



MONTANA-DAKOTA

UTILITIES CO.

A Division of MDU Resources Group, Inc.

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

July 31, 2013

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

Re: Montana-Dakota Utilities Co.'s
Application for a Certificate of Site
Compatibility and Energy
Transmission Facility Route Permit
for Natural Gas Pipeline to serve the
88 MW Natural Gas Simple Cycle
Combustion Turbine in Morton
County, North Dakota

Case No. PU-11-680

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota) herewith submits the outstanding information in regard to the pending Application for a Certificate of Site Compatibility and Energy Transmission Facility Route Permit for a Natural Gas Pipeline to serve the 88 MW Natural Gas Simple Cycle Combustion Turbine in Morton County, North Dakota.

The following is attached hereto:

- Attachment A-- Late Filed Exhibit MDU-13. As requested at the May 3, 2013 hearing, Montana-Dakota is providing the following information as its late filed exhibit (MDU-13).
 - Morton County Road Crossing permits
 - Permit issued by the State of North Dakota for the pipe to be installed beneath the Heart River via horizontal drilling.
 - State Historical Society of North Dakota's concurrence letter in regard to the pipeline reroute on the north part of the project as set forth in Exhibit MDU-4.

- Attachment B-- Proposed Findings of Fact, Conclusions of Law and Order

Montana-Dakota also notifies the Commission that it has requested a final determination from the U.S. Army Corps of Engineers (Corp of Engineers) that a permit

MONTANA-DAKOTA UTILITIES CO.

under Section 404 of the Clean Water Act will not be required for the Heskett pipeline because Montana-Dakota will be using the horizontal directional drill method to install the pipeline underneath nine wetland sites deemed, on preliminary basis, to be jurisdictional waters of the United States by the Corp of Engineers. This installation method will cause no impacts to the jurisdictional wetlands and therefor a Section 404 Clean Water Act permit is not required.

Montana-Dakota requests that the Commission consider the Draft Findings of Fact, Conclusions of Law and Order provided as Attachment B and issue a Certificate of Site Compatibility and Energy Transmission Facility Route Permit for the pipeline serving the Heskett III station.

Sincerely,



Tamie A. Aberle
Director of Regulatory Affairs

Attachment

Cc: Mr. Daniel S. Kuntz

Mitchell D. Armstrong (ND. ID # 05892)
Special Assistant Attorney General
P.O. Box 460
Bismarck, ND 58502-0460

Attachment A

11-19-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: County Road 139A QTR SW-12/NW-13 SEC. 12/13 TWP. 139 N RGE. 82 W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeding thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.
Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.
- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager _____
APPLICANT: **David Yexley**
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE: _____
DATE: **5/08/2013**

FIELD INSPECTION _____ DATE _____

APPROVAL: *MSH*
COUNTY ROAD SUPERINTENDENT _____ DATE **5/23/13**

12-20-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY Montana-Dakota Utilities Co. PHONE NUMBER 701.222.7900 ADDRESS 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY Highland Road QTR NW SEC. 8 TWP. 139 N RGE. 81 W

TYPE OF FACILITY Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeded thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.
Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.
- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager
APPLICANT: David Yexley
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE
DATE: 5/08/12

APPROVAL: [Signature]
COUNTY ROAD SUPERINTENDENT 5/23/13
DATE

FIELD INSPECTION _____ **DATE** _____

13-19-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: 56th Ave. QTR NW-7/NE-12 SEC. 7/12 TWP. 139 N RGE. 81/82 W

TYPE OF FACILITY: Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeding thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.

Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.

- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager _____
APPLICANT: David Yexley
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE

DATE: 5/08/2013

APPROVAL:

[Signature]

COUNTY ROAD SUPERINTENDENT

5/23/13

DATE

FIELD INSPECTION

DATE

14-19-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: County Road 82 QTR SE-25/NE-36 SEC. 25/36 TWP. 139 N RGE. 82W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeding thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.

Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.

- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager
APPLICANT: David Yexley
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE
DATE: 5/08/2013

APPROVAL: [Signature]
COUNTY ROAD SUPERINTENDENT
DATE: 5/23/13

FIELD INSPECTION _____ DATE _____

15-24-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: 44th Street QTR SE-11/NE-14 SEC. 11/14 TWP. 138 N RGE. 82 W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeding thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.
Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.
- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager
APPLICANT: David Yexley
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE:
DATE: 5/08/2113

APPROVAL: [Signature]
COUNTY ROAD SUPERINTENDENT
DATE: 5/23/13

FIELD INSPECTION _____ DATE _____

16-2413
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: County Road 138 QTR. NW-24/SW-13 SEC. 24/13 TWP. 138 N RGE. 82 W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PS1.2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeded thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.

Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.

- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager

APPLICANT: David Yexley

Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley

SIGNATURE:

DATE: 5/08/2013

APPROVAL:

[Signature]

COUNTY ROAD SUPERINTENDENT

5/23/13
DATE

FIELD INSPECTION

DATE

17-2413
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: County Road 82 QTR NW SEC. 24 TWP. 138 N RGE. 82W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeded thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.
Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.
- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager _____
APPLICANT: **David Yexley**
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE: _____
DATE: **5/08/2013**

APPROVAL: _____
[Signature]
COUNTY ROAD SUPERINTENDENT **5/23/13** DATE

FIELD INSPECTION _____ DATE _____

18-24-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: County Road 138A QTR SW 25 / NW 36 SEC. 25 / 36 TWP. 138 N RGE. 82 W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE **\$50.00**

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeded thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.
Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.
- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager
APPLICANT: David Yexley
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE
DATE: 5/08/2013

APPROVAL: [Signature]
COUNTY ROAD SUPERINTENDENT
DATE: 5/23/13

FIELD INSPECTION _____ DATE _____

19-38-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co., PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: County Road 82 QTR SW-12/SE-11 SEC. 12/11 TWP. 137 N RGE. 82 W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeded thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.

Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.

- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager

APPLICANT: David Yexley

Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE

DATE: 5/08/2013

APPROVAL:

[Signature]
COUNTY ROAD SUPERINTENDENT

5/23/13
DATE

FIELD INSPECTION

DATE

COUNTY ROAD SUPERINTENDENT

DATE

20-38-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: 25th Avenue QTR SE-11/NE-14 SEC. 11/14 TWP. 137 N RGE. 82 W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeded thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.
Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.
- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager
APPLICANT: David Yexley
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE
DATE: 5/08/2013

APPROVAL: _____
[Signature]
COUNTY ROAD SUPERINTENDENT
5/23/13 DATE

FIELD INSPECTION _____ DATE _____

21-38-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: 51st Avenue QTR SE-14/NE-23 SEC. 14/23 TWP. 137 N RGE. 82 W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE **\$50.00**

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeding thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.
Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.
- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager
APPLICANT: David Yexley
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE
DATE: 5/08/2013

APPROVAL: _____
[Signature]
COUNTY ROAD SUPERINTENDENT
DATE: 5/23/13

FIELD INSPECTION _____ DATE _____

22-38-13
PERMIT NO. _____

MORTON COUNTY UTILITY OCCUPANCY APPLICATION AND PERMIT FORM

THE FOLLOWING APPLICANT IS HEREBY GRANTED PERMISSION TO INSTALL AND MAINTAIN THE FOLLOWING DESCRIBED FACILITY ON HIGHWAY RIGHT-OF-WAY AS SHOWN ON THE PLANS ATTACHED HERETO AND MADE A PART OF HEREOF:

OWNER OF FACILITY: Montana-Dakota Utilities Co. PHONE NUMBER: 701.222.7900 ADDRESS: 400 North Fourth Street, Bismarck, ND 58501

LOCATION OF FACILITY: 26th Avenue QTR. SE-34/SW-35 SEC. 34/35 TWP. 137 N RGE. 82 W

TYPE OF FACILITY : Installation of a 10-inch, Steel API 5L X60 PSL2 epoxy coated, Natural Gas Pipeline.

ADDITIONAL COMMENTS: MDU – Heskett Pipeline Project (Refer to map of crossing location)

PERMIT FEE \$50.00

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right-of-way shall conform to the following provisions:

- (1) Upon construction, maintenance, relocation or removal of said facilities, any right-of-way scars shall be removed and the disturbed areas restored to original condition, including the reseeding thereof where necessary. Trenches dug within highway right-of-way shall be backfilled and compacted to a density equal to that of the adjacent undisturbed soil.

Note: The aforementioned conditions shall be met within 60 days of completion of the work requested.

- (2) All construction and maintenance work must be signed properly in accordance with the latest manual of Uniform Traffic Control Devices.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right-of-way shall be subject to the following terms and conditions:

- (1) Installation, maintenance, relocation, and removal of said facilities on highway right-of-way shall be done in a manner satisfactory to, and subject to supervision by the County Road Superintendent for the County Highway Department.
- (2) Morton County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right-of-way.
- (3) Applicant shall repair or replace highway structures and appurtenances, and any existing facilities located on, over and under highway right-of-way, which may be damaged as a result of the installation and maintenance of said facilities on highway right-of-way.
- (4) Applicant shall promptly remove said facilities from highway right-of-way or from within a distance of 75 feet from center of road or section line when requested to do so by the County. Such relocation or removal shall be at the sole cost and expense of applicant.
- (5) Applicant shall furnish a map showing the location of the utility as requested by the permit.
- (6) No construction shall be permitted across paved roadway. All facilities must be bored.

