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MADISON, SD

July 25, 2008

Mr. Kurt Donelan
 East River Electric Power Cooperative
 121 South East First Street
 PO Box 227
 Madison SD 57042

SECTION 106 PROJECT CONSULTATION – IDENTIFICATION/EVALUATION

Project: 080714006F – PS – 22 115 kV Transmission Line – for Keystone Pipeline

Location: Multiple Counties
(RUS)

Dear Mr. Donelan:

Thank you for the opportunity to comment on the above referenced project pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended). The South Dakota Office of the State Historic Preservation Officer (SHPO) concurs with your determination regarding the effect of the proposed undertaking on the non-renewable cultural resources of South Dakota.

The SHPO has made this consensus determination based on the information provided in your correspondence and the report, "A Level III Cultural Resources Survey of the Proposed Overhead Power Line Corridor for Pumping Station 22 in Davison, Miner and Sanborn Counties, South Dakota," prepared by Kogel & Stanfill Associates, received on July 14, 2008. Newly recorded sites 39SB77, 39SB78, and 39SB79 should be considered not eligible for listing on the National Register of Historic Places. Therefore, SHPO concurs with the determination of No Historic Properties Affected for this undertaking. Activities occurring in areas not identified in the original request will require the submission of additional documentation pursuant to 36 CFR part 800.4.

If historic properties are discovered or unanticipated effects on historic properties are found after the agency official has completed the Section 106 process, the agency official

EXHIBIT 10



shall avoid, minimize or mitigate the adverse effects to such properties and notify the SHPO/ THPO, and Indian tribes that might attach religious and cultural significance to the affected property within 48 hours of the discovery, pursuant to 36 CFR part 800.13.

Concurrence of the SHPO does not relieve the federal agency official from consulting with other appropriate parties, as described in 36CFR Part 800.2(c).

Should you require additional information, please contact Amy Rubingh, Review and Compliance Archaeologist, at (605) 773-8370. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,

Jay D. Vogt
State Historic Preservation Officer

A handwritten signature in cursive script that reads "Amy Rubingh". The signature is written in black ink and is positioned above the printed name and title of the signatory.

Amy Rubingh
Review and Compliance Archaeologist

Cc: Jane Watts, Archaeological Research Center



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

REPLY TO
ATTENTION OF

June 06, 2008

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Kurt
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Planning, Programs, and Project Management Division

Mr. Kurt Donelan
East River Electric Power Cooperative
121 Southeast First St.
P.O. Box 227
Madison, South Dakota 57042

Dear Mr. Donelan:

The U.S. Army Corps of Engineers, Omaha District (Corps) has reviewed your letter dated May 14, 2008 regarding the PS-22 115 kV Transmission Line. The Corps offers the following comments:

If the proposed powerline construction crosses the flood plains of small drainageways and streams, flood-related problems should not occur if the supporting structures for overhead power lines are located as far from the banks of the drainage ways and streams as possible. This will minimize the potential for erosion hazards and flood flow obstruction. If any aboveground construction is subject to flood damage, such as electrical boxes, they should either be placed above, or flood proofed to, a level above the 1-percent-annual-chance flood elevation.

Your plans should be coordinated with the U.S. Environmental Protection Agency, which is currently involved in a program to protect ground water resources. If you have not already done so, it is recommended you consult with the U.S. Fish and Wildlife Service and the South Dakota Department of Game, Fish and Parks regarding fish and wildlife resources. In addition, the South Dakota State Historic Preservation Office should be contacted for information and recommendations on potential cultural resources in the project area.

If construction activities involve any work in waters of the United States, a Section 404 permit may be required. For a detailed review of permit requirements, preliminary and final project plans should be sent to:

U.S. Army Corps of Engineers
Pierre Regulatory Office
Attention: CENWO-OD-R-SD/Naylor
28563 Powerhouse Road, Room 120
Pierre, South Dakota 57501

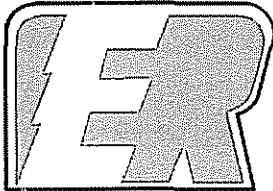
If you have any questions, please contact Mr. Dave Crane of my staff at (402) 995-2676.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Laux". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ear

Eric A. Laux, Chief
Environmental, Economics, and
Cultural Resources Section
Planning Branch



EAST RIVER

ELECTRIC POWER COOPERATIVE
121 Southeast First St. P.O. Box 227
Madison, SD 57042 Telephone (605) 256-4536

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MAY 22 2008

Dept. of Game, Fish & Parks
Pierre, SD 57501

May 14, 2008

Mr. John Kirk, Interagency Coordinator
South Dakota Department of Game, Fish & Parks
523 East Capitol Avenue
Pierre, SD 57501

RE: PS-22 115 kV Transmission Line

Dear Mr. Kirk:

S.D. DEPARTMENT OF
GAME, FISH AND PARKS
Project as described will have no significant
impact on fish and wildlife resources. If
project design changes, please submit plans
for review.

