

Minnesota Public Utilities Commission

Staff Briefing Papers

Meeting Date: March 23, 2017Agenda Item **6

Company: Minnesota Energy Resources Corporation

Docket No. G-011/GP-15-858

In the Matter of the Application of Minnesota Energy Resources Corporation for a Route Permit for the Rochester Natural Gas Pipeline Project in Olmsted County

Issue(s): Should the Commission issue a pipeline route permit for the approximately 13-mile, up to 16-inch outside diameter natural gas pipeline and associated facilities along the west and south sides of the city of Rochester, Minnesota?

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Relevant Documents

MERC Application for a Pipeline Route Permit..... November 3, 2015
MERC Application Supplement November 9, 2015
MERC Revisions to Application January 13, 2016
Order finding Application Complete and Granting Variance February 3, 2016
Order Accepting Route Segments for Consideration at Public Hearing July 26, 2016
Generic Route Permit Template..... August 2, 2016
EERA Draft Comparative Environmental Analysis (12 parts) September 16, 2016
Notice of Public and Evidentiary Hearings (3 parts) October 19, 2016
MERC Testimony (4 parts)..... October 24, 2016
EERA Public Comment October 24, 2016
EERA Reply Comments October 25, 2016
Public Comment November 21, 2016
Public Comments Received (2 parts) November 23, 2016
MERC Post Hearing Brief, Proposed Findings, Conclusions & Recomm. (3 parts) December 2, 2016
EERA Comments (5 parts) December 23, 2016
MERC Reply to EERA Route Permit Comments December 30, 2016
Office of Administrative Hearings ALJ Report January 31, 2017

MERC Exceptions to ALJ Report.....	February 21, 2017
EERA Exceptions to ALJ Report	February 22, 2017
MERC Replies to DOC Exceptions	March 3, 2017

Attachment

Table of Proposed Exceptions to ALJ Report Findings and Recommendations
Proposed Route Permit

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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Statement of the Issues

Should the Commission issue a pipeline route permit for the approximately 13-mile, up to 16-inch outside diameter natural gas pipeline and associated facilities along the west and south sides of the City of Rochester, Minnesota?

Project Overview

Minnesota Energy Resources Corporation (MERC) filed an application for a route permit to construct an approximately 13 miles of new high-pressure natural gas distribution pipeline and associated facilities in and around the city of Rochester. The Rochester Natural Gas Pipeline Project is designed to expand the capacity of MERC’s natural gas distribution system in order to enable MERC to meet the projected increase in demand from its existing Rochester area customers.

The project would entail installation of approximately five miles of 16-inch outside diameter (OD) steel pipeline and approximately eight miles of 12-inch OD steel pipeline. The maximum allowable operating pressure for both pipelines will be 500 pounds per square inch gauge (psig). MERC anticipates operating the 16-inch OD pipeline at 400 to 475 psig. It anticipates operating the 12-inch OD pipeline at 250 to 275 psig.

The applicant is requesting a 500-foot route width along most of the length of the project. MERC has requested a 1.25-mile buffer for the areas around the proposed Town Border Station (TBS) 1D, proposed TBS and proposed District Regulator Station (DRS) sites. Additionally, MERC requested route widths of 700-865 feet in specific sections of Route Segments 4P, 12, 22, and 28 in order to

avoid vegetation, accommodate a landowner request and provide for increase route flexibility.

The proposed Project would require a permanent right-of-way of 50 feet (25 feet on each side of the center line) and an additional temporary 50-foot right-of-way during project construction. Additional temporary and permanent rights-of-way will be required for the associated facilities, equipment storage, materials storage, construction staging and areas for horizontal directional drilling.

The initial phase of the project will connect MERC's existing Town Border Station (TBS) 1D in northwest Rochester to a proposed new Town Border Station (Proposed TBS) in west Rochester. The next phase of the project will connect the Proposed TBS to a new District Regulator Station (Proposed DRS) which will be located in the vicinity of MERC's existing TBS 1B in southeast Rochester. The rebuild of TBS 1D is expected to be completed by the end of 2017. The pipeline from TBS 1D to the Proposed TBS is expected to be completed by the end of 2019. The pipeline from the Proposed TBS to the Proposed DRS is expected to be completed near the end of 2022.

Procedural Background

On November 3, 2015, MERC filed an application for the Rochester Natural Gas Pipeline Project. MERC supplemented its information tables summarizing environmental conditions for its route alternatives on November 9, 2015. MERC filed another amendment to the application on January 13, 2016.

On February 3, 2016, the Commission issued an Order Finding Application Complete and Granting Variance, Notice of Hearing. In its Order, the Commission requested that Department of Commerce Energy Environmental Review and Analysis (EERA) staff begin preparation of the comparative environmental analysis and file a summary, analysis and recommendation of all route alternatives identified during the public comment period. The Commission also requested EERA to issue the Comparative Environmental Analysis (CEA) in draft form for public comment, and to provide replies to substantive comments as part of its pre-filed testimony at least 14 days prior to the public hearing.

On February 16, 2016, the Commission and EERA held public information meeting on the scoping of the CEA in the city of Rochester.

On May 2, 2016, MERC notified the Commission that approximately 55 landowners along an alternative route segment were not provided notification of the public information and scoping meetings. The landowners were subsequently notified and provided a supplemental 20-day comment period in which to submit comments and/or suggest alternatives to the proposed pipeline routes. Comments and route segment proposals were accepted through May 30, 2016.

On June 27, 2016, EERA staff filed its Scoping for Comparative Environmental Analysis and Route

Proposals report for the project.

On July 26, 2016, the Commission issued an Order accepting route segments for consideration at the public hearing and modifying the widths of certain route segments.

On September 16, 2016, EERA filed its draft Comparative Environmental Analysis.

On September 28, 2016, EERA held a public comment meeting on the Draft Comparative Environmental Analysis.

On October 24, 2016, MERC filed direct testimony of Amber Lee (Regulatory), Lindsey K. Lyle (Engineering and Construction), and Rick L. Moser (Environmental).

On October 25, 2016, EERA filed its Reply Comments to substantive comments received during the public comment periods.

On November 9, 2016, Administrative Law Judge Eric Lipman of the Minnesota Office of Administrative Hearings presided over public and evidentiary hearings in the city of Rochester.

On December 2, 2016, MERC filed its Post-Hearing Brief and Proposed Findings of Fact, Conclusions of Law and Recommendations.

On, December 23, 2016, EERA filed its Comments and Recommendations regarding MERC's December 2, 2016 fillings along with a Proposed Permit and Attachments for Upland Erosion and Wetland Control.

On December 30, 2016, MERC filed Reply Comments to EERA's Comments and Recommendations.

On January 31, 2017, Judge Lipman filed his Findings of Fact, Conclusions of Law and Recommendations (ALJ Report).

On February 21, 2017, MERC filed its exceptions to the ALJ Report.

On February 22, 2017, EERA filed its exceptions to the ALJ Report.

On March 3, 2017, MERC filed a Reply to EERA Exceptions.

Statutes and Rules

Minnesota Statute 216G.02 states that construction of a gas pipeline designed to be operated at a pressure of more than 275 pounds per square inch requires a pipeline routing permit from the Commission.¹

Review procedures for the issuance of a pipeline route permit are contained in Minnesota Rules, Chapter 7852.

Minnesota Rule 7852.1500 provides that a comparative environmental analysis of all pipeline routes accepted for consideration at public hearings shall be prepared and must be submitted as pre-filed testimony prior to the public hearing.

Minnesota Rule 7852.1700 provides that the commission shall hold a public hearing for the purposes of collecting and verifying data, and establishing a complete record upon which to base a decision for designation of a route and issuance of a pipeline routing permit.

Minnesota Rule 7852.1900 specifies the criteria for pipeline route selection. The commission must make a specific written finding with respect to each of the criteria.

Public Comments on the Project

During the initial comment period on route alternative development, 28 public comments were received. Members of the public also inquired about the availability of gas service to rural areas, impact to properties, proximity of the pipeline to buildings, pipeline safety, impacts upon private developments, project design elements and rights-of-way requirements.

Several alternatives and modifications to route segments from the public meetings were incorporated in EERA's recommendations and the draft CEA. During the public meetings and comment period on the draft CEA, 14 oral comments and 7 written comments were received.

Twenty-one members of the public testified at the public hearings for the project. Additionally, six written comments were received and entered into the record. Members of the public identified several specific impacts to private parcels and identified mitigation measures and route selections that would avoid potential impacts to private property.

Local Government and State Agency Participation

The Rochester-Olmsted Planning Department (ROPD) provided comments and requested specific mitigation measures to avoid project impacts. ROPD noted that the Preferred Route would affect

¹ The project is not classified as a large energy facility under Minnesota Statutes §216B.2421 or Minnesota Rules, chapter 7851, and therefore a certificate of need is not required.

developed, residentially planned lands within the city of Rochester's urban growth area. ROPD requested moving the pipeline further south to avoid reducing the development potential of these areas. ROPD also identified several mitigation strategies to avoid impacts to local features and groundwater flows.

The Olmsted County Public Works Department provided comments and requested specific mitigation measures. County staff recommended that the applicant work closely with them to avoid relocations of the pipeline as a result of future road construction activities in the project area.

The Minnesota Department of Transportation (MnDOT) requested that the CEA address roadway permit requirements and procedures for accommodation of utilities on highway rights-of-ways. MnDOT also noted the need for permit requirements for highway crossings, the need for permits to haul pipe and continued consultation during project construction activities.

The Minnesota Department of Natural Resources (DNR) requested that impacts on sensitive, rare and valuable features be considered in development of the CEA and subsequent route selection. DNR noted that several of the route segments under consideration would require a License to Cross and requested careful consideration of routes that avoid impacts to protected natural resources. DNR also expressed concern about impact mitigation during horizontal directional drilling and requested the use of wildlife-friendly erosion control measures.

The Minnesota Pollution Control Agency (MPCA) noted the requirements for Water Quality Certification of the project. The MPCA requested additional project information and identification of specific impact mitigation measures for the project route permit.

Development of Route Alternatives and Comparative Environmental Analysis

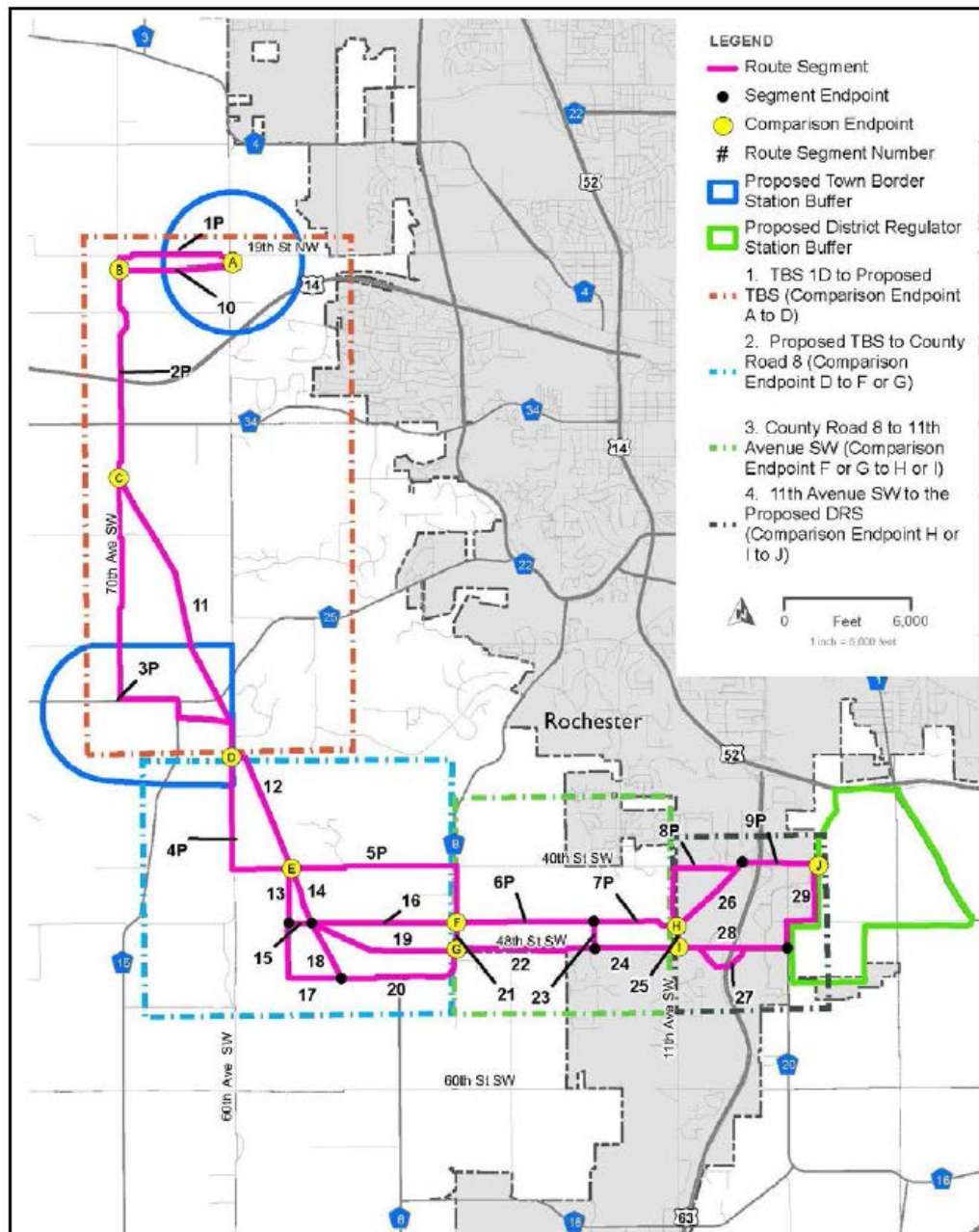
In addition to the Preferred Route in the application, MERC identified three alternative segments for the project.

