

**BASIN ELECTRIC
POWER COOPERATIVE**

1717 EAST INTERSTATE AVENUE
BISMARCK, NORTH DAKOTA 58503
PHONE: 701-223-0441 FAX: 701-557-5336



January 30, 2014



Darrell Nitschke
Executive Director
North Dakota Public Service Commission
600 East Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Re: Case No. PU-11-696
Basin Electric Power Cooperative
AVS-Neset 345-kV Transmission Project
Siting Application Amendment

Dear Mr. Nitschke:

Enclosed for filing please find one original and five (5) copies of the individual conditional use permits from the counties of Mountrail, Williams and Mercer, a summary of current cultural resource activities, and the State of North Dakota Office of the State Engineer's sovereign land authorization for crossing the Missouri River in McKenzie and Williams County. Electronic versions of the attached have been submitted to the docket.

For inquiries regarding the application, please call Cris Miller, Senior Environmental Project Administrator at (701) 557-5635.

Sincerely,

Cris Miller
Senior Environmental Project Administrator

/ser

Enclosures

cc: Casey Jacobson w/o

75 **PU-11-696** Filed: 1/30/2014 Pages: 12

**Conditional use permits, summary of cultural
resource activities, authorization for crossing
Missouri River**

Basin Electric Power Cooperative

Cris Miller

Summary of Current Cultural and NHPA Section 106 Consultation Process

AVS to Neset 345-kV Transmission Project

Case NO: PU-11-696

Basin Electric Power Cooperative has been engaged with the various federal and state agencies responsible for cultural and tribal resources for the AVS to Neset 345-kV Transmission Project.

The North Dakota State Historical Society and the State Historic Preservation Office and staff from the Rural Utilities Services, United States Forest Service, United States Army Corps of Engineers and Western Area Power Administration have all been engaged in the evaluation of cultural resource throughout the Project.

Through the National Historic Preservation Act (NHPA) Section 106 Tribal Consultation Process numerous tribes have been communicated with by the Federal Agencies. To date, the tribal discussions have been predominately with the Standing Rock Sioux Tribe and the Sisseton Wahpeton Sioux Tribes.

The following is a brief synopsis of the ongoing efforts to identify archeological and tribal cultural features in the Project's right-of way.

Killdeer Mountain Battlefield (KMB) Study Area

The North Dakota State Historic Preservation Office (ND SHPO) – requested in September 3, 2013 letter to perform the following:

1. Remove proposed Substation from Core area
2. Perform Geophysical Study of the Project's 150 foot wide right of way.
3. Perform archeological testing at proposed structure locations
4. Perform visual Assessment of the project from Medicine Hole and Battlefield Monument

The following is a summary of the response to the ND SHPO's request:

1. Basin Electric relocated the proposed substation to outside of the Battlefield Study Area.
2. Of the lands that Survey permissions have been acquired (7.5 miles of the 8 miles total), all were surveyed with a metal detector in the fall of 2013.
3. All but seven structure locations were shovel probed in the fall of 2013. Remaining shovel probes and additional more formal testing will be performed in 2014.

4. The Federal Agencies addressed the visual impact of the Project to both the Medicine Hole and the KMB Monument in the December 2013 Supplemental Draft Environmental Impact Statement.

The extent of man-made disturbances within the KMB Study Area is worth noting. Current disturbances include a cemetery, 18 farmsteads, 26 well pads/laydown yards, two utility stations and communication towers, two gravel pits, eight medium to large stock dams, 30 miles of developed roads, and approximately 9,000 acres of agriculturally developed land.

The following are the main points from the KMB metal detecting survey conducted by Metcalf Archeological Consultants:

- Survey took place from October 8 through October 28, 2013.
- A 20 meter wide corridor within the proposed Basin Area Potential Effect through the eight-mile long Killdeer Mountain Battlefield Study Area was subject to a metal detecting survey.
- Four metal detectors were used by a team of archaeologists consisting of 3 to 6 people.
- The finds were documented and logged on a form denoting GPS location, depth, find description, and any other relevant information.
- Both north-south and east-west sweeps were conducted in a 20-meter square grid around each proposed pole location where ground disturbance will take place.
- Notes about all metal objects were made, however only finds that were unidentifiable in the field or possibly related to the Battle of Killdeer Mountain were collected for further study.
- The metal detecting survey recorded 677 items at 609 individual locations. Of the 677 items, only five were interpreted as potentially relevant to the Battle of Killdeer Mountain.
- The five potential Civil War era artifacts include two lead balls, two conical lead bullets, and one center-fire copper cartridge.
- The remaining 672 items were related to modern agricultural activities: wire, fence staples, fragments of farm machinery, aluminum pieces, cans, modern rifle and shotgun shells, nuts, bolts.
- All collected items were placed in paper bags to prevent rusting and damage from water condensation. As per landowner requests, all items collected will be returned to the landowners at the end of the project.
- As part of the inventory, a shovel probe with a diameter of approximately 40 centimeters was excavated at most of the 44 proposed structure locations. The objective was to determine that nothing of significance was present subsurface at the locations.
- Probes could not be placed at seven proposed tower locations: three due to lack of landowner permission, a fourth because of standing crops, a fifth had standing water, a sixth lacked Holocene sediments, and the seventh will require the excavation of a 1 x 1 meter test unit in the spring of 2014.

