) Fact Sheet, which may be applicable to the subject project. This NWP is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs 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 NWPs. Activities authorized under current NWPs that commence or are under contract to commence before the date that the relevant NWP is modified or revoked, would have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the existing terms and conditions of the NWP. We have also enclosed a DA application (ENG FORM 4345), with instructions.

If you have any questions regarding NWPs, our program, or specific issues concerning this project, please do not hesitate to write, at the above address, or call me at (701) 255-0015. Reference Corps Identification No. **NWO-2011-2748-BIS** in all future correspondence concerning this project.

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.

Sincerely,


Matthew J. Mikulecky
Regulatory Project Manager
North Dakota Regulatory Office

Enclosures

**FACT SHEET
NATIONWIDE PERMIT 12
(2007)**

UTILITY LINE ACTIVITIES. Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2 acre of waters of the United States.

Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2 acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the total discharge from a single and complete project does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or

under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP also authorizes temporary structures, fills, and work necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) the activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (Sections 10 and 404)

Note 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters), copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, accordance with the requirements for temporary fills.

Note 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

General Conditions: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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 Corps of Engineers, to remove, relocate, or alter the structural 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.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical

habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address

documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality. *Specifically in North Dakota, the North Dakota Department of Health has denied certification for projects under this Nationwide Permit proposed to cross Class I or Class 1A rivers, or classified lakes; individual certification for project in these waterways must be obtained by the project proponent prior to authorization under this Nationwide Permit. For utility line crossings of all other waters, the Department of Health has issued water quality certification provided the attached Construction and Environmental Disturbance Requirements are followed.*

22. Coastal Zone Management. *Not Applicable.*

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:
"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

26. Compliance Certification. Each permittee who received a NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. *See attached pages.*

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

Further Information

- 1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
- 2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
- 3. NWPs do not grant any property rights or exclusive privileges.
- 4. NWPs do not authorize any injury to the property or rights of others.
- 5. NWPs do not authorize interference with any existing or proposed Federal project.

General Condition 27. Pre-Construction Notification.

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) Forty five calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

**2007 NATIONWIDE PERMITS
REGIONAL CONDITIONS
STATE OF NORTH DAKOTA
OMAHA DISTRICT – CORPS OF ENGINEERS**

The U.S. Army Corps of Engineers has adopted the following regional conditions for activities authorized by nationwide permits within the State of North Dakota. However, the pre-construction notification requirements defined below are not applicable to Nationwide Permit 47.

1. Wetlands Classified as Fens

All Nationwide Permits, with the exception of 3, 5, 20, 32, 38, 45, and 47, are revoked for use in fens in North Dakota. For nationwide permits 3, 5, 20, 32, 38, and 45 permittees must notify the Corps in accordance with General Condition 27 (Notification) prior to initiating any regulated activity impacting fens in North Dakota.

Fens are wetlands that develop where a relatively constant supply of ground water to the plant rooting zone maintains saturated conditions most of the time. The water chemistry of fens reflects the mineralogy of the surrounding and underlying soils and geological materials. The substrate is carbon-accumulating, ranging from muck to peat to carbonates. These wetlands may be acidic to alkaline, have pH ranging from 3.5 to 8.4 and support a range of vegetation types. Fens may occur on slopes, in depressions, or on flats (i.e., in different hydrogeomorphic classes; after: Brinson 1993).

2. Waters Adjacent to Natural Springs

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 27 (Notification) for regulated activities located within 100 feet of the water source in natural spring areas in North Dakota. For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

3. Missouri River, including Lake Sakakawea and Lake Oahe within the State of North Dakota

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 27 (Notification) prior to initiating any regulated activity in the Missouri River, including Lake Sakakawea and Lake Oahe, within the State of North Dakota.

4. Historic Properties

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(s) to complete the work authorized herein, shall cease work 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. Work shall not resume until the permittee is notified by the North Dakota Regulatory Office.

5. Spawning Condition

That no regulated activity within waters of the United States listed as Class III or higher on the 1978 Stream Evaluation Map for the State of North Dakota or on the North Dakota Game and Fish Department's website as a North Dakota Public Fishing Water shall occur between 15 April and 1 June. No regulated activity within the Red River of the North shall occur between 15 April and 1 July.

Additional Information

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:
<https://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-0003
EXPIRES: 31 August 2012

Public reporting burden for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This Information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO. 2. FIELD OFFICE CODE 3. DATE RECEIVED 4. DATE APPLICATION COMPLETE

AWO-2011-2748-BIS

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME:

First - Middle - Last -
Company -
E-mail Address -

8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)

First - Middle - Last -
Company -
E-mail Address -

6. APPLICANT'S ADDRESS:

Address -
City - State - Zip - Country -

9. AGENT'S ADDRESS

Address -
City - State - Zip - Country -

7. APPLICANT'S PHONE NOS. W/AREA CODE

a. Residence b. Business c. Fax

10. AGENT'S PHONE NOS. W/AREA CODE

a. Residence b. Business c. Fax

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATERBODY, IF KNOWN (if applicable)

14. PROJECT STREET ADDRESS (if applicable)

Address

15. LOCATION OF PROJECT

Latitude: °N
Longitude: °W

City - State - Zip -

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID Municipality
Section - Township - Range -

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
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22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres

