

Staff Briefing Papers

Meeting Date June 17, 2025

Agenda Item **4

Company Dairyland Power Cooperative

Docket No. ET3/TL-23-388

In the Matter of the Application of Dairyland Power Cooperative for a Route Permit for the Wabasha Relocation 161 kV Transmission Line Project in Wabasha County

- Issues**
- Should the Commission adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendations?
 - Should the Commission find that the environmental assessment and the record created at the public hearing address the issues identified in the scoping decision?
 - Should the Commission issue a route permit identifying a specific route and permit conditions?

Staff Sam Lobby sam.lobby@state.mn.us 651-201-2205

enter name.

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

✓ Relevant Documents	Date
Initial Filing – Joint Certificate of Need and Route Permit Application (26 Parts)	03/27/2024
PUC Order Finding Application Complete, Referring Matter to OAH	05/07/2024
PUC – Notice and Order Approving Petition to Withdraw Filing	06/25/2024
PUC Scoping Order	09/17/2024
EA Scoping Decision	09/25/2024
Dairyland Power Cooperative – Direct Testimony (3 parts)	01/28/2025
Notice for Public Hearings (issued 1/27/25 with comment period closing 3/4/25, but late comments filed up to 3/17/25)	01/27/2025
DOC EERA – Environmental Assessment	01/31/2025
DOC EERA – Amended Draft Route Permit	02/04/2025
Dairyland Power Cooperative – EA and Draft Route Permit Comments	03/03/2025
MN DNR – Comments (4 parts)	03/04/2025
Dairyland Power Cooperative – Response to Public Comments	03/10/2025
OAH – Order – Findings of Fact, Conclusions of Law, and Recommendations	04/21/2025
DOC EERA – Exceptions to ALJ Report	04/28/2025
Dairyland Power Cooperative – Exceptions to ALJ Report	05/01/2025

Attachments

Attachment A: Proposed Permit Conditions

Attachment B: Proposed Route Permit

PROJECT DESCRIPTION

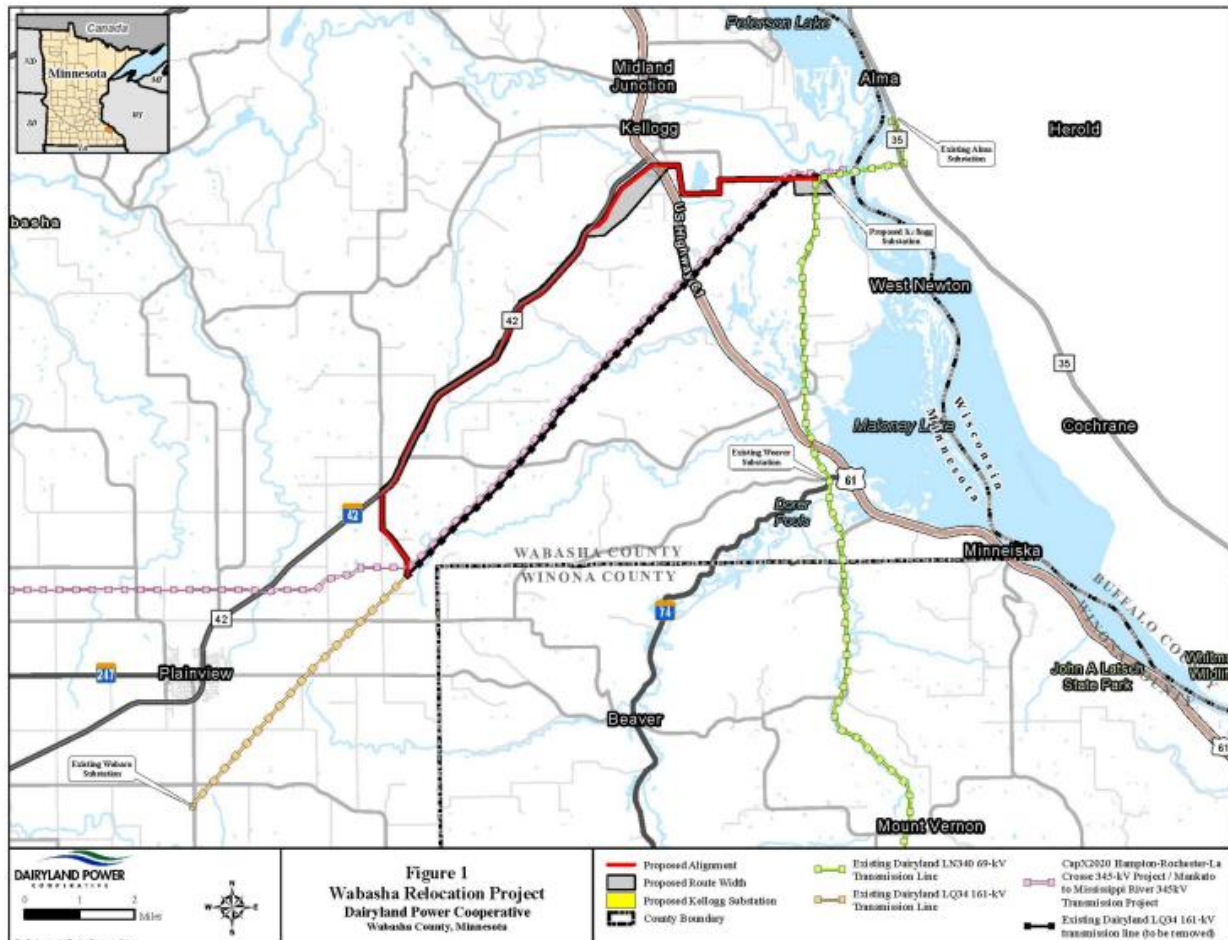
On March 27, 2024, Dairyland Power Cooperative (the Applicant or Dairyland) submitted their Joint Certificate of Need and Route Permit Application¹ for the Wabasha Relocation Project. The Applicant is proposing to relocate approximately 10.4 miles of its existing 161-kV LQ34 line, which runs from the Wabaco Substation to the Alma Substation and is collocated on the existing CapX2020 345-kV transmission line structures. This segment of the CapX2020 transmission line was originally constructed as double circuit 345kV capable but has been operated by Dairyland at 161kV until there was a future need for the line to be operated at 345kV. A separate project, the Mankato to Mississippi River 345 kV Transmission Line Project, was proposed by Xcel Energy on April 2, 2024, and proposes to utilize the 2nd circuit and operate it at 345kV. Therefore, Dairyland is required to find a new route for their 161 kV transmission line.