- Two probes each yielded a lithic artifact. These artifacts cannot be linked definitively to the Battle.

Status of Cultural Survey Studies of the Project:

To support the AVS to Naset Transmission Project's need to survey for archeological resources, approximately 173 miles of 150-ft wide right-of-way survey, 155 acres of laydown yard block surveys and 16 miles of access roads surveys on USFS lands has been performed by Basin Electric Electric's contractor to date.

Due to landowner survey permission status, there is approximately 24 miles of route outstanding that still requires cultural survey efforts. With the arrival of winter in early November 2013, the current survey effort was halted. This effort will begin again when the ground cover allows the performance of cultural surveys.

To date there are 101 cultural sites and 43 isolated finds within the Project's Right-of-way.

Status of Section 106 Tribal Consultation

The Federal Agencies continue the Section 106 consultation process. The agencies are currently developing a project specific Section 106 Programmatic Agreement (PA) with the interested tribes, state and federal agencies and Basin Electric as signatories. The PA will describe the necessary processes to continue the consultation process throughout the life of the Project

Standing Rock and Sisseton Wahpeton Sioux Tribe's preferred contractor was contracted by Basin Electric to perform surveys for Tribal Cultural Properties (TCP) of the project in the fall of 2013. This process is still ongoing. The contractor completed surveys on lands that survey permissions were available from the Antelope Valley Station to the Missouri River near Williston. The remaining project area will be surveyed for TCP by the tribal preferred contractor in 2014 starting with the Williston to Tioga segment and the remaining lands where survey permissions have since been acquired.



RECEIVED NOV 25 2013

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>

November 22, 2013

Basin Electric Power Cooperative
Attn: Cris Miller
1717 E. Interstate Avenue
Bismarck, ND 58503-0564

RE: Application S-1862, Construction, operation, and maintenance of electric transmission line over the Missouri River

Dear Cris Miller:

Enclosed is your sovereign land authorization to construct, operate, and maintain an electric transmission line over the Missouri River in McKenzie and Williams County.

Specifically, the project will include the connection of the Antelope Valley Station (AVS) near Beulah, North Dakota to Neset Substation's 345-kilovolt (kV) Transmission Project near Tioga, North Dakota via 197 miles of new 345-kV electric transmission lines. The AVS to Neset 345-kV transmission line will cross approximately 1,476 linear feet of the Missouri River.

The project will be located in the N $\frac{1}{2}$ of Section 6, Township 153 North, Range 101 West, Williams and McKenzie Counties.

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

TODD SANDO, P.E.
STATE ENGINEER

Sovereign Land Permit No. S-1862

Permittee: **Basin Electric Power Cooperative**
1717 E. Interstate Avenue
Bismarck, ND 58503-0564

Location: **N ½ of Section 6, Township 153 North, Range 101 West, Williams and McKenzie Counties.**

Project Description:

The Permittee is hereby authorized to construct, operate, and maintain an electric transmission line over the Missouri River in McKenzie and Williams Counties.

Specifically, the project will include the connection of the Antelope Valley Station (AVS) near Beulah, North Dakota to Neset Substation's 345-kilovolt (kV) Transmission Project near Tioga, North Dakota via 197 miles of new 345-kV electric transmission lines. The AVS to Neset 345-kV transmission line will cross approximately 1,476 linear feet of the Missouri River. The transmission line will span the Missouri River, and no structures will be placed within the ordinary high watermark of the river. All electrical wiring including conductor wires, overhead ground wire, and optical ground wire will be installed across the Missouri River using aerial conductor stringing by helicopter.

