

March 17, 2022

Zanna Brinkman
Director
Public Service Commission
Inside Mail

Dear Ms. Brinkman:

This is in response to your request for a review of the environmental impacts associated with the Case No. PU-22-34, Montana-Dakota Utilities Co. 12-inch Water Pipeline Project located in Morton County, ND.

The proposed project has been reviewed by Department of Water Resources 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 Department of Water Resources (DWR) Engineering and Permitting Section reviewed the Project and determined that no drainage permits are likely required. However, any changes or effects to ponds, sloughs, or lakes, watercourses, or drainage patterns may require a DWR drainage permit. For more information on these requirements, please visit the Regulation & Appropriation tab on the DWR's website (dwr.nd.gov), or contact the DWR's Regulatory Division at 701-328-2752 or dwrregpermits@nd.gov.
- 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 Department of Water Resources Water Appropriation Division if you have any questions at (701) 328-2754 or appropinfo@nd.gov.
- The Department of Water Resources 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. Department of Water Resources 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 Appropriation Division. The

Department of Water Resources 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,

A handwritten signature in black ink, appearing to read "Steven Best", with a long horizontal flourish extending to the right.

Steven Best
Planner III

SB:dm/1570