Or

Liner Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? Yes ☐ No ☐ IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

Address —

City —

State —

Zip —

26. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY

TYPE APPROVAL*

IDENTIFICATION NUMBER

DATE APPLIED

DATE APPROVED

DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Instructions for Preparing a
Department of the Army Permit Application**

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the latitude and longitude of where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality that the site is located in.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Description of Avoidance, Minimization, and Compensation. Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

Block 24. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 25. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 26. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 27. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**

*****IMPORTANT INFORMATION FOR A COMPLETE APPLICATION*****

BORROW SITE & MATERIAL SOURCES: Regulations at 33 CFR 325.1(d)(4) requires that permit applications involving the discharge of dredged or fill material into Water of the US include the source and/or location of the material (commonly referred to as "borrow site"). The applicant is responsible for ensuring that the Corps is notified of the location of any borrow site that will be used in conjunction with the construction of the authorized activity so that the Corps may evaluate the site for potential impacts to aquatic resources, historic properties, and endangered species. PLEASE PROVIDE THE SOURCE AND/OR LOCATION OF MATERIAL SOURCES with your application.

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Merlan E. Paaverud, Jr., Director
State Historical Society of North Dakota
612 East Boulevard Ave.
Bismarck, North Dakota 58505

Subject: State Historical Society of North Dakota
Notification and Regulatory Review
Heskett Station Pipeline Project

Dear Mr. Paaverud:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetek.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Jack Dalrymple
Governor of North Dakota

North Dakota
State Historical Board

Gereld Gerntholz
Valley City - President

Calvin Grinnell
New Town - Vice President

A. Ruric Todd III
Jamestown - Secretary

Albert I. Berger
Grand Forks

Diane K. Larson
Bismarck

Chester E. Nelson, Jr.
Bismarck

Margaret Puetz
Bismarck

Sara Otte Coleman
Director
Tourism Division

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Mark Zimmerman
Director
Parks and Recreation
Department

Francis Ziegler
Director
Department of Transportation

Merlan E. Paaverud, Jr.
Director

Accredited by the
American Association
of Museums since 1986

December 12, 2011

Mr. David Hennen
Director of Environmental Services
Prosource Technologies, Inc.
9219 East River Road NW
Minneapolis, MN 55433

ND SHPO REF: 12-0025 PSC/Montana-Dakota Utilities Company Heskett Station
Natural Gas Pipeline Project Morton County, North Dakota

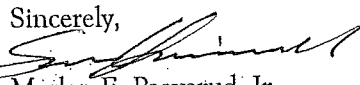
Dear Mr. Hennen,

We reviewed your preliminary information on ND SHPO REF: 12-0025 PSC/Montana-Dakota Utilities Company - Heskett Station Natural Gas Pipeline Project Morton County, North Dakota. There is potential for unrecorded and recorded cultural resource properties in a variety of physiographic settings in the overall project area. If the project requires permits issued by a federal and/or state agency (e.g., WAPA, RUS, COE, USFWS, BOR) then the respective agencies are to be consulted regarding their recommendations on the project. As a potential federal undertaking, we encourage agency consultation as part of the review process. Consultation should also include tribal nations, North Dakota Indian Affairs, ND DOT regarding any Scenic Byways, and managers or owners of properties maintained for recreational or scenic value.

We recommend a Class I Cultural Resource Inventory (file and records search with project maps) submittal. Then a Class III (pedestrian) surveys will be warranted for all areas directly impacted by the project. We encourage that tribal monitors be invited to survey the APE. As part of the Class III Inventory, NDCRS site updates should be submitted on all sites resurveyed.

Thank you for the opportunity to review this project to date. We look forward to further review of cultural resource surveys and site forms. If you have any questions please contact Paul Picha, Chief Archaeologist (701) 328-3574 or Susan Quinnell, Review and Compliance Coordinator at (701) 328-3576, e-mail squinnell@nd.gov

Sincerely,


Merlan E. Paaverud, Jr.

State Historic Preservation Officer (North Dakota) and
Director, State Historical Society of North Dakota

C: Patrick Fahn, PSC

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Honorable Jack Dalrymple, Governor
Office of the Governor of North Dakota
600 East Boulevard Avenue
Bismarck, ND 58505-0001

Subject: Office of the Governor of North Dakota
Notification of Heskett Station Pipeline Project

Dear Governor Dalrymple:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcectech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive, flowing style.

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Todd Sando, P. E., State Engineer
North Dakota State Water Commission
900 East Boulevard Avenue, Dept 770
Bismarck, ND 58505-0850

Subject: North Dakota State Water Commission
Regulatory and Environmental Review
Heskett Station Pipeline Project

Dear Mr. Sando:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is fluid and cursive, with the first name "David" and last name "Hennen" clearly legible.

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

March 26, 2012

David Hennen
ProSource Technologies, Inc.
9219 East River Road NW
Minneapolis, MN 55433

Dear Mr. Hennen:

This is in response to your request for review of environmental impacts associated with the Heskett Station Pipeline Project located in Morton County, ND.