During the scoping of the CEA, EERA staff considered public input and identified 29 individual route segments. These segments were combined into 36 segment alternatives for comparison and evaluation in the CEA. The segment alternatives were grouped by location for comparison purposes. Four comparison areas were analyzed in the CEA to identify potentially affected resources, potential impacts and mitigation measures.

In response to public comment and continued evaluation, MERC modified two portions of the fourth comparison area to create the Modified Preferred Route (Route Segments 1P-9P). MERC indicated that the Modified Preferred Route was their proposed route during the comment period for scoping period of the draft CEA.

The draft CEA described and analyzed potential impacts of the project and the individual route alternatives relative to human impacts, human health and safety, archeological, cultural and historic resources and the natural environment. Additionally, the draft CEA considered land-based economics, cumulative potential impacts, unavoidable impacts and resource commitments.

Section 6 of the draft CEA evaluated the available data in the record relative to the criteria for route selection. The analysis was organized by comparison area and discusses the relative merits of each alternative. A map showing the route segments and comparison areas is included below.



Rochester Natural Gas Pipeline Project Comparative Environmental Analysis (CEA)
 Volume II, Appendix A, Figure 4, Minnesota Department of Commerce,
 e-Dockets Filing #20169-124972-02, September 16, 2016

PUBLIC AND EVIDENTIARY HEARINGS

On November 9, 2016, Judge Eric Lipman of the Minnesota Office of Administrative Hearings presided over two public and evidentiary hearings in the city of Rochester. During the public and evidentiary hearings, the applicant, EERA and Commission staff made brief presentations on the proposed project, the Commission's review process and a summary of the proceedings to date. MERC witnesses Amber S. Lee, Lindsay K. Lyle, and Rick J. Moser were present for the public and evidentiary hearings. Larry Hartman and Andrew Levi were also available as witness on behalf of the Minnesota Department of Commerce.

The public and evidentiary hearings concluded on November 9, 2016. The post-hearing comment period closed on November 21, 2016.

Post-Hearing Briefs

In its December 2, 2016 Post-Hearing Brief, MERC stated that it had satisfied all the requirements for a Route Permit and requested that the ALJ approve the Modified Preferred Route. MERC also requested that the ALJ recommend an alteration which moved the anticipated alignment along 70th Ave. SW in Salem Township.

MERC provided Proposed Findings-of-Fact, Conclusions of Law and Recommendations for the ALJ's consideration. The filing also included several suggested permit conditions.

On December 23, 2016, EERA filed its Proposed Revised Findings-of-Fact, Conclusions of Law and Recommendations. The filing included several amendments and changes to MERC's filing for the ALJ's consideration. Additionally, EERA filed a table of proposed changes to the Generic Route Permit Template and rationales in support of the changes.

On December 30, 2016, MERC filed Reply Comments to the Route Permit language proposed by EERA. The filing included a table of changes supported by EERA along with requested changes to those findings and rationales by MERC.

Administrative Law Judge Report and Exceptions Filed

On January 31, 2017, Judge Lipman filed Findings of Fact, Conclusions of Law, and Recommendations. In addition to a Statement of Issues and Summary of Conclusions, the ALJ Report also included 314 Findings of Fact, 14 Conclusions and 2 Recommendations. Judge Lipman recommended that the Commission issue a Route Permit for the project to MERC and set the pipeline route along the Modified Preferred Route, as adjusted by MERC's requested alignment along 70th

Ave. Southwest.

On February 21, 2017, MERC filed its Exceptions and Clarifications to the Findings-of-Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge.

On February 22, 2017, EERA filed to the Findings of Fact, Conclusions of Law and Recommendations of the Administrative Law Judge.

On March 3, 2017, MERC Filed its Reply to the Department of Commerce, Energy Environmental Review and Analysis' Exceptions and Clarifications to the Findings-of-Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge.

Staff Discussion

Commission staff has reviewed the record to date, including all public comments received, the ALJ Report, and filings from MERC and EERA.

The Comparative Environmental Analysis provided a thorough analysis of the potential impacts from the project and the identified route alternatives. EERA staff provided responses to substantive comments received and incorporated input from MERC and governmental units. Public participation was robust, and resulted in the inclusion of several improvements to the proposed project.

Staff notes that it declined to reorganize the format of the route permit as requested by EERA because this would delay the Commission's decision on this matter. Staff reviews permit language on an ongoing basis and will continue to incorporate appropriate changes to the permit conditions. Staff has incorporated many of the changes proposed by MERC and EERA. In many cases, staff modified the proposed language of several requested changes for clarity and consistency.

In response to the ALJ Report and exceptions received, staff has prepared the attached Table of Proposed Exceptions to ALJ Report Findings and Recommendations. Staff has modified the Generic Permit language to reflect the changes as identified in the attachment.

Staff does not support ALJ Finding 297 because burning of debris may create a public health and safety hazard. Staff modified the language to instead allow for either debris removal to a licensed recycling facility or composting of small (chipped) debris onsite upon expressed consent of the landowner.

Staff modified the final paragraph of ALJ Finding 307 to reflect the requirements of the existing rule instead of allowing movement of the pipeline outside the permitted route via the Plan and Profile process as adopted by the ALJ. Staff does not support allowing installation of the pipeline outside

the approved right of way without compliance with the Commission's operative rule for such instances (Minnesota Rule 7852.3400). Additionally, Staff also deleted a sentence from part 1 of the findings at the request of EERA and MERC because landowner requests are not necessarily unforeseen conditions.

Staff agrees with the ALJ Recommendations and Conclusions that the Commission should issue a route permit to MERC for the Rochester Natural Gas Pipeline Project for the Modified Preferred Route, as adjusted by MERC's requested alignment along 70th Ave. Southwest, and subsequently amended by staff recommendations on the enclosed attachment.

Commission Decision Alternatives

A. Route Permit

1. Adopt the Findings of Fact, Conclusions of Law and Recommendations of the ALJ Report as amended by staff's recommendations in the attached table.
2. Issue a pipeline route permit for the Rochester Natural Gas Pipeline Project selecting the Modified Preferred Route as recommended by the ALJ Report, and subsequently amended by staff's recommendations in the attached table.
3. Deny the route permit application.
4. Take some other action deemed more appropriate.

B. Administrative Consistency

1. Authorize Commission staff to make further findings of fact or permit modifications necessary to ensure consistency with the record and recently issued permits.

Staff Recommendation: A1, A2 and B1.

Table of Proposed Exceptions to ALJ Report Findings and Recommendations

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
4.	EERA	4. Specifically, the proposed Project will address two related needs: (1) eliminating the operating pressure and piping configuration issues that prevent MERC's existing distribution system from efficiently distributing natural gas to Rochester and surrounding communities; and (2) increasing the distribution <u>interstate</u> natural gas pipeline capacity that is available to the Rochester service area so as to meet existing and projected demand.	No	Construction of the project would enable an increase of both the interstate and distribution natural gas pipeline capacity to the Rochester service area. The statement is included in the Lee Direct testimony at page 5.
18.	MERC	18. Additionally, one workspace on either <u>each</u> side of the crossing will be required for each area where horizontal directional drilling (HDD) or boring is used along the proposed Project. At each of these locations, approximately 225 <u>square</u> feet will be excavated on either <u>each</u> side of the crossing and a workspace of at least 20,000 square feet in total size will be needed to complete the installation.	Yes	The proposed change is supported by language in the Comparative Environmental Analysis (page 34).
162.	Staff	162. At the September 28, 2016, public information meeting, Mr. Michael Sheehan, an employee of the Olmsted County Public Works Department, inquired as to the rights the company obtains with a 500-foot route width. Because County Roads 104 and 117 may need require refurbishment in the near term, Mr. Sheehan requested that the Company work with Olmsted County to ensure that the pipeline does not need to be relocated due to future road construction activities. ¹⁶²	Yes	The change corrects a typographic error.
165.	MERC	165. The Company met with the Olmsted County Public Works Department and the Olmsted County Engineer on October 17, 2016. The Company confirmed that it would work with the county and county engineer as to the impacts of the final alignment for the Project on road rights-of-way and local development plans. The Company pledges to identify mitigation measures that may be incorporated <u>into the final design of the Project</u> so as to avoid unnecessary <u>duplicative</u> construction along the selected route.	Yes	The proposed change is found in the Record (Lee Direct, at page 10).

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
226.	EERA	226. Direct impacts to wetlands could occur as a result of pipeline construction activities – including trench method construction activities. Installation methods that would <u>require</u> excavation and fill in a wetland would result in impacts that are regulated by the Minnesota Wetland Conservation Act and a Section 404 Clean Water Act permit. Such impacts could be avoided, however, by using more intensive HDD methods to install the pipeline.	Yes	The change provides a correct sentence structure and more closely reflects the cited testimony.
231.	Staff	231. EERA concluded that not only can long-term impacts can be effectively mitigated, but no unique resources would be affected during construction. ²³¹	Yes	The change corrects a typographic error.
232.	EERA	232. Among the likely short-term impacts to wildlife from construction include the loss or alteration of local habitats; and that the new habitats might be less suitable. Moreover, small, less-mobile mammals, reptiles and amphibians could perish if they are <u>unable</u> to depart pipeline construction areas. As noted by DNR in its comments, wildlife may also become entangled in the plastic netting and other materials that are typically used to prevent soil erosion at pipeline construction sites.	Yes	The change corrects a typographic error and reflects the wording of the Comparative Environmental Analysis cited in the finding.
244.	EERA	244. All Segment Alternatives have similar vegetation types and comparable alternatives in each segment. Assuming use of the use of general permit conditions, construction techniques, and proposed best management practices, the impacts within the rights-of-way are expected to be minimal.	Yes	The change corrects a typographic error.
259.	EERA	259. Direct impacts to soils at the locations of TBS 1D, the Proposed TBS, and the Proposed DRS footprints will be permanent and significant. These impacts will be to a small and limited, do not affect unique resources, and are unavoidable.	Yes	The change corrects a typographic error.
292.	EERA	292. <u>As amended by the Commission</u> , the proposed language in the Generic Route Permit Template, <u>as modified by EERA's proposals</u> , is appropriate to the circumstances of the proposed project.	No	The ALJ Report was correct at the time of issuance and it isn't necessary to retroactively modify it to reflect subsequent changes to the permit.
295.	EERA	295. Condition 5. 12 should be modified to state that the Environmental Mitigation Plan “shall be provided upon filing of the Plan and Profile submission for the Project.” Additionally, the	No	It is not necessary to direct consultation with EERA staff because Section 10.0 of the permit places the onus for filing timely and

