



GREAT RIVER  
ENERGY®

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11 February 2013

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



RE: Compliance Filing for Transmission Facility Route Permit  
Prairie Substation to Ramsey Substation 230 KV "GD" Transmission Line  
Case Number PU-12-398

Dear Mr. Nitschke:

On December 12, 2012, the Commission issued Certificate of Compatibility No. 140 to Great River Energy. Great River Energy respectfully submits (via efilng and US Postal) the following:

- As required by Order Provision 2, a preconstruction conference has been scheduled for February 14, 2013, 1pm. Jerry Lein has been invited to the meeting.
- As required by Order Provision 4, copies of all the license and permits associated with the transmission facility (see attached).
- As required by Order Provision 5, Great River Energy intends to start tree removal on Monday, February 18, 2013. Construction potentially could start on the same week.
- As required by Order Provision 11, letter from the North Dakota State Historical Preservation Office showing concurrence with the "no historical sites" and "no significant sites" determination.

We plan to have the plan and profile submitted this week. Thank you for consideration in this matter. If you have any questions, I can be reached at 763-445-5215, or by email at [mparlow@greenergy.com](mailto:mparlow@greenergy.com).

Respectfully submitted,

GREAT RIVER ENERGY

Marsha Parlow  
Transmission Permitting Analyst

c: Jerry Lein, ND PSC, Chuck Lukkarila, GRE, Bart Schul  
s:\legal\environmental\transmission\projects\GD Line Segments 7 and 8 Reroute

46 **PU-12-398** Filed: 2/11/2013 Pages: 20  
**Compliance filing**

**August 7, 2012**  
**9:30 A.M.**

The meeting was called to order by Commissioner Flaagan with Commissioners Fougner, Marquart, Dahlen, and Loibl present.

Moved by Commissioner Fougner and seconded by Commissioner Dahlen to approve the minutes as distributed. All voted "Yes." Motion carried.

Herb Schultz was present.

Rick Urvand discussed the program to use the New Holland tractor, County Road #4 repair in Melvin Township, County Road #23 repair in Illinois Township, the State Water Commission funding for the County Road #27 repair, a plugged culvert in Ramsey County, the Keystone Pipeline fund, equipment repairs, and crack-filling of pavement.

Doug Manbeck discussed future court cases.

Sharon Young discussed school reports, the school summer conference, the radio equipment grant, and the Homeland Security Grant fund deficit.

Moved by Commissioner Dahlen and seconded by Commissioner Loibl to transfer \$14,713.97 from the County General fund to the Homeland Security fund to remove the deficit. All voted "Yes." Motion carried.

Josh Kadrmas, from Houston Engineering, and Peter Schaub, from Great River Energy, discussed the proposed reroute of the transmission line south of Jones Lake, contacts with property owners and renters, U.S. Fish and Wildlife easements, and the removal of the old poles.

Moved by Commissioner Dahlen and seconded by Commissioner Loibl to approve the conditional use permit for Great River Energy to reroute their transmission line to the N½ of Section 1, Township 152, Range 61; N½ of Section 6, Township 152, Range 60; and the southern edge of Section 3, Township 153, Range 60 contingent upon acquiring lawful easements before construction begins. All voted "Yes." Motion carried.

Kelly Janke discussed a contract policing meeting, a sex offender notification, the need for more court dates, and the inactivity on processing citations.

Moved by Commissioner Marquart and seconded by Commissioner Loibl to request more court dates from the District Judges. All voted "Yes." Motion carried.

At 11:30 AM the hearing on the Health District budget began with Julie Ferry and DeAnn Miller present.

Julie Ferry discussed the comparison of the 2012 and the 2013 budgets, scheduling a budget meeting, the smoke free initiated measure to be voted on in November, and a possible change in the county's tobacco products policy.

Commissioner Marquart left the meeting.

The abatement application from Ronald Hendrickson for property in Melvin Township was reviewed.

Moved by Commissioner Dahlen and seconded by Commissioner Loibl to approve the abatement of taxes on 9.67 acres in Lot 5 of Section 31, Township 151, Range 58 because of the Homestead Credit. All voted "Yes." Motion carried.