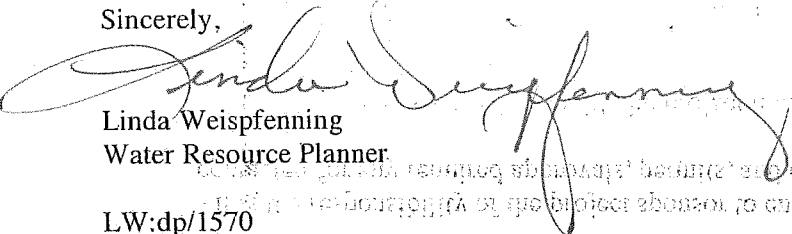
The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- There is a floodplain identified and/or mapped where this proposed improvements are to take place. The area is designated as Zone AE. North Dakota has no formal "permitting" authority as a state entity in NFIP identified floodplain areas. The permitting is always done by the local entity, which has jurisdiction in the area of question. Please contact your Floodplain Administrator, Mike Aubel, 2913 37th Street NW, Mandan, ND 58554, 701-667-3346.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4967.

Sincerely,


Linda Weispfenning
Water Resource Planner

LW:dp/1570

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 2, 2011

Mr. Roger Zetocha, Chair
North Dakota State Soil Conservation Committee
12069 79th Street SE
Stirum, ND 58069

Subject: North Dakota State Soil Conservation Committee
Notification of Heskett Station Pipeline Project

Dear Mr. Zetocha:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcecotech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities
Dave Yexley, Montana-Dakota Utilities

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Lance Gaebe, State Land Commissioner
North Dakota State Land Department
1707 North 9th Street
PO Box 5523
Bismarck, ND 58506-5523

Subject: North Dakota State Land Department
Regulatory and Environmental Review
Heskett Station Pipeline Project

Dear Mr. Gaebe:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

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Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetek.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in cursive script that reads "David Hennen".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

Tom Nickel

Subject: FW: Heskett Station Pipeline Project - Morton County

From: Haupt, Michael L. [<mailto:mhaupt@nd.gov>]

Sent: Thursday, December 15, 2011 2:29 PM

To: Dave Hennen

Subject: Heskett Station Pipeline Project - Morton County

David,

Good afternoon! The North Dakota School Trust does not own surface within the proposed pipeline project to the Heskett Station. Let me know if you have any questions. Thanks.

Michael L. Haupt

Land Management Professional, CPRM
North Dakota Department of Trust lands
PO Box 5523, Bismarck ND 58506-5523
701-328-1916
mhaupt@nd.gov

Note: You can track the real time status of your right-of-way application 24/7 at <http://www.land.nd.gov/surface/row/> using either the ROW number or by entering at least the first three letters of the company name. By checking this site you can find the name, telephone number and email address of the person working on the application as well as its current status in real time.



MONTANA-DAKOTA

UTILITIES CO.

A Division of MDU Resources Group, Inc.

400 North Fourth Street
Bismarck, ND 58501
(701) 222-7900

October 24, 2011

Executive Secretary
ND Public Service Commission
State Capitol Building
Bismarck, ND 58505

Re: Notice of Intent to Construct a
Natural Gas Pipeline to serve
Proposed 88 MW Simple Cycle
Combustion Turbine
Case No. PU-11-_____

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota) submits this Letter of Intent to file an Application for a Certificate of Corridor Compatibility and Route Permit in accordance with North Dakota Century Code (NDCC) Section 49-22-07.1 and North Dakota Administrative Code (NDAC) Chapter 69-06-03-01 for a 10-inch natural gas pipeline. The proposed pipeline is required to transport natural gas to Montana-Dakota's proposed 88 MW Simple Cycle Combustion Turbine (Turbine) to be located near the Company's Heskett Generating Station north of Mandan, North Dakota.

Montana-Dakota is requesting that the Commission waive, pursuant to NDCC Section 49-22-07.2 and NDAC Chapter 69-06-03-01, the requirement to file the Letter of Intent at least one year prior to the filing of an application for a certificate, as Montana-Dakota anticipates that the siting application will be filed in the first quarter of 2012. Due to the long lead time in the construction of the pipeline necessary to fuel the Turbine, Montana-Dakota requires a waiver in order to complete the pipeline facilities installed by late 2013.

Montana-Dakota is also herewith requesting a waiver of the procedures and time schedules set forth in NDCC Section 49-22 and NDAC Chapters 69-06-04 and 69-06-05 to allow a combined Application for a Certificate of Corridor Compatibility and Route Permit. This waiver is required to meet the project milestones provided in Attachment B and the in-service date for the Turbine.

As required by NDAC Chapter 69-06-03-02, Montana-Dakota provides the following information regarding the proposed pipeline project:

1. Description of the size and type of facility, and the area to be served.

Montana-Dakota is planning to construct approximately 24 miles of 10-inch diameter natural gas pipeline to supply the natural gas requirements for the Turbine. The pipeline will originate at a new town border station to be installed on Northern Border Pipeline Company's system near St. Anthony, North Dakota. The pipeline will terminate at the Turbine site. The pipeline will be a 10-inch diameter, steel pipeline with a maximum allowable operating pressure of 1,440 psig.

2. Map of the study area for the proposed site.

Please see Attachment A for the map of the proposed route corridor.

3. Anticipated construction and operation schedule.

Montana-Dakota plans to commence construction of the Project during the second quarter of 2013 with an expected completion date by the end of the 4th quarter of 2013. A more detailed timeline is included as Attachment B.