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
		<p>condition should clarify that a proper Environmental Mitigation Plan <u>must be developed in consultation with EERA staff</u> and include:</p> <ul style="list-style-type: none"> (a) an Agricultural Mitigation Plan, Vegetation Management Plan, and a Stormwater Pollution Prevention Plan; (b) a detailed listing of environmental control plans or other special conditions imposed by permits or licenses issued by state or federal agencies relating to the Project; (c) identification of, and contact information for, an Environmental Monitor to oversee the construction process and monitor compliance with features of the Environmental Mitigation Plan; (d) a description of the process for reporting on the status of project construction to the Commission; and (e) <u>appropriate mitigation as discussed in the CEA and EERA Reply to Substantive Comments; and</u> (f) a description construction management methods, including the tracking of required plan or permit inspection forms.¹ <p>1. Minn. R. 7852.1900, subp. 3(F).</p>		<p>proper compliance filings on the permittee. Upon receipt of any compliance filings, EERA can recommend that the Commission not approve them.</p> <p>Proposed item (e) is too vague to be enforceable.</p>
295b NEW	MERC	<p>(b) a detailed listing of environmental control plans or other special conditions imposed by permits or licenses issued by state or federal agencies relating to the Project <u>federal, state, and local agencies or units of government, and a list of permits required for the construction of the Project;</u></p>	No	<p>Staff has incorporated language into Permit Condition 5.7 to address this matter and therefore changes to the ALJ Report are not necessary.</p>

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
296	EERA	296. Condition 5.35 states that the construction practices and material specifications described in the Application shall be followed during construction.	No	The ALJ Report provides the correct reference to Permit Condition 5.5.
297	Staff	297. While the Application stated that “burning of slash, brush, stumps, or other project debris is prohibited,” MERC would like to retain the ability to perform these activities so long as any of those activities are agreeable to the landowner. The Route Permit should be clarified to allow flexibility on this point. ²⁹⁷	No change	Staff does not request a change to this finding. Staff does not support the burning of slash and other debris for public health and safety reasons. In response to the ALJ’s request, Permit Condition 5.6.13 provides flexibility to the permittee to compost or recycle the materials. Wood chips and small vegetation may be composted on site with expressed permission of the landowner.
303	Staff	303. In compliance with the recommendations of the CEA, the following special condition should be included in the Route Permit: Permittee shall submit a Vegetation Management Plan (VMP) with the Environmental Control Plan. The purpose of the VMP shall be to identify measures to minimize the disturbance and removal of vegetation for the Project, prevent the introduction of noxious weeds and invasive species, and re-vegetate disturbed non-cropland areas with appropriate native species in cooperation with landowner and state, federal, and local resource agencies, such that such re-vegetation does not negatively impact the safe and reliable operation of the Project.303	Yes	The change corrects a typographic error.
307	EERA	307. The following special condition has been used in other pipeline proceedings and is appropriate for use in this matter as well: Route width variations may be allowed for the Permittee to overcome potential site-specific constraints. These constraints may arise from any of the following: 1.Unforeseen circumstances encountered during the detailed engineering and design process, including a	Yes, as modified by staff	Staff agrees with MERC and EERA supports the deletion of a portion of Section 1. The deletion is supported in part because landowner preferences and requests are not necessarily unforeseeable and can be accommodated within the timeframes included in the permit conditions.

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
		<p>landowner request for a different location entirely on that landowner's property so long as the Permittee is agreeable to the proposed location.</p> <p>2. Federal or state agency requirements.</p> <p>3. Existing infrastructure within the pipeline route, including but not limited to railroads, natural gas and liquid pipelines, road expansion projects, high voltage electric transmission lines, or sewer and water lines.</p> <p>Any alignment modifications arising from these site specific constraints that would result in right-of-way placement outside of this designated route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as the alignment identified in this permit and be specifically identified in and approved as a permit amendment pursuant to Minn. R. 7852.3400 part of the Plan and Profile submitted pursuant to Section 10.1 of this permit.</p>		<p>Additionally, Section 1 would result in a less orderly route width determination.</p> <p>The change included in the ALJ Report would conflict with the Permit Amendment process contemplated in Minn. R. 7852.3400. Staff does not support pre-approval of line placement outside the permitted route without a permit amendment as required by Minn. R. 7852.3400.</p>
308	EERA	<p>308. To ensure sufficient workspace for HDD crossings for the Project, it is appropriate to include the following special condition in the Route Permit for the Project:</p> <p>The Permittee may obtain extra temporary workspace that is needed at locations where the project will cross features such as waterbodies, roads, railroads, side slopes, and other special circumstances and HDD will be utilized. Extra temporary workspace will be allowed for construction activities including, but not limited to, staging equipment and stockpiling spoil material to facilitate construction of the pipeline. These dimensions will vary depending on actual site-specific conditions, but will typically be 20,000 square feet on each side of the features crossed. Extra temporary workspaces that may be required outside the approved Route Width are identified on the maps attached to this Route Permit</p>	No	<p>Staff agrees with the change but it isn't sufficiently substantive enough to warrant a change to the ALJ Report.</p>

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
308a NEW	MERC	<p><u>Finding 308a. At the Public Hearing, Mr. Oldfield expressed concern about the anticipated alignment for the Project bisecting his property in Salem Township. Mr. Oldfield expressed a willingness to work with the Company to locate the Project closer to his property boundaries. Based on this, it is appropriate for the Commission to include a special condition in the Route Permit allowing MERC and Mr. Oldfield to locate the Project alignment outside the Route Width so long as such location places the Project right-of-way entirely on Mr. Oldfield's property and it is in a location agreeable to MERC.</u></p> <p><u>Oldfield Property Special Condition. The Permittee shall work with Mr. Oldfield to determine if there is an alternate alignment for the Project from that of the Modified Preferred Route across Mr. Oldfield's property, where the easement of the pipeline would be entirely within the boundaries of his property, that is agreeable to the Permittee and Mr. Oldfield to locate the pipeline as close to the property boundaries as practicable. If the Permittee and Mr. Oldfield cannot reach an agreement as to location on Mr. Oldfield's property, the Permittee shall be allowed to construct the Project along the anticipated alignment of the Modified Preferred Route.</u></p>	No	Staff has included Special Permit Condition 6.4 in the permit to address this landowner request and therefore the ALJ Report does not require modification.
308b	MERC	<p>If any federal funding, permit, or license is involved or required, the Permittee shall notify the SHPO as soon as possible in the planning process to coordinate <u>complete any</u> Section 106 (36 C.F.R. pat 800) review <u>that is necessary by coordinating with the federal agency or federal authority and SHPO as deemed necessary by the federal agency or federal authority.</u>⁴</p> <p>Soil excavated from the wetlands and riparian areas shall be contained and not placed back into the wetland or riparian area <u>handled in compliance with the permit from the appropriate regulatory agency. If any soil is excavated from wetlands or riparian areas not under state or federal jurisdiction, the soil shall be contained and not placed back</u></p>	No	<p>MERC noted that the language shown in redline from the Generic Route Permit Template language. MERC noted this revision is requested because existing pipelines in the area of the Project were installed in the 1940s before there were federal or state standards for pipeline depth. The revision is requested to reflect the federal minimum depth requirements for natural gas pipelines.</p> <p>Staff edited the language for clarity and incorporated Permit Conditions 4.0, 5.6.12 and 5.6.18; and therefore modifications to</p>

ALJ No. (New)	Proposer	Proposed Language	Added by Staff	Staff's Reason for Including or Rejecting Proposed Modification
		<p>into the wetland or riparian area.⁵</p> <p>In agricultural land, the Permittee may seek a depth requirement waiver from the affected landowners to install the pipeline at the same depth as the existing pipelines required by 49 C.F.R. 192.327.</p>		the ALJ Report are not necessary and because the Generic Permit language contemplated consideration of other required permits.
12.	EERA	12. The evidence on the record demonstrates that the general Route Permit conditions, as modified by the DOC EERA recommendations in this Report , are appropriate for the Project.	No	The final decision on permit conditions rests with the Commission based on its review of the entire record of the proceeding.
13.	EERA	13. The evidence on the record demonstrates that the special Route Permit conditions detailed in this Report and as modified by the DOC EERA recommendations are appropriate for the Project.	No	The final decision on permit conditions rests with the Commission based on its review of the entire record of the proceeding.
14.	EERA	14. The evidence on the record demonstrates that the special Route Permit conditions detailed in this Report and as modified by the DOC EERA recommendations are appropriate for the Project.	No	The final decision on permit conditions rests with the Commission based on its review of the entire record of the proceeding.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**ROUTE PERMIT
FOR CONSTRUCTION OF A LARGE NATURAL GAS PIPELINE
AND ASSOCIATED FACILITIES**

**IN
OLMSTED COUNTY**

**ISSUED TO
MINNESOTA ENERGY RESOURCES CORPORATION**

PUC DOCKET NO. G-011/GP-15-858

In accordance with the requirements of Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852 this route permit is hereby issued to:

MINNESOTA ENERGY RESOURCES CORPORATION

Minnesota Energy Resources Corporation (MERC) is authorized by this route permit to construct approximately 5.1 miles of 16-inch outside diameter steel pipe, 8.0 miles of 12-inch outside diameter steel pipe, 2 town border stations, 1 district regulator station and associated facilities.

The pipeline 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 _____, 2017

BY ORDER OF THE COMMISSION

Daniel P. Wolf,
Executive Secretary

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Complaint Procedures for Permitted Energy Facilities

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1.0 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Minnesota Energy Resources Corporation (Permittee) pursuant to Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852. This permit authorizes the permittee to construct a pipeline of approximately 14 miles in length: approximately 5.1 miles of 16-inch outside diameter steel pipe, 8.0 miles of 12-inch outside diameter steel pipe, two town border stations (TBSs), one district regulator station (DRS) and other associated facilities as identified in the attached route permit maps, hereby incorporated into this document.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216G.02, subd. 4, this permit shall be the sole route approval required to be obtained by the Permittee for construction of the pipeline facilities and associated facilities. 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.

2.0 PROJECT DESCRIPTION

The Rochester Natural Gas Pipeline Project (Project) is comprised of approximately 5.1 miles of 16-inch outside diameter steel pipe anticipated to be operated at 400 to 475 pounds per square inch gauge (psig) and 8.8 miles of 12-inch outside diameter steel pipe anticipated to be operated at 250 to 275 psig. The pipeline must be designed and constructed with a maximum allowable operating pressure of not less than 500 psig.

2.1 Associated Facilities

The associated facilities for the project consist of two TBSs and one DRS. The TBSs will include installation of pressure regulation and flow control valves, a line heater, odorization, and supervisory control and data acquisition (SCADA) station and metering. The DRS will include pressure regulation and flow control valves, a line heater and SCADA.

Other associated facilities include required signage indicating the presence of a natural gas pipeline as required by 49 CFR 192.707 and applicable corrosion control requirements, such as cathodic protection required by 49 CFR 192.463.

2.2 Project Location

The project is located in the following areas.

County	Township Name	Township	Range	Section
Olmsted	Cascade	107N	14W	30 & 31
Olmsted	Kalmar	107N	15W	25, 26, 35, & 36
Olmsted	Salem	106N	15W	1, 2, 11-14, 24, & 25
Olmsted	Rochester	106N	14W	18-30 & 36
Olmsted	Marion	106N	13W	19, 24, 25 & 30

2.3 Anticipated Project Construction and Operation Schedule

The Project will be constructed in three distinct phases, as described below.

Phase 1 of the project includes construction of a new MERC TBS 1D in the same area as the existing Northern Natural Gas TBS 1D located in the northwest quarter of section 30 in Cascade Township. Construction of Phase 1 is scheduled for completion in 2017.

Phase 2 of the project includes the construction of the new proposed TBS and installation of 16-inch outside diameter steel pipe from the new MERC TBS 1D to the new proposed TBS. The expected in-service date for completion of Phase 2 is 2019.

Phase 3 of the project includes installation of 12-inch pipe outside diameter from the new TBS to the new district regulator station (DRS). This phase also includes construction of the new DRS, with an expected in-service date of 2022.

Construction and improvement must begin within four years after issuance of the permit (Minnesota Rule 7852.3300).

3.0 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 as follows:

The designated route exits TBS 1D and follows 19th Street NW west for about 1.1 miles and then 70th Avenue NW south for approximately 0.4 miles then follows an electric distribution line for approximately 1.0 mile and then rejoins 70th Ave SW for another 2.5 miles to County State Aid Highway (CSAH) CSAH 25 near the new Proposed TBS. The route turns east and continues along CSAH 25 for about 0.5 mile, south along CSAH 15 for nearly 0.2 mile, proceeds southeast cross country for about 0.5 mile to 60th Avenue SW, and then continues south for

roughly 1.3 mile along 60th Avenue SW to 40th Street SW, and then follows 40th Street SW east for about 2.0 miles to County Road 8 and south along County Road 8 for approximately 0.5 mile. The route then proceeds east cross country for about 2.0 miles on the half section line along field breaks and property lines to 11th Avenue SW. The route continues north along 11th Avenue SW for approximately 0.5 mile and then east along 40th Street SW for nearly 1.3 miles, crossing US Highway 63 in the 40th Street SW interchange before terminating at the proposed DRS.

