



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
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August 29, 2018

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



Dear Mr. Nitschke:

This is in response to your request for a review of the environmental impacts associated with the Cenex Pipeline, LLC, 10" Refined Fuels Pipeline project located in Williams, Mountrail and Ward Counties.

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

- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code (NDCC) § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer (OSE) if you have any questions regarding this comment at 701-328-2754 or waterpermits@nd.gov.

The State Water Commission (SWC) maintains a network of observation wells across the state for monitoring the water levels and quality in glacial and bedrock aquifers. These wells are often installed in road and highway rights-of-way to limit inconvenience to the adjacent landowners. SWC observation wells have a yellow protective casing extending between 1 and 3 feet above ground surface, and their locations are marked with a stake. If an observation well is encountered during project activities and must be removed, please contact the Water Appropriations Division. The SWC hopes to keep all observation wells, but otherwise will ensure the well is properly abandoned.

- Through the National Flood Insurance Program, a floodplain development permit is required for all development that takes place within a Special Flood Hazard Area, as identified by FEMA. Please work with the local floodplain administrator(s) for additional information and permit requirements. The floodplain administrator for Williams County is Sam Henderson, 701-577-4565. The floodplain administrator for Ward County is Nancy Simpson, 701-838-0767.

- The OSE Engineering and Permitting Section reviewed the project route and determined that the project route traverses over or through surface water resources. The OSE requests to be notified regarding the proposed project's impacts, if any, to water resources such as watercourses (i.e. streams or rivers), agricultural drains, and wetlands (i.e. ponds, sloughs, lakes, or any series thereof) as any alterations, modifications, improvements, or impacts to those water resources may require a drainage permit(s) or a construction permit(s) from the OSE. For further information on the OSE's permitting requirements, please visit the Regulation & Appropriation tab on the OSE's website (swc.nd.gov). Please contact the OSE Engineering and Permitting Section if you have any questions regarding this comment at 701-328-2752.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,

Jared Huibregtse
Water Resource Planner IV

JH:dm/1570

DOUG BURGUM, GOVERNOR
CHAIRMAN

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Comments

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GARLAND ERBELE, P.E.
CHIEF ENGINEER-SECRETARY