4. Estimate of the total cost of construction.

The estimated cost of the Pipeline, excluding Allowance for Funds Used During Construction (AFUDC), is \$18.4 million.

Please refer all inquiries regarding this filing to:

Ms. Tamie Aberle
Regulatory Affairs Manager
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58501

Also, please send copies of all written inquiries, correspondence and pleadings to:

Mr. Daniel S. Kuntz
Associate General Counsel
MDU Resources Group, Inc.
P.O. Box 5650
Bismarck, ND 58506-5650

The original and ten (10) copies of this Letter of Intent are hereby filed with the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamie A. Aberle". The signature is fluid and cursive, with the first name "Tamie" being more prominent.

Tamie A. Aberle
Regulatory Affairs Manager

Attachments

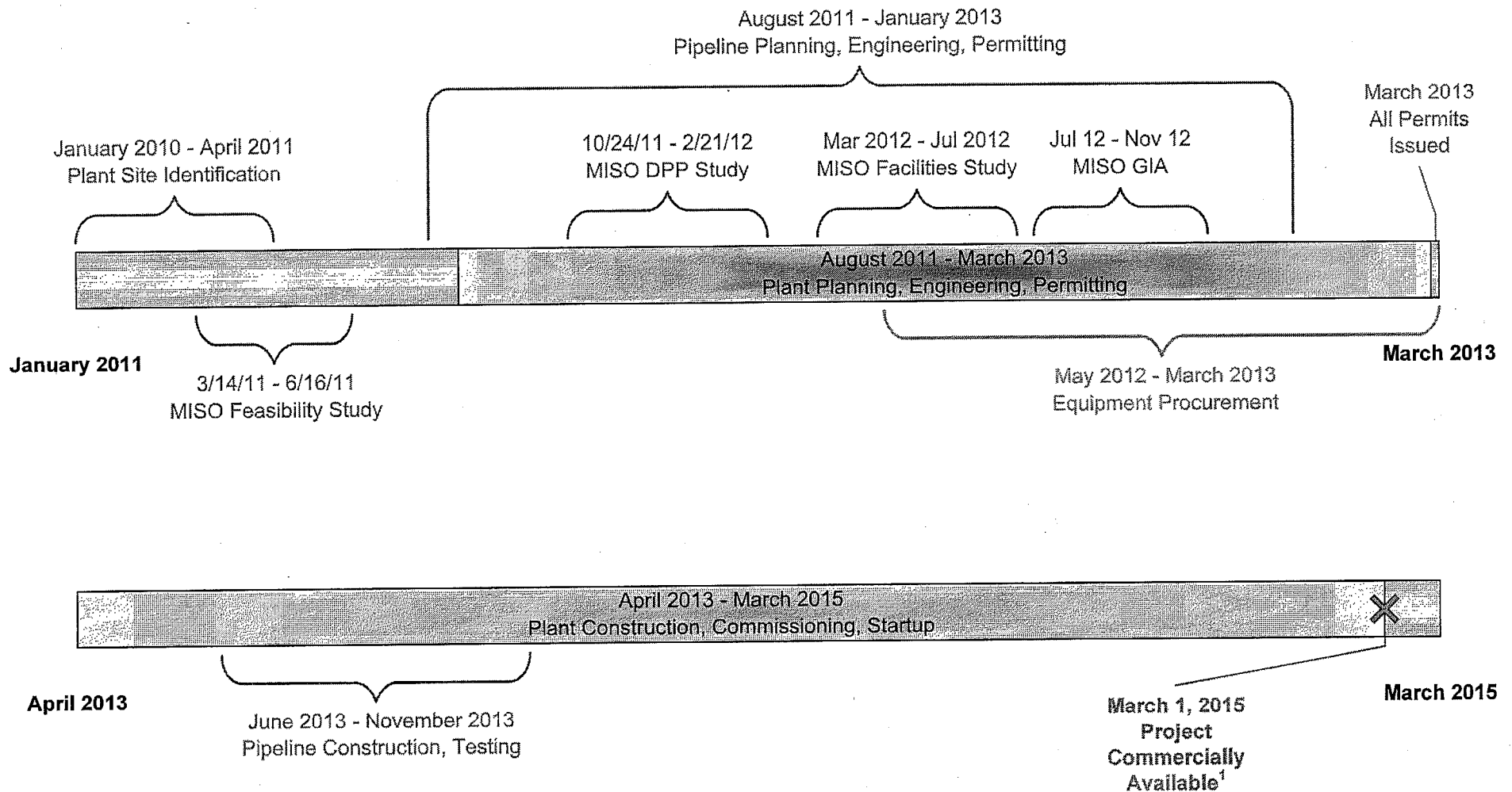


LEGEND



Montana-Dakota Utilities Co.

EXHIBIT B
TIMELINE & MILESTONES FOR A PROPOSED NATURAL
GAS SIMPLE CYCLE COMBUSTION TURBINE NEAR THE
R.M. HESKETT STATION NORTH OF MANDAN, ND



¹ Commercially Available means the plant has achieved initial commercial production at 100% of rated capacity.

The timeline and milestones are preliminary and subject to change during detailed engineering.



