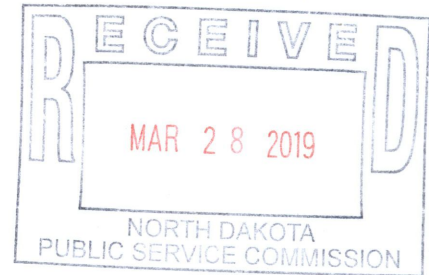


North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
(701) 328-2750 • TTY 1-800-366-6888 or 711 • FAX (701) 328-3696 • <http://swc.nd.gov>

March 26, 2019

Steve Kahl, Interim Executive Secretary
ND Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480



Dear Mr. Kahl:

This is in response to your request for a review of the environmental impacts associated with the applications in Case No. PU-18-399, 20-Inch NGL Pipeline located in McKenzie County, ND.

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

- If surface water or groundwater will be diverted for construction or operation of the project, a water permit is required per North Dakota Century Code (NDCC) § 61-04-02. Permits for temporary surface water diversions within the Little Missouri River Basin, if issued, have additional conditions per an Interim Policy signed by the State Engineer on June 22, 2017. Please consult with the Water Appropriations Division of the Office of the State Engineer (OSE) at (701) 328-2754 or waterpermits@nd.gov if you have questions regarding this comment.

- No permits relative to the NFIP are required based on the current effective FIRM and state minimum standards.

- 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, wetlands (i.e. ponds, sloughs, lakes, or any series thereof), and dams 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 permitting requirements, please visit the Regulation & Appropriation tab on the OSE's website (swc.nd.gov). If you have questions regarding this comment, please contact Matt Lindsay, Section Manager at 701-328-4949 or Jordan Woroniecki, Water Resource Engineer at 701-328-4898.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4967 or jjhuibregtse@nd.gov.

Sincerely,

Jared Huibregtse
Water Resource Planner IV

JH:dm/1570

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Agency correspondence - comments

North Dakota State Water Commission

Jared Huibregtse