

**Appendix B**  
**Agency Letters**



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
3010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3010

September 10, 2012

Mr. Cris Miller  
Senior Environmental Project Administrator  
1717 East Interstate Ave  
Basin Electric Power Cooperative  
Bismarck, ND 58503-0564

Dear Mr. Miller:

Thank you for your letter to the Secretary of Defense. He asked that I respond regarding the Pioneer Generation Station Site construction of two 45 MW simple cycle natural gas turbines (referenced in your letters dated the 24<sup>th</sup> and 27<sup>th</sup> of July, 2012, respectively). The Department of Defense (DoD) Siting Clearinghouse coordinated an informal review of the proposal within DoD, and as a result of this review, we predict there will be no impact on military training or testing associated with this project. Therefore, the DoD will not oppose construction of this project.

Should you have any other questions, please feel to call me at (571) 372-6745.

Sincerely,

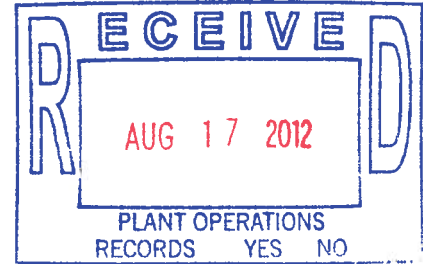
A handwritten signature in black ink that reads "Michael A. Aimone".

Michael A. Aimone, P.E.  
Executive Director  
DoD Siting Clearinghouse



August 13, 2012

Mr. Cris Miller  
Senior Environmental Project Administrator  
Basin Electric Power Cooperative  
1717 East Interstate Avenue  
Bismarck, ND 58503-0564



Re: Construction of Two 45 MW Natural Gas Turbines at the  
Pioneer Generation Station, Williams County

Dear Mr. Miller:

This department has reviewed the information concerning the above-referenced project submitted under dates of July 24 and July 27, 2012, with respect to possible environmental impacts.

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

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

4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.
5. The proposed project appears to have the potential to be a source of emissions to the air capable of causing or contributing to air pollution and may be required to have an Air Pollution Control Permit to Construct/Operate as required by Chapter 33-15-14 of the North Dakota Air Pollution Control Rules. The applicant should contact the Department's Air Pollution Control Program at 701-328-5188 prior to commencing construction.

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

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

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

Sincerely,



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

LDG:cc  
Attach.



# North Dakota State Water Commission

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

August 16, 2012

Cris Miller  
Basin Electric Power Cooperative  
1717 East Interstate Avenue  
Bismarck, ND 58503-0564



Dear Mr. Miller:

This is in response to your request for review of environmental impacts associated with the proposed construction of two gas turbines at the Pioneer Generation Station Site. The legal land description is SE ¼ of Section 20; T155N; R103W.

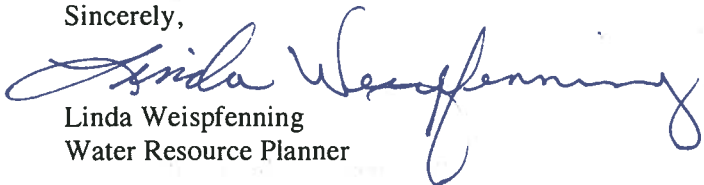
The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- There are no floodplains identified and/or mapped where this proposed project is to take place. The project takes place in an unmapped county. No floodplain permits are necessary from Williams County relative to the National Flood Insurance Program.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

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

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,



Linda Weispfenning  
Water Resource Planner

LW:dp/1570



**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.



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**



Jack Dalrymple  
Governor of North Dakota

February 29, 2012

North Dakota  
State Historical Board

Mr. Kevin Solie  
Basin Electric Power Cooperative  
1717 East Interstate Avenue  
Bismarck ND 58503

Gereld Gerntholz  
Valley City - President

Calvin Grinnell  
New Town - Vice President

ND SHPO Ref.:12-0698 "Basin Electric Power Cooperative's Pioneer Station:  
A Class III CRI in Williams County, North Dakota" in portions of [T155N  
R103W Section 20]

A. Ruric Todd III  
Jamestown - Secretary

Albert I. Berger  
Grand Forks

Dear Mr. Solie,

Diane K. Larson  
Bismarck

We reviewed ND SHPO Ref.:12-0698 "Basin Electric Power Cooperative's  
Pioneer Station: A Class III CRI in Williams County, North Dakota," and find  
the report acceptable. If consulted by a federal agency we would concur with a  
"No Historic Properties Affected" determination provided the project remains as  
described and mapped in the associated MAC report.

