

**Minnesota Public Utilities Commission**  
*Staff Briefing Papers*

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Meeting Date: January 14, 2016 .....Agenda Item \*8

Company: Minnesota Power

Docket No. E015/TL-14-977  
In the Matter of the Application of Minnesota Power for a Route Permit for  
the 16 Line Reroute Project in St. Louis County, Minnesota

Issue(s): Should the Commission find that the environmental assessment and the record  
created at the public hearing adequately address the issues identified in the  
scoping decision? Should the Commission adopt the Administrative Law Judge  
Report? Should the Commission issue a route permit identifying a specific route  
and permit conditions for the 16 Line Reroute High Voltage Transmission Line  
Project?

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**Relevant Documents**

Minnesota Power Application ..... January 16, 2015  
Department of Commerce EERA Comments on Route Alternatives ..... April 17, 2015  
Department of Commerce Environmental Assessment Scoping Decision ..... May 20, 2015  
Minnesota Power Route Alternative Comparison ..... June 19, 2015  
Department of Commerce EERA Environmental Assessment Report (17 parts) ..... October 5, 2015  
Minnesota Power Comments ..... October 23, 2015  
Minnesota Power Comments ..... October 28, 2015  
Minnesota DNR Comments ..... November 6, 2015  
Minnesota Power Proposed Findings of Fact ..... November 6, 2015  
Administrative Law Judge Report ..... December 17, 2015  
Minnesota Power Regarding No Exceptions to ALJ Report ..... December 23, 2015

The attached materials are work papers of the Minnesota Public Utilities Commission staff. They are intended for use by the Commission and are based upon information already in the record unless noted otherwise.

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### ***Attached Documents***

Proposed High Voltage Transmission Line Route Permit

### **Statement of the Issues**

Should the Commission find that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?

Should the Commission adopt the Administrative Law Judge Report?

Should the Commission issue a route permit identifying a specific route and permit conditions for the 16 Line Reroute High Voltage Transmission Line Project?

### **Procedural History**

On January 16, 2015, Minnesota Power submitted an application for a route permit for the 16 Line Reroute Project under the alternative permitting process.

On March 17, 2015, the Commission issued an Order Finding Application Complete.

On March 23, 2015, the Commission and Department of Commerce Energy Environmental Review and Analysis staff (EERA or Department) held a Public Information and Environmental Assessment Scoping Meeting at the Eveleth City Hall in Eveleth, Minnesota.

On May 14, 2015, the Commission issued an Order Identifying Additional Routes for Environmental Review and Referring the Application to the Office of Administrative Hearings.

On May 19, 2015, the Department issued its Environmental Assessment Scoping Decision.

On June 19, 2015, Minnesota Power filed a route alternative comparison in response to a request from the Department.

On October 5, 2015, the Department filed the Environmental Assessment for the project.

On October 27, 2015, the Administrative Hearings (OAH) held a public hearing in the Eveleth City Hall in the City of Eveleth.

On October 28, 2015, Minnesota Power filed comments revising its cost analysis.

On November 6, 2015, the Minnesota Department of Natural Resources (DNR) submitted comments regarding alternative route segments.

On December 17, 2015, the Office of Administrative Hearing filed a Report on Findings of Fact, Conclusions of Law, and Recommendation.

On December 23, 2015 Minnesota Power filed a letter indicating it had no exceptions to the ALJ Report.

### ***Project Overview***

Minnesota Power applied to the Commission for a route permit to construct an approximately 3-mile 115 kilovolt (kV) alternating current high-voltage transmission line (HVTL) located south of Fayal Township in Saint Louis County. As part of the project, three miles of existing 115-kV transmission line would be taken out of service and removed. The proposed HVTL would connect to Minnesota Power's existing 16 Line on the east side of United Taconite's existing tailings basin and proceed southeast, parallel to an existing railroad grade for approximately 1.25 miles. The line would then proceed southwest for approximately 1.75 miles where it would connect to the existing 16 Line. The applicant has requested a 500-foot route width and a right-of-way width of 100 feet. Minnesota Power stated in its application that the project is required to accommodate United Taconite's planned expansion of its existing tailings basin area on its property in 2016. The existing line is located on land leased from United Taconite. The proposed project would be located on land owned by United Taconite, the State of Minnesota, St. Louis County, and one private landowner.

