

May 17, 2016

VIA HAND DELIVERY

Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480



**RE: DAKOTA ACCESS, LLC
CASE NO. PU-14-842**

Dear Mr. Nitschke:

Please find enclosed herewith for filing in the above-referenced matter, an original copy and ten (10) additional copies of the following documents:

1. All letters from the North Dakota State Historic Preservation Office ("SHPO") regarding the Project received to date, with accompanying matrix regarding date received and any provisions contained therein. Please note that some of these letters have been previously submitted in connection with other filings, but for ease of reference, all documents are included herewith in one filing.
2. NDPDES Permit No. NDG070568 issued by the North Dakota Department of Health on May 9, 2016.

Also enclosed herewith is a disk containing the above-referenced documents in electronic format. If you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Bender".

LAWRENCE BENDER

LB/dmk
Enclosures

58746272_1.docx

Attorneys & Advisors
main 701.221.8700
fax 701.221.8750
fredlaw.com

Fredrikson & Byron, P.A.
1133 College Drive, Suite 174
Bismarck, North Dakota
58501-1215

174 **PU-14-842** Filed: 5/17/2016 Pages: 12
SHPO letters, ND PDES Permit

Dakota Access, LLC
Case No. PU-14-842

North Dakota State Historic Preservation Office Correspondence Update

	Date Response Received	Provisions
ND Inventory (Vol. 1 -3)	2/19/2016	No significant sites affected, excludes sites in Evaluation and Mitigation Plan
Preliminary Results of Proposed Evaluative Testing for Eligible sites (Vol. 1)	2/19/2016	Report is acceptable
Evaluation and Mitigation Plan	2/19/2016	Plan is acceptable
Unanticipated Discovery Plan	2/19/2016	UDP is acceptable - UDP outlines use of EI at exclusion/avoidance areas
Preliminary Results of Proposed Evaluative Testing for Eligible sites (Vol. 2)	4/22/2016	Report is acceptable
Preliminary Mitigation Report	4/22/2016	Report is acceptable
Class III Inventory for USACE Lands / Permit areas	4/26/2016	Concur with <i>No Historic Properties Affected</i>
Class III Inventory for USFWS permit areas	4/26/2016	Concur with <i>No Adverse Effect</i>



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February 19, 2016

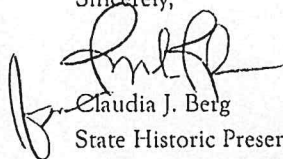
Monica Howard
Director, Environmental Sciences
Energy Transfer Partners, L.P.
6111 Westchester Drive Suite 600
Dallas, TX 75225-6142

NDSHPO Ref.: 15-0106g [also 14-1208] PSC Dakota Access Pipeline Project (DAPL)
Class III Reports for Cultural Resource Survey Corridor of the Proposed Dakota Access Pipeline
in Dunn, Emmons, McKenzie, Mercer, Morton, and Williams Counties, North Dakota

Dear Monica:

We have received and reviewed correspondence and documents for 15-0106g [also 14-1208] Dakota Access Pipeline Project: (1) 2014 Dakota Access Class II/III Cultural Resources Inventory, Allison Lange Mueller, Craig Picka, Matthew Terry, Dean Sather (Merjent), May 2015; (2) 2015 Dakota Access Class II/III Cultural Resources Inventory, Volume I, Allison Lange Mueller, Dean T. Sather, Craig Picka (Merjent) and Matthew J. Landt (Gray & Pape), September 2015; and, (3) 2015 Dakota Access Class II/III Cultural Resources Inventory, Volume III, Matthew J. Landt, Sara A. Millward, Michael J. Prouty, Abbie L. Harrison, Kristin Safi (Alpine Archaeological Consultants, Inc) and Patrick D. Trader, Beth McCord (Gray & Pape, Inc.), January 2016, and find them acceptable. We concur with a "No Significant Sites Affected" determination for and applicable to inventoried private and state (non-federal jurisdictional) tracts except for the site locations identified and treated in the "Evaluation and Mitigation Plan for Cultural Resources" that we find acceptable. Thank you and we look forward to further and ongoing consultation on the project. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,



Claudia J. Berg

State Historic Preservation Officer (North Dakota)

and

Director, State Historical Society of North Dakota

c: Dennis Woods and Abby Payton, Perennial Environmental Services (email pdf copy)

c: Matthew J. Landt, Alpine Archaeological Consultants, Inc. (email pdf copy)

c: Patrick Trader and Beth McCord, Gray & Pape, Inc. (email pdf copy)



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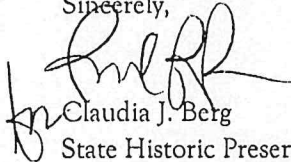
NDSHPO Ref.: 15-0106c Dakota Access Pipeline Project