The proposed transmission line relocation is anticipated to be a 13.3-mile 161-kV transmission line between an existing Dairyland transmission line structure near Township Road and 215th Avenue in Plainview Township and a new proposed substation (Kellogg Substation) east of the City of Kellogg, Minnesota. The relocated transmission line is proposed to be located in portions of Plainview, Highland, Watopa, and Greenfield townships in Wabasha County, Minnesota.

Dairyland plans to utilize single-pole steel structures, all of which will be self-supporting, eliminating the need for guying. The typical pole heights will vary from 75 to 140 feet above ground, with spans between poles ranging from 250 to 1,000 feet. Dairyland anticipates initiating site preparation activities for the Kellogg Substation between June and July 2026, followed by substation construction and 161-kV transmission line installation between June 2027 and July 2028.

¹ Dairyland Power Cooperative Joint CN and Route Permit Application: [20243-204688-06](#)

Project Overview Map



STATUTES AND RULES

Route Permit

Minn. Stat. § 216E.03, subd. 2, provides that no high-voltage transmission line shall be sited or constructed in Minnesota without the issuance of a route permit by the Commission. Under Minn. Stat. § 216E.01, subd. 4, a high-voltage transmission line is defined as a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and that is greater than 1,500 feet in length. The project is a new 13.3-mile 161 kV single-circuit transmission line and, therefore, requires a route permit from the Commission.

The project qualified for alternative review because it is a high-voltage transmission line between 100 and 200 kV. Under the alternative permitting process: (1) the applicant is not required to propose alternative routes in its application but must identify other routes it examined and discuss the reasons for rejecting those routes; (2) an environmental assessment

is prepared instead of an environmental impact statement; (3) a public hearing is conducted, but a contested case hearing is not required.

The project is subject to Minn. Stat. Chapter 216E which requires that high-voltage transmission lines be routed in a manner consistent with the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security and reliability through efficient, cost-effective power supply and electric transmission infrastructure. The statute also affords the Commission the authority to specify the design, route, right-of-way preparation, facility construction, and any other appropriate conditions it deems necessary when issuing a permit for a high-voltage transmission line. The operative rules for the review of high-voltage transmission line route permit applications are found in Minnesota Rules Chapter 7850.

Environmental Assessment

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

Certificate of Need

A recent revision to Minn. Stat. § 216B.243, subd. 8, exempts projects from Certificate of Need (CN) requirements if the project is relocating an existing high voltage transmission line to a new right of way, provided that any new structures are not designed to operate at a higher voltage. The Applicant submitted the joint application for the project prior to the change to the statute and subsequently submitted a petition to withdraw the CN portion of their application once the new statute was adopted.

PROCEDURAL HISTORY

On March 27, 2024, Dairyland Power Cooperative filed a joint or combined Certificate of Need and Route Permit Application for the Dairyland-Wabasha 161kV Transmission Line Relocation Project.

On May 7, 2024, the Commission issued its Order accepting the Joint Application as substantially complete, authorizing joint environmental review and hearing processes for the certificate of need and route permit, preparation of an EA, declined to appoint an advisory task force, and requested a full report with recommendations from an Administrative Law Judge.

On June 5, 2024, Dairyland Power Cooperative filed a petition to withdraw their application for

a certificate of need due to newly adopted legislation exempting such projects from a certificate of need.

On June 25, 2024, the Commission approved Dairyland Power Cooperative's petition to withdraw their certificate of need application.

On June 11 and 12, virtual and in-person public information and environmental assessment scoping meetings were held by staff of the Commission and the Department of Commerce.

On August 30, 2024, Minnesota Department of Commerce Energy Environmental Review and Analysis (DOC EERA) filed comments and recommendations regarding the scope of the environmental assessment (EA), recommending that the applicant's proposed route and six other alternatives proposed by the public be studied in the EA.

On September 17, 2024, the Commission issued an Order adopting EERA's August 30 recommendations.

On January 31, 2025, EERA filed the environmental assessment for the Project.

On February 4, 2025, EERA filed an amended Draft Route Permit for the Project.

On February 11 and 12, in-person and virtual public hearings were held with Administrative Law Judge (such and such) from the Office of Administrative Hearings.

Between February 13, and March 17, 2025, comments were received from several members of the public. The concerns expressed included stray voltage and proximity to Dairy farms, individual concerns about a specific routing alternative, and questioning why the line isn't routed along the River to avoid people and property.

In addition, on March 4, 2025, the Minnesota Department of Natural Resources (DNR) filed comments including proposed special permit conditions.

On March 10, 2025, Dairyland Power Cooperative filed their responses to public hearing comments related to route alternatives, stray voltage, electromagnetic fields, impacts on honeybees, and the DNR's recommended special permit conditions.

On March 18, 2025, Dairyland Power cooperative filed their Proposed Findings of Fact, Conclusions of Law, and Recommendations.

On April 1, 2025, DOC EERA filed their Response to the Applicant's Proposed Findings of Fact.

