

Sovereign Land Permit No. S-1975

Permittee: **NST Express, LLC**
10077 Grogans Mill Road, Suite 530
The Woodlands, TX 77380-1022

Location: **East-west line just north of centerline through Section 23, Township 151 North, Range 104 West, McKenzie County.**

Project Description:

The Permittee is hereby authorized to install a welded steel pipeline under the Yellowstone River in McKenzie County.

The project will involve installing approximately 6,420 lineal feet of one-half inch thick, 12-inch diameter welded steel pipe beneath the Yellowstone River via horizontal directional drilling. The bore will occur a minimum of 50 feet below the bed of the Yellowstone River. The beginning and end points of the bore will be located on private land approximately 3,580 feet and 1,750 feet from the right and left banks of Yellowstone River respectively. The pipeline will include a mainline valve site on each side of the Yellowstone River to allow for isolation of the pipeline. Each valve site will be remotely monitored and controlled with manual override if necessary or in the event of loss of power. Pressure readings would be continuously monitored both upstream and downstream of the valves from a remote operating station and tied into an alarm system to provide notice in the event of a significant change in system pressure.

This authorization is subject to the conditions listed below and to the attached North Dakota Department of Health "Construction and Environmental Disturbance Requirements." Any other use of sovereign land is prohibited. Any proposed additional use must comply with the application and permitting process and all other requirements of state law.

General Conditions

1. Authorization of this undertaking is a privileged use of a public resource and does not constitute a property right. The public use and enjoyment of the Yellowstone River is of high priority.
2. All construction, testing, operation, maintenance, and reclamation activities shall be carried out in a manner reasonably designed to prevent degradation of the Yellowstone River.
3. The Pipeline shall include mainline valves on each side of the Yellowstone River to allow for isolation of the pipeline. Each valve shall be remotely monitored and controlled with manual override in the event of loss of power.

4. The Permittee shall continuously monitor pipeline pressure both upstream and downstream of the valves from a remote operating system tied to an alarm system to provide immediate notice in the event of a significant change in system pressure.
5. The Permittee shall implement measures to minimize the opportunity for sediment to enter the Yellowstone River during construction.
6. The Permittee shall comply with the North Dakota Department of Health's *Construction and Environmental Disturbance Requirements* (copy attached).
7. No work shall be conducted within the waters of the Yellowstone River from April 15 to June 1 in order to protect fishery resources.
8. The Permittee shall comply with all state regulations with regard to the prevention of introduction of Aquatic Nuisance Species (ANS) into the state's waters. The Permittee shall contact Ms. Jessica Howell, ANS Biologist, North Dakota Game and Fish Department at (701) 253-6480 to schedule an inspection of all vehicles and equipment a minimum of 72 hours prior to those items being launched or placed in the Missouri River.
9. Any construction debris or excess material shall be disposed of in a non-wetland, non-timbered upland site or in an approved landfill.
10. Any disturbed areas shall be revegetated with species native to the area.
11. Prior to or during construction, if items of substantial archeological value are discovered or a deposit of such items is disturbed, the Permittee shall cease construction activities in the area so affected. The State Engineer shall be promptly notified of the discovery, and construction will not resume until the State Engineer gives written permission.
12. This Authorization is site specific for the project as proposed and outlined in the application and supporting documents. Any changes or deviation from the site or design will need authorization from the State Engineer.
13. At the discretion of the State Engineer, in accordance with the exercise of any of the State Engineer's duties, the project is subject to modification or removal at the expense of the Permittee.
14. The State Engineer or the State Engineer's representative shall have access to inspect the authorized project during construction and associated activities and for the life of the project to ensure that it is being or has been accomplished and maintained in accordance with the terms and conditions of this Authorization.
15. The Permittee is responsible for obtaining any other local, state, or federal permits or approvals that may be necessary prior to construction.

16. By granting this Authorization, no liability for damages of any kind, including those caused by improper construction, operation and maintenance, design or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.



Date: 4/21/16

Todd Sando
State Engineer