ADDITIONAL CONDITIONS FOR APPROVAL: _____

ACCEPTANCE OF TERMS AND CONDITIONS:

Project Manager
APPLICANT: David Yexley
Director of Business Development & Special Projects
Montana-Dakota Utilities, Co.

David Yexley
SIGNATURE
DATE: 5/08/2013

APPROVAL: [Signature] **5/23/13**
COUNTY ROAD SUPERINTENDENT **DATE**

FIELD INSPECTION **DATE**



State of North Dakota

Office of the State Engineer

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850
701-328-2750 • FAX 701-328-3696 • <http://swc.nd.gov>

June 18, 2013

Mr. David Yexley
Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, ND 58501

RE: Application S-1846, Proposed natural gas pipeline construction beneath the Heart River

Dear Mr. Yexley:

Enclosed is your sovereign land authorization to install a new natural gas pipeline beneath the Heart River in Morton County. The pipeline will deliver natural gas to the Heskett Station generation plant north of Mandan, North Dakota.

Specifically, the project will involve installing a 10-inch diameter steel natural gas pipeline beneath the Heart River via horizontal directional drilling. The drill will cross beneath Morton County Road 139, the Burlington-Northern Santa-Fe railroad, and the Heart River. The drill will be a minimum of 8 feet beneath the bed of the Heart River.

The project will occur in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 139 North, Range 82 West, Morton County.

Also enclosed are copies of all the solicitation of views we received from other agencies on your project and a copy of NDDH "Construction and Environmental Disturbance Requirements". If you have any questions or if I can be of further assistance, please contact me at (701) 328-4949.

Sincerely,

Matt Lindsay, E.I.T.
Water Resources Engineer
Regulatory Section

ML:ph/1625

Enclosure

cc: Shawn Williams, ProSource Technologies

Sovereign Land Permit No. S-1846

Permittee: **Montana-Dakota Utilities Company**
400 North Fourth Street
Bismarck, ND 58501

Location: **NW ¼ NE ¼ of Section 25, Township 139 North, Range 82 West, Morton County**

Project Description:

The Permittee is hereby authorized to install a new natural gas pipeline beneath the Heart River in Morton County.

The Permittee is proposing to utilize horizontal directional drilling to bore the pipeline beneath the Heart River. The pipeline will deliver natural gas to the Heskett Station generation plant north of Mandan, North Dakota.

Specifically, the project will involve installing a 10-inch diameter steel natural gas pipeline beneath the Heart River via horizontal directional drilling. The drill will cross beneath Morton County Road 139, the Burlington-Northern Santa-Fe railroad, and the Heart River. The drill will be a minimum of 8 feet beneath the bed of the Heart River.

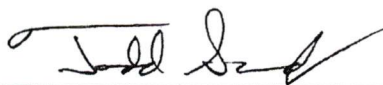
A proposed a right-of-way with a width of 85 feet including a 15-foot temporary workspace will be utilized during construction for material staging and equipment. Beginning and end points of the drill will be of sufficient distance from the river to allow for channel migration, accommodate the necessary drilling angle, and to provide an adequate work space.