9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Mark Zimmerman, Director
North Dakota Parks and Recreation Department
1600 E. Century Avenue, Suite 3
Bismarck, ND 58503-0649

Subject: North Dakota Parks and Recreation Department
Regulatory and Environmental Review
Heskett Station Pipeline Project

Dear Mr. Zimmerman:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcecotech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map



Jack Dalrymple, Governor
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

December 23, 2011

ProSource
David Hennen
9219 East River Road NW
Minneapolis, MN 55433

Re: Heskett Station Pipeline Project

Dear Mr. Sheeley,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposed pipeline project that will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline northwest of the City of St. Anthony, North Dakota.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or state Land and Water Conservation Fund (LWCF) project sites that we manage. The Department is also responsible for coordinating the ND's Scenic Byways and Backways Program. This proposed project is along the Old Red/Old Ten Scenic Byway and as such we recommend any project development be completed with the least amount of or no visual impact to the immediate and distant views from the above mentioned Backways/Byways. Please contact Jessica Riepl (701-328-5364 or jriepl@nd.gov) if additional Byways and Backways information is needed.

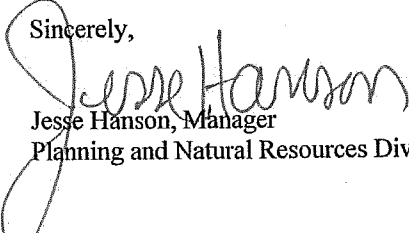
The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, several plants, animal and significant ecological community occurrences have been identified within or adjacent to the project areas. Please see the attached spreadsheet and maps for more specific information on these species. We defer further comments regarding animal species to the North Dakota Game and Fish Department and the United States Fish and Wildlife Service.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

It is our policy to charge out-of-state requests for data services including data retrieval, data analysis, manual and computer searches, packaging and collection of data. An invoice for services provided has been enclosed

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@nd.gov) of our staff. Thank you for the opportunity to comment on this proposed project.

Sincerely,

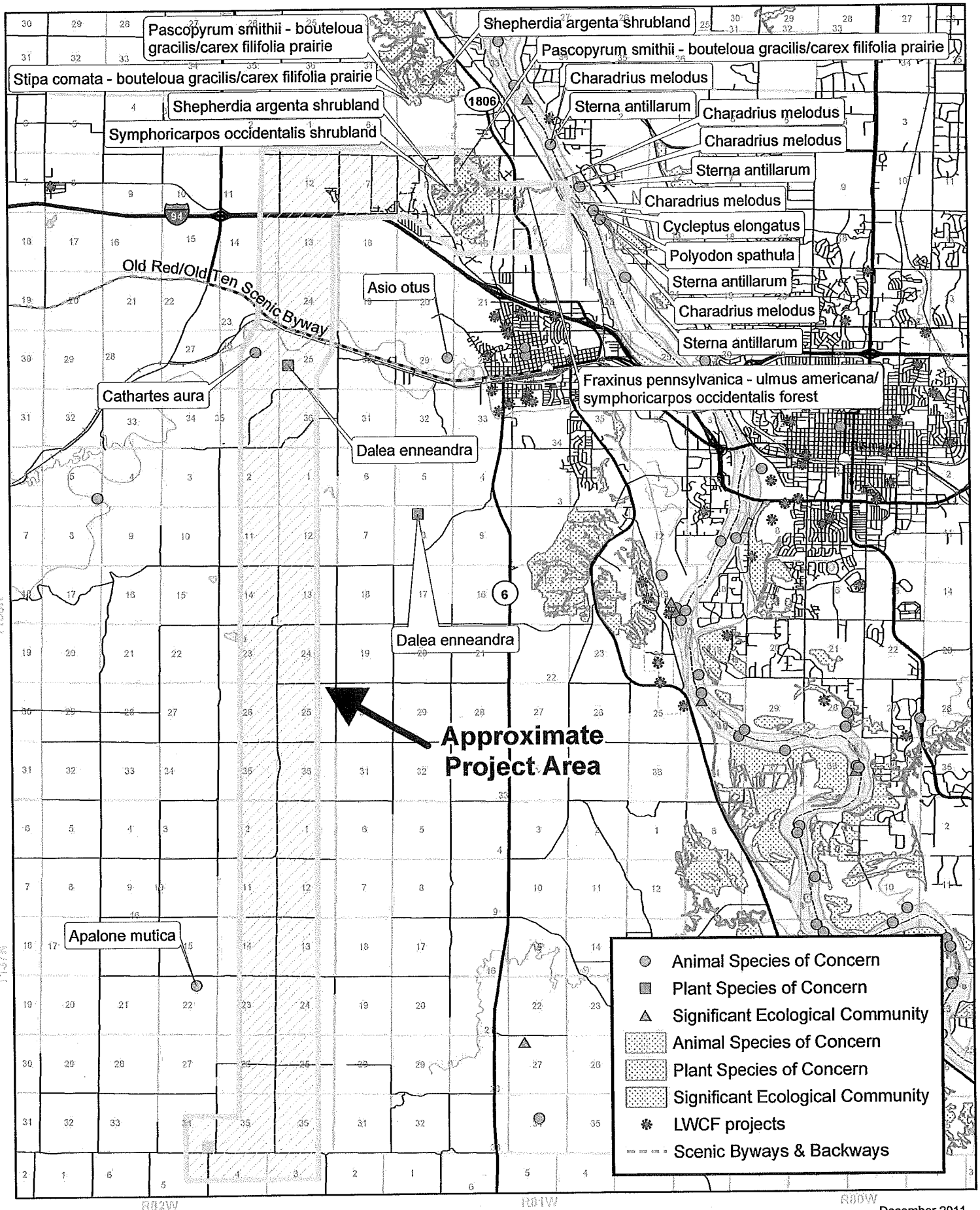

Jesse Hanson, Manager
Planning and Natural Resources Division

R.USNDNHI*2011-262KD12/20/2011DL12/23/2011

.....
Play in our backyard!