Moved by Commissioner Fougner and seconded by Commissioner Dahlen to transfer \$454,577.15 from the Highway District fund to the Road and Bridge fund. All voted "Yes." Motion carried.

Commissioner Fougner left the meeting.

The State Fire and Tornado Insurance schedule of property coverage was reviewed.

There was discussion on budgets, mill levies, and a chairlift in the Courthouse.

Bruce Engelhardt, from the State Water Commission, discussed the funding for the repair of County Road #27, the gravity flow outlet, and the east end outlet on speaker phone.

The Board examined the vouchers and instructed the Auditor to pay the bills as listed.

The meeting was adjourned

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W.J. Davidson, Auditor  
Sheila Fisk, Deputy Auditor  
Nelson County

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Odell Flaagan, Chairman  
Nelson County Commissioners

[www.nelsonco.org](http://www.nelsonco.org)



## ADJOURNED REGULAR MEETING, RAMSEY COUNTY COMMISSION

TUESDAY, AUGUST 7, 2012

8:00 A.M.

The meeting was called to order by Bill Mertens, Chairman. Roll call was taken and the following members were present: Commissioners Olson, Belford, Diseth, Brown & Mertens.

The board & visitors present recited the pledge of allegiance.

Motion was made by Commissioner Belford, seconded by Commissioner Olson to approve the minutes of the July 16 & 17, 2012 meetings. All members voted "AYE". Motion carried.

After auditing the following bills, motion was made by Commissioner Diseth, seconded by Commissioner Olson to pay all general & highway bills as submitted and that warrant checks be drawn in payment thereof:

[\(ALL BILLS HERE\)](#)

And further that the fees received of the various offices be placed on file as follows:

	<u>County</u>	<u>State</u>
Sheriff	\$2,263.69	
Co Recorder	\$7,526.55	\$315.00
Clerk of District Court	\$ 536.00	

Roll call was taken and the following members voted "AYE": Commissioners Olson, Diseth, Belford, Brown & Mertens. Motion carried.

Earl Hanson, Veterans Service Officer, reported on the clinic and is still as planned with a fiscal year of 2013. Need to advertise for space & employees before then.

Bill Hodous, Co Agent, reported that harvest looks good. Other states are looking for hay or feed he refers them to ND Feed List.

Kristen Nelsen, Emergency Management, updated the board on quarterly reports, housing rehabilitation grants and reviewed out of state travel for the Conference in Orlando, Florida October 26 – November 2, 2012.

Motion was made by Commissioner Diseth, seconded by Commissioner Olson to approve Out-of-State travel for Kristen Nelson, Emergency Management to attend the Emergency Management Conference in Orlando, Florida from October 26 to November 2, 2012. All members voted "AYE". Motion carried.

Steve Moe, IT/GIS reported that he will be giving a report on the conference that he attended in San Diego CA at the August 21, 2012 meeting.

Motion was made by Commissioner Brown, seconded by Commissioner Olson to pay the ESRI Inc bill in the amount of \$2,500 with the City of Devils Lake to reimburse us. Roll call was taken and the following members voted "AYE": Commissioners Diseth, Belford, Olson, Brown & Mertens. Motion carried.

Kevin Fieldsend, Co Highway Superintendent report on the following:

- CER Projects: RC#4 paving & drainage done but watching; RC#2 road raises – close section of road for 2 days no more to put in 36" culvert - "Detour Road" setup
- Motion was made by Commissioner Olson, seconded by Commissioner Belford to allow Close Construction to close RC#2 for 2 days to install a 36" culvert & setup detour at his cost. All members voted "AYE". Motion carried.
- Claim – still working on the material used – did not meet specs – Strata (Contractor) Dean Black (Supplier) March 10 – Wood Rutten & RC #10 Bid DOT Contract
- Motion was made by Commissioner Belford, seconded by Commissioner Olson to sign the ND DOT Contracts on the following projects: CER-3630(055) Ramsey Co #2, 3.5 miles east of Devils Lake 0.376 miles - CER-3630(056) Ramsey Co #2, 12 miles east of Devils Lake 0.439 miles - CER-3628(053) Ramsey Co #6, 0.5 miles south and 1.2 miles east of Southam 0.321 miles. All members voted "AYE". Motion carried.
- Motion was made by Commissioner Diseth, seconded by Commissioner Belford to approve the purchase of the rest of gravel at 5.25 per yd costing approximately \$23,938.50 from Great Plains Excavating. Roll call was taken and the following members voted "AYE": Commissioners Olson, Brown, Belford, Diseth & Mertens. Motion carried.
- Terry Aronson is asking for an approach on Military Road. Motion was made by Commissioner Brown, seconded by Commissioner Belford to approve an approach for Terry Aronson on Military Road. All members voted "AYE". Motion carried.