"Preliminary Results of the Proposed Evaluative Testing for Eligible Sites within the Cultural Resource Survey Corridor of the Dakota Access Pipeline in Dunn, Emmons, McKenzie, Mercer, Morton, and Williams Counties, North Dakota" Report

Dear Monica:

We have received and reviewed correspondence and document 15-0106c Dakota Access Pipeline Project: "Preliminary Results of the Proposed Evaluative Testing for Eligible Sites within the Cultural Resource Survey Corridor of the Dakota Access Pipeline in Dunn, Emmons, McKenzie, Mercer, Morton, and Williams Counties, North Dakota," by Matthew J. Landt (Alpine Archaeological Consultants, Inc.) and Patrick D. Trader (Gray & Pape, Inc.), December 2015, that is acceptable to address site significance and eligibility. As discussed in our February 9th meeting, we also received the DAPL "Evaluation and Mitigation Plan" for those eligible and significant sites that will be impacted by the project. Thank you and we look forward to the review and receipt of outstanding final project documentation, and to further and ongoing consultation on the project. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,



Claudia J. Berg
State Historic Preservation Officer (North Dakota)

and

Director, State Historical Society of North Dakota

enc. as stated

c: Dennis Woods, Perennial Environmental Services

c: Abby Payton, Perennial Environmental Services

c: Matthew J. Landt, Alpine Archaeological Consultants, Inc. (pdf copy)

c: Patrick Trader, Gray & Pape, Inc. (pdf copy)



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February 19, 2016

Monica Howard
Director, Environmental Sciences
Energy Transfer Partners, L.P.
6111 Westchester Drive Suite 600
Dallas, TX 75225-6142

NDSHPO Ref.: 15-0106f Dakota Access Pipeline Project
"Evaluation and Mitigation Plan for Cultural Resources along the Planned Dakota Access Pipeline in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties, North Dakota"

Dear Monica:

We have received and reviewed correspondence and document 15-0106f Dakota Access Pipeline Project: "Evaluation and Mitigation Plan for Cultural Resources along the Planned Dakota Access Pipeline in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties, North Dakota," by Matthew J. Landt (Alpine Archaeological Consultants, Inc.) and Beth McCord (Gray & Pape, Inc.), February 2016, and find it acceptable. As discussed in our February 9, 2016 meeting, we look forward to reviewing the DAPL reports of investigations. Thank you and we look forward to the review and receipt of outstanding final project documentation, and to further and ongoing consultation on the project. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,

Claudia J. Berg
State Historic Preservation Officer (North Dakota)
and

Director, State Historical Society of North Dakota

enc. as stated

- c: Dennis Woods and Abby Payton, Perennial Environmental Services
- c: Matthew J. Landt, Alpine Archaeological Consultants, Inc. (pdf copy)
- c: Beth McCord, Gray & Pape, Inc. (pdf copy)



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February 19, 2016

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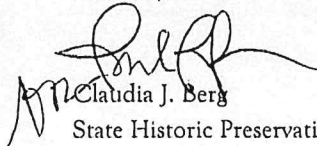
NDSHPO Ref.: 15-0106h [also 14-1208] PSC Dakota Access Pipeline Project (DAPL)
"Unanticipated Discoveries Plan Cultural Resources, Human Remains, Paleontological
Resources and Contaminated Media" for Corridor and Tracts of the Proposed Dakota Access
Pipeline in Dunn, Emmons, McKenzie, Mercer, Morton, and Williams Counties, North Dakota

Dear Monica:

We have received and reviewed correspondence and document for 15-0106h [also 14-1208]
Dakota Access Pipeline Project: "Unanticipated Discoveries Plan Cultural Resources, Human
Remains, Paleontological Resources and Contaminated Media" for Corridor and Tracts of the
Proposed Dakota Access Pipeline in Dunn, Emmons, McKenzie, Mercer, Morton, and Williams
Counties, North Dakota and find it acceptable.

Thank you and we look forward to further and ongoing consultation on the project. Please
include the ND SHPO reference number listed above in any further correspondence for this
specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or
ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,



Claudia J. Berg
State Historic Preservation Officer (North Dakota)

and

Director, State Historical Society of North Dakota

c: Dennis Woods and Abby Payton, Perennial Environmental Services (email pdf copy)

c: Matthew J. Landt, Alpine Archaeological Consultants, Inc. (email pdf copy)

c: Patrick Trader and Beth McCord, Gray & Pape, Inc. (email pdf copy)



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April 22, 2016

Monica Howard
Director, Environmental Sciences
Energy Transfer Partners, L.P.
6111 Westchester Drive Suite 600
Dallas, TX 75225-6142