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

General Conditions

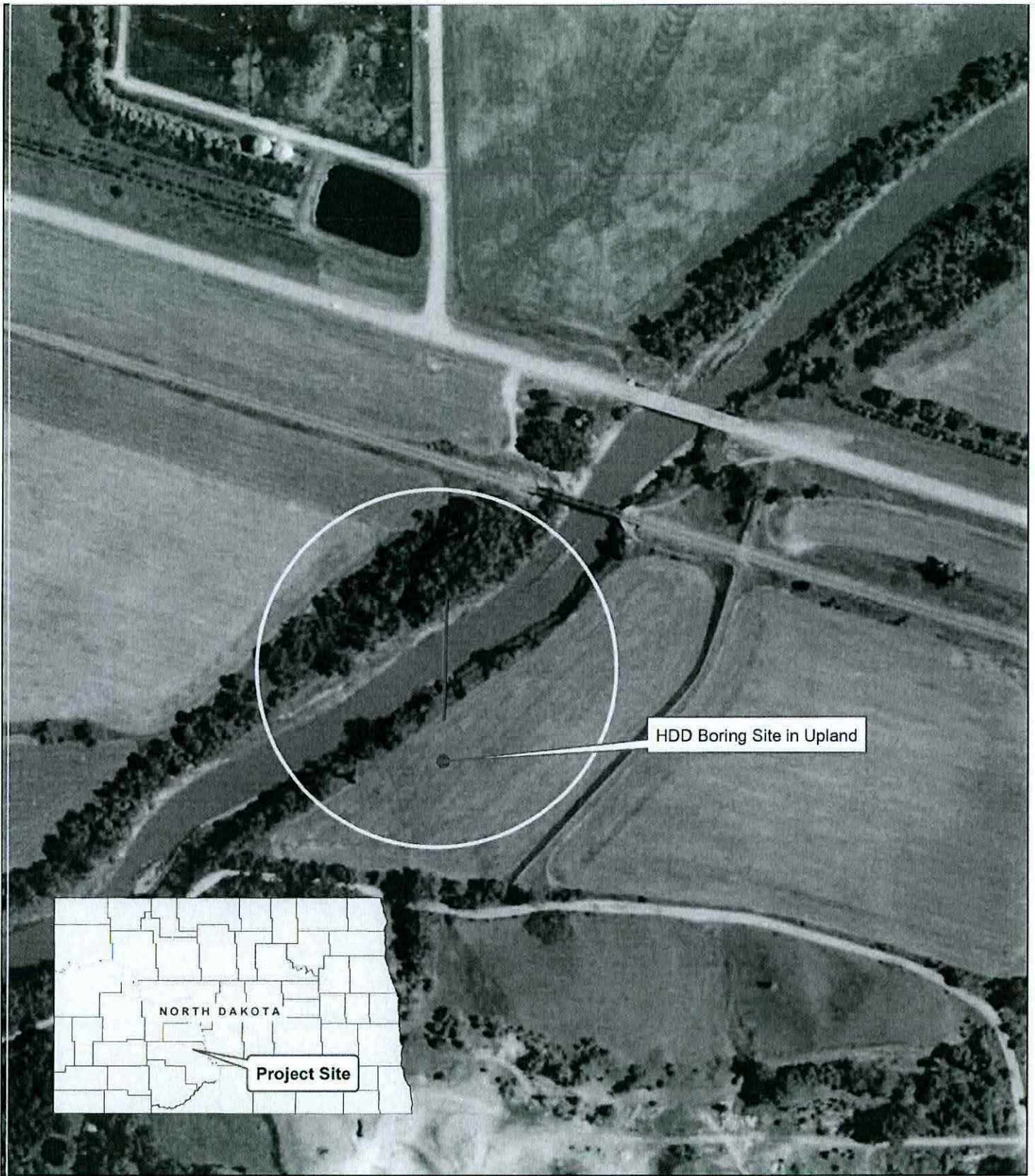
1. Authorization of this undertaking is a privileged use of a public resource and does not constitute a property right. The public use and enjoyment of the Heart River is of high priority.
2. All construction, maintenance, and reclamation activities shall be carried out in a manner reasonably designed to prevent degradation of the Heart River.

3. The Permittee shall implement measures to minimize the opportunity for sediment to enter the Heart River during construction.
4. The Permittee shall comply with the North Dakota Department of Health's *Construction and Environmental Disturbance Requirements* (copy attached).
5. Any construction debris or excess material shall be disposed of in a non-wetland, non-timbered upland site or in an approved landfill.
6. Any disturbed areas shall be restored to pre-project conditions and revegetated with species native to the area.
7. Prior to or during construction, if items of substantial archeological value are discovered or a deposit of such items is disturbed, the Permittee shall cease construction activities in the area so affected. The State Engineer shall be promptly notified of the discovery, and construction will not resume until the State Engineer gives written permission.
8. This Authorization is site specific for the project as proposed and outlined in the application and supporting documents. Any changes or deviation from the site or design will need authorization from the State Engineer.
9. At the discretion of the State Engineer, in accordance with the exercise of any of the State Engineer's duties, the project is subject to modification or removal at the expense of the Permittee.
10. The State Engineer or the State Engineer's representative shall have access to inspect the authorized project during construction and associated activities and for the life of the project to ensure that it is being or has been accomplished and maintained in accordance with the terms and conditions of this Authorization.
11. The Permittee is responsible for obtaining any other local, state, or federal permits or approvals that may be necessary prior to construction.
12. By granting this Authorization, no liability for damages of any kind, including those caused by improper construction, operation and maintenance, design or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.



Todd Sando
State Engineer

Date: 6/14/13



HDD Boring Site in Upland



Montana-Dakota Utilities Company Morton Co.
NE1/4 Section 25, T139N, R82W Permit No. S1846





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

Grant Lexy
Acting Director
Department of Transportation

Merlan E. Paaverud, Jr.
Director

Accredited by the
American Alliance
of Museums since 1989

April 15, 2013

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

ND SHPO REF.: 13-0774 OSE; S-1846 Montana-Dakota Utilities Company install a 10-inch diameter steel natural gas pipeline beneath the Heart River in portions of [T139N R82W Section 25 NE of NE 1/4] Morton County, North Dakota

Dear Mr. Heiser:

We reviewed ND SHPO REF.: 13-0774 OSE; S-1846 Montana-Dakota Utilities Company install a 10-inch diameter steel natural gas pipeline beneath the Heart River in portions of [T139N R82W Section 25 NE of NE 1/4] Morton County, North Dakota. We concur with "No Historic Properties Affected" and "No Significant Sites Affected" determinations provided the project is of the nature stated and that it takes in the location plotted and mapped in your documentation dated April 5, 2013, and received in this office April 11, 2013.