North Dakota Parks and Recreation Department

North Dakota Natural Heritage Inventory



North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision	
Apalone mutica	Smooth Softshell Turtle	SU	G5		137N082W - 22; 137N082W - 28; 137N082W - 16; 137N082W - 14; 137N082W - 15; 137N082W - 26; 137N082W - 27; 137N082W - 21; 137N082W - 23; 137N082W - 11; 137N082W - 10	Morton	1976-06		M	
Asio otus	Long-eared Owl	SU	G5		139N081W - 29; 140N081W - 33; 139N081W - 10; 139N081W - 21; 138N081W - 17; 138N081W - 19; 139N081W - 02; 139N081W - 13; 138N081W - 05; 138N082W - 13; 139N082W - 35; 138N082W - 01; 138N082W - 10; 140N081W - 34; 139N081W - 19; 139N082W - 27; 139N082W - 14;	Burleigh, Morton	1928-06-12		G	
Cathartes aura	Turkey Vulture	S4	G5		139N082W - 26; 138N081W - 03; 139N081W - 34; 139N083W - 36; 139N082W - 25; 138N082W - 09; 138N081W - 05; 140N082W - 35; 139N082W - 24; 138N082W - 08; 139N082W - 33; 139N081W - 04; 139N082W - 05; 139N081W - 15; 139N081W - 22; 138N081W - 06; 139N081W - 33	Morton	1971-08-26		G	
Charadrius melodus	Piping Plover	S1S2	G3	LE, LT	139N081W - 03; 139N081W - 10	Burleigh, Morton	1991	High		S
Charadrius melodus	Piping Plover	S1S2	G3	LE, LT	139N081W - 10	Morton	2003-05-28	Medium		S
Charadrius melodus	Piping Plover	S1S2	G3	LE, LT	139N081W - 10	Morton	2003-06-09	Medium		
Charadrius melodus	Piping Plover	S1S2	G3	LE, LT	139N081W - 10	Burleigh, Morton	2002-06-11	Medium		
Charadrius melodus	Piping Plover	S1S2	G3	LE, LT	139N081W - 14	Burleigh	1999-06-22	Medium		S
Cycleptus elongatus	Blue Sucker	S3	G3G4		139N081W - 14	Burleigh	1994-08-17			S
Dalea enneandra	Nine-anthered Dalea	S2S3	G5		138N081W - 08; 138N081W - 03; 139N081W - 34; 138N081W - 18; 139N082W - 25; 138N081W - 12; 139N082W - 34; 138N081W - 26; 138N082W - 36; 139N082W - 24; 138N080W - 06; 138N081W - 09; 139N082W - 33; 138N080W - 19; 138N082W - 26; 139N082W - 14; 138N081W - 23	Burleigh, Morton	1920-06-22			G

North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

Estimated Representation Accuracy

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

Precision

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Scott J. Davis, Executive Director
North Dakota Indian Affairs Commission
600 East Boulevard Ave.
1st Floor, Judicial Wing - Room #117
Bismarck, North Dakota 58505

Subject: North Dakota Indian Affairs Commission
Notification and Regulatory Review
Heskett Station Pipeline Project

Dear Mr. Davis:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcecotech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in cursive script that reads "David Hennen".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Lynn D. Helms, Director
North Dakota Geological Survey
1016 E. Calgary Avenue
Bismarck ND 58503

Subject: North Dakota Geological Survey
Notification of Heskett Station Pipeline Project

Dear Mr. Helms:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcecotech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in cursive script that reads "David Hennen".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 8, 2011

Mr. Terry Steinwand, Director
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

Subject: North Dakota Game and Fish Department
Regulatory and Environmental Review
Heskett Station Pipeline Project

Dear Mr. Steinwand:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcecotech.com or call me at 763-786-1445.

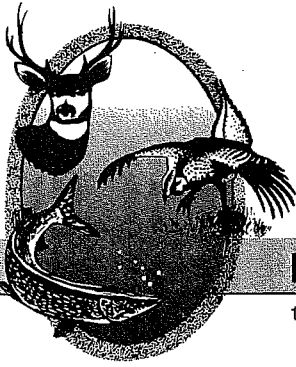
Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

January 25, 2012

David Hennen
Director of Environmental Services
ProSource Technologies, Inc.
9219 East River Road NW
Minneapolis, MN 55433

Dear Mr. Hennen:

RE: Heskett Station Pipeline Project

Montana-Dakota Utilities Co. is proposing to construct approximately 24 miles of 10-inch diameter natural gas pipeline from the Northern Border interstate transmission pipeline to the proposed Heskett Station facilities in Morton County, North Dakota.

The Heart River and South Branch Little Heart River, both Classified fisheries, are located within the proposed pipeline route corridor. We recommend these streams be crossed by directional boring to protect the resource. If this method is not feasible, construction should not take place within the waterway between April 15 and June 1, and controls should be implemented to minimize erosion and sedimentation.