On April 21, 2025, the Administrative Law Judge filed Findings of Fact, Conclusions of Law, and Recommendations (ALJ Report).

On April 28, 2025, DOC EERA filed a letter indicating they did not have any exceptions to the ALJ Report.

On May 1, 2025, Dairyland Power Cooperative also filed a letter indicating they did not have any exceptions to the ALJ Report.

COMMENTS RECEIVED DURING THE PERMITTING PROCESS

Several comments were received from members of the public, government agencies, and organizations during the permit review process. The robust participation of the public significantly improved the record for this project.

Public Information and Environmental Assessment Scoping Meetings Comment Period (Closed on June 26, 2024)

During the EA Scoping Comment Period MnDOT commented² that it will be important for the Company to work closely with MnDOT to coordinate pole placements and other required MnDOT permits the Company will need to acquire. IUOE Local 49 & NCSRC of Carpenters commented³ indicate their support of the project.

Twenty-two members of the public filed comments into the record during the scoping period regarding topics such as dairy farms, EMF and stray voltage, the impact to the Mississippi River scenic route along Highway 42, diminished property values, and a number of different alternative route suggestions. There were numerous comments expressing concern for dairy farms and the proximity of the line to livestock operations. As a result of these and other concerns, 9 routes or route segments were evaluated in the EA⁴.

Release of the EA and Alternative Routing Options (January 31, 2025)

The alternative routing options studied in the Environmental Assessment⁵ were split up into 3 groups of Route Segment Alternatives (RSA), shown on the map and further described below:

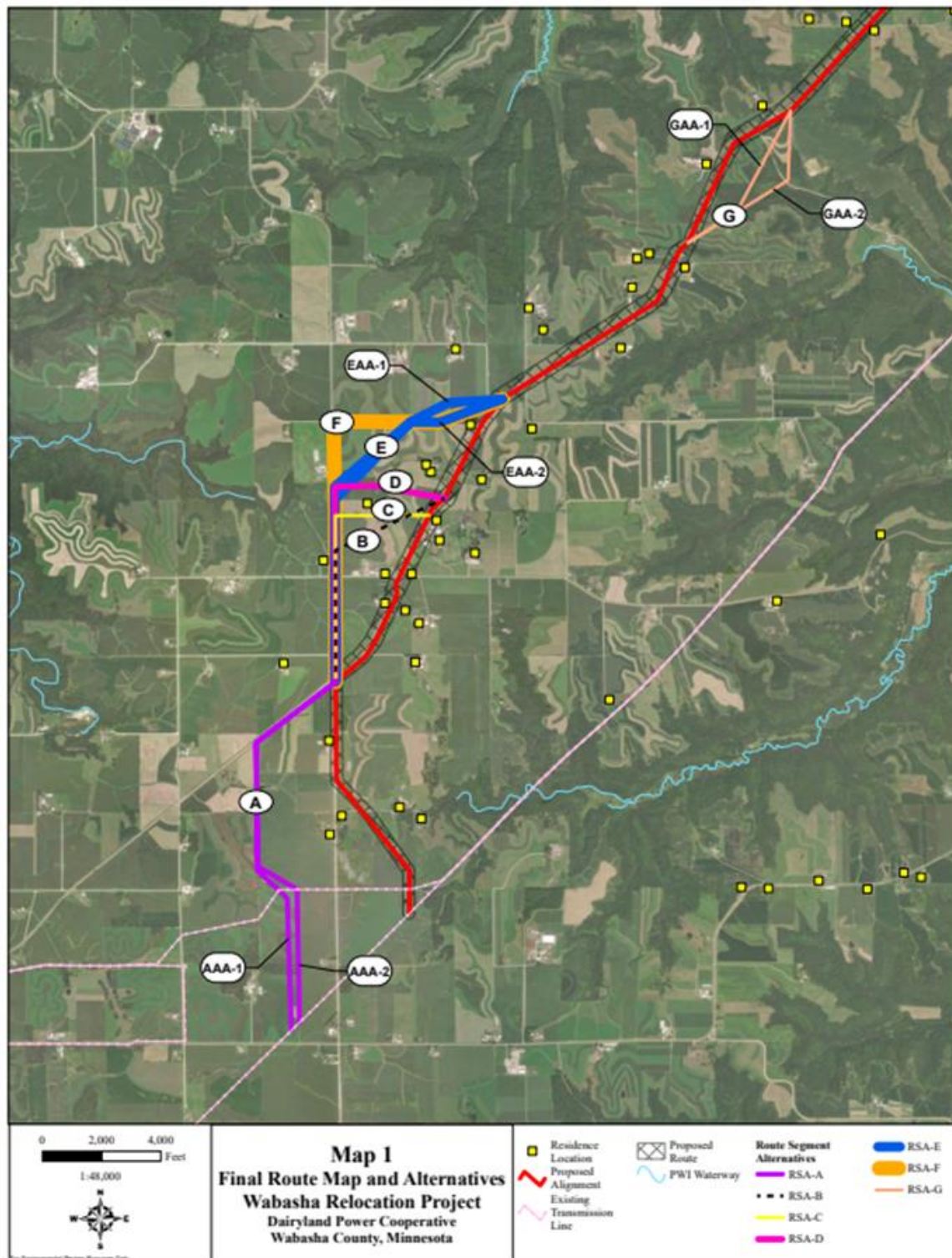
² MnDOT Comments (6/26/2024): [20246-207970-01](#)

³ IUOE Local 49 and NCSRC of Carpenters (6/26/2024): [20246-207972-01](#)

⁴ DOC EERA Environmental Assessment Scoping Decision (9/25/2024): [20249-210466-01](#)

⁵ DOC EERA Environmental Assessment (1/31/2025): [20251-214724-01](#)