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

Sincerely,

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



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



April 24, 2013

Gerald R. Heiser
Sovereign Lands Manager
900 East Boulevard Ave
Bismarck, ND 58505-0850

Application S-1846

Dear Mr. Heiser:

Application S-1846: Thank you for the opportunity to review this application. In brief, the project applicant (Montana-Dakota Utilities) of Mandan, ND proposes to place a natural gas pipeline below the Heart River in Morton County. The 10-inch steel pipeline will cross the Heart via horizontal directional drilling and not enter the river.

The North Dakota Department of Health (Department) has completed its review of the above referenced application. At this time the Department has no comments regarding impacts to water quality. However, we do request that if the action is permitted, it is with the conditions outlined in our Construction and Environmental Disturbance Requirements (attached). If you have any questions I may be reach at 701.328.5268.

Sincerely,

Peter Wax
Environmental Scientist
Division of Water Quality

PNW:dlp
Enc:



NORTH DAKOTA
DEPARTMENT OF HEALTH

ENVIRONMENTAL HEALTH SECTION

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

Construction and Environmental Disturbance Requirements

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

Soils

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

Surface Waters

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

Fill Material

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

Environmental Health Section
and Enforcement
701-328-5150

Environmental
Engineering
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210



**STATE
HISTORICAL
SOCIETY**
OF NORTH DAKOTA

Jack Dalrymple
Governor of North Dakota

North Dakota
State Historical Board

Gerold 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*

Grant Levi
*Director
Department of Transportation*

Merlan E. Paaverud, Jr.
Director

*Accredited by the
American Alliance
of Museums since 1986*

June 7, 2013

Ms. Christina Burns
Beaver Creek Archaeology, Inc.
1632 Capitol Way
Bismarck, ND 58501

ND SHPO Ref: 112-0025C ND PSC MDU's "Heskett Station Natural Gas Pipeline Project Addendum: A Class III Intensive Cultural Resources inventory in Morton County, North Dakota"

Dear Ms. Burns,

We reviewed ND SHPO Ref: 112-0025C ND PSC MDU's "Heskett Station Natural Gas Pipeline Project Addendum: A Class III Intensive Cultural Resources inventory in Morton County, North Dakota." We concur with "No Historic Properties Affected" and "No Significant Sites determinations for this project, provided it remains as described and mapped in your above-referenced Class III Inventory dated May, 2013.

Thank you for the opportunity to review this project. Please include the ND SHPO reference number listed above in any further correspondence for these specific projects. If you have any questions, please contact Susan Quinnell, Review & Compliance Coordinator 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

Attachment B

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities Co., a Division of MDU
Resources Group, Inc.
Natural Gas Pipeline – Morton County
Siting Application**

Case No. PU-11-680

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

July _____, 2013

Appearances

Commissioners Brian Kalk, Randy Christmann, and Julie Fedorchak.

Daniel Kuntz, Associate General Counsel, MDU Resources Group, Inc. P.O. Box 5650, Bismarck, ND 58506-5650, on behalf of the Applicant Montana-Dakota Utilities Co.

Paul Sanderson, Zuger Kirmis & Smith, P.O. Box 1695, 316 North 5th Street, Bismarck, ND 58502-1695, on behalf of the Applicant Montana-Dakota Utilities Co.

Mitchell Armstrong, Special Assistant Attorney General, Legal Counsel for Public Service Commission.

Sara Cardwell, Public Utility Analyst, Public Service Commission.

Bonnie Fetch, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, ND 58503.

Preliminary Statement

Under North Dakota Century Code (NDCC) § 49-22-07, a utility may not begin construction of a transmission facility in the state without first obtaining a route permit. The transmission facility must be constructed, operated, and maintained in conformity with the permit and any terms, conditions, or modifications of the permit.

On February 13, 2013, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota) filed with the North Dakota Public Service Commission (“Commission”) a combined application for a Certificate of Corridor Compatibility and Energy Transmission Facility Route Permit to authorize construction for a 24-mile 10-inch diameter natural gas pipeline in Morton County, North Dakota (the “Application”). Pursuant to NDCC § 49-22-07.2 and North Dakota Administrative Code

(NDAC) Chapter 69-06-06, Montana-Dakota also filed a request for waiver of procedures and time schedules.