5-22-08

Ueda

Approve

Enclosed you will find maps and supportive information concerning the proposed PS-22 115 kV Transmission Line to be constructed by East River Electric Power Cooperative, Inc.

East River Electric Power Cooperative is planning to construct a new 115 kV electric transmission line that will exit a proposed Western Area Power Administration (WAPA) substation located in Section 1, Township 104N, Range 60W and will terminate at a new 115 to 4.16 kV substation in Section 20, Township 106N, Range 57W. The new line will be approximately 22 miles in total length, and it is anticipated that construction will start in the fall of 2008 and be completed by the summer of 2009.

The line will be built above ground along the township and county roads. Some tree trimming or removal will need to be done to meet National Electrical Code. The typical structure used for this line will be a single wood pole with stand off insulators. The average height of the poles will be 65' and set into the ground 8.5'. The proposed project would require approximately 17 to 20 structures per mile.

The proposed PS-22 transmission line is required by our member, Central Electric, to meet the demands of new electrical loads being added in this area with the TransCanada Keystone pipeline.

Wildlife in the area include, but are not limited to, deer, rabbit, coyote, badger, skunk, raccoon, mink, fox, gopher, and many species of birds.

I would appreciate receiving your comments on the environmental aspects of the proposed construction within thirty (30) days of the date of this letter.

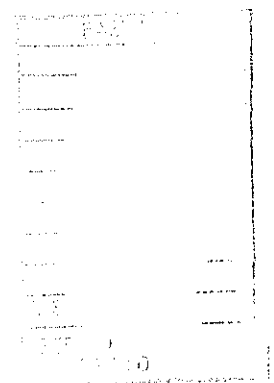
If any additional information is required, feel free to contact me.

Sincerely,

Kurt Donelan
Land Agent

KD/jc

Enc.





June 18, 2008

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-22 115 kV Transmission Line. 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. At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site. Any construction activity that disturbs an area of one or more acres of land must have authorization under the General Permit for Storm Water Discharges Associated with Construction Activities. Contact the Department of Environment and Natural Resources for additional information or guidance at 1-800-SDSTORM (737-8676) or www.state.sd.us/denr/des/surfacewater/stormwater.htm.
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. Wetlands and tributaries 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 (handwritten signature)

John Miller
Environmental Program Scientist
Surface Water Quality Program

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

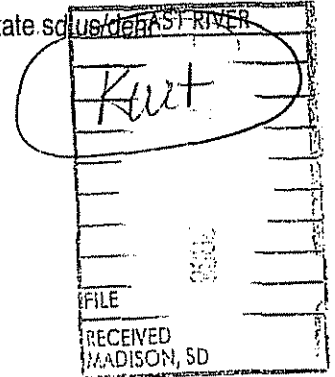
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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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www.state.sd.us/denr



June 6, 2008

Kurt Donelan
East River Electric Power Cooperative
121 Southeast First St.
Madison, SD 57042

Re: EREPC PS-22 115kV Transmission Line, Southern Miner and Sanborn Counties

Kurt Donelan:

The Ground Water Quality Program of the South Dakota Department of Environment and Natural Resources has reviewed the above-referenced project location for potential impacts to ground water quality. Based on the information submitted in your cover letter for this project, dated May 14, 2008, the department does not anticipate adverse impacts to ground water quality by this project.

There have been accidental petroleum and other chemical releases throughout the state. No releases have been identified in the area of this project. However, the location information provided to us regarding releases is sometimes inaccurate or incomplete. Therefore, we have not conclusively identified all possible causes of contaminated material which this project may encounter. If you would like to do more research regarding these and other accidental releases, information on accidental releases reported in South Dakota may be obtained at the following website:

<http://www.state.sd.us/denr/DES/ground/dataspil.htm>.

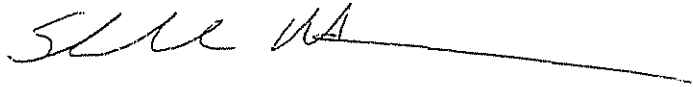
If contamination is encountered during construction activities, the East River Electric Power Cooperative or its designated representative must report the contamination to the department at (605) 773-3296. Any contaminated soil encountered must be temporarily stockpiled and sampled to determine disposal requirements, and the materials of construction through the contaminated area should be evaluated for chemical compatibility and adjusted accordingly.

EREPC 115kV TrmsmsnLin(SoMinr-Snbrn).doc

*Kurt Donelan
East River Electric Power Cooperative
June 6, 2008
Page 2 of 2*

Thank you for providing the opportunity to comment on this project. If you have any questions regarding the information provided, please contact me at the number below.

Sincerely,

A handwritten signature in black ink, appearing to read 'SH Hamann', with a long horizontal line extending to the right.

Sheldon Hamann,
Senior Hydrologist
Ground Water Quality Program
Phone: 773-4589