

# APPENDIX C

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## CONSULTATIONS



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

Jack Dalrymple  
*Governor of North Dakota*

December 14, 2012

North Dakota  
State Historical Board

Gereld Gerntholz  
*Valley City - President*

Calvin Grinnell  
*New Town - Vice President*

A. Ruric Todd III  
*Jamestown - Secretary*

Albert I. Berger  
*Grand Forks*

Diane K. Larson  
*Bismarck*

Chester E. Nelson, Jr.  
*Bismarck*

Margaret Puetz  
*Bismarck*

Sara Otte Coleman  
*Director  
Tourism Division*

Kelly Schmidt  
*State Treasurer*

Alvin A. Jaeger  
*Secretary of State*

Mark Zimmerman  
*Director  
Parks and Recreation  
Department*

Grant Levy  
*Acting Director  
Department of Transportation*

Merlan E. Paaverud, Jr.  
*Director*

*Accredited by the  
American Alliance  
of Museums since 1989*

Mr. Kevin Solie  
Senior Water Quality/Waste Management Coordinator  
Basin Electric Power Cooperative  
1717 East Interstate Avenue  
Bismarck, ND 58503-0564

NDSHPO REF.: 13-0372 PSC Basin Electric Power Cooperative construction of a 3.5 mile 10" diameter natural gas pipeline from the Dakota Gasification company to the Antelope Valley Station in portions of [T145N R88W Sections 13, 14, 23 - 26 and T145N R87W Sections 18, 19, 20] Mercer County, North Dakota

Dear Mr. Solie:

We reviewed NDSHPO REF.: 13-0372 PSC Basin Electric Power Cooperative construction of a 3.5 mile 10" diameter natural gas pipeline from the Dakota Gasification company to the Antelope Valley Station, Mercer County, North Dakota, and recommend a Class III cultural resource inventory of the project area, regardless which alternative is selected (preferred, alternative route 1, or alternative route 2).

Thank you and we look forward to review of the Class III Cultural Resources Inventory. If you have questions please contact Susan Quinnell at [squinnell@nd.gov](mailto:squinnell@nd.gov) or (701) 328-3576.

Sincerely,

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



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

RECEIVED DEC 27 2012

Jack Dalrymple  
*Governor of North Dakota*

December 21, 2012

**North Dakota  
State Historical Board**

Gereld Gerntholz  
*Valley City - President*

Mr. Kevin Solie  
Senior Water Quality/Waste Management Coordinator  
Basin Electric Power Cooperative  
1717 East Interstate Avenue  
Bismarck, ND 58503-0564

Calvin Grinnell  
*New Town - Vice President*

A. Ruric Todd III  
*Jamestown - Secretary*

NDSHPO REF.: 13-0372 PSC "Basin Electric Power Cooperative's AVS Natural Gas Pipeline: A Class III Cultural Resource Inventory in Mercer County, North Dakota" in portions of [T145N R88W Sections 13, 14, 23 - 26 and T145N R87W Sections 18, 19, 20] Mercer County, North Dakota

Albert I. Berger  
*Grand Forks*

Dear Mr. Solie:

Diane K. Larson  
*Bismarck*

Chester E. Nelson, Jr.  
*Bismarck*

We reviewed NDSHPO REF.: 13-0372 PSC "Basin Electric Power Cooperative's AVS Natural Gas Pipeline: A Class III Cultural Resource Inventory in Mercer County, North Dakota," and found 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 above-captioned report, and "No Significant Sites Affected" at the state level.

Margaret Puetz  
*Bismarck*

Sara Otte Coleman  
*Director  
Tourism Division*

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

Kelly Schmidt  
*State Treasurer*

Sincerely,

Alvin A. Jaeger  
*Secretary of State*

Mark Zimmerman  
*Director  
Parks and Recreation  
Department*

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

Grant Levi  
*Acting Director  
Department of Transportation*

Merlan E. Paaverud, Jr.  
*Director*

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American Alliance  
of Museums since 1989*

Shana L. Brost  
Mercer County Auditor

*Office of County Auditor*

URL <http://www.mercercountynd.com>

Mercer County  
PO Box 39  
Stanton, ND 58571

Telephone 701-745-3292 Fax 701-745-3793  
email:[sbrost@nd.gov](mailto:sbrost@nd.gov)

Lana Schneider  
Deputy Auditor

RECEIVED DEC 19 2012

December 17, 2012

Kevin Solie  
Senior Water Quality/Waste Management Coordinator  
1717 East Interstate Avenue  
Bismarck ND 58503-0564

Dear Kevin:

In regards to letter I received about the Proposed Antelope Valley Station Natural Gas Pipeline, I have no concerns regarding the proposed Project. I would like you to beware of Mercer County zoning laws in which will have to be followed.

If you have any questions, please feel free to contact me.