The designated route has a width of 500 feet, except for a short portion along 60th Avenue SW, in Section 19 of Rochester Township and Section 24 of Salem Township, which has a route width of 700 feet as shown on the attached route maps.

Any alignment modifications arising from site-specific constraints (i.e. sinkholes, underground cavities and enlarged fractures) that would result in right-of-way placement outside of this designated route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as the alignment identified in this permit and be specifically identified in and approved as part of the Plan and Profile submitted pursuant to this permit

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 by the Commission.

3.1 Permanent Right-of-Way

This Permit authorizes the Permittee to obtain a new permanent right-of-way for the pipeline up to 50-feet in width and a permanent right-of-way measuring 200-feet by 200-feet (0.92 acres) for TBS 1D, the Proposed TBS and the Proposed DRS.

The right-of-way will generally conform to this proposed alignment, except as otherwise provided by this permit. Any alignment modification within this designate route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as this alignment identified in this permit.

3.2 Temporary Right-of-Way and Work Space

The Permittee shall limit temporary right-of-way to special construction access needs required outside of the authorized permanent rights-of-way. Temporary right-of-way shall be selected to limit the removal and impacts to vegetation.

The Permittee may obtain extra temporary workspace that is needed at locations where the project will cross features such as waterbodies, roads, railroads, side slopes, and other special circumstances and horizontal directional drilling will be utilized. Extra temporary workspace will be allowed for construction activities including, but not limited to, staging equipment and stockpiling spoil material to facilitate construction of the pipeline. These dimensions will vary depending on actual site-specific conditions, but will typically be 20,000 square feet on each side of the features crossed. Extra temporary workspaces that may be required outside the approved Route Width are identified on the maps attached to this Route Permit.

3.3 Right-of-Way Conformance

This permit anticipates that the right-of-way will generally conform to the alignment identified on the attached route permit maps unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or are otherwise provided for by this permit.

Any right-of-way modifications within the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7852.1900, as does the right-of-way identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile required by this permit.

4.0 STATE AND FEDERAL MINIMUM DEPTH OF COVER REQUIREMENTS

Minn. Stat. § 216G.07, subd. 1, requires the pipeline trench to be excavated to a depth that sufficiently allows for at least 54 inches (4.5 feet) of backfill from ground surface to the top of pipeline in all areas where the pipeline crosses the right-of-way of any public drainage facility or any county, town, or municipal street or highway and where the pipeline crosses agricultural land. Where the pipeline crosses the right-of-way of any drainage ditch the pipeline shall be installed with a minimum level cover of not less than 54 inches (4.5 feet) below the authorized depth of the ditch, unless waived in the manner provided in Minn. Stat. § 216G.07, subd. 2 and 3. In agricultural land, the Permittee may seek a depth requirement waiver from the affected landowners to install the pipeline at the same depth as required by U.S. Department of Transportation regulation 49 C.F.R. 192.327.

In all cases, the pipeline trench shall be excavated to a depth that sufficiently allows for at least 36 inches (3 feet) of backfill from ground surface to the top of pipeline.

5.0 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during pipeline right-of-way preparation, construction, cleanup, and restoration over the life of this permit.

5.1 Construction Environmental Control Plan

The Permittee shall develop a Construction Environmental Control Plan (CECP) that includes all environmental control plans and special conditions imposed by permits or licenses issued by state or federal agencies related to agency-managed resources. Plans within the CECP shall include, but not be limited to, an Agricultural Impact Mitigation Plan, a Vegetation Management Plan, and a Stormwater Pollution Prevention Plan. The CECP shall be filed with the Commission filing of the first Plan and Profile for the any segment of the Project. The CECP must include the following items.

- (a) a detailed listing of environmental control plans or other special conditions imposed by permits or licenses issued by state or federal agencies relating to the Project;
- (b) identification of, and contact information for, an Environmental Monitor to oversee the construction process and monitor compliance with features of the CECP;
- (c) a description of the process for reporting on the status of project construction to the Commission; and
- (d) a description construction management methods, including the tracking of required plan or permit inspection forms.

The Permittee shall comply with all additional conditions that may be added as a result of permits issued by other agencies or governmental units.

5.2 Agricultural Impact Mitigation Plan

The Permittee shall comply with the Agricultural Impact Mitigation Plan (AIMP) prepared for this Project and approved by the Minnesota Department of Agriculture. The Applicant/Permittee shall distribute the AIMP with the route permit to all affected landowners. The obligation to comply with the AIMP as a condition of this permit shall expire with the termination of Commission jurisdiction over this permit as prescribed by Minn. R. 7852.3900, unless otherwise specified in the AIMP. The Minnesota Department of Agriculture must approve of any amendments to the AIMP. The Permittee shall file the amended AIMP with the Commission within 10 days of Minnesota Department of Agriculture approval.

5.3 Vegetation Management Plan

The Permittee must develop a Vegetation Management Plan (VMP). The VMP shall be developed in consultation with the Minnesota Department of Natural Resources. The purpose of the VMP shall be to identify measures to minimize the disturbance and removal of vegetation for the Project, prevent the introduction of noxious weeds and invasive species, and re-vegetate disturbed non-cropland areas with appropriate native species in cooperation with landowners and state, federal, and local resource agencies, in such a way that does not negatively impact the safe and reliable operation of the Project.

5.4 Permit Distribution

Within 10 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to the office of each regional development commission in a development region, soil and water conservation district, watershed district, watershed management district, the Olmsted County Auditor, and the clerk of each city and township crossed by the designated route.

Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this route permit and complaint procedures less than five days prior to the start of construction on their property. An affected landowner is any landowner or designee that is within or adjacent to the permitted route.

The Permittee shall provide all affected landowners with complete information about the project keeping them informed throughout the initial survey, right-of-way acquisition, right-of-way preparation, construction, restoration, and future operation and maintenance. As provided by applicable laws and regulations the Permittee shall provide educational materials about the project and any restrictions or dangers associated with the project to landowners within the route whose land is crossed by the pipeline and, upon request, to any interested persons.

5.5 Notification

The Permittee shall notify landowners or their designee at least 14 days in advance but not greater than 60 days in advance of entering the property.

5.6 Construction Practices

The Permittee shall follow those specific construction practices and material specifications described in Minnesota Energy Resource Corporation's Rochester Nature Gas Pipeline Route Permit Application dated November 3, 2015 as subsequently amended on January 13, 2016, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail. The Permittee shall comply with the conditions for right-of-way preparation, construction, cleanup, and restoration contained in Minn. R. 7852.3600.

5.6.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during construction of the project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative 14 days prior to commencing construction. The Permittee shall provide the field representative's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time by e-Filing notice to the Commission, updating the project website, and providing affected landowners, residents, local government units and other interested persons with the current contact information.

5.6.2 Agricultural Monitor and County Inspector Notification Requirements

The Permittee shall at least 14 days prior to the start of construction provide notice to all landowners affected by construction with the name, telephone number and email address of the Agricultural Monitor and County inspector designated by the County, if appointed.

5.6.3 Employee Training and Education of Permit Terms and Conditions

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

5.6.4 Public Services, Public Utilities, and Existing Easements

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 mitigation measures if not already considered as part of this permit.

The Permittee shall cooperate with all entities that have existing easements or infrastructure within the pipeline route to ensure minimal disturbance to existing or planned developments.

5.6.5 Access to Property for Construction

The Permittee shall obtain all necessary permits authorizing access to public rights-of-way prior to any construction. The Permittee shall obtain approval of the landowners for access to private property prior to any construction. The Permittee shall consult with property owners to identify and address any special problems the landowners may have that are associated with the pipeline prior to any construction.

The Permittee shall work with landowners to provide access to their property, to locate the pipeline on their property to minimize the loss of agricultural land, forest, and wetlands, with due regard for proximity to homes and water supplies, even if the deviations will increase the cost of the pipeline, so long as the landowner's requested relocation does not adversely affect environmentally sensitive areas.

The Permittee shall negotiate agreements with landowners that will give the landowners access to their property; minimize the impact on planned future development of the property; and to assume any additional costs for such development that may be the result of installing roads, driveways and utilities that must cross the right-of-way. The Permittee shall not unreasonably deny a landowner's request to cross the easement to access the landowner's property.

5.6.6 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable to ensure nighttime noise level standards will not be exceeded.

5.6.7 Site Sediment and Erosion Control

The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission at least 14 days prior to the start of construction. This Plan may be the same as the Storm Water Pollution Prevention Plan (SWPPP) submitted to the MPCA as part of the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit application provided it identifies the information in the following paragraph.

The Soil Erosion and Sediment Control Plan shall address what types of erosion control measures will be implemented during each Project phase and shall at a minimum identify: plans for grading, construction, and restoration of the areas affected by construction activities; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary activities; and measures to minimize the area of surface disturbance.

Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be implemented prior to construction and maintained until restoration activities are completed for each phase of the Project. All areas disturbed during construction shall be returned to pre-construction conditions to the extent practicable.

5.6.8 Topsoil Protection

The Permittee shall take precautions to minimize mixing of topsoil and subsoil during excavation of the trench for the pipe unless otherwise negotiated with the affected landowner.

5.6.9 Soil Compaction

Compaction of agricultural lands by the Permittee must be kept to a minimum and mitigated in accordance with the Agricultural Mitigation Plan.

5.6.10 Landscape Preservation

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 all pipeline construction and restoration activities.

5.6.11 Sensitive Areas

The Permittee shall stabilize stream banks and other sensitive areas disturbed by pipeline construction in accordance with the requirements of applicable state or federal permits.

5.6.12 Wetlands and Water Resources

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 temporary workspace areas shall be placed within or adjacent to wetlands or water resources, as practicable. To minimize impacts, construction in wetland areas shall occur during frozen ground conditions where practicable and shall be according to permit requirements by the applicable permitting authority. 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.

Dewatering during periods of excessive precipitation or in areas where the natural groundwater table intersects the pipeline trench will not be directed into wetlands or water bodies. Dewatering discharges will be directed toward well vegetated upland areas. Should discharge activities need to be directed off the right-of-way landowner consent will be obtained and locations will be chosen to minimize impacts. All discharge activities will comply with applicable agency permits or approvals.

Areas disturbed by construction activities shall be restored to pre-construction conditions. Restoration of the wetlands will be performed by Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

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.

5.6.13 Vegetation Removal and Protection

The Permittee shall clear the permanent right-of-way and temporary right-of-way 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 impact the safe operation, maintenance, and inspection of the pipeline and are in compliance with all applicable laws and regulations.

Tree stumps will be removed at the landowner's request or when necessitated due to trench location. The Permittee will dispose or compost of debris created by clearing at a licensed disposal facility. The Permittee may compost wood chips or other small vegetation on site with the landowner's written permission. Burning of slash, brush, stumps, or other project debris is prohibited.

5.6.14 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of pesticide prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the right-of-way within the landowner's property. All pesticides shall be applied in a safe and cautious manner so as not to damage crops, orchards, tree farms, or gardens. The Permittee shall provide notice of pesticide application to affected landowners and known beekeepers operating apiaries within three miles of the project site at least 14 days prior to such application.

5.6.15 Invasive Species

The Permittee shall employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities.

5.6.16 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of pipeline construction and restoration of all areas affected by construction. 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.

5.6.17 Roads (Public and Private)

Equipment involved in pipeline construction shall be moved into the right-of-way using existing public or private roads unless a temporary road is negotiated with the landowner and approved by the Environmental Monitor.

Prior to commencement of construction, the Permittee shall identify all state, county or township roads that will be used for the project and shall notify the state, county, city and township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. The Permittee is responsible for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and project related materials. The Permittee shall cooperate with state, county city, and township road authorities to develop appropriate signage and traffic management during construction.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner.

5.6.18 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the transmission facility. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office and the State Archaeologist. 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 State Historic Preservation Office 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. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement or the State Archaeologist.

If any federal funding, permit or license is involved or required, the Permittee shall complete any Section 106 review per 36 C.F.R. part 800 in coordination with the federal agency/authority.

5.6.19 Livestock

The Permittee shall take precautions to protect livestock during construction and restoration of the areas affected by construction.

5.6.20 Security

The Permittee will install temporary gates or similar barriers, as needed, to prohibit public access to the right-of-way during construction.

