

DIRECTIONAL BORING PERMIT APPLICATION

BOWMAN COUNTY

104 First Street NW
Suite #4
Bowman, North Dakota 58623

Date Received _____

Application # _____

INSTRUCTIONS:

Complete form and return the
application and fee to the address
above

Make check payable to: **Bowman County**

APPLICATION FEE:

\$400.00 for single directional bore

Receipt Number _____

Check Number _____

Applicant Information:

Name: Bowman Wind, LLC
Authorized Agent: Scott Koziar
Mailing Address: 120 Garrett Street, Suite 700
City, State, Zip Code: Charlottesville, VA 22902
Phone Number: 434-220-7595
Email Address: Nate.Wilson@apexcleanenergy.com

Legal Description of Property: Lot: _____ Block: _____ Subdivision: _____ City: _____

County Road Directional Boring Location:

Between: 159th Avenue SW and 158th Avenue SW
Between: N/A Street SW and N/A Street SW
Quarter: NE Quarter: SE Section: 22 to 15 Township: 130N Range: 104W

GPS Coordinates:

Decimal Degrees (to six decimal places): 46.075504 Latitude -103.661483 Longitude _____

Description of Project:

The crossing in this utility permit application is for the
Bowman Wind, LLC project's underground electrical collection.
The crossing in this permit is identified as Crossing 8 in the attached

Proposed start date for project: Day 02 Month January 2025
Proposed end date for project: Day 31 Month December 2025

I Scott Koziar, known as the Authorized Agent of Bowman Wind, LLC Company, also known as the Applicant, on this 27 day of Nov is requesting a directional bore permit from Bowman County, a political subdivision of the State of North Dakota to cross an existing public road or section line or to utilize a right-of-way with a utility or facilities designed to carry or conduct oil, gas, water, electricity, telephone, television, internet or any other substance or service whatsoever.

Signed: _____

Consent to directional bore under existing public roads or section lines or to travel within a right-of-way easement is granted on the following terms and conditions, which apply to all said utilities or facilities installed, maintained, relocated or removed:

1. Pay a non-refundable fee of \$400.00 per each directional bore to Bowman County, due at the time of application submittal.
2. If any utility, facility or pipeline or any other structure is erected, constructed, buried, altered, repaired or installed without first obtaining a permit, there will be a penalty assessed to the Applicant at the rate of ten (10) times the original permit fee of \$400.00, for a total of \$4,000.00, for each directional bore site where the violation has occurred. In these situations, the Bowman County Road Supervisor and/or Inspector will issue a cease and desist order. Any violation of these requirements and restrictions shall constitute the maintenance of a public nuisance and shall be a Class A Misdemeanor.
3. Before commencement of any construction, once the permit has been approved, the Applicant must notify the Bowman County Road Superintendent during business hours.
4. The permit will expire at the end of the current calendar year in which it was applied for. If the project is not completed within that period, a new permit must be applied for.
5. Bowman County will have an Inspector to ensure the permit is being adhered to. The inspector may be present at any time during construction. The applicant must contact the Inspector twelve (12) hours prior to beginning any directional bore. If a licensed and certified Inspector is requested by the applicant, the county will obtain a third party and the applicant will be responsible for the costs.
6. All county roads must be directional bored and cased. Directional boring shall be to a minimum depth of six (6) feet below lowest point of the ditch or ten (10) feet below the center of the road, whichever is greater. Pipe shall be cased in steel or plastic. The depth of the directional bore must be six (6) feet at the start of the right-of-way or seventy-five (75) feet back from center of roadway. Directional boring shall be at a maximum depth of thirty (30) feet at the deepest part of the directional bore. If a greater depth is required, all drilling must be stopped, the inspector must be notified, and permission granted.
7. All directional borings, including parallel, must be a minimum of eighty-five (85) feet from road centerline or outside furthest utility, whichever is greater.
8. All road directional borings must be perpendicular to the roadway.

9. Hand drawn maps or sketches are not acceptable. At a minimum, a Google Earth map must be attached to this application. A directional bore profile must be submitted to the Inspector within twenty four (24) hours after completion of each directional bore.

10. All pipelines, facilities and utilities must be set back a minimum of 200 feet from water bodies, bridges, low-water crossings and unoccupied buildings and fifty (50) feet from any culvert or box-culvert or as approved by the Board of County Commissioners. Directional boring under bridges, low-water crossings, culverts or box-culverts is prohibited.

11. All proposed directional boring locations will be marked by flags and marking paint, to include locations of the proposed trenched utilities, facilities or pipelines within the road or section line right-of-ways (maximum spacing of 25-feet between each flag). The Bowman County Road Superintendent will need a minimum of seven (7) working days to complete his inspections after receiving the application.

12. Applicant is responsible for determining the identifications of all roadways and right-of-ways (county, township, private), locations of all section lines and the legal landowners of all land involved with, or adjacent to, the permit locations.

13. Name and addresses of primary contractor and all sub-contractors, including their North Dakota contractor license number, must be submitted with the permit application.

14. No inherent or retained right or privilege of any abutting property owner is affected by this permit nor is Bowman County responsible for any claims which may develop between the permittee and any property owner concerning the use of the right-of-way. Permittee is responsible for maintaining ingress/egress of private driveways during the installation of its utilities, facilities or pipelines and for the restoration of driveways during installation of its utilities, facilities or pipelines and for restoration of driveways to the owner's satisfaction.