Sincerely,



Shana L. Brost  
Mercer County Auditor

## Kevin Solie

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**From:** Stika, Jon - NRCS, Dickinson, ND [Jon.Stika@nd.usda.gov]  
**Sent:** Tuesday, December 18, 2012 10:18 AM  
**To:** Kevin Solie  
**Subject:** Re: Proposed Antelope Valley Station Natural Gas Pipeline

Dear Mr. Solie,

After reviewing the proposed Antelope Valley Station Natural Gas Pipeline project information you sent me, NRCS has no particular comment on the proposed project. Because the project does not appear to involve the conversion of agricultural land to non-agricultural land or the conversion of wetlands, we have no comment regarding the project.

Jon Stika  
Area Resource Soil Scientist  
Dickinson, ND  
701-225-5113 x107

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December 18, 2012

RECEIVED DEC 26 2012

Mr. Kevin Solie  
Senior Water Quality/Waste Management Coordinator  
Basin Electric Power Cooperative  
1717 East Interstate Avenue  
Bismarck, ND 58503-0564

Re: Proposed Antelope Valley Station Natural Gas Pipeline, Mercer County

Dear Mr. Solie:

This department has reviewed the information concerning the above-referenced project submitted under date of December 13, 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

Mr. Kevin Solie

2.

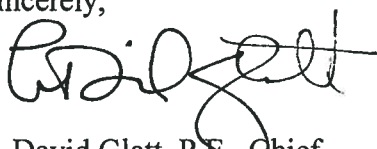
December 18, 2012

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.

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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. David Glatt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

LDG:cc  
Attach.



## 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.



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

December 20, 2012

RECEIVED DEC 26 2012

North Dakota Regulatory Office

Mr. Kevin Solie  
Basin Electric Power Cooperative  
1717 E Interstate Avenue  
Bismarck, North Dakota 58503-0564

Dear Mr. Solie:

This is in response to your letter dated December 13, 2012, requesting US Army Corps of Engineers (Corps) comments regarding the proposed Antelope Valley Station Natural Gas Pipeline from Dakota Gasification Company to the Antelope Valley Station located in Mercer County, North Dakota.

Based on the information contained within your letter, it appears a Department of the Army permit may be required for all or part of your proposed project(s). In order for us to fully evaluate your project(s), please complete and submit the Corps permit application (copy enclosed). Be sure to accurately describe all proposed work and construction methodology. Once the application is complete, please mail it to the letterhead address.

Please be advised, Corps regulatory offices administer Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404). Section 10 regulates work impacting navigable waters. Section 10 waters in North Dakota are the Missouri River (including Lake Sakakawea and Lake Oahe), Yellowstone River, James River south of the railroad track in Jamestown, North Dakota, Bois de Sioux River, Red River of the North, and the Upper Des Lacs Lake. Work over, in, or under navigable waters is considered to have an impact. Section 404 of the Clean Water Act regulates the discharge of dredged or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Do not hesitate to contact this office by letter or telephone (701) 255-0015 if we can be of further assistance.

Sincerely,

Daniel E. Cimarosti  
State Program Manager  
North Dakota

Enclosure

**BASIN ELECTRIC  
POWER COOPERATIVE**

1717 EAST INTERSTATE AVENUE  
BISMARCK, NORTH DAKOTA 58503-0564  
PHONE: 701-223-0411  
FAX: 701-557-5336



December 13, 2012

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

Re: Proposed Antelope Valley Station Natural Gas Pipeline

Dear Mr. Towner:

Basin Electric Power Cooperative (Basin Electric) is proposing to construct an approximately 3.5 mile long 10' diameter (steel) natural gas pipeline from Dakota Gasification Company to the Antelope Valley Station in central Mercer County, North Dakota (see attached).

The purpose of the Antelope Valley Station Natural Gas Pipeline (Project) is to provide natural gas to Antelope Valley Station (AVS) in order to facilitate a particulate emission control project. The emission control project entails replacing the #2 fuel oil currently used as an ignition and preheating boiler start-up fuel with natural gas.

The pipeline would be buried at a minimum depth of 4 feet within a 50 foot right-of-way. The Project would include ancillary facilities such as pig launching and receiving stations, cathodic protection and communication systems, buildings, fence and miscellaneous minor structures. The proposed pipeline would be constructed in late summer or early fall of 2013.

Basin Electric requests your written comments and concerns regarding the proposed Project. The comments received will be used as we compile data for our Corridor and Route Application for the North Dakota Public Service Commission.

We would appreciate receiving your comments by January 18, 2013. If you require further information or have questions regarding this matter, please do not hesitate to contact me at 701.577.5495 or [ksolie@bepc.com](mailto:ksolie@bepc.com).

Sincerely,

Kevin L. Solie  
Senior Water Quality/Waste Management Coordinator

/kz  
Attachment

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. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.	
12-28-12 Date	 Jeffrey K. Towner Field Supervisor



Jack Dairymple, Governor  
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3  
Bismarck, ND 58503-0649  
Phone 701-328-5357  
Fax 701-328-5363  
E-mail [parkrec@nd.gov](mailto:parkrec@nd.gov)  
[www.parkrec.nd.gov](http://www.parkrec.nd.gov)

January 8, 2013

RECEIVED JAN 09 2013

Kevin L. Solie  
Basin Electric Power Cooperative  
1717 East Interstate Avenue  
Bismarck, ND 58503-0564

Re: Proposed Antelope Valley Station Natural Gas Pipeline- Mercer County

Dear Mr. Solie;

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposal for the construction of approximately 3.5 mile long natural gas pipeline from the Dakota Gasification Company to the Antelope Valley Station in Mercer County, North Dakota.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, there are no documented occurrences in our database within or adjacent to project area. Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact me at (701-328-5370 or [kgduttonhefner@nd.gov](mailto:kgduttonhefner@nd.gov)). Thank you for the opportunity to comment on this proposed project.

