



REPLY TO
ATTENTION OF

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

November 12, 2012

North Dakota Regulatory Office

[NWO-2012-2663-BIS]

Ms. Crystal Kuntz
Electrical Consultants, Inc.
3521 Gabel Road
Billings, Montana 59102

Dear Ms. Kuntz:

This is in reference to the application you submitted on behalf of **Basin Transload, LLC.** requesting authorization of their proposed **THPP Lignite Lateral Pipeline.** The project includes installation of seven miles of 10-inch crude oil pipeline through parts of Sections 3, 4, 5 and 6, Township 162 North, Range 92 West and Sections 1, 2 and 3, Township 162 North, Range 93 West, all in Burke County, North Dakota.

Based upon the information provided in your letter, specifically the use of the HDD method of installation to avoid discharges in waters of the United States, we have determined that no Department of the Army authorization under Section 404 of the Clean Water Act is required.

Should the project area change or require the discharge of dredged or fill material into other waters of the United States, including wetlands, you should contact this office for a new permit determination. The fact that a Section 404 permit is not required does not eliminate the need to obtain other Federal, state, tribal, and local approvals that may have regulatory jurisdiction over this project.

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

If you have any questions concerning this matter, please feel free to contact Ms. Toni R. Erhardt of this office by letter or telephone at (701) 255-0015 and reference project number **NWO-2012-2663-BIS.**

Sincerely,

Daniel E. Cimarosti
State Program Manager
North Dakota Regulatory Office