The National Wetland Inventory indicates various wetlands within the proposed project corridor. Steps should be taken to protect any wetlands that cannot be avoided, no alterations should be made to existing drainage patterns, and above-ground appurtenances should not be placed in wetland areas. We also suggest the US Army Corps of Engineers' North Dakota Regulatory Office be contacted for permit requirements under Section 404 of the Clean Water Act.

We do not believe this project will have any significant adverse effects on wildlife or wildlife habitat provided these recommendations are implemented as appropriate and disturbed areas are reclaimed to pre-project conditions.

Sincerely,

Greg Link

Chief

Conservation & Communication Division

js

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Paul Lucy, Director
North Dakota Economic Development Commission
Division of Economic Development & Finance
P.O. Box 2057
Bismarck, North Dakota 58502-2057

Subject: North Dakota Economic Development Commission
Notification of Heskett Station Pipeline Project

Dear Mr. Lucy:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Environmental • Right of Way • Engineering • Surveying

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetechn.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
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Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Francis G. Ziegler, P.E., Director
North Dakota Department of Transportation
608 East Boulevard Ave.
Bismarck, North Dakota 58505

Subject: North Dakota Department of Transportation
Notification and Regulatory Review
Heskett Station Pipeline Project

Dear Mr. Ziegler:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive, flowing style.

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

Jack Dalrymple
Governor

January 3, 2012

David Hennen
Director of Environmental Services
ProSource
9219 East River Road NW
Minneapolis, MN 55433

ROUTE SITING APPLICATION TO CONSTRUCT, OPERATE, AND MAINTAIN
PROPOSED PIPELINE FOR THE HESKETT STATION PIPELINE PROJECT, MORTON,
COUNTY, NORTH DAKOTA

We have reviewed your December 7, 2011, letter.

This project should have no adverse effect on the North Dakota Department of Transportation (NDDOT) highways; however, in addition to NDDOT, Federal Highway Administration (FHWA) concurrence will also be required on I-94 right of way.

Additionally, if because of this project any work needs to be done on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Kevin Levi at 701-328-6955.

A handwritten signature in cursive script that reads "Robert Fode".

ROBERT A. FODE, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/raff/js

c: Kevin Levi, Bismarck District Engineer

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 2, 2011

Mr. Tony Weiler, Commissioner of Labor
North Dakota Department of Labor
600 East Boulevard Avenue, Dept 406
Bismarck ND 58505-0340

Subject: North Dakota Department of Labor
Notification of Heskett Station Pipeline Project

Dear Mr. Weiler:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcecotech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities
Dave Yexley, Montana-Dakota Utilities

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetechn.com

December 2, 2011

Ms. Carol K. Olson, Executive Director
North Dakota Department of Human Services
600 East Boulevard Avenue, Dept 325
Bismarck N.D. 58505-0250

Subject: North Dakota Department of Human Services
Notification of Heskett Station Pipeline Project

Dear Ms. Olson:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities
Dave Yexley, Montana-Dakota Utilities

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Dave Glatt, Environmental Health Section Chief
North Dakota Department of Health
Environmental Health Section
918 East Divide Avenue
Bismarck, ND 58501-1947

Subject: North Dakota Department of Health
Notification and Regulatory Review
Heskett Station Pipeline Project

Dear Mr. Glatt:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcectech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in cursive script that reads "David Hennen".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



December 19, 2011

Mr. David Hennen
Director of Environmental Services
ProSource Technologies, Inc.
9219 East River Road NW
Minneapolis, MN 55433

Re: MDU Heskett Station Pipeline Project, Morton County

Dear Mr. Hennen:

This department has reviewed the information concerning the above-referenced project submitted under date of December 7, 2011, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Projects involving temporary dewatering or hydrostatic testing are required to have a permit to discharge. Further information on the storm water permit and temporary dewatering and hydrostatic testing permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210

Mr. Hennen

2.

December 19, 2011

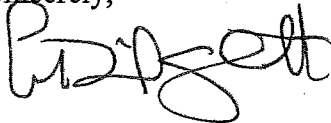
recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "L. David Glatt", written in a cursive style.

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



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.

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Paul Govig, Director
North Dakota Department of Commerce
Division of Community Services
1600 E. Century Avenue, Suite 2
P.O. Box 2057
Bismarck, ND 58502-2057

Subject: North Dakota Department of Commerce
Notification of Heskett Station Pipeline Project

Dear Mr. Govig:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in cursive script that reads "David Hennen".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Wayne Kutzer, Director and Executive Officer
North Dakota Department of Career and Technical Education
State Capitol 15th Floor
600 East Boulevard Avenue, Dept. 270
Bismarck, ND 58505-0610

Subject: North Dakota Department of Career and Technical Education
Notification of Heskett Station Pipeline Project

Dear Mr. Kutzer:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

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Minneapolis, MN 55433
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December 7, 2011

Mr. Doug Goehring, Agriculture Commissioner
Department of Agriculture
600 E Boulevard Avenue, Dept 602
Bismarck, ND 58505-0020

Subject: North Dakota Department of Agriculture
Notification of Heskett Station Pipeline Project

Dear Mr. Goehring:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive, flowing style.