5.6.21 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 pipeline to the natural conditions that existed immediately before construction of the pipeline and as required by other federal and state agency permits. Restoration must be compatible with the safe operation, maintenance, and inspection of the pipeline. Within 60 days after completion of all

restoration activities the Permittee shall advise the Commission in writing of the completion of such activities.

5.6.22 Cleanup

All waste and scrap that is the product of construction shall be removed from the right-of-way and all premises on which construction activities were conducted 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.

5.6.23 Pollution and Hazardous Wastes

All appropriate precautions to protect against pollution of the environment must be taken by the Permittee. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during pipeline construction and restoration of the right-of-way.

5.6.24 Damages

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

5.7 Other Requirements

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 those permits unless those permits conflict with or are preempted by federal or state permits and regulations. The list of the required permits included in the permit application must be updated as necessary. The Permittee shall submit a copy of such permits to the Commission upon request.

6.0 SPECIAL CONDITIONS

Special conditions shall take precedence over other conditions of this permit should there be a conflict.

6.1 Wildlife-Friendly Erosion Control Materials

The Permittee, in coordination with the Minnesota Department of Natural Resources, shall use wildlife-friendly erosion control materials in areas known to be inhabited by wildlife species (birds, small mammals, reptiles, and amphibians) susceptible to entanglement in plastic netting.

6.2 Rare Species Surveys

The Permittee, in consultation with the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources, will determine the need for rare species surveys (pre-construction) within the designated route. In the areas where these species are known to exist or where the right-of-way passes through habitats where the species are likely to exist, field surveys may be required. In the event impacts cannot be avoided, the Permittee may need to obtain a take permit from the U.S Fish and Wildlife Service and the DNR for the species of concern. The Permittee shall submit the results of these efforts to the Commission with its Plan and Profile filing.

Construction and maintenance personnel will be made aware of rare resources and plant communities during pre-construction meetings to minimize potential disturbance. The Permittee shall avoid impacts to state-listed endangered, threatened, and special concern species in all areas of the project including temporary workspaces associated with the project.

6.3 Contamination Survey

The Permittee, in consultation with the MPCA, shall identify any contaminated site(s) as it performs its detailed survey and acquisition work prior to the submittal of the final plan and profile to the Commission.

6.4 Specific Landowner Condition – Oldfield Property

The Permittee may modify the alignment of the approved route in Mr. Oldfield's property to locate the pipeline as close to the property boundary as is practicable and agreeable to both parties.

7.0 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 Commission shall suspend the permit in accordance with Minn. R. 7852.3300. If at the time of suspension, or at a later time, the Permittee decides to construct the pipeline, it shall certify to the Commission that there have been no significant changes in any material aspects of the conditions or circumstances existing when the permit was issued. If the Commission determines that there are no significant changes, it shall reinstate the permit. If the Commission determines that there is a significant change, it may order public information meetings or a new hearing and consider the matter further, or it may require the Permittee to submit a new application.

8.0 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 of Minn. R. 7852.3700, and as set forth in the complaint procedures attached to this permit. The Permittee shall advise the Commission when such procedure has been established.

The Permittee shall notify the Commission of any complaints received during the course of construction pertaining to Minn. R. 7852.3600 that are not resolved within 30 days of the complaint.

Upon request, the Permittee shall assist the Commission with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

9.0 PIPELINE SAFETY

In an emergency situation, responders will take appropriate actions necessary to address the emergency. Pursuant to Minn. Stat. § 216G.02, subd. 3(a) the pipeline routing permit may not set safety standards for the construction of pipeline. This would also apply to operation and maintenance. Therefore, this Pipeline Routing Permit does not address pipeline safety related issues.

10.0 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission.

10.1 Plan and Profile

At least 30 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, cleanup, and restoration for the segment of pipeline for which construction is scheduled. The documentation shall include maps depicting the plan and profile including the designated route, right-of-way, and pipeline 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 plan and profile 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.

The Permittee shall also provide the Minnesota Office of Pipeline Safety with the same information provided to the Commission. The Permittee's plan and profile and specifications and drawings, shall become a condition of this permit and shall be complied with by the Permittee in accordance with Minn. R. 7852.3500.

10.2 Status Reports

The Permittee shall report to the Commission on progress during finalization of the route and construction of the pipeline. Reports shall begin with the submittal of the plan and profile for the project and continue until completion of restoration. The Permittee shall report weekly during construction or restoration or monthly during periods where no construction or restoration activity is occurring.

10.3 Notification to Commission

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

10.4 As-Builts

Within 90 days after completion each phase of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the project.

10.5 GPS Data

Within 90 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 the pipeline and associated facilities.

11.0 RIGHT OF ENTRY

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- a. To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- b. To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- c. To sample and monitor upon the facilities easement of the property.
- d. To examine and copy any documents pertaining to compliance with the conditions of this permit.

12.0 PERMIT AMENDMENT

The Permittee may apply to the Commission for an amendment of the route designation or to conditions specified in the permit in accordance with the requirements and procedures of Minn. R. 7852.3400.

13.0 PERMIT MODIFICATION OR SUSPENSION

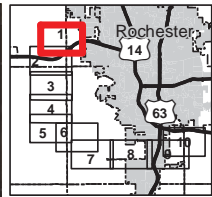
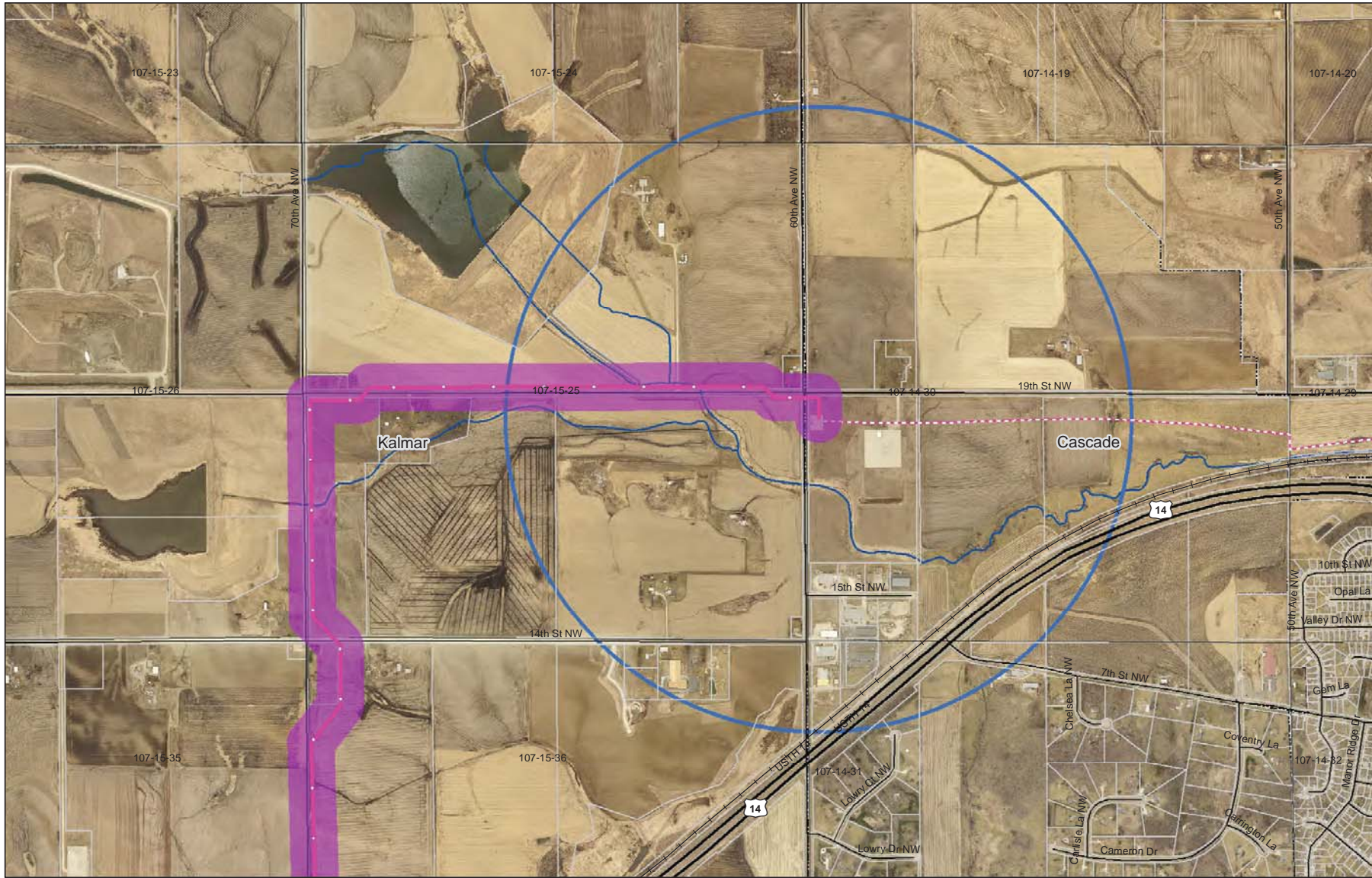
If the Commission determines that substantial evidence supports a finding that a violation of the terms or conditions of this pipeline routing permit has occurred or is likely to occur, it may take action to modify or suspend this permit in accordance with Minn. R. 7852.3800. The Commission may at any time re-consider modification or suspension of this permit if the Permittee has undertaken effective measures to correct the violations.

14.0 PIPELINE CONSTRUCTION COMPLETION CERTIFICATE

In accordance with Minn. R. 7852.3900, the Permittee shall file with the Commission a written certification that the construction and remediation of the permitted pipeline has been completed in compliance with all permit conditions and landowner agreements. The certification shall be considered by the Commission within 60 days of its filing. The Commission shall accept or reject the certification of completion and make a final determination regarding cost or reimbursements due. If the certification is rejected, the Commission shall inform the Permittee in writing which deficiencies, if corrected, will allow the certification to be accepted. When corrections to the deficiencies are completed, the Permittee shall notify the Commission, and the

certification shall be reconsidered as soon as possible. After acceptance of the certification, the Commission's jurisdiction over the Permittee's pipeline routing permit shall be terminated.

Proposed Permit



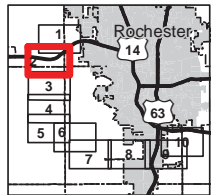
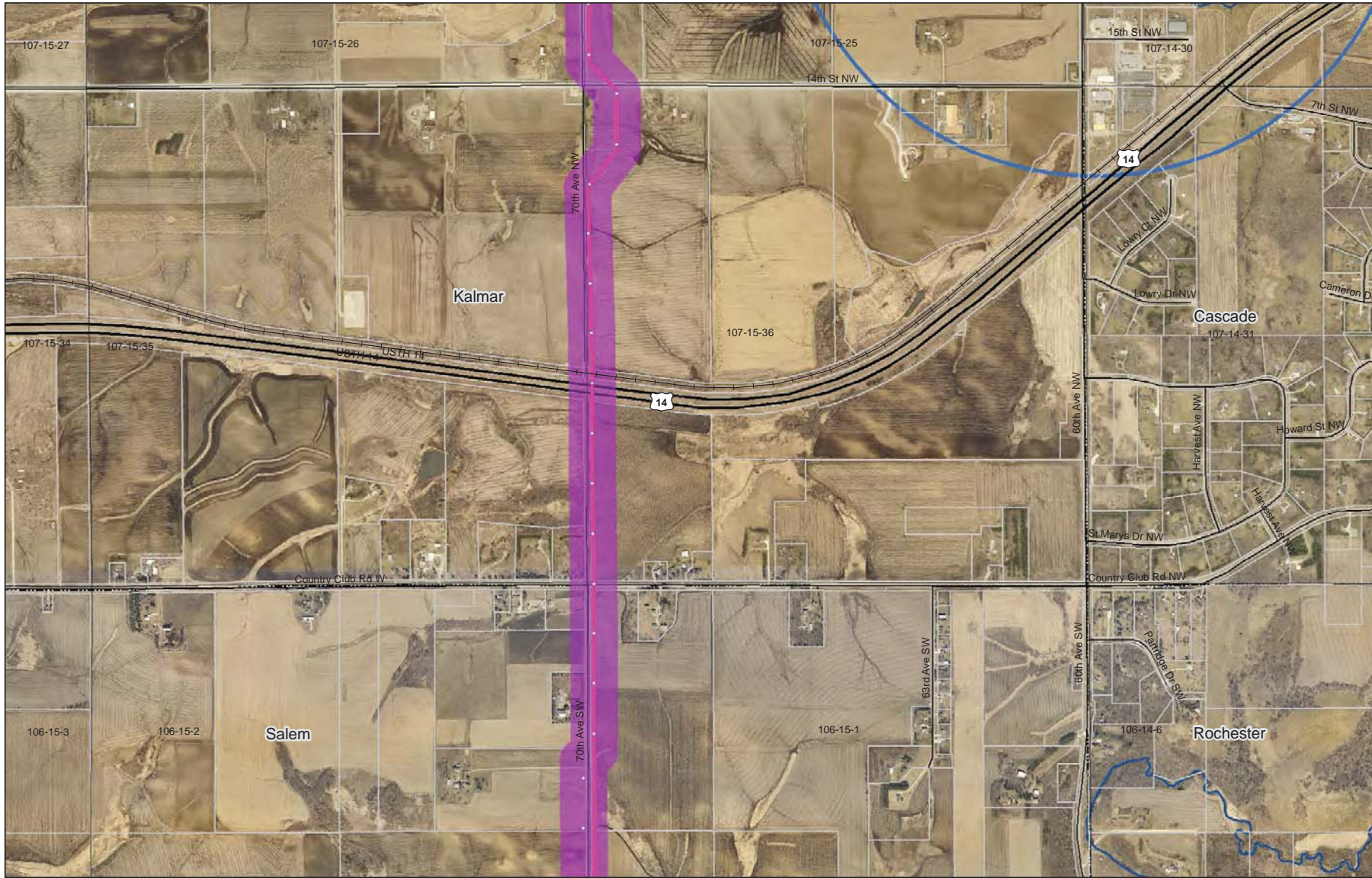
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PROPOSED ROUTE PERMIT MAPS