### ***Statutes and Rules***

Under Minn. Stat. § 216E.03, subd. 1, "No person may construct a high-voltage transmission line without a route permit from the commission. A high-voltage transmission line may be constructed only along a route approved by the commission."

Minn. Stat. § 216E.01, subd. 4, defines a high-voltage transmission line as "...a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length."

The proposed project qualifies for alternative review under Minn. Stat. § 216E.03 because it meets the requirements of Minnesota Rule 7850.2800, subp. 1(C), which allows for permitting under the alternative process if the HVTL project is capable of operating between 100 kV and 200 kV but less than five miles in length.

The proposed project is subject to Minn. Stat. § 216E which requires that high-voltage transmission lines be routed consistent with state policy and in a manner that "minimizes adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion." The statute also grants the Commission the authority to specify the design, routing, right-of-way preparation, and facility construction it deems necessary, along with any other appropriate conditions when issuing a permit for a high-voltage transmission line.

Minn. Stat. § 216E.04, subd. 5 requires the commissioner of the Department of Commerce to prepare an environmental assessment on proposed high-voltage transmission lines. The environmental assessment must contain information on the potential human and environmental impacts of a proposed project and of alternative sites or routes considered and must address mitigation measures for identified impacts.

Under Minn. Stat. § 216B.243, subd. 2, “No large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the commission...” Because the proposed 115 kV transmission line is less than ten miles in length, and does not cross a state border, a certificate of need is not required.

### ***Environmental Assessment***

On May 19, 2015, the Department filed the environmental assessment (EA) scoping decision in accordance with Minn. R. 7850.3700. The scoping decision identified the issues to be addressed including routes; specific potential project impacts; and a schedule for completion of the environmental assessment.

On October 5, 2015, the Department filed the environmental assessment on the proposed project in accordance with Minn. R. 7850.3700. The environmental assessment contained a comprehensive description of the proposed project; a discussion of potential impacts of the project on the human and natural environment; reasonable mitigation measures that could be implemented to minimize any identified adverse impacts; and required permits and approvals.

### ***Public Hearing and Comments***

Administrative Law Judge Jeanne M. Cochran with the Office of Administrative Hearings presided over a public hearing conducted on October 27, 2015, at the Eveleth City Hall in Eveleth, Minnesota.

The hearing procedures included a brief presentation to describe the proposed project; an explanation of the process to be followed; introduction of documents to be included in the record; and an opportunity for any person to present comments and to ask questions of the applicant, the Department, and Commission staff. A court reporter was present to transcribe the public hearing. No members of the public offered comments at the public hearing. Following the public hearing, a comment period for submission of written comments into the record was open until November 6, 2015.

On October 28, 2015, Minnesota Power filed comments correcting the length of line required to be removed for alternative AR2 in its cost analysis.<sup>1</sup>

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<sup>1</sup> Finding of Fact #39, ALJ Report, e-Dockets Filing # 201512-116602-01, December 17, 2015.

On November 6, 2015, the DNR filed comments indicating that any crossing of state-owned peat resources along the alternative routes would require an encumbrance fee, which would be an additional expense that has not been included in the estimated cost of construction.

### ***Administrative Law Judge Report***

On December 17, 2015, the ALJ filed Findings of Fact, Conclusions of Law and Recommendation (ALJ Report). The ALJ concluded that the evidence in the record demonstrates that the EA is adequate because the EA and the public hearing record address the issues and alternatives raised in the Scoping Decision. The ALJ stated that all procedural requirements for the route permit had been met and recommended that the Commission issue a Route Permit for the proposed HVTL.

Regarding route alternatives, the ALJ stated that evidence on the record further demonstrates that the Application Route best satisfies the route permit factors in statute and rule because it is the least costly alternative and provides the greatest future opportunity for further expansion of United Taconite's tailings basin without resulting in significant incremental impacts to other routing factors as compared to AR2 and AR3. The ALJ noted that the route alternatives included in the EA are slightly different than those recommended by the Commission.<sup>2</sup>

### ***Exceptions to ALJ Report***

On December 23, 2015, Minnesota Power filed a letter indicating that it had no exceptions to the ALJ Report.

### ***Staff Discussion***

Commission staff has reviewed the record including Minnesota Power's route permit application, the Environmental Assessment, and comments, as well as the report of the administrative law judge. Staff agrees with the recommendations of the ALJ and the Department.

Staff has reviewed the environmental assessment and agrees with the ALJ that the environmental assessment addresses the issues identified in the scoping decision.

