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April 1, 2020

Steve Kahl
Interim Executive Secretary
ND Public Service Commission
Inside Mail

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Dear Mr. Kahl:

This is in response to your request for a review of the environmental impacts associated with the Case No. PU-18-405, Belle Fourche Pipeline Company, 6-inch Skunk Hill-DPR Pipeline Conversion Project located in Stark, Dunn, and Billings Counties, ND.

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

- There are floodplains identified and/or mapped where this proposed project is to take place. Areas are designated to be in Zone AE. North Dakota has no formal 'permitting' authority as a state entity in NFIP identified floodplain areas. The permitting is always done by the local entity, which has jurisdiction in the area in question. Please work closely with the local Floodplain Administrator.
- The Office of the State Engineer (OSE) Engineering and Permitting Section reviewed the project route and determined that the project route traverses over or through surface water resources. However, it is unclear whether the project will involve any new construction or disturbances to land or water resources. Regardless, 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 at 701-328-2752 if you have any questions.
- 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 § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer if you have any questions at (701) 328-2754 or waterpermits@nd.gov.
- The State Water Commission 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. State Water Commission 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 State Water Commission hopes to keep all observation wells, but otherwise will ensure the well is properly abandoned.

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or stevebest@nd.gov.

Sincerely,



Steven Best
Planner III

SB:dm/1570