

NORTH
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April 3, 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-19-376, Northern Divide Wind, LLC, 200 MW Northern Divide Wind Energy Center project located in Burke 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.
- 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.

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,

A handwritten signature in black ink, appearing to read "Steven Best".

Steven Best
Planner III

SB:dm/1570

96 **PU-19-377** Filed: 4/17/2020 Pages: 1
Exhibit 20 - ND State Water Commission
correspondence dated 4-3-20

Northern Divide Wind, LLC

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Northern Divide Wind, LLC