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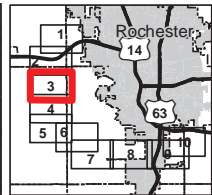
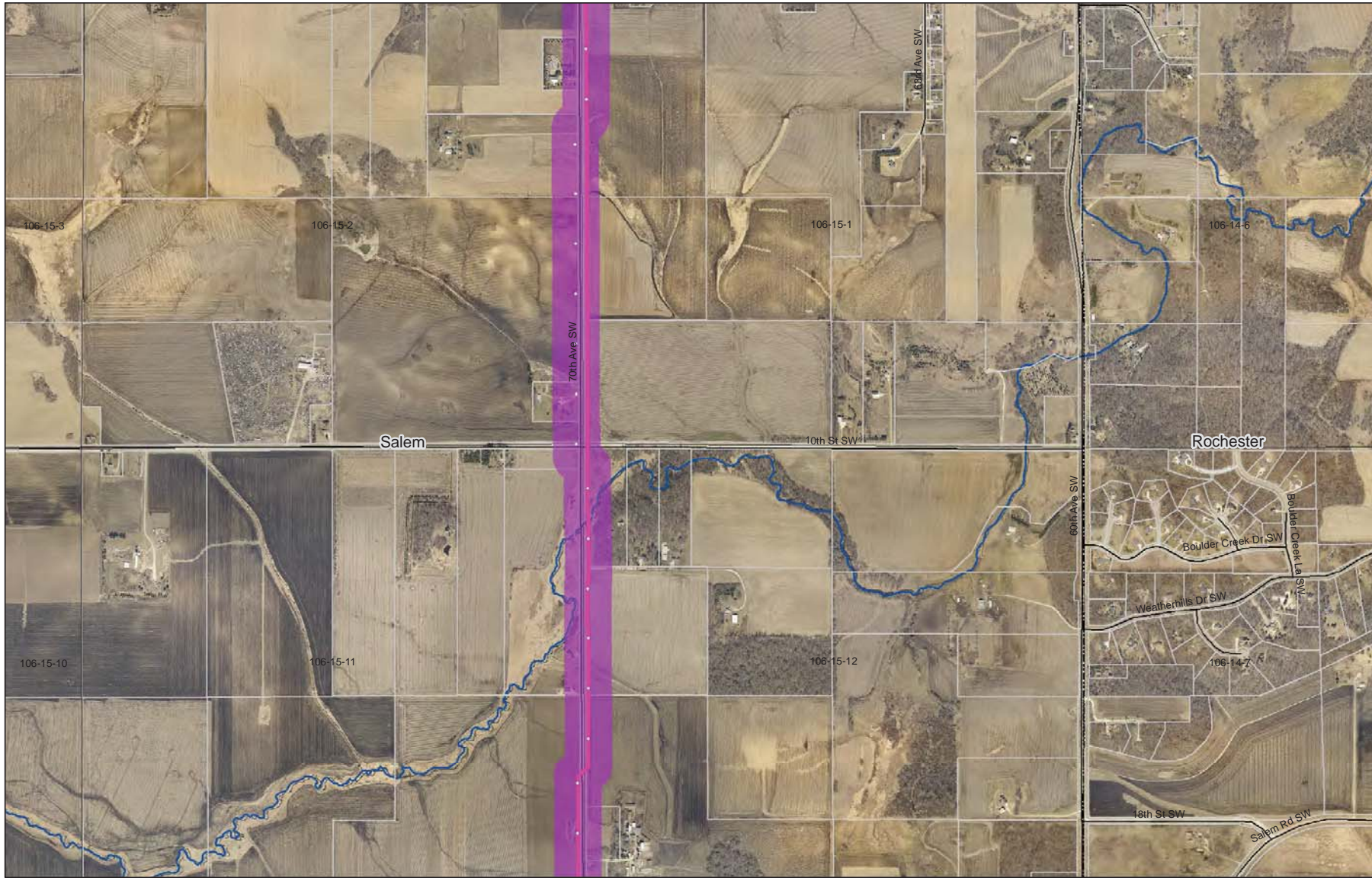


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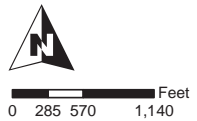


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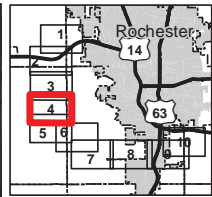
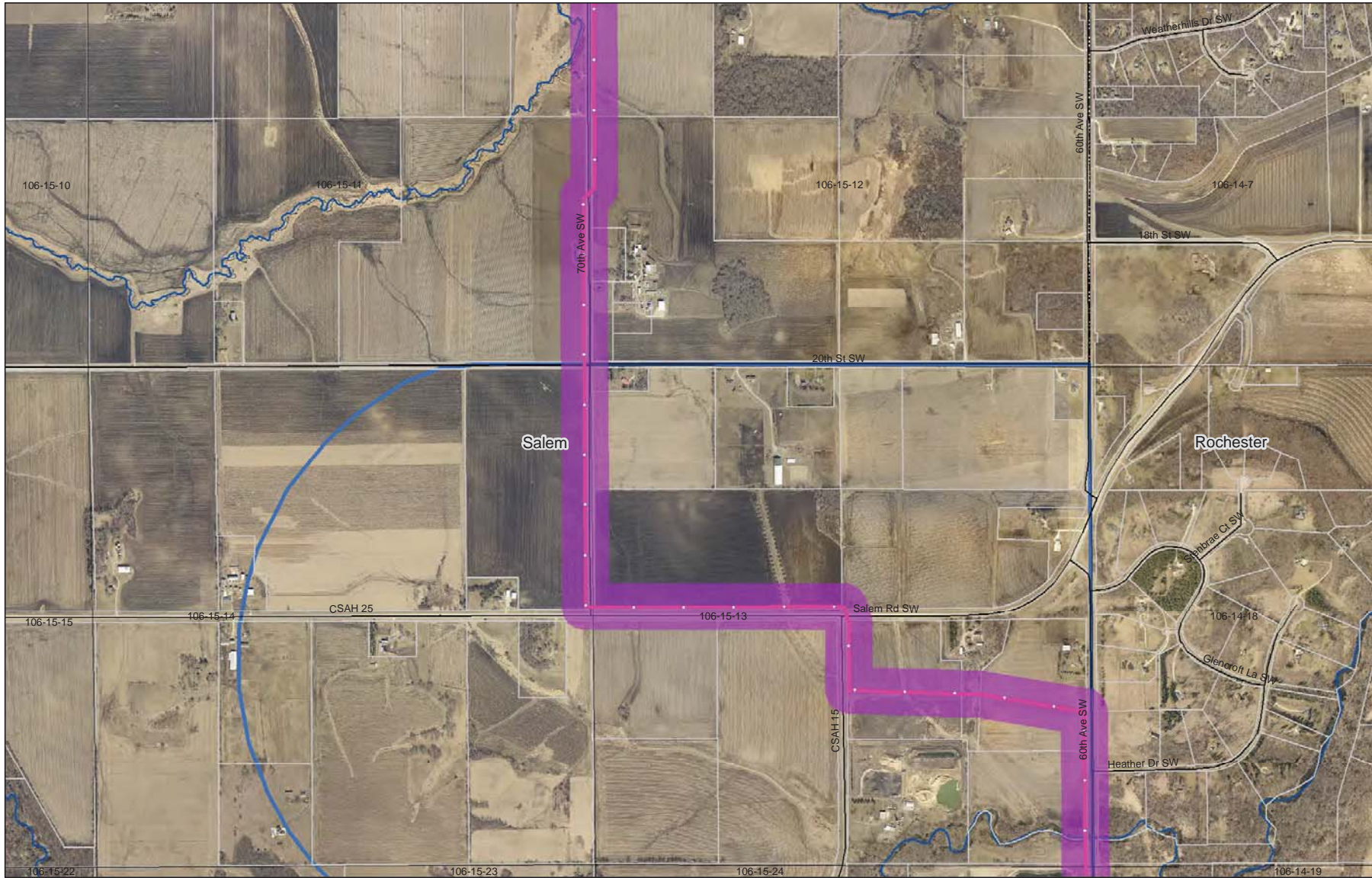


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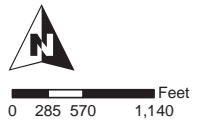


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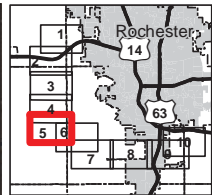
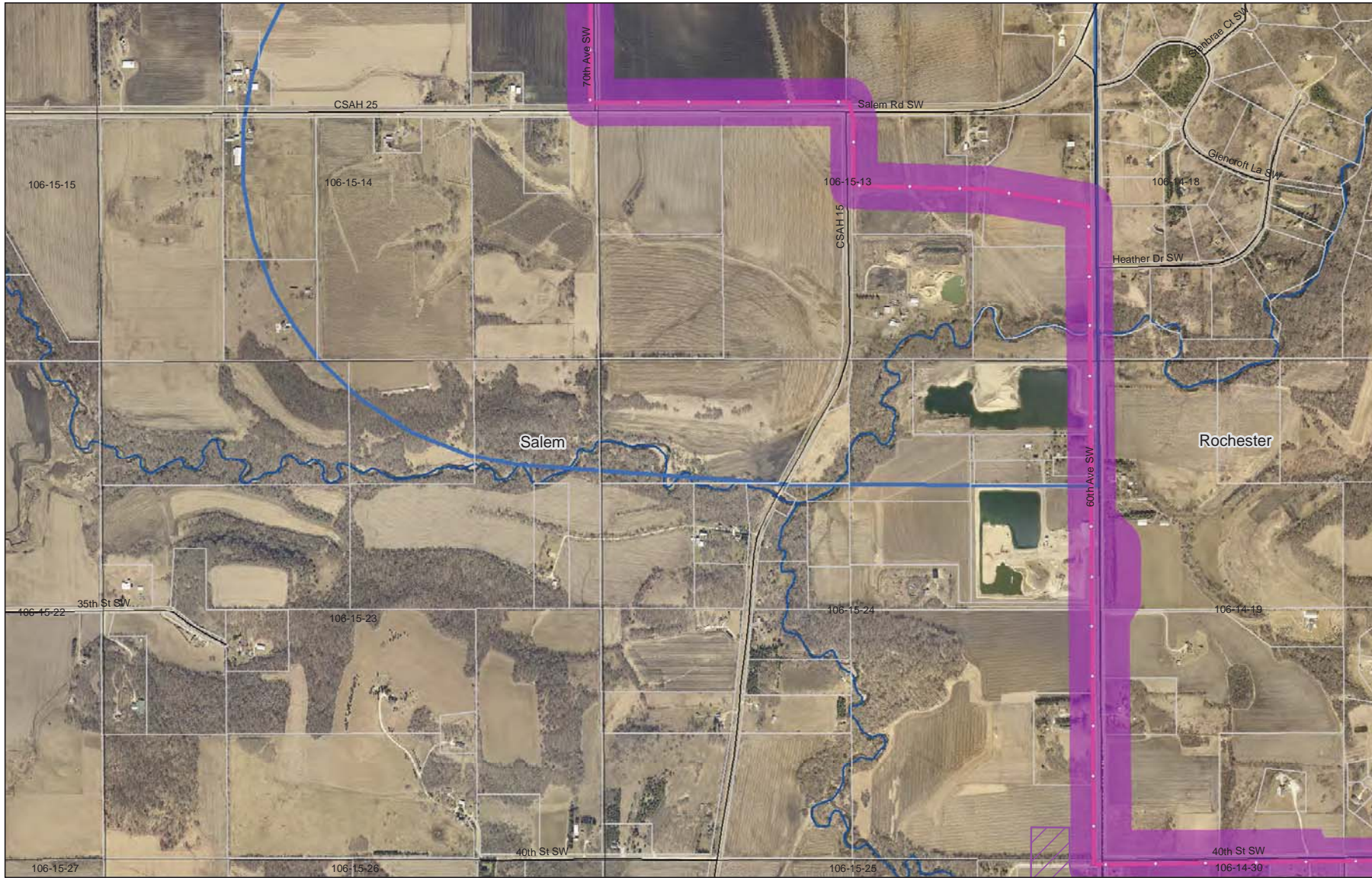