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 Missouri 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 Missouri River.
3. The Permittee shall implement measures to minimize the opportunity for sediment to enter the Missouri River during construction.
4. The Permittee shall comply with the North Dakota Department of Health's *Construction and Environmental Disturbance Requirements* (copy attached).



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.

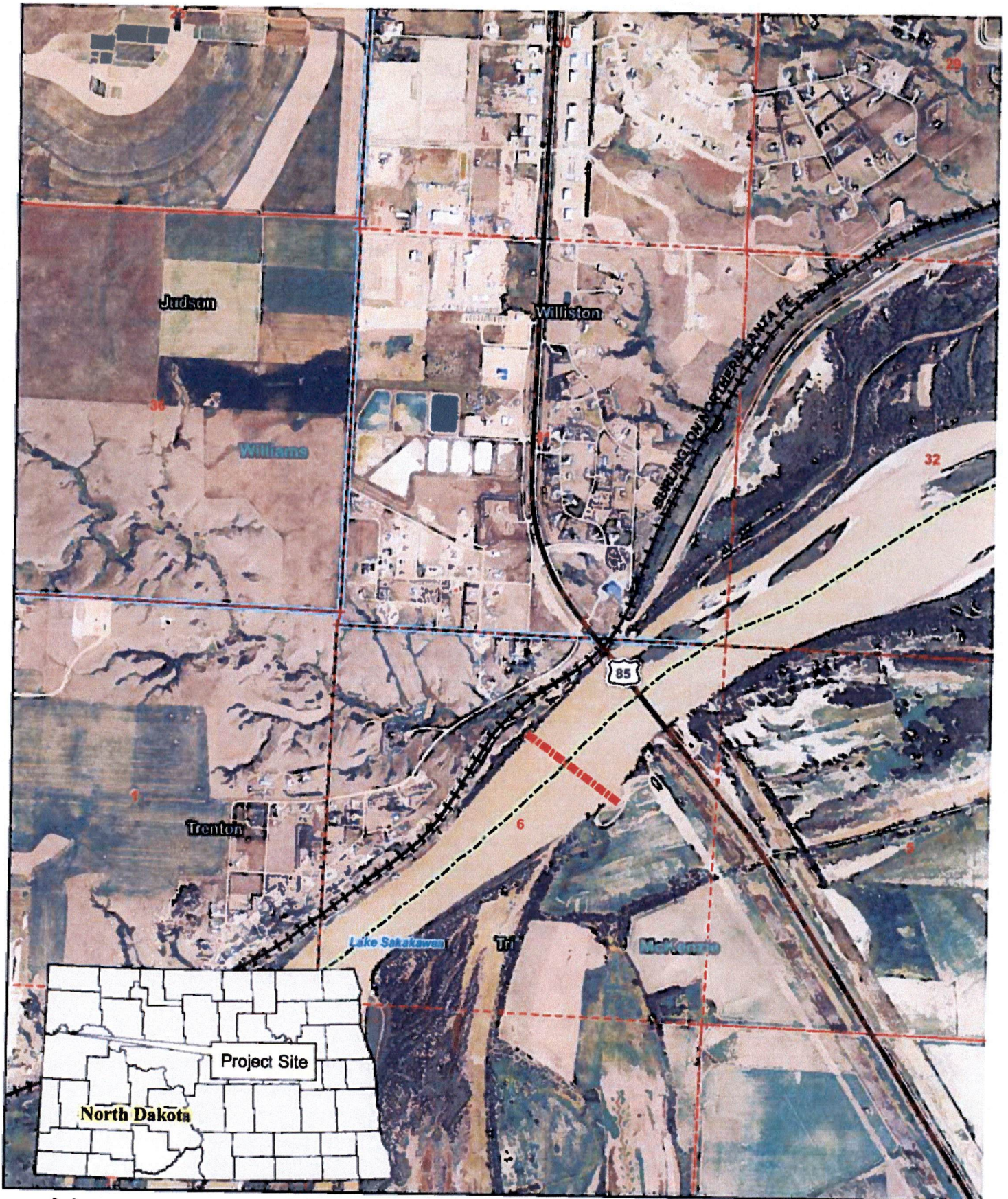
Environmental Health Section
and Enforcement
701-328-5150

Environmental
Engineering
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210



Basin Electric Power Coop
N 1/2 Section 6, T153N, R101W

McKenzie - Williams Co.
Permit No. S1862



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: 11/21/13



October 26, 2013

Basin Electric Power Cooperative
Chris Miller
1717 East Interstate Ave
Bismarck, ND 58503

RE: Basin Electric Power Cooperative is requesting a Conditional Use Permit for a power transmission line ROW request. The affected properties include Sections 23, 26, 35, & 36, T154N, R102W, and Section 1, T153N, R101W. The various properties are zoned Agricultural, Commercial & Residential. Judson Township, Trenton Township

Dear Mr. Miller:

On October 1, 2013 the Williams County Board of Commissioners approved the above request with the following conditions:

1. Copies of or record of all easements that are required from landowners,
2. Letters of support/opposition from all property owners affected by this request,
3. Schedule of construction (commencement and completion of project) to the Planning Department,

This information should be submitted immediately, we look forward to your cooperation.