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

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Minneapolis, MN 55433
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December 7, 2011

Mr. Wayne Steneheim, Attorney General
State Capitol
600 E. Boulevard Avenue, Dept. 125
Bismarck, ND 58505

Subject: Attorney General
Notification and Regulatory Review
Heskett Station Pipeline Project

Dear Mr. Steneheim:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in cursive script that reads "David Hennen".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
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www.prosourcetech.com

December 2, 2011

Mr. Larry Taborsky, Director
North Dakota Aeronautics Commission
PO Box 5020
Bismarck, ND 58502-5020

Subject: North Dakota Aeronautics Commission
Notification of Heskett Station Pipeline Project

Dear Mr. Taborsky:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Environmental • Right of Way • Engineering • Surveying

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcectech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities
Dave Yexley, Montana-Dakota Utilities

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. John Schafer, Chairman
County Planning and Zoning Commission
210 2nd Avenue NW
Mandan, ND 58554

Subject: Planning and Zoning Commission
Notification of Heskett Station Pipeline Project

Dear Mr. Schafer:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with notification of the proposed pipeline project. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcecotech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive, flowing style.

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Michael Aubol, P.E.
Morton County Highway Department
2916 37th St. NW
Mandan, ND 58554

Subject: Morton County Highway Department
Notification of Heskett Station Pipeline Project

Dear Mr. Aubol:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with notification of the proposed pipeline project. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map. We will be contacting your office regarding permits required for the project.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Ms. Tammy Lapp-Harris
Office of Emergency Management
210 2nd Avenue NW
Mandan, ND 58554

Subject: Office of Emergency Management
Notification of Heskett Station Pipeline Project

Dear Ms. Lapp-Harris:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with notification of the proposed pipeline project. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive, flowing style.

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Bruce Strinden, Chairman
Morton County Commission
210 2nd Avenue NW
Mandan, ND 58554

Subject: Morton County Commission
Notification of Heskett Station Pipeline Project

Dear Mr. Strinden:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive, flowing style.

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 2, 2011

Ms. Maren Daley, Executive Director
Job Service North Dakota
PO Box 5507
Bismarck, ND 58506-5507

Subject: Job Service North Dakota
Notification of Heskett Station Pipeline Project

Dear Ms. Daley:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with the required notification of the proposed pipeline project as specified under North Dakota Administrative Code Article 69-06-01-05. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.



David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities
Dave Yexley, Montana-Dakota Utilities

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Richard Barta, Manager
City of Mandan Assessing & Building Inspection
205 Second Avenue NW
Mandan, ND 58554

Subject: Assessing & Building Inspection
Notification of Heskett Station Pipeline Project

Dear Mr. Barta:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcectech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive, flowing style.

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Jeff Wright, Director of Public Works
City of Mandan Public Works Department
411 6th Ave SW
Mandan, ND 58554

Subject: Public Works Department
Notification of Heskett Station Pipeline Project

Dear Mr. Wright:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

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Sincerely,
ProSource Technologies, Inc.

A handwritten signature in black ink that reads "David Hennen". The signature is written in a cursive style with a large, stylized "D" and "H".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map

9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030
www.prosourcetech.com

December 7, 2011

Mr. Dave Bechtel, Engineering Project Manager
City of Mandan Engineering and Planning Department
205 Second Avenue NW
Mandan, ND 58554

Subject: Engineering and Planning Department
Notification of Heskett Station Pipeline Project

Dear Mr. Bechtel:

ProSource Technologies, Inc. (ProSource), a right-of-way and environmental consulting firm, has been retained by Montana-Dakota Utilities Co. (Montana-Dakota) to assist with the regulatory and environmental permitting and easement acquisition for the proposed Heskett Station Natural Gas Pipeline Project. A route siting application to construct, operate and maintain the proposed pipeline will be filed with the North Dakota Public Service Commission in accordance with requirements set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code.

The purpose of this communication is to provide your office with notification of the proposed pipeline project. **We are also seeking comments and supporting information for the proposed route corridor that would help identify opportunities and constraints for the siting of the proposed pipeline.** The proposed route corridor is depicted on the attached map.

The pipeline will provide the required natural gas to power the proposed Montana-Dakota 88-megawatt power plant to be located adjacent to the existing Montana-Dakota Heskett Generating Station power plant approximately two miles north of Mandan.

The proposed Heskett Station Pipeline will traverse south to north through Morton County connecting the proposed Heskett Station facilities with the Northern Border interstate transmission pipeline at a point approximately four miles northwest of the City of St. Anthony. The pipeline will be approximately 24 miles long and will be installed across primarily private property that is predominantly agricultural land. The proposed pipeline will be 10 inches in diameter and will be constructed in compliance with applicable Federal, State, and local regulations. The proposed pipeline will be owned and operated by Montana-Dakota.

Please provide any comments by February 1, 2012, to allow for the evaluation of the information prior to the submittal of the pipeline siting application. Please contact me at the above address or at dhennen@prosourcetech.com or call me at 763-786-1445.

Sincerely,
ProSource Technologies, Inc.

A handwritten signature in cursive script that reads "David Hennen".

David Hennen
Director of Environmental Services

cc: Tamie Aberle, Montana-Dakota Utilities Co.
Dave Yexley, Montana-Dakota Utilities Co.

Attachment: Topographic Project Location Map