

July 29, 2024

Commissioners  
Public Service Commission  
State Capitol  
Bismarck, ND 58505

Dear Commissioners:

This is in response to your request for a review of the environmental impacts associated with the Case No. Pu-24-236 – Basin Electric Power Cooperative - Antelope Valley-Neset 345kV Trans Ln-Williams Cty.

The proposed project has been reviewed by Department of Water Resources (DWR), and the following comments are provided:

- 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 any future projects identified in the plan, a water permit will be required per North Dakota Century Code § 61-04-02. Please consult with the DWR Water Appropriation Division if you have any questions at (701) 328-2754 or [appropinfo@nd.gov](mailto:appropinfo@nd.gov).

- The DWR 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. DWR 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 DWR hopes to keep all observation wells, but otherwise will ensure the well is properly abandoned.

- There are no FEMA National Flood Insurance Program (NFIP) floodplains identified or mapped where the proposed project is to take place. No permits relative to the NFIP are likely required based on the current Flood Insurance Rate Map and State minimum standards. However, flood risk has been identified through the North Dakota Risk Assessment Mapservice and Base Level Engineering (BLE) ([ndram.dwr.nd.gov](http://ndram.dwr.nd.gov)). In the absence of FEMA NFIP data, BLE is often considered best available data and is recommended to be considered in the design process. The State of North Dakota has no formal NFIP permitting authority as all NFIP permitting decisions are considered by impacted NFIP participating communities, the community with zoning authority for the area in question. Please work directly with the local floodplain administrators of the zoning authorities impacted.

- The DWR Regulatory Division's Engineering and Permitting Section reviewed the project location and determined no drainage permits, or construction permits for dikes, diversions, or restorations are likely required so long as no watercourses are modified (i.e., deepened, widened, rerouted, etc.) and no ponds, sloughs, or lakes with a drainage area of 80 acres or more are drained. For more information, please visit the Regulation & Appropriation tab on the DWR website ([dwr.nd.gov](http://dwr.nd.gov)) or contact the Regulatory Division directly at 701-328-2750 or [dwrregpermits@nd.gov](mailto:dwrregpermits@nd.gov).

Thank you for the opportunity to provide review comments. Should you have further questions, please contact me at 701-328-4970 or [kyrkoski@nd.gov](mailto:kyrkoski@nd.gov)

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Agency Correspondence  
North Dakota Department of Water Resources (DWR)  
Kyle Yrkoski, Planner III

Sincerely,

A handwritten signature in cursive script, reading "Kyle Yrkoski". The signature is written in black ink and is positioned to the right of the word "Sincerely,". A vertical line is drawn to the right of the signature, extending from the top of the signature down to the bottom of the signature.

Kyle Yrkoski  
Planner III

KY:dm/1570