Motion was made by Commissioner Belford, seconded by Commissioner Olson to approve an approach in Brocket City for their new Fire Station. All members voted "AYE". Motion carried.

Josh Kadrmas, Houston Engineering Inc was present to answer any questions on the proposed rerouting of a portion of a 230 kV transmission line. Motion was made by Commissioner Belford, seconded by Commissioner Brown to approve the proposed GD 230 kV transmission line reroute project contingent on the Stevens & South Minnewaukan Township approval. All members voted "AYE". Motion carried.

Motion was made by Commissioner Brown, seconded by Commissioner Olson to approve the Homestead Credit on #39-0301-00012-000 for tax year 2011. All members voted "AYE". Motion carried.

Motion was made by Commissioner Diseth, seconded by Commissioner Olson to add to the Special Permit Application that the fees are non-refundable. All members voted "AYE". Motion carried.

Reviewed letter from State of North Dakota – Office of the State Engineer – Administrative Order No.12-14, on the Devils Lake East End Outlet State Engineers Hearing.

Motion was made by Commissioner Brown, seconded by Commissioner Diseth to approve the Blue Cross/Blue Shield contract for January 1, 2013 to December 31, 2013. All members voted "AYE". Motion carried.

Motion was made by Commissioner Brown, seconded by Commissioner Diseth to approve the publishing of the Public Hearing on the 2013 Budget 6.4% increase per NDCC 57-15 (HB 1194) for August 21, 2012 at 6:00 p.m. All members voted "AYE". Motion carried.

Motion was made by Commissioner Brown, seconded by Commissioner Belford to table the Resolution to put on the ballot the question to increase the mills by .50 for for the LR Heritage Center until the August 21, 2012 at their budget request meeting. All members voted "AYE". Motion carried.

Portfolios – Commissioners reported

Motion was made by Commissioner Olson, seconded by Commissioner Brown to adjourn at 10:25 a.m. All members voted "AYE". Motion carried.

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Chairman, Ramsey County Commission

ATTEST:

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Ramsey County Auditor

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REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
1513 SOUTH 12<sup>TH</sup> STREET  
BISMARCK ND 58504-6640  
August 31, 2012

North Dakota Regulatory Office

[NWO-2012-1966-BIS]

Houston Engineering  
Attn: Mr. Joshua Kadrmas, P.E.  
6901 East Fish Lake Road, Suite 140  
Maple Grove, Minnesota 55369

Dear Mr. Kadrmas:

This is in reference to your August 10, 2012, jurisdictional determination request, on behalf of Great River Energy, concerning a proposed 230kV transmission line reroute located near the cities of Crary and Lakota, in Ramsey and Nelson County, North Dakota.

Based upon the preliminary information provided in your request, we have determined that the sites contains both jurisdictional and nonjurisdictional waters. The discharge of dredged or fill material into waters of the United States requires prior *Department of the Army (DA) authorization*. Your request did not provide a delineation of waters or wetland boundaries within your project areas. **Should your project involve the discharge of dredged or fill material into jurisdictional waters, you may be required to complete a field wetland delineation** in accordance with the 1987 Manual and Great Plains Regional Supplement Version 2.0.

**An Approved JD has been completed for waters identified in your request (enclosed).** Copies of supporting materials used in making these determinations are available upon request. Within 30 days from issuance, JDs are posted on our website at <https://www.nwo.usace.army.mil/html/od-rnd/jur/jur.htm>. **Each approved JD is valid for a period of five (5) years.**

If you do not agree with our JD, you may request an administrative appeal under US Army Corps of Engineers regulations found at 33 CFR 331. A *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* is enclosed. The RFA must be received in the Office specified on the second page within 60 days from the date of this letter. **It is not necessary to submit the RFA if you do not object to the determination made in the JD.** If you would like more information on the appeal process, please contact this Office.