## **Commission Decision Alternatives**

### **A. Environmental Assessment**

1. Determine that the environmental assessment and the record created at the public hearing addresses the issues identified in the environmental assessment scoping decision.

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<sup>2</sup> *Ibid*, Findings of Fact Numbers 28 & 50.

2. Take some other action deemed appropriate.

**B. Findings of Fact, Conclusions of Law and Recommendation**

1. Approve and adopt the ALJ's Findings of Fact, Conclusions of Law and Recommendation for 16 Line High Voltage Transmission Line Reroute Project in Saint Louis County.
2. Take some other action deemed appropriate.

**C. Transmission Line Route Permit**

1. Issue a high-voltage transmission line route permit to Minnesota Power for the 16 Line High Voltage Transmission Line Reroute Project identifying a specific route and permit conditions for the Project.
2. Take some other action deemed appropriate.

**Staff Recommendation:** A1, B1, and C1

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**  
**ROUTE PERMIT FOR CONSTRUCTION OF A HIGH-VOLTAGE TRANSMISSION**  
**LINE AND ASSOCIATED FACILITIES**

**IN**  
**SAINT LOUIS COUNTY**

**ISSUED TO**  
**MINNESOTA POWER**

**PUC DOCKET NO E015/TL-14-977**

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850, this route permit is hereby issued to:

**MINNESOTA POWER**

Minnesota Power is authorized by this route permit to construct an approximately 3-mile 115 kilovolt (kV) alternating current high-voltage transmission line (HVTL) located south of Fayal Township in Saint Louis County.

The transmission line and associated facilities shall be built within the route identified in this permit and as portrayed on the official route maps, and in compliance with the conditions specified in this permit.

Approved and adopted this \_\_\_\_ day of January 2016

**BY ORDER OF THE COMMISSION**

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Daniel P. Wolf,  
Executive Secretary

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**FIGURE 1 Route Permit Map**

**ATTACHMENTS**

- Attachment A: Complaint Handling Procedures for Permitted Energy Facilities
- Attachment B: Compliance Filing Procedure for Permitted Energy Facilities
- Attachment C: Permit Compliance Filings

## **ROUTE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Minnesota Power (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the Minnesota Power to construct an approximately 3-mile 115 kilovolt (kV) alternating current high-voltage transmission line (HVTL) located south of Fayal Township in Saint Louis County, and as identified in the attached route permit maps, hereby incorporated into this document.

### **PROJECT DESCRIPTION**

The Project includes the construction of an approximately 3-mile 115 kilovolt (kV) alternating current high-voltage transmission line (HVTL) located south of Fayal Township in Saint Louis County. The HVTL will connect to Minnesota Power’s existing 16 Line on the east side of United Taconite’s existing tailings basin and proceed southeast parallel to an existing railroad grade for approximately 1.25 miles. The line would then shift southwest for approximately 1.75 miles where it would reconnect to Minnesota Power’s existing 16 Line south of the new tailings basin. The Project also includes the de-energizing and removal of approximately 3 miles of existing HVTL (current 16 Line) that runs through the future expansion of United Taconite’s tailings basin.

#### **1.1 Project Location**

The Project is located in Saint Louis County, south of Fayal Township and approximately 4 miles east of McDavitt Township. The route maps attached to this permit show the overview of the project area.

County	Township Name	Township	Range	Section
Saint Louis	Unincorporated	56N	17W	16
Saint Louis	Unincorporated	56N	17W	17
Saint Louis	Unincorporated	56N	17W	20
Saint Louis	Unincorporated	56N	17W	21
Saint Louis	Unincorporated	56N	17W	28
Saint Louis	Unincorporated	56N	17W	29

## 1.2 Associated Facilities and Substations

There are no associated facilities required for the project.

## 1.3 Structures and Conductors

The proposed project would use H-Frame and Pole Angle structure types as appropriate. All structures must meet or exceed clearance and strength requirements given in the 2012 edition of the National Electrical Safety Code (NESC).

The table below details specifics on the various structure types as presented in the route permit application.

Line Type	Structure Type	Structure Material	Typical ROW Width (feet)	Approximate Structure Height (feet)	Structure Base Diameter (inches)	Foundation Diameter (feet)	Span Between Structures (feet)
Single Circuit 115 kV	Angle Structures	Wood	100	Ranges from 60-75	Ranges from 16-32	Wood: direct embed	NA
Single Circuit 115 kV	H-Frame	Wood	100	Ranges from 60-75	Ranges from 16-32	Wood: direct embed	Ranges from 600-7 00

The transmission line and associated facilities shall be designed to meet or exceed all relevant local and state codes, the National Electric Safety Code (NESC), and North American Electric Reliability Corporation (NERC) requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The transmission line shall be equipped with protective devices to safeguard the public if an accident occurs.