Map of Alternative Routing Options⁶



⁶ Map of Alternative Routing Options, EA PDF Page 158 (1/31/2025): [20251-214724-01](https://www.dairylandpower.com/Portals/0/ET3/TL-23-388/20251-214724-01)

- **Group 1 (Southern Portion)**
 - AAA-1 – was proposed by several members of the public, which moves the southern starting point of the line further south to avoid 215th Avenue and routes the line along property lines.
 - AAA-2 – was developed and proposed by the applicant in response to the public comments received.
- **Group 2 (Central Portion)**
 - RSA-B – was proposed by members of the public. This alternative is the shortest alternative in Group 2, has support of potentially affected landowners, crosses the fewest water bodies, and crosses fewer parcels than the other alternatives in Group 2, and minimizes impacts to dairy farms and residences along Highway 42.
 - RSA-C – was proposed by the applicant in response to public concerns regarding the proximity of the line to dairy operations.
 - RSA-D – was proposed by members of the public to avoid stray voltage and EMF impacts to humans and animals.
 - RSA-E – was proposed by members of the public to increase the distance of the line from dairy operations.
 - RSA-F – was proposed by members of the public to avoid residences and agricultural operations.
- **Group 3 (North Portion)**
 - RSA-G – two very similar alternatives were proposed as part of RSA-G (denoted as GAA-1 and GAA-2) by a member of the public to avoid EMF and stray voltage impacts to a new dairy facility. However, the GAA alternative segments would have crossed through heavily forested greenfield, including some DNR State Forest Land.

Availability of Environmental Assessment and Public Hearings Comment Period (Closed on March 4, 2025)

Additional comments were received during the Public Hearing Comment Period. The MN DNR recommended⁷ several special permit conditions, including Karst Hydrology considerations, Natural Heritage Reviews for rare resources such as calcareous fens and state listed species, and conditions related to facility lighting, wildlife-friendly erosion control, and water appropriation.

Fifteen members of the public commented on topics including; effects on property values, viewsheds impaired, EMF/Stray Voltage in relation to human and animal health, noise, avoiding the Cowpokes business, a preference for routing the line along the river, as well as support for

⁷ MnDNR Comments – 4 parts (3/4/2025): [20253-216053-01](#)

RAS-AAA-2 and RSA-B.

Public Comments During Permitting Process

Overall, there was robust public participation throughout the proceeding which helped to develop the record. There were several themes related to concerns with dairy farms, EMF/Stray Voltage, and suggested alternative routing options for study in the EA. Public comments and participation significantly shaped the EA and improved the quality and quantity of information related to the project that can help inform the Commission in making its final determination.

ALJ REPORT – FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

The Commission requested that an ALJ preside over the public hearings and prepare a Report with findings of fact, conclusions of law, and recommendations on the merits of the proposed Project and permit conditions, as necessary. On April 21, 2025, Administrative Law Judge Mortenson issued his Report⁸.

The ALJ Report contained 309 findings and 11 conclusions of law and provided a thorough review of the record. The ALJ concluded that all procedural requirements for processing the route permit application were satisfied. The Report provided recommendations regarding the adequacy of the EA and the justification for granting a route permit, including the designation of a specific route and additional permit conditions. Rather than repeat the ALJ's full analysis in these briefing papers, staff has summarized the recommendations. Staff refers the Commission to the ALJ Report for the complete analysis.

Adequacy of EA

The ALJ concluded that: "EERA prepared an appropriate EA of the Project for purposes of this proceeding, and it satisfies Minn. R. 7850.3700 and 7850.3900. Specifically, the EA and the record addressed the issues identified in the Scoping Decision to a reasonable extent, considering the availability of information. The EA included the items required by Minn. R. 7850.3700, subp. 4 and was prepared in compliance with the procedures in Minn. R. 7850.3700."

Recommended Route

The ALJ found that the record demonstrates that the Applicants Proposed Route, with the inclusion of RSA-AAA-2 as modified, and RSA-B is the best route for the project. The Judge's recommendation is summarized below by Group.

- **Group 1 (Southern Portion):** RSA-AAA-2 As Modified – "Regarding the Group 1 Alternatives, the APR offers advantages including that it balances the Commission's

⁸ ALJ Report (4/21/2025): [20254-217920-01](#)

routing criteria by minimizing length, cost, and number of landowners impacted, and maximizing co-location with existing ROWs.” – Finding 286, ALJ Report.

- **Group 2 (Central Portion):** RSA-B – “Regarding the Group 2 Alternatives, Dairyland requests the Commission’s acceptance of alternative RSA-B as compared to the other alternatives in Group 2, as it has the support of affected landowners, is the shortest alternative under consideration, crosses the fewest waterbodies, and crosses fewer parcels than the other alternatives, while achieving the stated goal on minimizing impacts to dairy operations and residences along Highway 42.” – Finding 288, ALJ Report
- **Group 3 (Northern Portion):** Applicant Proposed Route – “Regarding the Group 3 Alternatives, both alternatives would result in new greenfield corridors through heavily wooded areas, and some within a MDNR State Forest along RSA-GAA-2. In addition, these alternatives are located partially within a MDNR Site of Biodiversity Significance. The APR offers advantages over the Group 3 alternatives because it maximizes collocation with existing ROWs, avoids creation of new utility corridors in greenfield areas, and avoids clearing in forested areas, including those on state lands.” – Finding 289, ALJ Report

Permit Conditions

The ALJ identified several additional permit conditions as part of his recommendation on the final route permit for the Project, including additions or changes to permit sections: Transmission Facility Description; Structures; Substations and Associated Facilities; Right of Way; Cultural and Archeological Resources; State-protected Species; Stray Voltage. Staff has provided a summary table of the permit conditions and modifications as Attachment A to these briefing papers.

