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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 14, 2007

Kurt Donelan
East River Electric Power Cooperative
121 Southeast First Street
P.O. Box 227
Madison, SD 57042

Dear Mr. Donelan.

The South Dakota Department of Environment and Natural Resources (DENR) reviewed the project proposed by the East River Electric Power Cooperative concerning the PS-20 115 kV Transmission Line and Substation. The DENR finds that this construction, using conventional construction techniques, should not cause violation of any statutes or regulations administered by the DENR based on the following recommendations:

1. Best Management Practices (BMP) for sediment and erosion control should be incorporated into the planning, design, and construction of this project.
2. A Surface Water Discharge (SWD) permit may be required if any construction dewatering should occur as a result of this project. Please contact this office for more information.
3. Tributaries and wetlands may be impacted by this project. These water bodies are considered waters of the state and are protected under the South Dakota Surface Water Quality Standards. The discharge of pollutants from any source, including indiscriminate use of fill material, may not cause destruction or impairment except where authorized under Section 404 of the Federal Water Pollution Control Act. Please contact the U.S. Army Corps of Engineers concerning this permit.

If you have any questions concerning these comments, please contact me at (605) 773-3351.

Sincerely,

John Miller
Environmental Program Scientist
Surface Water Quality Program

EXHIBIT 23