If you have any questions regarding this determination, please do not hesitate to contact me by letter or telephone (701) 255-0015 and reference Project Number **NWO-2012-1966-BIS**.

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

Sincerely,

Matthew J. Mikulecky  
Regulatory Project Manager  
North Dakota Regulatory Office

Enclosures

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 31 August 2012

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:**

Omaha District – Great River Energy - NWO-2012-1966-BIS Form I of 1

Waters are located in Township 152 N, Range 61/62W & Township 153 N, Range 62/63W  
\*\*\*SEE ATTACHED MAPS FOR WATER LOCATIONS\*\*\*

**C. PROJECT LOCATION AND BACKGROUND INFORMATION: ISOLATED WATERS**

State: North Dakota County/parish/borough: Ramsey City: Crary  
Center coordinates of site (lat/long in degree decimal format): Lat. 48.07406° N Long. -98.69800° W  
Universal Transverse Mercator: 14

Name of nearest waterbody: Devils Lake

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None (hydrologically isolated)

Name of watershed or Hydrologic Unit Code (HUC): Devils Lake (9020201)

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.  
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: 14 August 2012  
 Field Determination. Date(s): \_\_\_\_\_

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.  
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain: \_\_\_\_\_

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Pick List** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs  
 Non-RPWs that flow directly or indirectly into TNWs  
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs  
 Impoundments of jurisdictional waters  
 Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: \_\_\_\_\_ linear feet: \_\_\_\_\_ width (ft) and/or 580 (Glacial Lake/Wetland) acres.  
Wetlands: 50 acres.

**c. Limits (boundaries) of jurisdiction based on: Pick List**

Elevation of established OHWM (if known): \_\_\_\_\_

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

2. **Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:** The JD is for eighteen (18) isolated depressional waters located within closed basins.

These waters do not flow to Devils Lake or other potential waters of the United States. The waters are not precisely identified, but are within two corridor locations in which the waters cannot be traced to any discernable surface outlets. As such, the waters lack connectivity that would constitute adjacency. It is also determined that these waters: 1) are not used by interstate or foreign travelers for recreational or other purposes; 2) do not support fish or shellfish that could be taken and sold in interstate or foreign commerce; and 3) are not used for industrial purposes by industries in interstate commerce. Lastly, the waters do not exhibit sufficient proximity and/or connectivity to jurisdictional other waters; whereby, nonspeculative ecological connection(s) could be made that would constitute adjacency.

Based upon these principle considerations, it is determined that the subject waters are *isolated and nonjurisdictional* under the auspices of Section 404 of the Clean Water Act.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**

Identify TNW: Devils Lake is the receiving TNW.

Summarize rationale supporting determination: It has been designated as a TNW by the Omaha District based upon its past, current and future uses relating to foreign and interstate commerce.

2. **Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent": Wetlands Nos. 6, 8 and 15 all exhibit a contiguous surface connection to Devils Lake. These waters have a discernable hydrologic outlet directly into Devils Lake waters. This is a continuous drainage, with apparent wetlands throughout, that constitutes an "abutting" relationship.

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A**

**C. SIGNIFICANT NEXUS DETERMINATION: N/A (WETLANDS ADJACENT TO TNWS)**

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

TNWs: \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft). Or, \_\_\_\_\_ acres.

Wetlands adjacent to TNWs: 630 total acres (50 acres pothole wetland & 580 acres of glacial lake/wetland)

2. **RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: \_\_\_\_\_.

Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: \_\_\_\_\_.

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).

Other non-wetland waters: \_\_\_\_\_ acres.

Identify type(s) of waters: \_\_\_\_\_.

3. **Non-RPWs<sup>4</sup> that flow directly or indirectly into TNWs.**

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

<sup>3</sup> Supporting documentation is presented in Section III.F.

<sup>4</sup> See Footnote # 3.

Tributary waters: \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).

Other non-wetland waters: \_\_\_\_\_ acres.

Identify type(s) of waters: \_\_\_\_\_.