EXCEPTIONS

DOC EERA Exceptions

The Department concurred with the ALJ’s recommendations and had no exceptions.⁹

Dairyland Power Cooperative Exceptions

The Applicant agreed with the ALJ’s recommendations and had no exceptions.¹⁰

STAFF DISCUSSION

⁹ DOC EERA Exceptions (4/28/2025): [20254-218233-01](#)

¹⁰ Dairyland Power Cooperative Exceptions (5/1/2025): [20255-218487-01](#)

Based on the information in the Application, the analysis provided in the Environmental Assessment, the ALJ Report, and other evidence in the record, staff recommends that the Commission (i) find the Environmental Assessment and the record created at the public hearing address the issues identified in the scoping decision; (ii) adopt the ALJ Report; and (iii) issue the attached Route Permit for the Dairyland-Wabasha Reroute Project.

Staff believes the ALJ's Report established that:

- the procedural requirements of the alternative permitting process were conducted in accordance with Minn. Stat. § 216E.04 and the operative rules Minn. R. 7850.2900 to 7850.3900;
- the environmental assessment includes the items required by Minn. R. 7850.3700, subp. 4, was prepared in compliance with the procedures in Minn. R. 7850.3700, and, in combination with the case record, addressed the issues identified in the Scoping Decision; and
- The route recommended by the ALJ satisfies the route permit factors set forth in Minn. Stat. § 216E.04, subd. 8 (referencing Minn. Stat. § 216E.03, subd. 7) and Minn. R. 7850.4100, and supports issuing a route permit.

Staff notes that there was robust public participation through the duration of the permitting process. Public comments, both oral and written, helped to identify issues and concerns that informed the ALJ's recommendations. Staff concurs that the route identified and recommended by the ALJ is the best option for rerouting DairyLand's transmission line. Staff also agrees with the proposed route permit conditions recommended by the ALJ.

Staff provides the Proposed Route Permit as Attachment B these briefing papers.

DECISION OPTIONS

ALJ's Findings of Fact, Conclusions of Law, and Recommendations

1. Adopt the ALJ Report to the extent it is consistent with the Commission's decision.

Or

2. Adopt the ALJ Report with the following modifications: *[Identify any modifications]*

Environmental Assessment

3. Find that the Environmental Assessment and the record created at the public hearing address the issues identified in the Scoping Decision.

Or

4. Find that the Environmental Assessment does not address all issues identified in the Scoping Decision, identify the deficiencies, and request that EERA revise or supplement the Environmental Assessment to address the deficiencies.

Route Permit

5. Issue the attached Route Permit to Dairyland Power Cooperative authorizing the route recommended by the ALJ for the Dairyland-Wabasha 161 kV Transmission Line Reroute Project with the conditions recommended by the ALJ.

Or

6. Issue the attached Route Permit to Dairyland Power Cooperative for the Dairyland-Wabasha 161 kV Transmission Line Reroute Project with the following modifications: *[Identify any modifications]*

Or

7. Deny a route permit for the Dairyland-Wabasha 161 kV Transmission Line Reroute Project.

Administrative

8. Delegate authority to the Executive Secretary to modify the Findings of Fact and Conclusions of Law and Route Permit to correct any typographic and formatting errors and ensure consistency with the Commission's order.

Staff Recommendation: 1, 3, 5, 8

ALJ Proposed Permit Conditions

Permit Condition	ALJ Recommended Language
2 – Transmission Facility Description	The Project would involve installation of 705- to 140- foot- high steel monopoles placed 400 <u>250</u> to 800 <u>1,000</u> feet apart within a 100-foot-wide right-of-way and construction of a new 4.0-acre substation located on a 10.8 acre site off of County Road 84, southeast of Kellogg.
2.1 - Structures	The majority of the new 161-kV transmission line will consist of single circuit steel structures spaced approximately 300 <u>250</u> to 1,000 feet apart. Transmission structures will typically range in height from 75 to 140 feet above ground, depending upon the terrain and environmental constraints. The average diameter of the steel structures at ground level is 37 inches. Poles will be oriented in a delta configuration (one overhead ground wire at the top, two phases on one side and a single phase on the other) supported by suspension insulators at tangent structures and strain insulators at tension structures. All tangent poles with a line angle of 2 degrees or less will be directly embedded in the soil. Any structure with a line angle of greater than 2 degrees will be supported on a drilled shaft concrete foundation. Special horizontally configured structures (H-frame or 3 pole structures) may be required to cross under any higher voltage circuits in the corridor.
2.3 – Substations and Associated Facilities	The Kellogg Substation facilities are proposed to be sited on 4 acres within a larger 10.8-acre parcel of land. Approximately 4 acres of the site will be used for the substation, access road, and stormwater drainage— <u>features management systems</u> . Site preparation would include installing erosion and sediment control BMPs, stripping topsoil, and hauling in structural fill to build up the subgrade for the substation pad. Once the substation pad is built to the subgrade, all

	areas will be restored, and the site will be ready for use. This work will occur the year prior to transmission line and substation construction to allow for one winter to allow the ground to settle. Construction within the newly prepared substation pad will consist of drilled pier foundations ranging in size from three to 7.0 feet in diameter and 10 to 35 feet deep. The foundations will be installed to support transmission line dead-end structures, static masts, and bus and equipment support structures. Slabs-on-grade 8.0-foot square by 2.0 feet thick will be used for 161-kV circuit breakers, and 6.0-foot square by 2.0 feet thick will be used for 69-kV circuit breakers. The control building will be on a 20-foot by 40-foot by 1-foot-thick concrete slab. Transformer and reactor secondary oil containment will be installed concrete-lined pot filled with stone installed. Conduit for control and communication cables and grounding conductor will be installed prior to the placement of the final layer of crushed rock surfacing. The ground grid will be installed 18 inches below the subgrade surface throughout the substation pad and extend 4.0 feet outside the substation security wallfencing.
4 – Right-of-Way	This route permit authorizes the Permittee to obtain a new permanent right-of-way for the transmission line up to typically 100 feet in width. The permanent right-of-way is typically 50 feet on both sides of the transmission line measured from its centerline or alignment. The anticipated alignment is intended to minimize potential impacts relative to the criteria identified in Minn. R. 7850.4100. The final alignment must generally conform to the anticipated alignment identified on the route maps unless changes are requested by individual landowners and agreed to by the