### DESIGNATED ROUTE

The route designated by the Commission in this permit is the route described below and shown on the route maps attached to this permit. The route is generally described below.

The new construction and rebuild portion of the Project is located in Sections 16, 17, 20, 21, 28 and 29 of T56N, R17W. The route proposed in the Application by Minnesota Power

is located east of McDavitt Township in St. Louis County, Minnesota. The key components of the proposed Project include:

- The proposed HVTL would connect to Minnesota Power's existing 16 Line on the east side of United Taconite's existing tailings basin and proceed southeast parallel to an existing railroad grade for approximately 1.25 miles. The line would then shift southwest for approximately 1.75 miles where it would reconnect to Minnesota Power's existing 16 Line south of the new tailings basin.
- An existing three-mile 115 kV HVTL section would be taken out of service and removed.

The route width authorized for the project is 500 feet for the 115 HVTL. The identified route width is provided to the Permittee to allow flexibility for minor adjustments of the specific alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized below.

The identified route widths will provide the Permittee with flexibility for minor adjustments of the specific alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized below.

#### **1.4 Right-of-Way**

The approved right-of-way width for the project is up to 100 feet. This permit anticipates that the right-of-way will generally conform to the anticipated alignment as noted on the attached route permit maps unless changes are requested by individual landowners and agreed to by Permittee or for unforeseen conditions that are encountered or are otherwise provided for by this permit.

Any alignment modifications within the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the alignment identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to section 4.1 of this permit.

Where the transmission line route parallels existing highway and other road rights-of-way, the transmission line right-of-way shall occupy and utilize the existing right-of-way to the maximum extent possible, consistent with the criteria in Minn. R. 7850.4100, the other requirements of this permit, and for highways under the jurisdiction of the Minnesota Department of Transportation (MnDOT) rules, policies, and procedures for accommodating utilities in trunk highway rights-of-way.

## **GENERAL CONDITIONS**

The Permittee shall comply with the following conditions during construction of the transmission line and associated facilities over the life of this permit.

### **1.5 Plan and Profile**

At least 30 calendar days before right-of-way preparation for construction begins on any segment or portion of the project, the Permittee shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, structure specifications and locations, cleanup, and restoration for the transmission line. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per this permit.

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

### **1.6 Construction Practices**

The Permittee shall follow those specific construction practices and material specifications described in Minnesota Power's Application to the Commission for a route permit for the 16 Line Reroute 115 kV Transmission Line Project, dated January 15, 2015, unless this permit establishes a different requirement in which case this permit shall prevail.

#### **1.6.1 Field Representative**

At least 14 days prior to commencing construction, the Permittee shall advise the Commission in writing of the person or persons designated to be the field representative for the Permittee with the responsibility to oversee compliance with the conditions of this permit during construction.

The field representative's address, phone number, emergency phone number, and email shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons. The Permittee may change the field representative at any time upon written notice to the Commission.

### 1.6.2 Local Governments

During construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these would be temporary and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to determine the most appropriate transmission structure placement.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.

### 1.6.3 Cleanup

All waste and scrap that is the product of construction shall be removed from the area and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

### 1.6.4 Noise

Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0200, to ensure nighttime noise level standards will not be exceeded.

### 1.6.5 Vegetation Removal

The Permittee shall minimize the number of trees to be removed in selecting the right-of-way specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not violate sound engineering principles or system reliability criteria.

Tall growing species located within the transmission line right-of-way that endanger the safe and reliable operation of the transmission facility will be removed by the Permittee. The Permittee shall leave undisturbed, to the extent possible, existing low growing species in the right-of-way or replant such species in the right-of-way to blend the difference between the right-of-way and adjacent areas, to the extent that the low growing vegetation that will not pose a threat to the transmission facility or impede construction.

The Permittee shall avoid construction and maintenance practices that are inconsistent with the landowner's or tenant's use of the land, particularly regarding the use of fertilizer, herbicides or other pesticides. The Permittee will provide notification to affected landowners and tenants before using these materials.