Sincerely,

  
Kathy Duttonhefner, Coordinator  
Natural Resources Division

R.USNDNHI\*2012\_003KD1/8/2012DL1.18.2013

.....  
*Play in our backyard!*



# 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>

January 14, 2013

RECEIVED JAN 15 2013

Kevin Solie  
Basin Electric Power Cooperative  
1717 East Interstate Avenue  
Bismarck, ND 58503-0564

Dear Mr. Solie:

This is in response to your request for review of environmental impacts associated with the Proposed Antelope Valley Station Natural Gas Pipeline project located in Mercer County, ND.

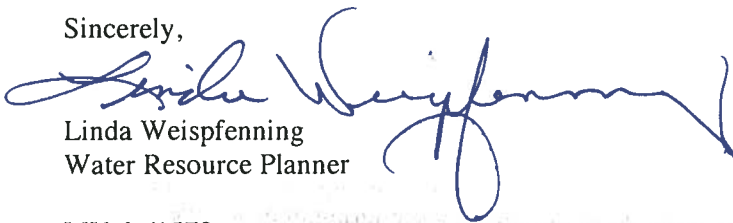
The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- 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 Mercer 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

**BASIN ELECTRIC  
POWER COOPERATIVE**

1717 EAST INTERSTATE AVENUE  
BISMARCK, NORTH DAKOTA 58503-0564  
PHONE 701-223-0441  
FAX 701-697-6336



December 13, 2012

Mr. Greg Link  
Chief of Conservation and Communication  
North Dakota Game and Fish Department  
100 North Bismarck Expressway  
Bismarck, ND 58501-5095

Re: Proposed Antelope Valley Station Natural Gas Pipeline

Dear Mr. Link:

Basin Electric Power Cooperative (Basin Electric) is proposing to construct an approximately 3.5 mile long 10' diameter (steel) natural gas pipeline from Dakota Gasification Company to the Antelope Valley Station in central Mercer County, North Dakota (see attached).

The purpose of the Antelope Valley Station Natural Gas Pipeline (Project) is to provide natural gas to Antelope Valley Station (AVS) in order to facilitate a particulate emission control project. The emission control project entails replacing the #2 fuel oil currently used as an ignition and preheating boiler start-up fuel with natural gas.

The pipeline would be buried at a minimum depth of 4 feet within a 50 foot right-of-way. The Project would include ancillary facilities such as pig launching and receiving stations, cathodic protection and communication systems, buildings, fence and miscellaneous minor structures. The proposed pipeline would be constructed in late summer or early fall of 2013.

Basin Electric requests your written comments and concerns regarding the proposed Project. The comments received will be used as we compile data for our Corridor and Route Application for the North Dakota Public Service Commission.

We would appreciate receiving your comments by January 18, 2013. If you require further information or have questions regarding this matter, please do not hesitate to contact me at 701.557.5495 or [ksolie@bepec.com](mailto:ksolie@bepec.com).

Sincerely,

Kevin L. Solie  
Senior Water Quality/Waste Management Coordinator

/kz  
Attachment



North Dakota Game & Fish Dept.  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095

We have reviewed the project and foresee no identifiable conflict with wildlife or wildlife habitat based on the information provided.

Greg Link  
Chief, Conservation & Communication Division  
Date: 1/17/13



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Mission Support Services  
800 Independence Avenue, S.W.  
Washington, DC 20591

**JAN 25 2013**

Kevin L. Solie  
1717 East Interstate Avenue  
Bismarck, ND 58503

Dear Mr. Solie:

Thank you for your correspondence regarding the proposed Antelope Valley Station Natural Gas Pipeline. The Federal Aviation Administration (FAA) would provide comments only on our areas of responsibility; that is, whether the proposed pipeline would have effects on aviation and the national airspace system.

From a regulatory perspective, you may need to consider if notice to the FAA is required for the effect of the proposed actions on airspace. We encourage you to coordinate with our Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) office so that we can review the alternatives to provide you with the possible impacts. For information on the requirements for notifying the FAA, instructions for completing the forms, or other information regarding the airspace notification process, please visit the OE/AAA web site at:  
<https://oeaaa.faa.gov/oeaaaEXT/portal.jsp>.

You will need to determine if formal notice to the FAA is required for the effect of the proposal on airspace. The requirements for this notice may be found in Title 14 of the Code of Federal Regulations, Part 77, Objects Affecting Navigable Airspace. If any part of the project exceeds notification criteria under the Federal Aviation Regulation, Part 77, notice to the FAA is required at least 30 days prior to the proposed construction date. More information may be obtained at the OE/AAA web site.

Sincerely,

Elizabeth L. Ray  
Vice President, Mission Support Services  
Air Traffic Organization