	Permittee or for unforeseen conditions that are encountered or as otherwise provided for by this route permit. Any right-of-way or alignment modifications within the Designated Route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.1 of this route permit. Where the transmission line parallels existing highway and other road rights-of-way, the transmission line right-of-way shall occupy and utilize the existing right-of-way to the maximum extent possible; consistent with the criteria in Minn. R. 7850.4100, and the other requirements of this route permit; and for highways under the jurisdiction of the Minnesota Department of Transportation (MnDOT), the procedures for accommodating utilities in trunk highway rights- of-way.
6.1 – Stray Voltage	The Permittee shall coordinate with the owners of all dairy farms, and any other animal agriculture <u>confined animal</u> farms <u>(i.e., dairy, goats and swine)</u> adjacent to the route, for the purpose of explaining the energy and electrical standard effects addressed in sections 5.4.1 and 5.4.2. The Permittee shall demonstrate compliance with the consultation obligation in its pre-construction filing. <u>The Permittee shall conduct pre- and post-construction neutral-to-earth voltage measurements on the distribution neutral at service connection point for dairy and confined animal operations adjacent to the Designated Route.</u> <u>The Permittee shall file the protocol used for</u>

	<u>these measurements and the resulting measurements with the Commission upon completion of the post-construction measurements.</u>
6.5 – Cultural and Archeological Resources	The Permittee shall conduct a Phase I archaeological survey of the permitted route and substation location be conducted . A technical report <u>containing</u> the survey results must be submitted to the <u>relevant Minnesota Tribal and State Historic Preservation Offices</u> for review and comments. Survey results, comments on results, and any mitigation measures shall be filled at least 14 days prior to the pre- construction meeting.
6.6 – State-protected Species	<u>Prior to the start of construction</u>, the Permittee shall <u>resubmit a Natural Heritage Review and</u> continue to consult with the MDNR regarding implementation of BMPs <u>avoidance measures</u> for the following state-protected <u>threatened and endangered</u> species.: <u>The Permittee shall comply with applicable Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota’s Endangered Species statute (Minn. Stat. § 84.0895) and associated rules (Minn. R. 6212.1800 - .2300 and part 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.</u> • Bell’s Vireo • Lark Sparrow • Kentucky Coffeetree • Blanding’s Turtle and Wood Turtle • Seaside Three awn, Clasping Milkweed, and Beach Heather³⁴³

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT FOR
DAIRYLAND WABASHA 161 KV RELOCATION PROJECT

A HIGH-VOLTAGE TRANSMISSION LINE AND ASSOCIATED FACILITIES

IN
WABASHA COUNTY

ISSUED TO
DAIRYLAND POWER COOPERATIVE

PUC DOCKET NO. ET3/TL23-388

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

DAIRYLAND POWER COOPERATIVE

Dairyland Power Cooperative is authorized by this route permit to construct and operate a 161 kV high voltage transmission line and substation by the Minnesota Public Utilities Commission.

The high-voltage transmission line shall be constructed within the route identified in this route permit and in compliance with the conditions specified in this route permit.

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Will Seuffert,
Executive Secretary

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Route Permit Maps

1 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Dairyland Power Cooperative (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This route permit authorizes the Permittee to construct and operate an 161-kV high voltage transmission line and substation to reroute approximately 10.4 miles of the existing Dairyland LQ34 161-kV transmission line, which is presently located on the existing CapX2020 Hampton-Rochester-LaCrosse 345-kV structures, and as identified in the attached route maps, hereby incorporated into this document ([Wabasha 161 kV Transmission Line Relocation], henceforth known as Transmission Facility) The high-voltage transmission line shall be constructed within the route identified in this route permit and in compliance with the conditions specified in this route permit.

1.1 Pre-emption

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

2 TRANSMISSION FACILITY DESCRIPTION

The Project would involve installation of ~~7570-~~ to ~~140110-~~foot-high steel monopoles placed ~~250400~~ to ~~1000800~~ feet apart within a 100-foot-wide right-of-way and construction of a new 4.0-acre substation located on a 10.8 acre site off of County Road 84, southeast of Kellogg.

The Transmission Facility is located in the following:

County	Township Name	Township	Range	Section
Wabasha	Plainview	108 North	11 West	1 and 2
	Watopa	109 North	10 West	4, 5, 7, 8, and 18
	Highland	109 North	11 West	13, 23-26, 34, and 35
	Greenfield	110 North	10 West	25-27, 30, 31, and 33-36

2.1 Structures

The majority of the new 161-kV transmission line will consist of single circuit steel structures spaced approximately ~~250300~~ to 1,000 feet apart. Transmission structures will typically range in

height from 75 to 140 feet above ground, depending upon the terrain and environmental constraints. The average diameter of the steel structures at ground level is 37 inches. Poles will be oriented in a delta configuration (one overhead ground wire at the top, two phases on one side and a single phase on the other) supported by suspension insulators at tangent structures and strain insulators at tension structures. All tangent poles with a line angle of 2 degrees or less will be directly embedded in the soil. Any structure with a line angle of greater than 2 degrees will be supported on a drilled shaft concrete foundation. Special horizontally configured structures (H-frame or 3 pole structures) may be required to cross under any higher voltage circuits in the corridor.

