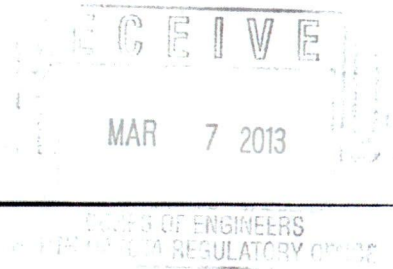




**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**



Jack Dalrymple
Governor of North Dakota

March 6, 2013

North Dakota
State Historical Board

Mr. Gerald R. Heiser
Sovereign Lands Manager
North Dakota State Water Commission
900 East Boulevard Avenue
Bismarck, North Dakota 58505-0830

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Director

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ND SHPO REF.: 13-0634 OSE: S-1838 Dakota Prairie Refining Co., LLC construct a vehicular bridge, temporary construction Pad, and a storm Water outlet structure on the Heart River in portions of [T139N R97W Section 15 SW NE] Stark County, North Dakota

Dear Mr. Heiser:

We reviewed ND SHPO REF.: 13-0634 OSE: S-1838 Dakota Prairie Refining Co., LLC construct a vehicular bridge, temporary construction Pad, and a storm Water outlet structure on the Heart River in portions of [T139N R97W Section 15 SW NE] Stark County, North Dakota. We concur with "No Historic Properties Affected" and "No Significant Sites Affected" determinations provided the project is of the nature stated and that it takes in the location plotted and mapped in your documentation dated February 20, 2013.

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

Sincerely,

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

C: Daniel Cimarosti, State Program manager, ND Regulatory Office Corpsof Engineers, Omaha District

32 PU-13-799 Filed: 12/30/2013 Pages: 2
Letter concurrence - no historic properties affected and no significant sites affected

State Historical Society of North Dakota
Merlan E. Paaverud, Jr



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

March 4, 2013

North Dakota Regulatory Office

[NWO-2013-0297-BIS]

TRE Erhardt/255-0015

Mr. Merlan E. Paaverud, SHPO
North Dakota State Historic Preservation Office
North Dakota Heritage Center
612 East Boulevard Avenue
Bismarck, North Dakota 58505

Dear Mr. Paaverud:

Enclosed is a copy of the Class III Cultural Resource Survey completed by SWCA Environmental Consultants under contract with Barr Engineering Company for Dakota Prairie Refining Company, LLC. This survey covers 25.45 acres surrounding three wetland basins and the Heart River located on property in Sections 15 and 16, Township 139 North, Range 97 West, Stark County, North Dakota. Dakota Prairie proposes to construct a diesel refinery at this location.

Based on the layout provided, the refinery itself will be constructed in uplands; therefore, no authorization from the Corps of Engineers under Section 404 of the Clean Water Act is required. Construction of a bridge over the Heart River for vehicle access to the site and a stormwater outfall structure, which also affects the Heart, will require authorization.

Two cultural resources were identified within the survey areas; however, neither is located within the project area(s) of the bridge or outfall. This inventory is provided for your records only as there is No Potential to Cause Effect as a result of either action.

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-2013-0297-BIS.

Sincerely,

Daniel E. Cimarosti
State Program Manager
North Dakota Regulatory Office

Enclosure