Chester E. Nelson, Jr.  
Bismarck

Margaret Puetz  
Bismarck

Thank you for the opportunity to review this project. Please include the ND  
SHPO Reference number listed above in further correspondence for this specific  
project. If you have any questions please contact Susan Quinnell, Review and  
Compliance Coordinator at (701) 328-3576, or [squinnell@nd.gov](mailto:squinnell@nd.gov)  
If you have any questions please contact Susan Quinnell at (701) 328-3576 or  
[squinnell@nd.gov](mailto:squinnell@nd.gov)

Sara Otte Coleman  
Director  
Tourism Division

Kelly Schmidt  
State Treasurer

Alvin A. Jaeger  
Secretary of State

Sincerely,

Mark Zimmerman  
Director  
Parks and Recreation  
Department

Merlan E. Paaverud, Jr.  
State Historic Preservation Officer  
(North Dakota)

Francis Ziegler  
Director  
Department of Transportation

Merlan E. Paaverud, Jr.  
Director

Accredited by the  
American Association  
of Museums since 1986

For your records

**From:** Stika, Jon - NRCS, Dickinson, ND [<mailto:Jon.Stika@nd.usda.gov>]

**Sent:** Monday, July 30, 2012 8:44 AM

**To:** Cris Miller

**Subject:** Re: Proposed gas turbines at Pioneer Generation Station

Chris,

Todd Solem passed your request for comment on the proposed addition of turbines to the Pioneer generation station to me. Since the turbines will be added within the existing site, the Natural Resources Conservation Service has no comment on the proposed action as no farmland will be converted to non-agricultural use.

Jon Stika

Area Resource Soil Scientist/Soil Health Instructor





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

February 9, 2012

North Dakota Regulatory Office

[NWO-2012-0167-BIS]

Basin Electric Power Cooperative  
ATTN: Kevin L. Solie, Sr Water Quality/Waste Mgmt Coordinator  
1717 East Interstate Avenue  
Bismarck, North Dakota 58503-0564



Dear Mr. Solie:

This is in reference to your request on behalf of **Basin Electric Power Cooperative** for a jurisdictional determination (JD) for wetlands proposed to be impacted by the proposed Pioneer Generating Station. The Station will be located approximately 20 miles northwest of Williston, ND on a 40-acre tract in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, Township 155 North, Range 103 West, Williams County, North Dakota.

Based on the information provided, we have determined that the two (2) wetlands identified are isolated, intrastate and non-navigable; therefore, not jurisdictional. No permits are required under Section 404 of the Clean Water Act.

An approved JD has been completed for your project (copy enclosed). Copies of supporting materials used in making this determination are available upon request. Within 30 days, the JD will also be posted on our website at <https://www.nwo.usace.army.mil/html/od-rnd/jur/jur.htm>. **This JD is valid for a period of five (5) years.**

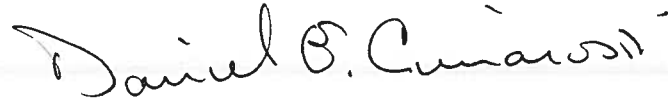
If you do not agree with the JD, you may request an administrative appeal under US Army Corps of Engineers regulations found at 33 CFR 331. A *Notification of Administrative Appeal Options and Process and Request for Appeal (NAO-RFA)* is enclosed. The NAO-RFA must be received in the Office specified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

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.

-2-

Should you have any questions regarding this determination, please do not hesitate to contact Toni R. Erhardt of my staff by letter or telephone (701)-255-0015 and reference Project Number **NWO-2012-0167-BIS**.

Sincerely

A handwritten signature in black ink that reads "Daniel E. Cimarosti". The signature is written in a cursive style with a horizontal line underneath it.