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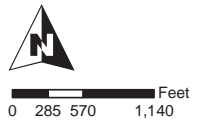


PROPOSED ROUTE PERMIT MAPS

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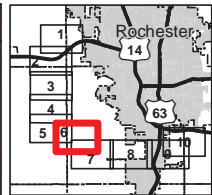
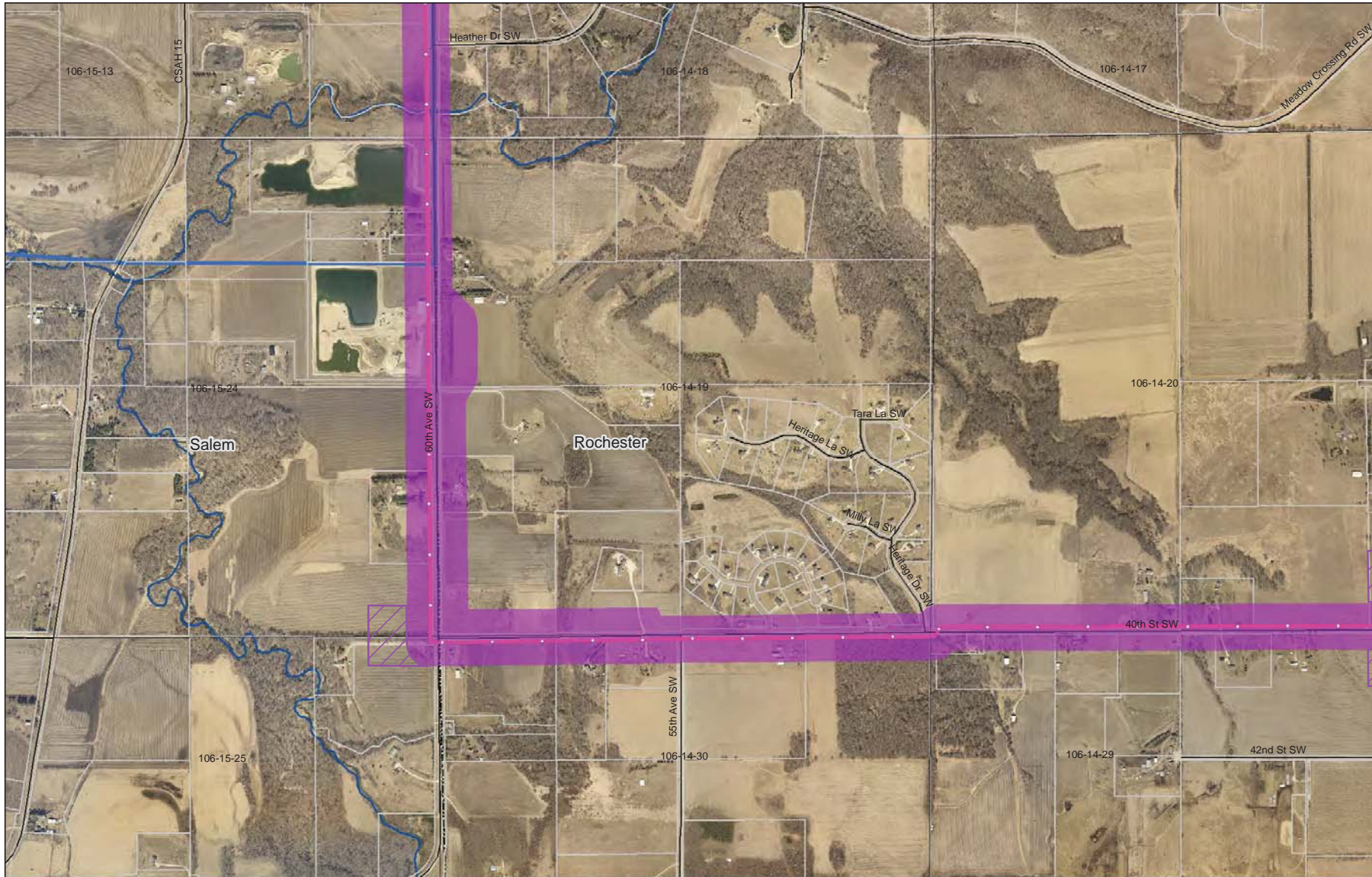


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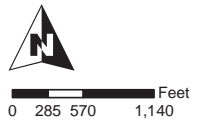


PROPOSED ROUTE PERMIT MAPS

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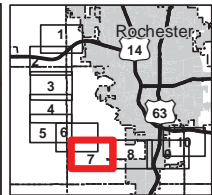
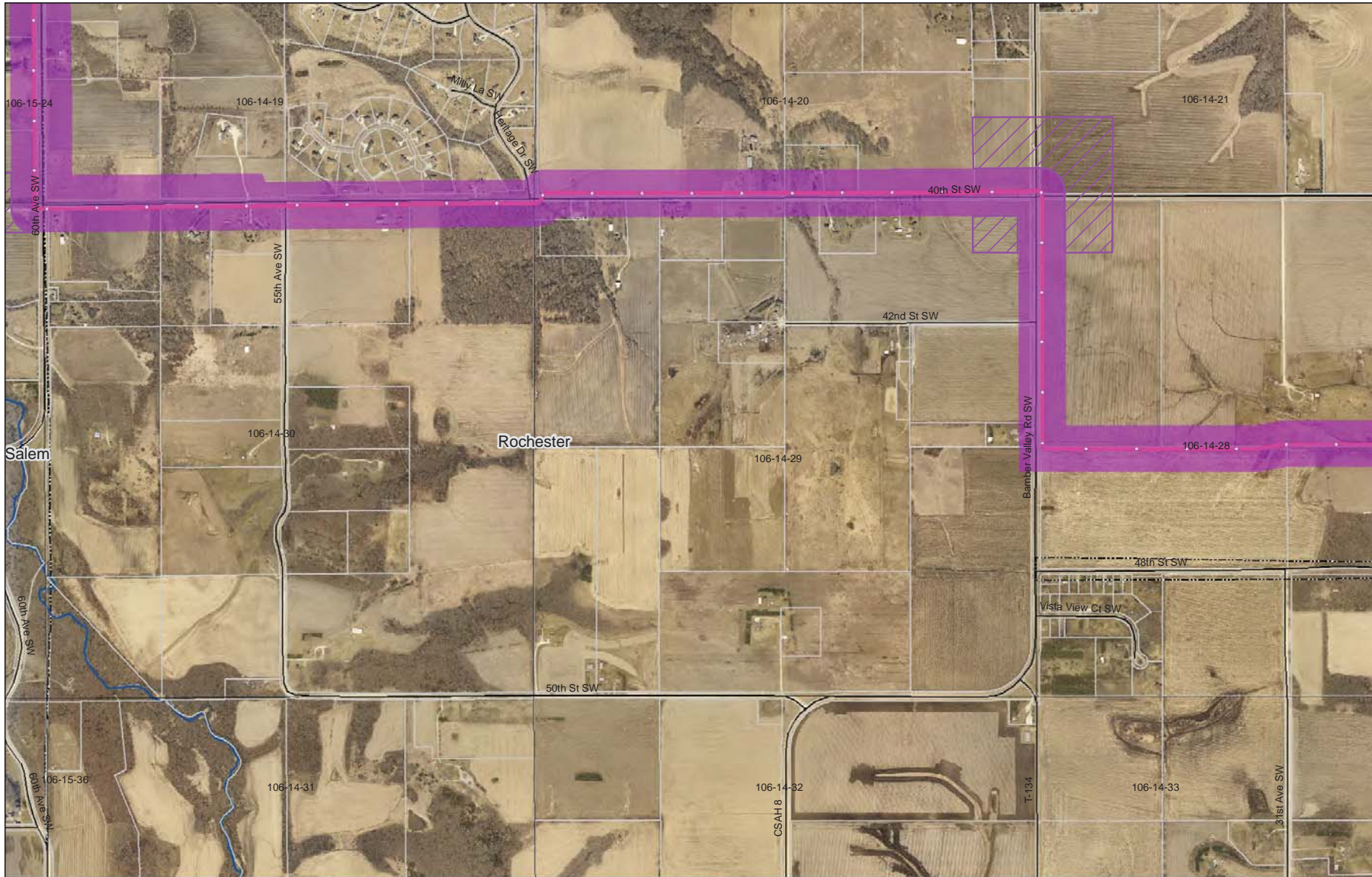














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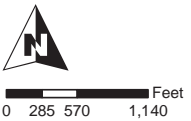


PROPOSED ROUTE PERMIT MAPS

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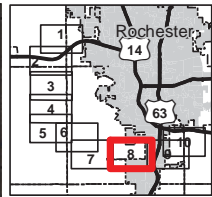
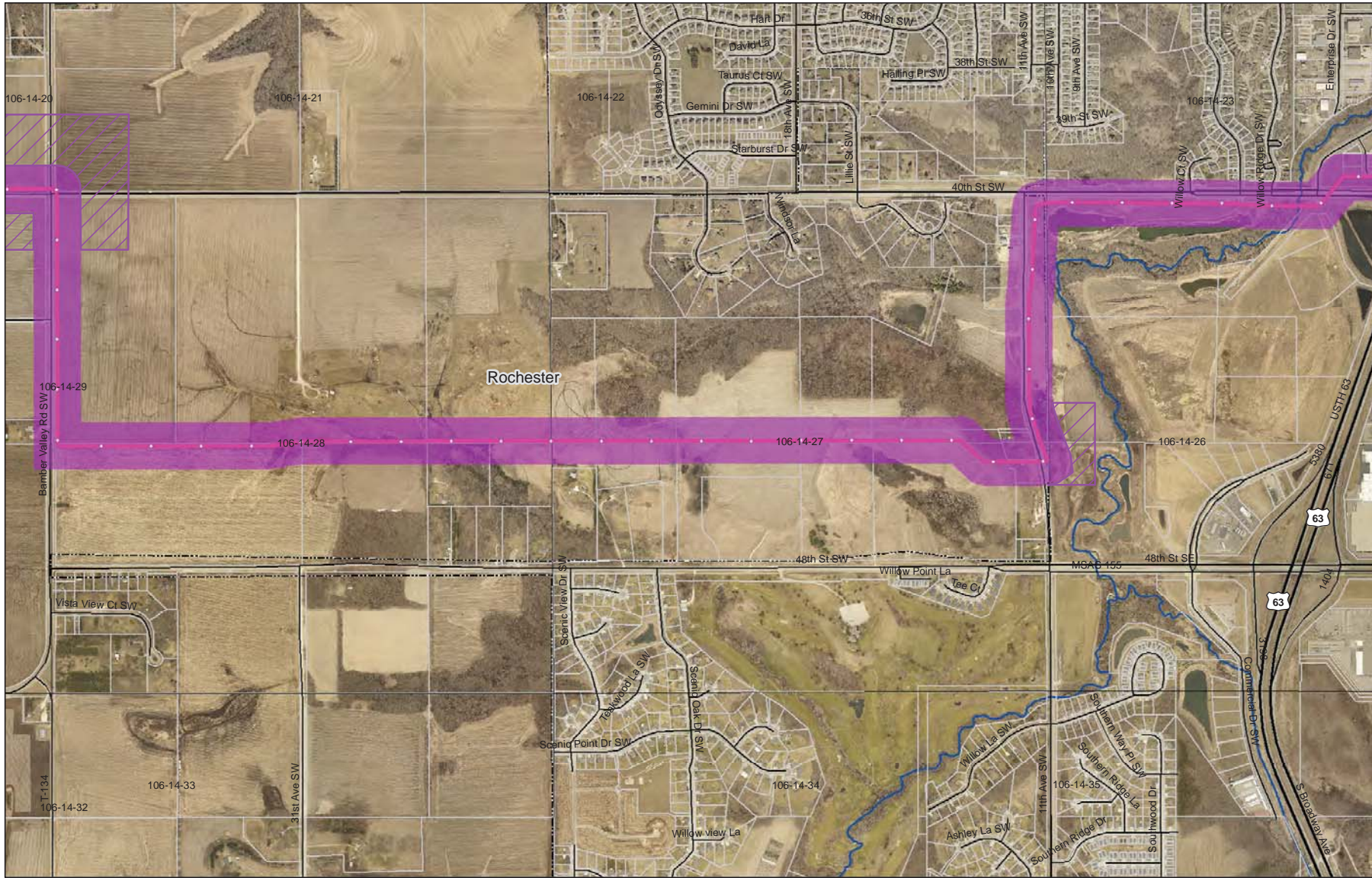
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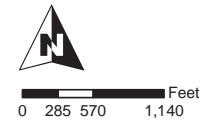
PROPOSED ROUTE PERMIT MAPS