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: \_\_\_\_\_.

Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: \_\_\_\_\_.

Provide acreage estimates for jurisdictional wetlands in the review area: \_\_\_\_\_ acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: \_\_\_\_\_ acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: \_\_\_\_\_ acres.

**7. Impoundments of jurisdictional waters.<sup>5</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

Demonstrate that impoundment was created from "waters of the U.S.," or

Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>6</sup> N/A**

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A**

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A**

**C. SIGNIFICANT NEXUS DETERMINATION: N/A**

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A**

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>7</sup> N/A**

<sup>5</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>6</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

<sup>7</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: \_\_\_\_\_.
- Other: (explain, if not covered above): \_\_\_\_\_.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).
- Lakes/ponds: APPROXIMATELY 220 acres.
- Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource: \_\_\_\_\_.
- Wetlands: APPROXIMATELY : 115 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): \_\_\_\_\_ linear feet, \_\_\_\_\_ width (ft).
- Lakes/ponds: \_\_\_\_\_ acres.
- Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource: \_\_\_\_\_.
- Wetlands: \_\_\_\_\_ acres.

**SECTION IV: DATA SOURCES.**

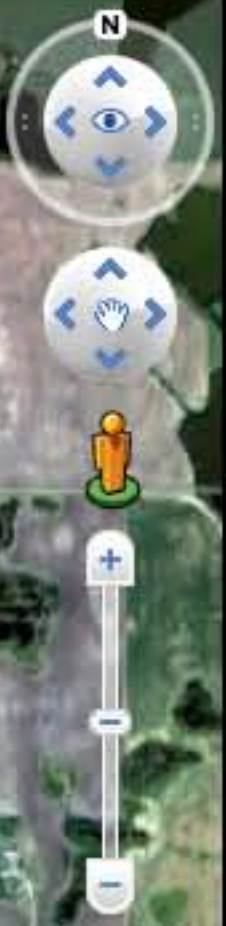
**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Aerial Office Delineation Map/Corridor Map.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: \_\_\_\_\_.
- Corps navigable waters' study: \_\_\_\_\_.
- U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1 : 24,000 - CRARY, NORTH DAKOTA.
- USDA Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_.
- National wetlands inventory map(s). Cite name: USFWS NWI.
- State/Local wetland inventory map(s): \_\_\_\_\_.
- FEMA/FIRM maps: \_\_\_\_\_.
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth Pro.
  - or  Other (Name & Date): \_\_\_\_\_.
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- Applicable/supporting case law: \_\_\_\_\_.
- Applicable/supporting scientific literature: \_\_\_\_\_.
- Other information (please specify): \_\_\_\_\_.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: See attached location maps.**

8/31/2009

NWO-2012-1966-BIS  
Approved JD for:  
Jurisdictional Waters: Nos. 6, 8 & 15  
Nonjurisdictional Waters: Nos. 1-5, 7, 9-14  
Map 1 of 2



48.0763 / -98.6776

Cray

Image USDA Farm Service Agency  
© 2012 Google

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8/31/2009

NWO-2012-1966-BIS  
Approved JD for:  
Isolated, Nonjurisdictional Waters: Nos. 16-20  
Map 2 of 2



Jones Lake

48.0178 / -98.40008

16

17

18

19

21

20

Image USDA Farm Service Agency  
© 2012 Google

©2010 Google

1990

lat 48.026679° lon -98.402338° elev 1521 ft

Eye alt 16602 ft

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Great River Energy		File Number: NWO-2012-1966-BIS	Date: 31 Aug 2012
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
XX	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

If you only have questions regarding the appeal process you may also contact:

US Army Corps of Engineers, Northwestern Division  
Attn: Mary Hoffman, Appeal Review Officer  
1125 NW Couch Street  
Portland, OR 97208-2870 Telephone (503) 808-3825  
David.W.Gesl@usace.army.mil

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

## Josh Kadrmas

---

**From:** Gulsvig, Alan - NRCS, Devils Lake, ND <Alan.Gulsvig@nd.usda.gov>  
**Sent:** Tuesday, October 09, 2012 3:44 PM  
**To:** Haakenson, Jill - NRCS, Devils Lake, ND; Emmy Baskerville  
**Subject:** RE: Response to NRCS: farmland conversion

Jill and Emily,

If these projects involve the placement of poles for transmission lines only, then Form Ad-1006 is not required.