Daniel E. Cimarosti  
Regulatory Program Manager  
North Dakota

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):** 9 February 2012

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Omaha District (ND) | Basin Electric's Pioneer Generator Station | NWO-2012-0167-BIS

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** Isolated Wetlands in SE¼ of Section 20, Township 155 North, Range 103 West

State: North Dakota County/parish/borough: Williams City: rural  
Center coordinates of site (lat/long in degree decimal format):  
Wetland #1: Lat. 48.23168 N; Long. -103.95315 W  
Wetland #2: Lat. 48.23039 N; Long. -103.95247 W

Universal Transverse Mercator: 14  
Name of nearest waterbody: Painted Woods Creek (2 miles)

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Missouri River (17+ miles)  
Name of watershed or Hydrologic Unit Code (HUC): Lake Sakakawea | 10110101

- 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: 24 January 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 **Are no** "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 acres.  
Wetlands: acres.

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

Elevation of established OHWM (if known):

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

<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).

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

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Two (2) wetland basins were identified in the 120-acre parcel proposed for development. They are isolated, intrastate and non-navigable. Neither basin is utilized for recreational or industrial purposes. As indicated above, the basins are located approximately 2-miles from Painted Woods Creek and over 17 miles from the Missouri River (TNW). There is currently no hydrological connection between the basins and either of the nearest waterways.

**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:      acres.
- Other non-wetland waters:      acres. List type of aquatic resource:
- Wetlands: 0.2 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:
  - 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. Lake Sakakawea Watershed | 10110101
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 | Trenton NW, ND.
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: Trenton NW, ND.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:      (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): ArcGIS/ORM2/GoogleEarth  
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:**

# Pioneer Gas Plant Area



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

<b>Applicant: Basin Electric Power Cooperative</b>	<b>File Number: NWO-2012-0167-BIS</b>	<b>Date: 09Feb12</b>
<b>Attached is:</b>		<b>See Section below</b>
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<b>X</b>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	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:  
US Army Corps of Engineers, North Dakota Regulatory Office  
Attn: Daniel E. Cimarosti, Regulatory Program Manager  
1513 South 12<sup>th</sup> Street  
Bismarck, ND 58504 Telephone (701) 255-0015  
Daniel.E.Cimarosti@usace.army.mil

If you only have questions regarding the appeal process you may also contact:  
US Army Corps of Engineers, Northwestern Division  
Attn: David Gesl, 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:

**BASIN ELECTRIC  
POWER COOPERATIVE**

1717 EAST INTERSTATE AVENUE  
BISMARCK, NORTH DAKOTA 58503-0564  
PHONE: 701-223-0441  
FAX: 701-557-5336

July 24, 2012

Mr. Jeff Towner  
Project Leader  
U.S. Fish and Wildlife Service  
North Dakota Field Office  
3425 Miriam Ave  
Bismarck, ND 58501-7926



U.S. FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES  
ND FIELD OFFICE

Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area and/or are not likely to be adversely affected. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.

8-8-12 *Jeffrey K. Towner*

Date

Jeffrey K. Towner  
Field Supervisor

Re: Proposed construction of two gas turbines at the Pioneer Generation Station Site.

Dear Mr. Towner:

Basin Electric Power Cooperative (Basin Electric) is seeking your comments on the construction of two 45 MW simple cycle natural gas turbines (Units 2 and 3) at the existing Pioneer Generation Station Site located in the SE $\frac{1}{4}$  of Section 20; T150N; R103W. The proposed project will be located approximately 15 miles northwest of Williston, North Dakota, in Williams County (see attachment).

**Project Description**

The proposed project will consist of constructing two 45 megawatt (nominal) simple-cycle natural gas turbines (Units 2 and 3) and associated infrastructure within the existing Pioneer Generation Station Site. Units 2 and 3 will be adjacent to Unit 1 and will be built within the existing approximately eight acre fenced area.

Basin Electric would like you to provide concerns and comments on the proposed project. The comments received will be used as we compile data for the North Dakota Public Service Commission's Certificate of Site Compatibility application, which this additional generation at the Pioneer Generation Station requires.

We would appreciate receiving comments from you by August 27, 2012. If you require further information or have questions regarding this matter, please do not hesitate to contact me at 701.577.5635 or [cmiller@bepc.com](mailto:cmiller@bepc.com). Thank you for your assistance.

Sincerely,

Cris Miller  
Senior Environmental Project Administrator

/kz  
Attachment