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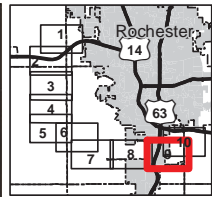
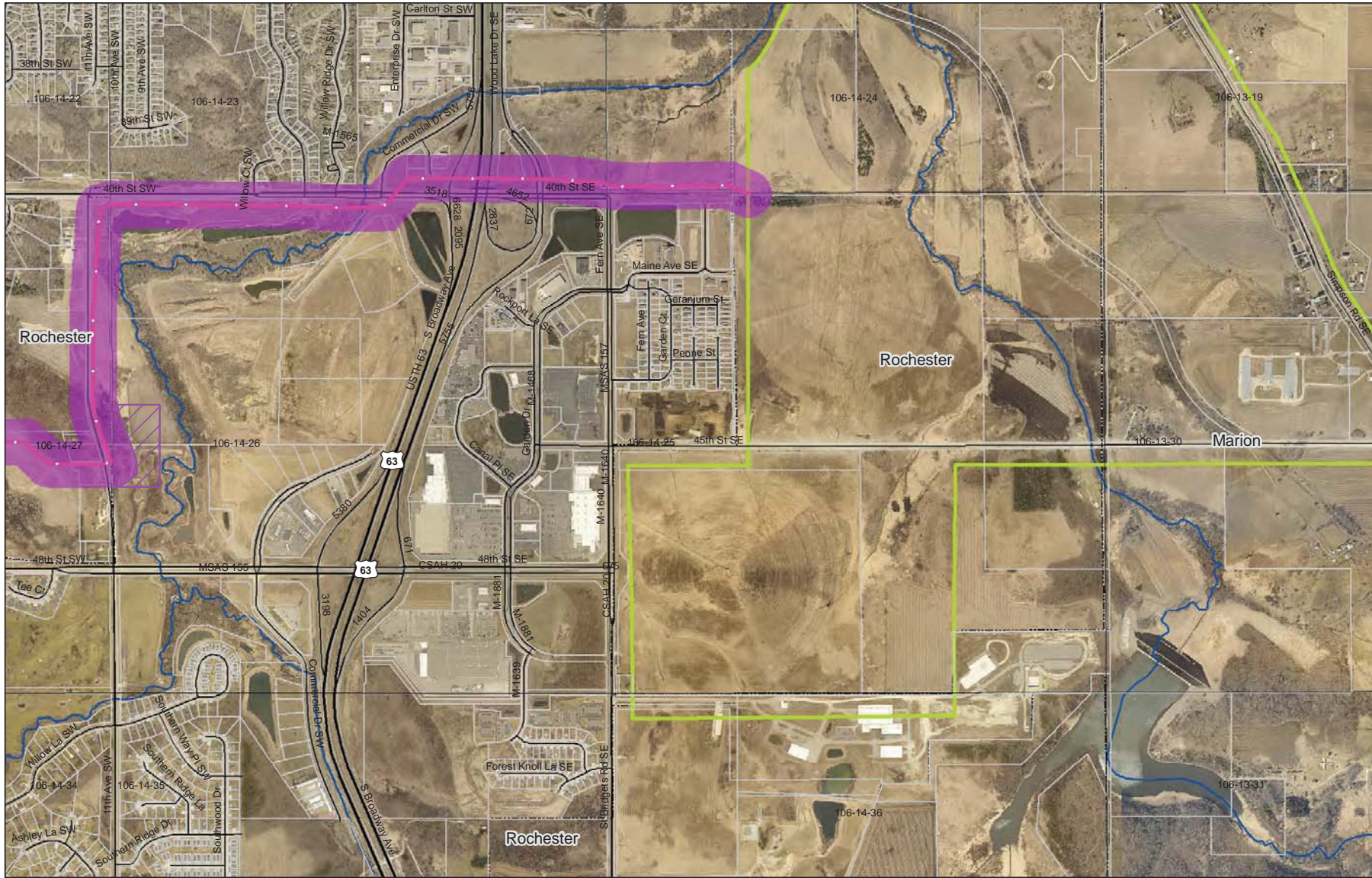


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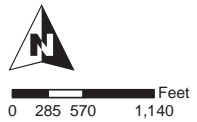


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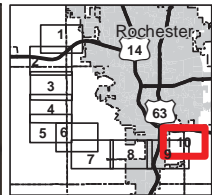
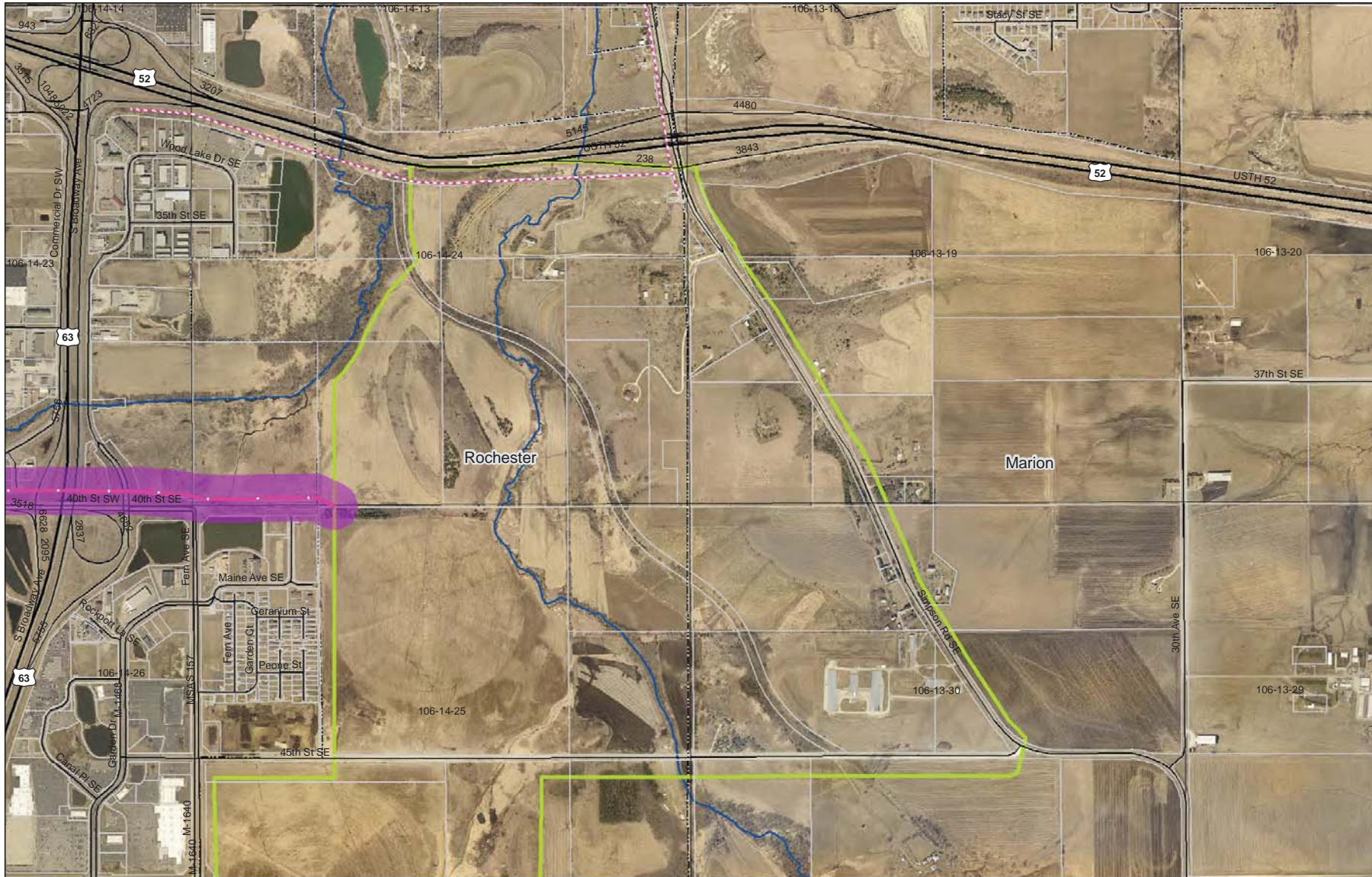
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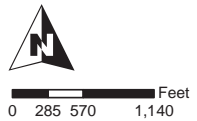
PROPOSED ROUTE PERMIT MAPS

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

A. Purpose

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

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 permittee 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 unresolved or unsatisfactorily resolved to one or both of the parties.

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. For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

Monthly Reports: During project construction and restoration, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Daniel 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 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:

Amber Lee
Regulatory and Legislative Affairs manager
Minnesota Energy Resources Corporation
1995 Rahncliff Court, Suite 200
Eagan, MN 55122
aslee@minnesotaenergyresources.com
651-322-8965

This information shall be maintained current by informing the Commission of any changes 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 Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known 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 file all compliance filings with Daniel 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 file 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 electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Daniel 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 electronically filed document.

Proposed Permit

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Minnesota Energy Resources Corporation (MERC)
 PERMIT TYPE: Natural Gas Pipeline Route Permit
 PROJECT LOCATION: Olmsted County
 PUC DOCKET NUMBER: G-11/GP-15-858

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	5.1	Construction Environmental Control Plan	Filed with Plan and Profile
2	5.2	Agricultural Impact Mitigation Plan	Filed with Plan and Profile
3	5.3	Vegetation Management Plan	Filed with Plan and Profile
4	5.4	Permit Distribution to the Public and Local Governments	Within 10 days of permit issuance to LGUs, Within 30 days to landowners
5	5.5	Notification to Landowners	Maintain contact log, file upon request and with As-Builts for each phase
6	5.6.1	Field Representative Notification	At least 14 days before construction
7	5.6.2	Agricultural Monitor & County Inspector Notification	At least 14 days before construction
8	5.6.3	Employee Training	Maintain Contract Log
9	5.6.7	Site Sediment and Erosion Control	At least 14 days before construction

¹ 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.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	5.6.14	Application of Pesticides	At least 14 days prior to application
11	5.6.21	Restoration	Within 60 days after completion
12	6.2	Rare Species Survey	If required, within 30 days of completion
13	6.3	Contamination Survey	Before Plan and Profile Submittal (see 10.1 below)
14	6.5.	Oldfield Property	With Plan and Profile
15	8.0	Complaint Procedures	Any unresolved after 30 days to be files with Status Report(s) (see 10.2 below)
16	10.1	Plan and Profile	At least 30 Days before right-of-way preparation. May be done in phases. Copy Minnesota Office of Pipeline Safety
17	10.2	Status Reports	Weekly during project construction and restoration, otherwise monthly
18	10.3	Notification to Commission	At least 3 days before completion of each phase
19	10.4	As-Builts	Within 90 days after completion of each phase
20	10.5	GPS Data	Within 90 days of completion of each phase

Filing Number	Permit Section	Description of Compliance Filing	Due Date
21	14.0	Pipeline Completion Certification	At least 30 days prior to completion

Proposed Permit