On March 21, 2013, Montana-Dakota submitted a supplemental filing providing additional information to the Commission clarifying that all residences along the proposed route are outside any city limits, copies of waivers signed to date, a discussion of no reasonable route alternatives, groundwater mitigation efforts and the Environmental Mitigation Plan.

On March 27, 2013, the Commission deemed the Application complete and issued a Notice of Filing and Notice of Hearing, scheduling a public hearing on the application for May 3, 2013 at 9:00 a.m. CST at the City Commission Meeting Room, 205 2nd Ave NW, Mandan, North Dakota 58554. The Notice of Hearing identified the following issues to be considered:

1. Is the proposed facility of such length, design, location, or purpose that it will produce minimal adverse effects, or, does a demonstrable emergency exist which requires immediate construction and that adherence to the procedures and time schedules would jeopardize the utility's system?
2. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
3. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
4. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On May 3, 2013, a public hearing was held as scheduled.

On June 13, 2013, Montana-Dakota submitted a request to amend its applications for a corridor certificate and route permit to modify the pipeline corridor and route between Highway 1806 and the Heskett Station by moving the route, and correspondingly the corridor, approximately 35 feet south of the original location shown on Exhibit No. MDU-4 at the hearing. The relocation moves the pipeline route outside of the 500 foot avoidance area of twelve residences, including the one residential landowner where Montana-Dakota was unable to secure a waiver, located along 38th Street north of Mandan. The relocation does not affect any other exclusion or avoidance areas. On June 19, 2013, the Commission determined the amendment to the applications did not materially affect the applications and a rehearing in the proceeding was not required.

Having allowed all interested persons an opportunity to be heard, and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following:

Findings of Fact

1. Montana-Dakota is a Division of MDU Resources Group, Inc. and is registered to conduct business in the State of North Dakota. Montana-Dakota is a "utility" as defined at NDCC § 49-22-03(13) engaged in the generation and transmission of electric energy under the regulatory jurisdiction of this Commission.

Size, Type, and Preferred Location of Facility

2. The natural gas pipeline project ("Project") will consist of the construction of an underground 10-inch diameter, steel, natural gas pipeline, approximately 24 miles in length, originating at an interconnection with the Northern Border Pipeline system (Northern Border) near St. Anthony, North Dakota and terminating at a proposed electric generating facility north of Mandan, North Dakota.

3. The purpose of the Project is to supply the natural gas fuel requirements for Montana-Dakota's 88 megawatt (MW) Simple Cycle Combustion Turbine (SCCT) and associated facilities (PU-11-631) which will interconnect with Montana-Dakota's existing electric system.

4. The Project will utilize 10-inch diameter steel pipe and the maximum operating pressure will be 1,440 psi at a maximum discharge temperature of 114 degrees Fahrenheit. The maximum design flow rate is approximately 2,900 cubic feet per hour.

5. Associated facilities to be constructed within the Project area include:

- a. Town Border Station header;
- b. In-line inspection tool launcher/receiver;
- c. Mid-line valves;
- d. Odorizer;
- e. Cathodic protection; and
- f. Gas delivery station.

Need for the Facility

6. The Project is needed to provide natural gas to fuel Montana-Dakota's 88 MW SCCT electricity generator to be built north of Mandan, North Dakota near its Heskett electric generating station. The existing pipeline for transporting natural gas in the vicinity of the Heskett Station does not operate at a pressure and capacity sufficient to achieve the full output 88 MW SCCT. On April 11, 2013, the Commission issued its Order on Settlement in Case Nos. PU-11-395 and PU-11-396 finding that the 88 MW SCCT project, including the associated natural gas pipeline, is a prudent resource

addition to meet the needs of Montana-Dakota for electric generation capacity to serve its electric distribution customers and that the public convenience and necessity will be served by the construction, ownership, and operation of the 88 MW SCCT project.

Study of Preferred Locations

7. In its Application and supplemental filing, Montana-Dakota identified a Project corridor width of one mile, centered on the preferred pipeline route. Montana-Dakota identified a 400-foot-wide study area centered on the preferred pipeline route for the purpose of conducting cultural resource field surveys, biological, wetland field surveys, and other environmental field assessments.

8. Montana-Dakota analyzed a number of routing alternatives and factors, including engineering, economic, safety, and environmental factors and landowner considerations to determine the most feasible route.

9. Montana-Dakota contacted thirty-five federal, state, and local government agencies to notify them of the Project and to request their comments with respect to the Project. The following agencies provided written comments:

- a. U.S. Department of Interior, Fish and Wildlife Service;
- b. U.S. Department of Agriculture, Natural Resources Conservation Service;
- c. U.S. Department of Agriculture, North Dakota Farm Service Agency;
- d. U.S. Army Corps of Engineers;
- e. State Historical Society of North Dakota;
- f. North Dakota State Water Commission;
- g. North Dakota Parks and Recreation Department;
- h. North Dakota Game and Fish Department;
- i. North Dakota Department of Transportation; and
- j. North Dakota Department of Health.