#### 1.6.6 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. Care shall be used to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the project during construction and maintenance. Structures shall be placed at a distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highway, or trail crossings and could cross roads to minimize or avoid impacts.

#### 1.6.7 Erosion Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.

When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall consult with landowners on the selection and use of seed for replanting.

Where larger areas of one acre or more are disturbed or other areas designated by the MPCA, the Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater permit from the MPCA.

### 1.6.8 Wetlands and Water Resources

Wetland impact avoidance measures that shall be implemented during design and construction of the transmission line will include spacing and placing the power poles at variable distances to span and avoid wetlands, watercourses, and floodplains.

Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, construction in wetland areas shall occur during frozen ground conditions. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and not placed back into the wetland or riparian area.

Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. No staging or stringing set up areas shall be placed within or adjacent to wetlands or water resources, as practicable. Power pole structures shall be assembled on upland areas before they are brought to the site for installation. Areas disturbed by construction activities shall be restored to pre-construction conditions.

All requirements of the U.S. Army Corps of Engineers (wetlands under federal jurisdiction), Minnesota Department of Natural Resources (Public Waters/Wetlands), and County (wetlands under the jurisdiction of the Minnesota Wetland Conservation Act) shall be met.

As part of the preconstruction reports, the permittee will include a section evaluating the potential for the occurrence of Aquatic Invasive Species in the project area and describing if any best management practices apply to the project. The permittee should identify any infested waters or otherwise state that aquatic invasive species are not anticipated. The MN DNR must be notified if any AIS are identified in an area not previously identified as infested water.

### 1.6.9 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when installing the high-voltage transmission line on the approved route. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office (SHPO). Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize project impacts on the resource consistent with SHPO and State Archaeologist requirements.



Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction.

#### 1.6.10 Avian Mitigation

The Permittee's standard transmission design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices.

The Permittee will consult with the Minnesota Department of Natural Resources regarding type and placement of bird diverters.

#### 1.6.11 Temporary Work Space

The Permittee shall limit temporary easements to special construction access needs and additional staging or lay-down areas required outside of the authorized right-of-way. Temporary space shall be selected to limit the removal and impacts to vegetation. Temporary easements outside of the authorized transmission line right-of-way will be obtained from affected landowners through rental agreements and are not provided for in this permit.

Temporary driveways may be constructed between the roadway and the structures to minimize impact using the shortest route possible. Construction mats should also be used to minimize impacts on access paths and construction areas.

#### 1.6.12 Restoration

The Permittee shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the transmission line. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittee shall advise the Commission in writing of the completion of such activities.

The Permittee shall fairly compensate landowners for damage to crops, fences, landscaping, drain tile, or other damages sustained during construction.

### 1.6.13 Notice of Permit

The Permittee shall inform all employees, contractors, and other persons involved in the transmission line construction of the terms and conditions of this permit.

## **1.7 Periodic Status Reports**

The Permittee shall report to the Commission on progress regarding finalization of the route, design of structures, and construction of the transmission line. The Permittee need not report more frequently than monthly.

## **1.8 Complaint Procedures**

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements set forth in the complaint procedures attached to this permit.

## **1.9 Notification to Landowners**

The Permittee shall provide all affected landowners with a copy of this permit and, as a separate information piece, the complaint procedures at the time of the first contact with the landowners after issuance of this permit. The Permittee shall contact landowners prior to entering the property or conducting maintenance along the route.

The Permittee shall work with landowners to locate the high-voltage transmission line to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads.

## **1.10 Completion of Construction**

### 1.10.1 Notification to Commission

At least three days before the line is to be placed into service, the Permittee shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete.

### 1.10.2 As-Built Drawing and Specifications

Within 60 days after completion of construction, the Permittee shall submit copies of all final as-built drawings and specifications developed during the project.

### 1.10.3 Global Positioning System (GPS) Data

Within 60 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the transmission line and each substation connected.

## **1.11 Electrical Performance Standards**

### 1.11.1 Grounding

The Permittee shall design, construct, and operate the transmission line in a manner so that the maximum induced steady-state short-circuit current shall be limited to five milliamperes root mean square (rms) alternating current between the ground and any non-stationary object within the right-of-way, including but not limited to large motor vehicles and agricultural equipment. All fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, shall be grounded to the extent necessary to limit the induced short-circuit current between ground and the object so as not to exceed one milliamperes rms under steady state conditions of the transmission line and to comply with the ground fault conditions specified in the NESC. The Permittee shall address and rectify any induced current problems that arise during transmission line operation.