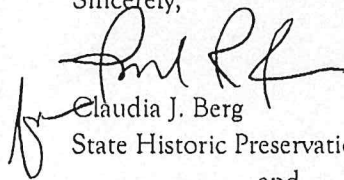
NDSHPO Ref.: 15-0106i [also 14-1208] PSC Dakota Access Pipeline Project (DAPL)
Report: Preliminary Results of the Evaluative Testing for Eligible Sites within the
Cultural Resource Survey Corridor of the Proposed Dakota Access Pipeline in Dunn,
Emmons, McKenzie, Mercer, Morton, and Williams Counties, North Dakota

Dear Monica:

We have received and reviewed April 14th correspondence and document for 15-0106i
[also 14-1208] Dakota Access Pipeline Project: "Preliminary Results of the Evaluative
Testing for Eligible Sites within the Cultural Resource Survey Corridor of the Dakota
Access Pipeline in Dunn, Emmons, McKenzie, Mercer, Morton, and Williams
Counties, North Dakota," by Matthew J. Landt (Alpine Archaeological Consultants)
and Patrick D. Trader (Gray & Pape, Inc.), April 2016, and find it acceptable. We
concur with the National Register eligibility and significance determinations provided
and summarized in the report (p. 36 and Table 31, attached).

Thank you and we look forward to ongoing consultation on the project. Please include
the ND SHPO reference number listed above in any further correspondence for this
specific project. If you have any questions, please contact either Paul Picha at (701) 328-
3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,



Claudia J. Berg
State Historic Preservation Officer (North Dakota)
and

Director, State Historical Society of North Dakota
enc. as stated

- c: Dennis Woods and Abby Payton, Perennial Environmental Services (email pdf copy)
- c: Matthew J. Landt, Alpine Archaeological Consultants, Inc. (email pdf copy)
- c: Patrick Trader and Beth McCord, Gray & Pape, Inc. (email pdf copy)



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April 22, 2016

Monica Howard
Director, Environmental Sciences
Energy Transfer Partners, L.P.
6111 Westchester Drive Suite 600
Dallas, TX 75225-6142

NDSHPO Ref.: 15-0106j [also 14-1208] PSC Dakota Access Pipeline Project
(DAPL)
Preliminary Mitigation Report for Site 32DU930, Dunn County, North Dakota

Dear Monica:

We have received and reviewed correspondence and documents for 15-0106j [also 14-1208] Dakota Access Pipeline Project: "Preliminary Mitigation Report for Site 32DU930," by Beth McCord (Gray & Pape, Inc., April 2016), and find it acceptable.

We concur that the evaluated workspace portion of 32DU930 is not significant and is a non-contributing element to the site's eligibility.

Thank you and we look forward to ongoing consultation on the project. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,

Claudia J. Berg
State Historic Preservation Officer (North Dakota)

and

Director, State Historical Society of North Dakota
c: Dennis Woods and Abby Payton, Perennial Environmental Services (email pdf copy)
c: Matthew J. Landt, Alpine Archaeological Consultants, Inc. (email pdf copy)
c: Patrick Trader and Beth McCord, Gray & Pape, Inc. (email pdf copy)



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April 26, 2016

Mr. Richard Harnois
Senior Field Archaeologist
Corps of Engineers, Omaha District
Oahe Project
28563 Powerhouse Road
Pierre, South Dakota 57501-6174

NDSHPO Ref.: 15-0106k COE Dakota Access Pipeline Project
DAPL Oahe HDD Crossing in Morton, and Emmons Counties, North Dakota
[T134N R79W Section 10, Morton County and Section 11, Emmons County]

Dear Richard:

We have received and reviewed correspondence and documentation: 15-0106k COE Dakota Access Pipeline Project "DAPL Oahe HDD Crossing in Morton and Emmons Counties, North Dakota," and find it acceptable.

We concur with a "*No Historic Properties Affected*" determination provided the project is of nature stated, it takes place in the locations specified, and that archaeological monitoring occurs as outlined in the COE correspondence and documentation. Also, we concur that 32MOx570 is not significant and is not eligible for listing in the National Register of Historic Places.

Thank you and we look forward to further consultation on the project. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,

for Claudia J. Berg
State Historic Preservation Officer (North Dakota)
and

Director, State Historical Society of North Dakota
c: Monica Howard, Dakota Access, LLC



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April 26, 2016

Meg Van Ness
Regional Federal Preservation Officer
US Fish and Wildlife Service
Denver Federal Center
PO Box 25486
Denver, Colorado 80225-0486

ND SHPO Ref: ND SHPO Ref: 15-0106m USFWS Dakota Access Pipeline (Project)
FWS/R6/Cultural Resources

Dear Meg:

We have received and reviewed correspondence: 15-0106m USFWS Dakota Access Pipeline (Project) and find it acceptable.