15. If work is to be done using the county right-of-way instead of adjacent landowner's property, please attach a description as to why.

16. During construction or when encroaching upon a public roadway, the Applicant is required to provide proper signage such as "Roadwork Ahead" or "Equipment Working" or whatever is recommended by the Bowman County Road Supervisor.

17. Indicate the size and length of the pipeline, facility or utility within Bowman County. In addition, please indicate if the pipeline, facility or utility will extend beyond the borders of Bowman County.

18. Vent pipes must be placed outside of existing right-of-ways for cased pipe and must have markers on both sides of the road or section line.

19. No above ground structures shall be placed within the public right-of-way on any roads or section lines without written permission from the Bowman County Road Superintendent and/or Bowman County Commission.

20. Upon the construction, maintenance, relocation or removal of said utilities or facilities, any scars shall be removed and the disturbed areas restored to original condition including the re-seeding thereof. All costs incurred concerning this re-construction and maintenance is the responsibility of and shall be

borne by the Applicant. Trenches dug shall be backfilled using only approved materials and compacted to a density equal to that of the adjacent undisturbed soils. This shall be done in a manner satisfactory to, and subject to supervision by and approval of, the County Road Superintendent. The Applicant will be responsible for all such crossings for a period of three (3) years, repairing during those three (3) years any damages to the road resulting from their activities. If any potholing or hydrovac-ing is required, the holes must be filled back in at the time of completion of the directional boring.

21. The applicant shall certify that no wetlands will be impacted by the project. If wetlands are impacted, the applicant shall coordinate with the US Army Corps of Engineers (USACE), North Dakota Regulatory Office to determine if a permit is required or mitigation is needed. Certification of avoidance, a wetland delineation, or a permit (if required) from USACE shall be attached to the application prior to approval of the permit.

22. Applicant must abide by requirements as listed in the Bowman County Road Use Agreement to include road restrictions and load limit restrictions. The Applicant must pay for all damages to existing roads caused by its activities, including but not limited to slumping in of the trenches and back slopes, erosion, as well as collapse of any pipe. Steel tracked vehicles are not permitted to unload, travel on or cross any road at any time without the use of protective mats.

23. Applicant shall repair or replace road structures and appurtenances, and any existing utilities, facilities or pipelines located on, over or under the road right-of-way, which may be damaged as a result of the installation and maintenance of said utilities, facilities or pipelines in the road right-of-way.

24. Applicant shall notify the Bowman County Road Superintendent No Later Than 48 hours prior to any maintenance, relocating or removal of said installed utilities, facilities or pipelines or any changes to utilities, facilities or pipelines planned to be installed. The Bowman County Road Superintendent may have specific requirements or request that a new permit application be submitted based upon the work being done.

25. It is understood and agreed that Bowman County will not be liable for any costs in connection with any future required relocation of the utility, facility or pipeline due to road improvement or reconstruction. If at any time Bowman County wants to excavate in this area and if it should require the utilities, facilities or pipelines to be moved, it will be at the expense of the applying company and/or its successors.

26. Bowman County shall not be liable for damage to said utilities, facilities or pipelines resulting from reconstruction or maintenance of the right-of-way. Applicant and/or its successors shall hold Bowman County harmless for injury to persons or damage to property resulting from the location of said utilities, facilities or pipelines on Bowman County right-of-way. Applicant and/or its successors are responsible for any and all claims of damage, personal injury, or bodily injury that might result from their activities in crossing any existing road or section line in Bowman County. Furthermore, the Applicant and/or its successors agree to indemnify and hold harmless Bowman County, Bowman County employees and Inspector for any and all claims of damage, either personal injury or property or any type of claim for damages of any nature whatsoever, whether valid or invalid, that is made against Bowman County on account of the activities conducted by the applying company and/or its successors in crossing any existing road or section line.

27. Should a permitted project be started, but not finished, the costs to reclaim the property and remove any installed/partially installed utilities, facilities or pipelines will be the responsibility of the Applicant and/or its successors.

28. Applicant shall promptly remove said utilities, facilities or pipelines from the road right-of-way or shall relocate or adjust said utilities, facilities or pipelines at its sole cost and expense when requested to do so, within 30 days, by Bowman County. Should the Applicant and/or its successors fail to take the necessary steps to relocate or reconstruct its utilities, facilities or pipelines, Bowman County may take steps to have the same accomplished, and the applying company, and/or its successors, agrees to reimburse Bowman County for all expenses incurred by Bowman County in moving, relocating or reconstruction of the utilities, facilities or pipelines so the existing roads may be repaired or reconstructed, or new roads may be built on the section line or off the section line as allowed by North Dakota law.

29. The Applicant must comply with all terms and conditions stated herein.

This permit has been approved based upon the information provided by the Applicant. It is the Applicant's responsibility to ensure that the information on the approved permit is correct. Any deviation from the approved permit will constitute it as an unauthorized permit.

I have reviewed this application for a Permit for the placement of utilities, facilities or pipelines in Nebo Township, North Dakota and I have inspected the proposed work site. As Nebo Township Chairperson, I approve this application with the following recommendations:



Nebo Township Chairperson

12.02.2024
Date