### 1.11.2 Electric Field

The transmission line shall be designed, constructed, and operated in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.

### 1.11.3 Interference with Communication Devices

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the transmission line, the Permittee shall take whatever action is feasible to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the line.

## **1.12 Other Requirements**

### 1.12.1 Applicable Codes

The Permittee shall comply with applicable NERC planning standards and requirements of the NESC including clearances to ground, clearance to crossing utilities, clearance to buildings, right-of way widths, erecting power poles, and stringing of transmission line conductors.

#### 1.12.2 Other Permits

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of these permits. A list of the required permits is included in the permit application. The Permittee shall submit a copy of such permits to the Commission upon request.

#### 1.12.3 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this route permit shall be the sole approval required to be obtained by the Permittee for construction of the transmission facilities and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

### **1.13 Delay in Construction**

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this permit the Permittee shall file a report on the failure to construct and the Commission shall consider suspension of the permit in accordance with Minn. R. 7850.4700.

### **SPECIAL CONDITIONS**

The Permittee shall provide a report to the Commission as part of the plan and profile submission that describes the actions taken and mitigative measures developed regarding the project and the following special conditions. Special conditions shall take precedence over other conditions of this permit should there be a conflict.

#### 1.13.1 Erosion Control

The Permittee shall use biodegradable erosion control measures where practicable instead of plastic or non-biodegradable erosion control measures.

#### 1.13.2 Invasive Species Management Plan

The Permittee shall develop an invasive species management plan and provide an opportunity for the Minnesota Department of Natural Resources to comment on the draft plan before submitting it to the Commission with its plan and profile.

#### **PERMIT AMENDMENT**

This permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required.

#### **TRANSFER OF PERMIT**

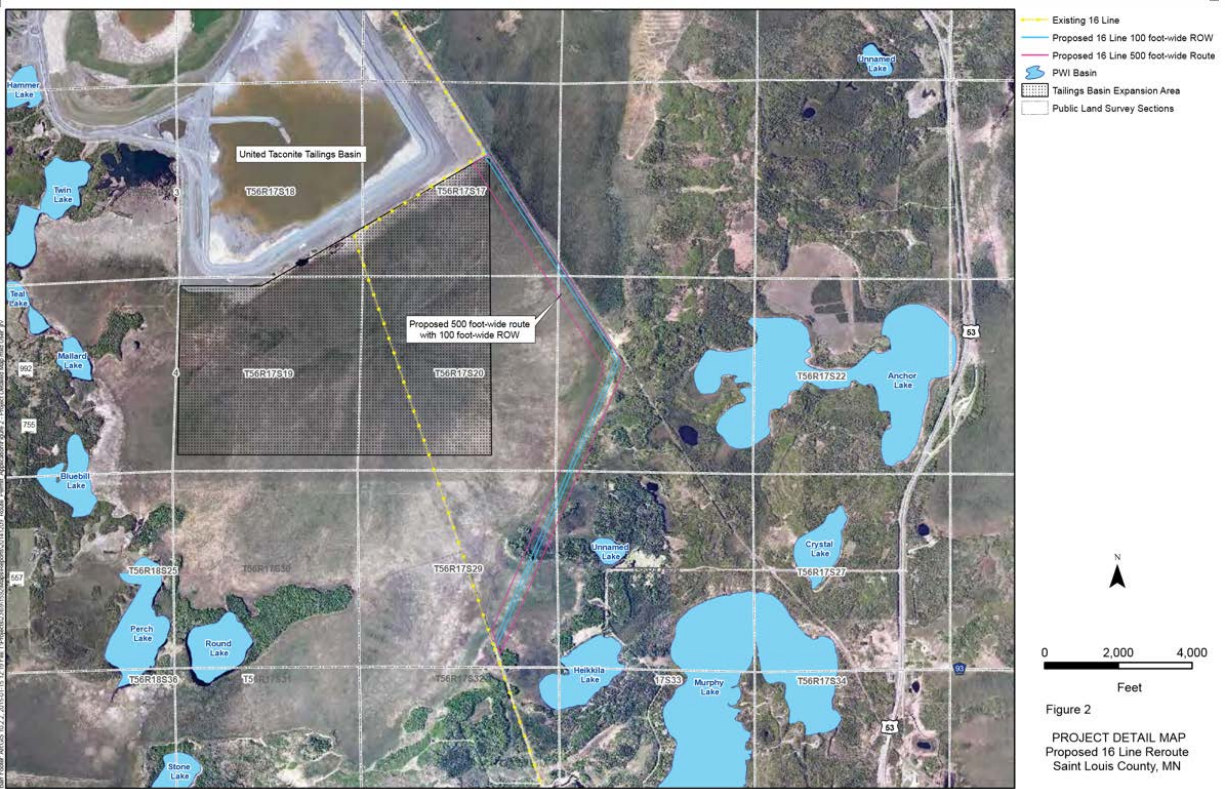
The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer.

