



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504-7565

February 29, 2024

NWO-2024-00273-BIS

McKenzie Ranger District
Attn: Ms. Kim Grotte
1905 South Main Street
Watford City, North Dakota 58854-6705

Dear Ms. Grotte:

This is in response to your solicitation letter received on February 16, 2024 requesting Department of the Army (DA), United States Army Corps of Engineers (Corps) comments on the proposed Oneok Rockies Midstream, LLC, Charlson North Gathering Pipeline Project. The project site is located in [in Sections 11, 14, and 15, Township 153 North, Range 95 West, McKenzie County](#), North Dakota.

Corps Regulatory Offices administers Section 404 of the Clean Water Act. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Enclosed for your information is the fact sheet for Nationwide Permit 12, Oil and Natural Gas Pipeline Activities. Oil and natural gas pipelines are already authorized by Nationwide Permit 12 provided the pipeline can be placed without any change to pre-construction contours and all other proposed construction activities and facilities are in compliance with the Nationwide's permit conditions and 401 Water Quality Certification. On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work with EPA to obtain individual water quality certification. Please note the pre-construction notification requirements on page 2 of the fact sheet. If a project involves any one of the notification requirements, the project proponent must submit a DA application. Furthermore, a project must also be in compliance with the "Regional Conditions for Nationwide Permits within the State of North Dakota", found on pages 23 thru 30 of the fact sheet.

In the event the applicant's project(s) requires approval from the U.S. Army Corps of Engineers and cannot be authorized by Nationwide Permit(s), a Standard or Individual Permit will be required. A project that requires a Standard or Individual Permit is

intensely reviewed and will require the issuance of a public notice. A Standard or Individual Permit generally requires a minimum of 120 days for processing but based on the project impacts and comments received through the public notice may extend well beyond 120 days.

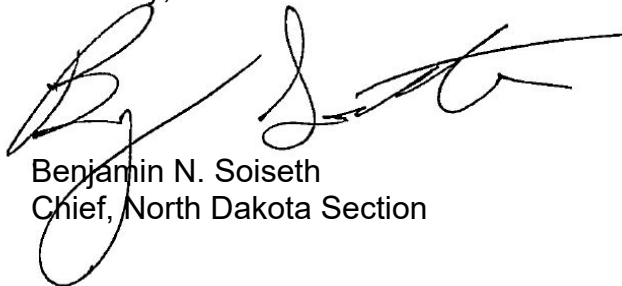
This correspondence letter does not approve the proposed construction work or does not verify the proposed project complies with the Nationwide Permit(s).

If this project requires a Section 404 permit, the applicant should complete and submit the enclosed Department of the Army permit application (ENG Form 6082) to the U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, North Dakota 58504 or to the email address below. If the applicant is unsure if a permit is required, they may submit an application; include a project location map, description of work, and construction methodology.

The North Dakota Regulatory office can accept (and prefers) electronic submissions to the following email: CENWO-OD-RND@usace.army.mil.

Please refer to identification number NWO-2024-00273-BIS in any correspondence concerning this project. If you have any questions, please contact Jeremy Nygard at U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, Bismarck, North Dakota 58504-7565, by email at Jeremy.S.Nygard@usace.army.mil, or telephone at (701) 255-0015 X 2006.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Soiseth', is written over the typed name and title.

Benjamin N. Soiseth
Chief, North Dakota Section

Enclosure