

March 24, 2025

Mr. Steve Kahl

North Dakota Public Service Commission
600 East Boulevard Ave
Dept 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

Dear Mr. Kahl,

This is in response to your request for a review of the environmental impacts associated with the Basin Electric Power Cooperative 345kV Mercer-McLean-Ward-Mountrail-Williams County Sitting Application Project, Case No. PU-24-361.

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

- There is a FEMA National Flood Insurance Program (NFIP) regulatory floodplain identified or mapped where this proposed project is to take place. Impacted areas are designated to be in NFIP Zone A. The State of North Dakota has no formal NFIP permitting authority, as all NFIP permitting decisions are considered by impacted NFIP participating communities, which is the community with zoning authority for the area in question. Please work directly with the local floodplain administrator of the zoning authority impacted to achieve NFIP and community compliance.
- 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.
- 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.
- Any new work that takes place or changes made to a previously constructed structure within the ordinary high water mark (OHWM) of the Missouri River will require prior authorization from DWR. For further information, feel free to contact DWR's Sovereign Land Manager, Jerry Heiser at 701-328-4935 or gheiser@nd.gov. You can also contact our Sovereign Land Specialist at 701-328-4988 or awinkelman@nd.gov.
- The DWR Regulatory Division's Engineering and Permitting Section and Water Resource Districts are responsible for regulating drainage and water management in North Dakota. The DWR Engineering and Permitting Section also regulates the construction and modification of any dike, diversion, restoration, or other device.

Consequently, the DWR requests to be notified regarding a proposed project's impacts, if any, to water resources, such as watercourses (i.e. streams or rivers), agricultural surface drains, wetlands (i.e. ponds, sloughs, lakes, or any series thereof) with a contributing watershed area of 80 acres or more, and dikes, diversions, restorations, and other water control devices, as any alterations, modifications, improvements, or impacts may require a drainage permit(s) or construction permit(s). For more information on these requirements, please visit the Regulation & Appropriation tab on the DWR website (dwr.nd.gov) or contact the Regulatory Division directly at 701-328-2750 or 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.

Sincerely,

A handwritten signature in cursive script, reading "Kyle Yrkoski", followed by a vertical line.

Kyle Yrkoski
Planner III

KY:mg/1570