The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required.

#### **REVOCATION OR SUSPENSION OF THE PERMIT**

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend the permit.

Figure 1 - Route Permit Map



Project Detail Route Map, EERA *Environmental Assessment*, Figure 2

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of reporting complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup and restoration, operation, and resolution of such complaints.

**B. Scope**

This document describes complaint reporting procedures and frequency.

**C. Applicability**

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

**D. Definitions**

**Complaint:** A verbal or written statement presented to the permittees by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other route and associated facilities permit conditions. Complaints do not include requests, inquiries, questions or general comments.

**Substantial Complaint:** A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

**Unresolved Complaint:** A complaint which, despite the good faith efforts of the permittee and a person, remains to both or one of the parties unresolved or unsatisfactorily resolved.

**Person:** An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

## **E. Complaint Documentation and Processing**

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.
2. A person presenting the complaint should to the extent possible, include the following information in their communications:
  - a. name, address, phone number, and email address;
  - b. date of complaint;
  - c. tract or parcel number; and
  - d. whether the complaint relates to a permit matter or a compliance issue.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
  - a. docket number and project name;
  - b. name of complainant, address, phone number and email address;
  - c. precise description of property or parcel number;
  - d. name of permittee representative receiving complaint and date of receipt;
  - e. nature of complaint and the applicable permit condition(s);
  - f. activities undertaken to resolve the complaint; and
  - g. final disposition of the complaint.

## **F. Reporting Requirements**

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The permittee shall report all complaints to the Commission according to the following schedule:

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us). For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.



**Monthly Reports:** By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed to Dan P. Wolf, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

**G. Complaints Received by the Commission**

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

**H. Commission Process for Unresolved Complaints**

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten (10) days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

**I. Permittee Contacts for Complaints and Complaint Reporting**

Complaints may be filed by mail or email to:

Daniel McCourtney, 30 West Superior Street, Duluth, MN 55802-2093, (218) 355-3515,  
[dmccourtney@allete.com](mailto:dmccourtney@allete.com)

This information shall be maintained current by informing the Commission of any changes by eFiling, as they become effective.

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of submitting information required by the Commission energy facility permits.

**B. Scope and Applicability**

This procedure encompasses all compliance filings required by permit.

**C. Definitions**

**Compliance Filing:** A filing of information to the Commission, where the information is required by a Commission site or route permit.

**D. Responsibilities**

1. The permittee shall eFile all compliance filings with Dan P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to eFile documents.

2. All filings must have a cover sheet that includes:
  - a. Date
  - b. Name of submitter/permittee
  - c. Type of permit (site or route)
  - d. Project location
  - e. Project docket number
  - f. Permit section under which the filing is made
  - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being eFiled, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Dan P. Wolf, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any eFiled document.

**PERMIT COMPLIANCE FILINGS<sup>1</sup>**

PERMITTEE: Minnesota Power  
 PERMIT TYPE: HVTL Route Permit  
 PROJECT LOCATION: Saint Louis County  
 PUC DOCKET NUMBER: E015/TL-14-977

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	1.5	Plan and profile right-of-way (ROW)	30 days before ROW preparation for construction
2	1.6.1	Contact information for field representative	14 days prior to construction
3	1.6.13	Restoration complete	60 days after completion of all restoration activities
4	1.7	Periodic status reports	Monthly
5	1.8	Complaint procedures	Prior to the start of construction
6	Complaint Handling Procedures	Complaint report	By the 15 <sup>th</sup> of each month
7	1.9	Notification to landowners	First contact with landowners after permit issuance
8	1.10.1	Notice of completion and date of placement in service	Three days prior to energizing
9	1.10.2	Provide as-built drawings and specifications	Within 60 days after completion of construction
10	1.10.3	Global Positioning System Data	Within 60 days after completion of construction

<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