We concur with a *"No Adverse Effect"* determination provided the project is of the nature stated, it takes place in the Service jurisdictional easement areas described, and that the four stipulations: (a) avoidance of sites 32MN1339, 32MN1340, and 32MN929; (b) exclusionary fencing; (c) project monitoring; and, (d) adherence to *'Unanticipated Discoveries Plan*, as outlined in the USFWS project correspondence are followed.

Thank you for the opportunity to review this project. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,

Claudia J. Berg
State Historic Preservation Officer (North Dakota)

and

Director, State Historical Society of North Dakota
c: Monica Howard, Dakota Access, LLC



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



May 9, 2016

Dakota Access, LLC
Joey Mahmoud
1300 Main Street
Houston, TX 77002

Re: NDPDES Permit No. NDG070568

We have received your "Application for Permit to Discharge - NDPDES Industrial-Short Form C" and have granted authority to discharge under the General Permit for Temporary Discharges, Permit NDG070000. Your facility has been assigned permit no. **NDG070568**. This permit has been issued by the North Dakota Department of Health (NDDoH) with the understanding that all other applicable permits and permissions have been obtained for the start of the following project. The application indicates that the discharge(s) will consist of water discharged from the hydrostatic test of a new 30" steel pipeline sections for horizontal directional drill (HDD) prior to installation.

<u>Discharge Point</u>	<u>Volume (gallons/day)</u>	<u>Location</u>	
001H	9,489	Little Knife River	TWN 156N, RGE 91W, SEC 31; Mountrail County
002H	9,887	Environmental	TWN 156N, RGE 93W, SEC 31; Mountrail County
003H	18,502	Stony Creek	TWN 155N, RGE 98W, SEC 6; Williams County
004H	16,503	US Hwy 2	TWN 155N, RGE 101W, SEC 12; Williams County
005H	15,749	US Hwy 2 & 50 th St	TWN 154N, RGE 102W, SEC 27; Williams County
006H	58,853	Missouri River	TWN 152N, RGE 103W, SEC 19; Williams County
007H	48,676	MP 111 Hwy 85	TWN 151N, RGE 101W, SEC 30; McKenzie County
008H	44,920	Cherry Creek	TWN 149N, RGE 99W, SEC 1; McKenzie County
009H	51,814	Hwy 85	TWN 149N, RGE 99W, SEC 1; McKenzie County
010H	53,666	Tree Orchard	TWN 149N, RGE 98W, SEC 6; McKenzie County
011H	63,389	Cherry Creek 2	TWN 150N, RGE 98W, SEC 26; McKenzie County
012H	167,806	Little Missouri River	TWN 148N, RGE 96W, SEC 23; Dunn County
013H	69,190	Knife River	TWN 143N, RGE 89W, SEC 32; Mercer County
014H	39,933	I-94	TWN 156N, RGE 90W, SEC 17; Morton County
015H	38,883	Northern Pacific RR	TWN 139N, RGE 86W, SEC 21; Morton County
016H	43,344	Heart River	TWN 137N, RGE 84W, SEC 23; Morton County
017H	103,002	MP 139 Wetland	TWN 137N, RGE 82W, SEC 33; Morton County
018H	300,000	Lake Oahe	TWN 134N, RGE 79W, SEC 8; Morton County

All discharge points shall be inspected daily. On a daily basis record the total volume of discharge and make a visual inspection for Oil and Grease. Analytical parameter for pH and Total Suspended Solids (TSS) shall be tested for this project. The parameter for Chlorine shall be tested only if the water source has been chlorinated. The parameter of Oil and/or Grease is waived unless sheen is observed in the discharge; if observed then collect a sample for Total Petroleum Hydrocarbon (TPH). The department shall be contacted on all findings of Oil and Grease. All discharges made directly to a surface water body or wetland shall be inspected closely so as to minimize any turbidity issues. Best Management Practices (BMPs) must be used to minimize the impact of the discharge.

ADDITIVES: No additives were reviewed for this project.

Enclosed are Discharge Monitoring Report (DMR) forms for your use. If someone else is responsible for the submittal of the DMRs, please forward this letter and the enclosed forms to them. The reports cover three months; the dates and location have been filled out. If no discharge occurs during the reporting period, check "No" in section one. The reports must be post-marked by the last day of the month following the end of each reporting period. All original DMR forms should be sent to NDDoH and a copy should be kept for your files. **EPA no longer requires a copy of the DMR form.**

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



If any other testing is conducted during this project, copies of the results of any such test should be forwarded to the Department. **Should you wish to no longer be covered under this permit, you must submit a written request to terminate and cite the reasons for termination.** Coverage shall be maintained until a written notification to release has been issued to the permittee by NDDoH. Should you have any questions about your permit or how to complete the DMRs, please contact me at (701) 328-5237.

Sincerely,

Sarah Waldron
Environmental Scientist
Division of Water Quality

Enc.

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210