Thank you,

Ray Pacheco, Planning Director

CONDITIONAL USE PERMIT
MOUNTRAIL COUNTY

Name of Applicant: BASIN ELECTRIC POWER COOPERATIVE 1717 E INTERSTATE AVE. BISMARCK, ND 58503

Legal Description: OUTLOT 4 OF THE NE¼ SECTION 29, TOWNSHIP 157N, RANGE 94W
40.21 ACRES, MORE OR LESS

Having reviewed the applied for conditional use with respect to the provisions of Article IV, Section IV of the Mountrail County Zoning Ordinance, the Mountrail County Planning Commission agrees to the issuance of a conditional use permit to the above named applicant, contingent upon the following conditions:

EXCERPTS FROM THE AUGUST 26, 2013 PLANNING MINUTES

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve the conditional use permit request filed by Basin Electric Power Cooperative to use land zoned industrial for the construction and operation of an electrical substation on a tract of land described as Outlot 4 of the NE¼ Section 29, Township 157 North, Range 94 West (White Earth Township) contingent upon the approval of the zoning amendment by the Mountrail County Commission as Basin Electric Power Cooperative has met all the criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and the provision Basin Electric Power Cooperative comply with all other requirements as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes. Motion carried.

Should the applicant violate any or all of the above stated listed conditions, the conditional use shall be declared invalid and appropriate action will be instituted by the Mountrail County Planning Commission.

Said applicant received an excerpt of the Mountrail County Zoning Ordinance.



Michael Hynek, Chairman
Board of Mountrail Planning Commission
08/26/13
Date

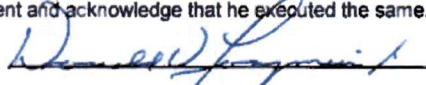


Basin Electric Power Cooperative
Claire M. Olson, Assistant Secretary
11/13/13
Date

STATE OF NORTH DAKOTA)
) §
COUNTY OF MOUNTRAIL)

On this 26th day of August, 2013, personally appeared before me Michael Hynek, known to me to be the person described in and who executed the within and foregoing instrument and acknowledge that he executed the same.

DONALD W LONGMUIR JR
Notary Public
State of North Dakota
My Commission Expires June 23, 2016

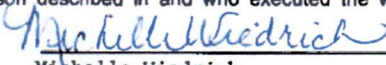


My Commission expires _____

STATE OF NORTH DAKOTA)
) §
COUNTY OF BURLEIGH)

On this 13th day of November, 2013, personally appeared before me Claire M. Olson representing Basin Electric Power Cooperative known to me to be the person described in and who executed the within and foregoing instrument and acknowledge that he executed the same

MICHELLE WIEDRICH
Notary Public
State of North Dakota
My Commission Expires August 6, 2015



Michelle Wiedrich
My Commission expires _____

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**MERCER COUNTY BOARD OF COMMISSIONERS
STANTON, NORTH DAKOTA**

**CERTIFICATE OF APPROVAL OF A CONDITIONAL USE
ZONING CASE 13-08-02**

ISSUED TO: Basin Electric Power Cooperative
1717 East Interstate Ave
Bismarck ND 58503

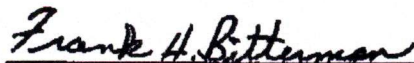
CONDITIONAL USE: 345-Kilovolt Transmission Line

LEGAL DESCRIPTION: Subject route, Sections 7,8,14,15,16,17, &23
T145N R88W. Sections 7,8,9,10,11 &12
T145N R89W. Sections 7,8,9,10,11 &12
T145N R90W of the 5th P.M. Mercer
County, ND

PLANNING COMMISSION: Recommended approval August 15th, 2013

REMARKS: Approved on condition of Public Service
Commission approval

Issued this 21st day of August 2013, by the Board of Mercer County
Commissioners.



Frank Bitterman, Chairman



Shana Brost, County Auditor