10. Montana-Dakota conducted a Class I literature search on the one-mile Project corridor. A Class III cultural resource inventory was completed on the narrower field study area. Additionally, environmental data collected included information on soils, land use, wetlands and water body crossings, noxious weeds, trees, saplings, shrubs, and protected species and habitats.

11. The State Historic Preservation Office (SHPO) concurred with Montana-Dakota's determination that no historic properties or significant sites will be affected by the Project.

Siting Criteria

12. NDAC Section 69-06-08-02 sets forth criteria to guide and govern the preparation of the inventory of exclusion and avoidance areas, and the corridor and route suitability evaluation process for transmission facilities. The criteria set forth in NDAC 69-06-08-

02 are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

13. Exclusion Areas must be excluded in the consideration of a route for a transmission facility. Exclusion Areas may be located within a corridor, but at no point shall such an area encompass more than fifty percent of the corridor width unless there is no reasonable alternative. A buffer zone of a reasonable width to protect the integrity of an Exclusion Area must be included in the siting of the transmission facility.

14. Montana-Dakota identified four Exclusion Areas defined by NDAC 69-06-08-02(1) existing within the one-mile Project corridor, including:

- a. A variety of cultural resources on file at the State Historical Society of North Dakota;
- b. The Heskett Power Plant Public Fishing Stairway, a county park;
- c. Roughrider Park, a municipal park; and
- d. A significant ecological community consisting of shrubland.

15. The Project will not have a significant impact on Exclusion Areas defined by NDAC 69-06-08(1). None of the identified Exclusion Areas encompass more than fifty percent of the corridor width and none of the identified Exclusion Areas are located on the proposed route.

16. Avoidance Areas may not be considered in the routing of a transmission facility unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a transmission facility, the Commission may consider, among other things: the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternative routes.

17. Montana-Dakota identified four Avoidance Areas defined by NDAC 69-06-08-02(2) existing within the one-mile Project corridor, including:

- a. Historical resources which are not specifically designated as Exclusion or Avoidance Areas;
- b. Occupied residences and businesses within five-hundred feet of the proposed route;
- c. Reservoirs and municipal water supplies; and
- d. Water sources for organized rural water districts.

18. The original route was within five-hundred feet of twenty-three residences and two businesses. Montana-Dakota procured waivers from all but one residential landowner and from both businesses within the Avoidance Area in accordance with NDCC § 49-22-05.1 and NDAC 69-06-08-02. By its amendment of the applications to move the pipeline corridor and route approximately 35 feet south of the original corridor and route between Highway 1806 and the Heskett Station, the pipeline route no longer

lies within the avoidance area affecting twelve residences including the one residential landowner where Montana-Dakota was unable to secure a waiver.

19. The Project will not have a significant impact on Avoidance Areas defined by NDAC 69-06-08-02(2). The historical resources, reservoirs and municipal water supplies, and water sources for organized rural water districts identified as Avoidance areas within the one-mile Project corridor are not located on the proposed route.

20. A Class III cultural resource survey was performed and no new cultural resource sites were identified. The State Historic Preservation Office (SHPO) provided a "No Historic Properties Affected" determination, provided the Project remains as described and mapped in the survey. (SHPO Ref.: 12-0025)

21. In accordance with the Commission's Selection Criteria, a transmission facility shall be approved only if it is demonstrated that no significant adverse impacts will result from the location, construction, and maintenance of the transmission facility.

22. The Project will not have a significant impact on the Selection Criteria set forth in NDAC 69-06-08-02(3) because any adverse effects on natural resources will be managed and maintained at an acceptable minimum. Once the Project is completed, Montana-Dakota will restore all disturbed areas.

23. In accordance with the Commission's Policy Criteria, preference may be given to an applicant that maximizes benefits resulting from the adoption of certain policies and practices.

24. Montana-Dakota has demonstrated its commitment to maximize the benefits of the proposed Project so as to meet the Policy Criteria set forth in NDAC 69-06-08-04(4) by designing and locating it's the Project in such a manner as to maximize operational efficiency and economic benefits while minimizing impacts on agriculture, extractable resources, health and safety, plant and animal life, communications, and the visual effect on the surrounding area.

Measures to Minimize Impact

25. Montana-Dakota has agreed to a number of steps to mitigate the impact of the Project as indicated by the May 3, 2013 Certification Relating to Order Provisions - Transmission Facility Siting with the accompanying Tree and Shrub Mitigation Specifications.