Alan

---

**From:** Haakenson, Jill - NRCS, Devils Lake, ND  
**Sent:** Wednesday, September 26, 2012 8:53 AM  
**To:** Gulsvig, Alan - NRCS, Devils Lake, ND  
**Cc:** Wingenbach, Andy - NRCS, Devils Lake, ND  
**Subject:** FW: Response to NRCS: farmland conversion

Hi Alan,

Area you and your staff still okay with completing these for the Area Office until we get the ARSS position filled? Thanks Alan.

### *Jill Haakenson*

Area Resource Conservationist  
Natural Resources Conservation Service  
Devils Lake Area Office  
706 8th Avenue SE, Suite 1  
Devils Lake, ND 58301-3749  
Telephone: 701-662-7967, Ext. 5  
Cell phone: 701-381-9402

*"Helping People Help the Land"*

---

**From:** Emmy Baskerville [<mailto:ebaskerville@houstoneng.com>]  
**Sent:** Wednesday, September 26, 2012 8:51 AM  
**To:** Haakenson, Jill - NRCS, Devils Lake, ND  
**Cc:** Bart Schultz; 'Lukkarila, Charles GRE-MG'; Schmidt, Carole GRE-MG; Oraskovich, Kyle GRE-MG ([koraskovich@GREnergy.com](mailto:koraskovich@GREnergy.com))  
**Subject:** Response to NRCS: farmland conversion

Ms. Haakenson,

In response to the letter we received from Wade D. Bott dated September 18, 2012, attached is the Farmland Conversion Impact Rating Form AD-1006. As directed in the letter, we have completed Sections I and III. Also attached are two project maps showing the reroute corridors and the proposed new pole structure locations. I have also attached the original letter for reference. Please call me if you need any additional information.

Sincerely,

**Emmy Baskerville**

Environmental Scientist, WDC

📞 763.493.4522 | 📠 763.493.6669 | 📠 763.493.5572



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- Bismarck
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- Thief River Falls

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701.852.7931  
218.681.2951

FAX

701.237.5101  
701.323.0300  
763.493.5572  
701.858.5655  
218.681.2987

TO

Brian Prince, ND Game + Fish

DATE

8-2-12 1605

SUBJECT

Abandonment Requirements for  
Poles in Refuge

BY

Josh Kadmas

I called Brian in response to the 7/26/12 letter from Greg Link to confirm the requirements for the special use permit to abandon transmission line poles within the Crary Wildlife Management Area.

Brian said we should pull the poles, but leave the rock piles. Since our activities would occur in the winter on ice over the flooded WMA, we did not need the permit.



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

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Governor of North Dakota

North Dakota  
State Historical Board

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Department

Francis Ziegler  
Director  
Department of Transportation

Merlan E. Paaverud, Jr.  
Director

Accredited by the  
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of Museums since 1986

October 30, 2012

Mr. Barton Schultz  
Senior Project Manager  
6901 East Fish Lake Road Suite 140  
Maple Grove MN 55369

**RECEIVED**  
NOV 02 2012

HOUSTON ENGINEERING  
Minneapolis, MN

ND SHPO Ref.:12-1300 PSC "Class III Cultural Resource Survey, Great River Energy 230 kV Reroute between Grand Forks and Devils Lake (GD 230kV) Ramsey County, North Dakota"

Dear Mr. Schultz,

We reviewed ND SHPO Ref.:12-1300 PSC "Class III Cultural Resource Survey, Great River Energy 230 kV Reroute between Grand Forks and Devils Lake (GD 230kV) Ramsey County, North Dakota," and find the Trefoil report acceptable. We concur with a "No Historic Properties Affected" and "No Significant Sites" determinations, provided the project remains as described and mapped in the above-captioned report.

Thank you for the opportunity to review this proposed project. If you have any questions please contact Susan Quinnell, Review and Compliance Coordinator at (701) 328-3576, e-mail [squinnell@nd.gov](mailto:squinnell@nd.gov)

Sincerely,

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