2.2 Conductors

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

Line Type	Conductor	Structure		Foundation	Height	Span
		Type	Material			
Three single conductor phase wires	1590 Lapwing ACSS-HS – 161 kV	Single conductor phase wires	Aluminum	10-35 feet deep	75-140 feet high	250-1000 feet

2.3 Substations and Associated Facilities

The Kellogg Substation facilities are proposed to be sited on 4 acres within a larger 10.8-acre parcel of land. Approximately 4 acres of the site will be used for the substation, access road, and stormwater ~~management systems~~~~drainage features~~. Site preparation would include installing erosion and sediment control BMPs, stripping topsoil, and hauling in structural fill to build up the subgrade for the substation pad. Once the substation pad is built to the subgrade, all areas will be restored, and the site will be ready for use. This work will occur the year prior to transmission line and substation construction to allow for one winter to allow the ground to settle.

Construction within the newly prepared substation pad will consist of drilled pier foundations ranging in size from three to 7.0 feet in diameter and 10 to 35 feet deep. The foundations will be installed to support transmission line dead-end structures, static masts, and bus and equipment support structures. Slabs-on-grade 8.0-feet square by 2.0 feet thick will be used for 161-kV circuit breakers, and 6.0-foot square by 2.0 feet thick will be used for 69-kV circuit

breakers. The control building will be on a 20-foot by 40-foot- by 1-foot-thick concrete slab. Transformer and reactor secondary oil containment will be ~~a concrete-lined pot filled with stone~~ installed. Conduit for control and communication cables and grounding conductor will be installed prior to the placement of the final layer of crushed rock surfacing. The ground grid will be installed 18 inches below the subgrade surface throughout the substation pad and extend 4.0 feet outside the substation security ~~fencing wall~~.

3 DESIGNATED ROUTE

The route designated by the Commission is depicted on the route maps attached to this route permit (Designated Route). The Designated Route is generally described as follows:

[Provide detailed description of the authorized route including the route widths and any other specifics relevant to each segment. Also include a reference to the relevant route map to be attached to the route permit.]

The Designated Route includes an anticipated alignment and a right-of-way. The right-of-way is the physical land needed for the safe operation of the transmission line. The Permittee shall locate the alignment and associated right-of-way within the Designated Route unless otherwise authorized by this route permit or the Commission. The Designated Route provides the Permittee with flexibility for minor adjustments of the alignment and right-of-way to accommodate landowner requests and unforeseen conditions.

Any modifications to the Designated Route or modifications that would result in right-of-way placement outside the Designated Route shall be specifically reviewed by the Commission in accordance with Minn. R. 7850.4900 and Section 10 of this route permit.

4 RIGHT-OF-WAY

This route permit authorizes the Permittee to obtain a new permanent right-of-way for the transmission line ~~typically up to~~ 100 feet in width. The permanent right-of-way is typically 50 feet on both sides of the transmission line measured from its centerline or alignment.

The anticipated alignment is intended to minimize potential impacts relative to the criteria identified in Minn. R. 7850.4100. The final alignment must generally conform to the anticipated alignment identified on the route maps unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or as otherwise provided for by this route permit.

Any right-of-way or alignment modifications within the Designated Route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the

right-of-way and alignment identified in this route permit and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.1 of this route permit.

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

5 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the Transmission Facility over the life of this route permit.

5.1 Route Permit Distribution

Within 30 days of issuance of this route permit, the Permittee shall provide all affected landowners with a copy of this route permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the Designated Route. In no case shall a landowner receive this route permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this route permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its route permit and complaint procedures distribution within 30 days of issuance of this route permit.

5.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of the Minnesota Department of Commerce (Department of Commerce) staff or Commission staff.

5.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Transmission

Facility unless this route permit establishes a different requirement in which case this route permit shall prevail.

5.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this route permit during construction of the Transmission Facility. 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 at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

5.3.2 Employee Training - Route Permit Terms and Conditions

The Permittee shall train all employees, contractors, and other persons involved in the Transmission Facility construction regarding the terms and conditions of this route permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

5.3.3 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct construction monitoring on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee. Department of Commerce staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with scope of work approved by the Department of Commerce.

5.3.4 Public Services, Public Utilities, and Existing Easements

During Transmission Facility 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 shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this route permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

5.3.5 Temporary Workspace

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

The Permittee may construct temporary driveways between the roadway and the structures to minimize impact using the shortest route feasible. The Permittee shall use construction mats to minimize impacts on access paths and construction areas. The Permittee shall submit the location of temporary workspaces and driveways with the plan and profile pursuant to Section 9.1.

5.3.6 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

5.3.7 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Transmission Facility during construction and maintenance. The Permittee shall work with landowners to locate the high-voltage transmission line to

minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads. The Permittee shall place structures at a distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highways, or trail crossings.

5.3.8 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Transmission Facility disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

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

5.3.9 Wetlands and Water Resources

The Permittee shall develop wetland impact avoidance measures and implement them during construction of the Transmission Facility. Measures shall include spacing and placing the power poles at variable distances to span and avoid wetlands, watercourses, and floodplains. Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, the Permittee shall construct in wetland areas during frozen ground conditions where practicable and according to permit requirements by the applicable permitting authority. When construction during winter is not possible, the Permittee shall use wooden or composite mats to protect wetland vegetation.

The Permittee shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittee shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittee shall assemble power pole structures on upland areas before they are brought to the site for installation.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, Minnesota Department of Natural Resources (DNR), Minnesota Board of Water and Soil Resources, and local units of government wetland and water resource requirements.

5.3.10 Vegetation Management

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

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

5.3.11 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture (MDA), DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Department of Commerce staff or Commission staff.

