

February 24, 2020

Steve Kahl
Interim Executive Secretary
ND Public Service Commission
Inside Mail

Dear Mr. Kahl:

This is in response to your request for a review of the environmental impacts associated with the Case No. PU-19-368, ONEOK Bakken Pipeline, L.L.C's - 16-Inch NGL Pipeline project located in Williams County, ND. .

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

- There may be floodplains identified and/or mapped where this proposed project is to take place. 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.
- If the proposed pipeline will permanently alter any water features of the state including drainage of waters a permit may be required from the OSE. Please feel free to give me a call at 701-328-3442 if you believe your project may impact any surface waters of the state.
- 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

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Agency correspondence

North Dakota State Water Commission

Steven Best, Planner III