26. Montana-Dakota will implement various measures to protect the right-of-way (ROW) or mitigate the adverse impacts of ROW preparation and pipeline construction, operation, and maintenance on the human and natural environment. These measures include but are not limited to, utilizing low impact construction techniques in sensitive areas (horizontal directional drilling), installing erosion and sedimentation control measures, and restoring the ROW as closely as possible to pre-construction conditions.

Montana-Dakota will work closely with the landowners and applicable agencies to ensure proper restoration of the ROW is accomplished.

27. Montana-Dakota will utilize Environmental Inspector(s) during construction and restoration activities to ensure environmental compliance throughout the duration of the Project. Environmental inspection activities will include monitoring compliance with permit requirements, inspection of erosion control and sedimentation methods, inspection of topsoil segregation procedures, compliance with stream and wetland construction and mitigation procedures and permits, spill response activities, inspection of water appropriation and dewatering activities and implementation of restoration plans. The Project contract documents will specifically address environmental compliance requirements and the construction contractor will be held responsible for mitigating any adverse impacts as identified by Montana-Dakota, applicable agencies, or landowners.

28. The design, construction, and operation of the transmission facility will be in accordance with the United States Department of Transportation ("DOT") regulations governing the transportation of natural gas, as prescribed under 49 CFR Part 192.

29. Montana-Dakota has an emergency response program in place for compliance with standards set by the DOT Pipeline and Hazardous Materials Safety Administration applicable to its natural gas utility operations. Montana-Dakota's emergency response plan has been submitted to and accepted by the DOT. Montana-Dakota seeks input from local first responders in conjunction with the implementation of its emergency response program.

30. Montana-Dakota's existing Emergency Response Plan will be applicable to the Project.

31. Montana-Dakota will participate in the North Dakota One-Call Excavation Notice System.

32. Montana-Dakota will ensure that the regulator station constructed at the interconnection with the North Border pipeline will be located within an insulated, enclosed structure such that noise from the regulator will not exceed 55 decibels audible (dBa) outside the regulator station. A sound pressure level of 55 dBa is approximately equivalent to noise from a car that is approximately 100 yards away and traveling at about 40 miles per hour. Montana-Dakota will manage the sound level of the regulator station to below 55 dBa at the nearest noise sensitive area.

33. The Commission finds there is no significant impact to noise levels generated at the regulator station and the noise at this level will have no discernible impact on the surrounding property.

From the foregoing Findings of Fact, the Commission now makes its:

Conclusions of Law

1. The Commission has jurisdiction over this proceeding under North Dakota Century Code Chapter 49-22.
2. Montana-Dakota is a utility as defined in North Dakota Century Code Section 49-22-03(13) for the purposes of the Project.
3. The proposed pipeline, and its associated facilities, is a transmission facility as defined by North Dakota Century Code Section 49-22-03(12).
4. The location, construction, operation, and maintenance of the proposed transmission facility will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
5. The location, construction, operation, and maintenance of the proposed transmission facility are compatible with environmental preservation and the efficient use of resources.
6. The Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity, and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
7. The Project is of such design and location that it will produce minimal adverse effects, as defined by North Dakota Century Code Section 49-22-07.2.
8. It is appropriate for the Commission to waive those certain procedures and time schedules as requested in the Application and provided under North Dakota Century Code Section 49-22-07.2.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues the following:

Order

1. That Montana-Dakota's application for a waiver of procedures and time schedules be granted.
2. That a Certificate of Corridor Compatibility be issued to Montana-Dakota designating a corridor for the construction, operation, and maintenance of the proposed 10-inch, 24-mile natural gas pipeline and associated facilities in Morton County, North Dakota. For the purposes of the Certificate, the Corridor will consist of a 400 foot-wide area centered on the pipeline route for the length of the route.
3. That a Route Permit be issued to Montana-Dakota granting authority to construct and operate the proposed 10-inch, 24-mile natural gas pipeline and associated facilities

in Morton County, North Dakota as described in the Application as amended and at the public hearing.

4. That the May 3, 2013 Certification Relating to Order Provisions - Transmission Facility Siting with the accompanying Tree and Shrub Mitigation Specifications be incorporated by reference and attached to the Order issued by the Commission.

5. Montana-Dakota may encounter physical conditions along the route during construction which make compliance with certain of conditions of this Order infeasible or impractical or affected landowners may request modifications of certain of conditions of the Certification. Specifically, Montana-Dakota raised concerns regarding the specific language contained in the Certification Relating to Order Provisions regarding paragraph 6 and the depth of the pipeline across undeveloped section lines. Montana-Dakota may contact Public Commission Staff directly to discuss and obtain approval of any variance from the minimum pipeline depth under certain undeveloped section line requirements listed in paragraph 6 of the Certification.

PUBLIC SERVICE COMMISSION

Randy Christmann
Commissioner

Brian P. Kalk
Chairman

Julie Fedorchak
Commissioner