5.3.12 Invasive Species

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

The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

5.3.13 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of 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 keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

5.3.14 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Transmission Facility. Where practical, existing roadways shall be used for all activities associated with construction of the Transmission Facility. Oversize or overweight loads associated with the Transmission Facility shall not be hauled across public roads without required permits and approvals.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

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.

5.3.15 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Transmission Facility. In the event that a resource is encountered, the Permittee shall 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 Transmission Facility impacts on the resource consistent with State Historic Preservation Office and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers 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. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

5.3.16 Avian Protection

The Permittee in cooperation with the DNR shall identify areas of the transmission line where bird flight diverters will be incorporated into the transmission line design to prevent large avian collisions attributed to visibility issues. Standard transmission design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices. The Permittee shall submit documentation of its avian protection coordination with the plan and profile pursuant to Section 9.1.

5.3.17 Drainage Tiles

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Transmission Facility's life unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

5.3.18 Restoration

The Permittee shall restore the right-of-way, temporary workspaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the Transmission Facility. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

5.3.19 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion

of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

5.3.20 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Transmission Facility.

5.3.21 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. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

5.4 Electrical Performance Standards

5.4.1 Grounding

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

5.4.2 Electric Field

The Permittee shall design, construct, and operate the transmission line in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.

5.4.3 Interference with Communication Devices

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Transmission Facility, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Transmission Facility. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

The Permittee shall design the transmission line and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements.

5.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Transmission Facility and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Transmission Facility. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Department of Commerce staff or Commission staff.

6 SPECIAL CONDITIONS

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

6.1 Stray Voltage

The Permittee shall coordinate with the owners of all dairy farms, and any other ~~animal agriculture~~confined animal farms (i.e., dairy, goats, and swine) adjacent to the route, for the purpose of explaining the energy and electrical standard effects addressed in sections 5.4.1 and 5.4.2. The Permittee shall demonstrate compliance with the consultation obligation in its pre-construction filing. The Permittee shall conduct pre- and post-construction neutral-to-earth voltage measurements on the distribution neutral at service connection point for dairy and confined animal operations adjacent to the Designated Route. The Permittee shall file the protocol used for these measurements and the resulting measurements with the Commission upon completion of the post-construction measurements.

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6.2 Emergency Services

The Permittee shall contact local emergency responders prior to construction to discuss measures to avoid any disruptions to emergency services.

6.3 Roads and Highways

The Permittee shall implement the following measures to avoid impacts to roadways:

- Coordinate with affected road authorities to schedule large material/equipment deliveries to avoid periods of high traffic volumes.
- When appropriate, pilot vehicles will accompany the movement of heavy equipment.
- Use traffic control barriers and warning devices when appropriate.

6.4 Karst Survey Plan

The Permittee shall develop a Karst Survey Plan to identify the locations of geotechnical investigations in relation to proposed structure locations and geophysical studies. The Permittee shall coordinate with the MDNR regarding the Karst Survey Plan prior to execution of the geotechnical investigations. The Permittee shall develop a Karst Contingency Plan, in coordination with the MDNR, prior to construction that includes actions to take to mitigate any

unexpected voids encountered during construction. The Permittee shall file its Karst Survey Plan and Karst Contingency Plan at least 14 days prior to the pre-construction meeting.

6.5 Cultural and Archaeological Resources

The Permittee shall conduct a Phase I archaeological survey of the permitted route and substation location ~~be conducted~~. A technical report containing the survey results must be submitted to the relevant Minnesota Tribal and State Historic Preservation Offices for review and comments. Survey results, comments on results, and any mitigation measures shall be filed at least 14 days prior to the pre-construction meeting.

6.6 State-protected Species

Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measuresBMPs for the following state-protected threatened and endangered species: The Permittee shall comply with applicable Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species statute (Minn. Stat. § 84.0895) and associated rules (Minn. R. 6212.1800 - .2300 and part 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

- ~~Bell's Vireo~~
- ~~Lark Sparrow~~
- ~~Kentucky Coffeetree~~
- ~~Blanding's Turtle and Wood Turtle~~
- ~~Seaside Three-awn, Claspink Milkweed, and Beach Heather~~

6.7 Federally protected Species

The Permittee shall continue to consult with the USFWS regarding implementation of BMPs for the Northern Long-eared and Tricolored bats as it relates to tree clearing. Additionally, if Bald Eagle nests are identified within 660 feet of construction activities during the eagle's active season, the Permittee shall coordinate with the USFWS and MDNR regarding potential impacts and to obtain the necessary permits.

7 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 route permit the Permittee shall file a Failure to

Construct Report and the Commission shall consider suspension of this route permit in accordance with Minn. R. 7850.4700.

8 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this route permit.

Upon request, the Permittee shall assist Department of Commerce staff or Commission staff 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 COMPLIANCE REQUIREMENTS

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

9.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Department of Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

9.2 Plan and Profile

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and the counties where the Transmission Facility, or portion of the Transmission Facility, will be constructed with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, structure specifications and locations, cleanup, and restoration for the Transmission Facility. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per this route permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this route permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this route permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this route 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, the Department of Commerce, and county staff 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 route permit.

9.3 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this route permit, and shall include text and photographs.

If the Permittee does not commence construction of the Transmission Facility within six months of this route permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning with the issuance of this route permit until the pre-construction meeting.

9.4 In-Service Date

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

9.5 As-Builts

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Transmission Facility construction.

9.6 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 all structures associated with the Transmission Facility and each substation connected.

9.7 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 route permit.

10 ROUTE PERMIT AMENDMENT

This route permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this route permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. R. 7850.4900.

11 TRANSFER OF ROUTE PERMIT

The Permittee may request at any time that the Commission transfer this route permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Transmission Facility and all conditions of this route permit. The Commission may authorize transfer of the route permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7850.5000.

12 REVOCATION OR SUSPENSION OF ROUTE PERMIT

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