

**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION  
SUITE 350  
121 SEVENTH PLACE EAST  
ST. PAUL, MINNESOTA 55101-2147**

Nancy Lange	Chair
Dan Lipschultz	Commissioner
Matthew Schuerger	Commissioner
Katie Sieben	Commissioner
John Tuma	Commissioner

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

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

OAH Docket No. 8-2500-33180

**EXCEPTIONS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE  
DIVISION OF ENERGY RESOURCES  
ENERGY, ENVIRONMENTAL REVIEW AND ANALYSIS**

**February 22, 2017**

## EXCEPTIONS

Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) respectfully submits the following exceptions to the Findings of Fact, Conclusion of Law, and Recommendations (ALJ Report) for the proposed Rochester Natural Gas Pipeline Project in Olmsted County (the Project).

These Exceptions consist of two parts.

### I. EERA RECOMMENDS MINOR CHANGES TO CERTAIN FINDINGS IN THE ALJ REPORT, AS FOLLOWS:

**ALJ Finding 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~~~~interstate~~ natural gas pipeline capacity that is available to the Rochester service area so as to meet existing and projected demand.

**ALJ Finding 226.** Direct impacts to wetlands could occur as a result of pipeline construction activities – including trench method construction activities. Installation methods that would ~~require~~ 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.

**ALJ Finding 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 ~~un~~able 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.

**ALJ Finding 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.

**ALJ Finding 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.

### II. EERA RECOMMENDS THAT THE COMMISSION ADDRESS SEVERAL PERMIT CONDITIONS THAT WERE NOT ADDRESSED IN THE ALJ REPORT.

**A. ALJ Report Finding 292.**

On August 2, 2016, a Generic Route Permit Template (Template) was filed for review and comment during this proceeding.<sup>1</sup> Findings in the ALJ Report conclude that several route permit conditions set out in that Template, as well as a small handful of changes proposed by EERA or the Company are necessary and appropriate to mitigate potential impacts of the project.

This section discusses the many additional route permit conditions that EERA staff recommended in its post-hearing Comments dated December 23, 2016, but were not included in the ALJ Report, and EERA staff continues to recommend.

The first, and perhaps most significant Finding EERA recommends a change is Finding 292, which adopts the August 2, 2016 Template. ALJ Report Finding 292 states as follows:

**ALJ Finding 292.** The proposed language in the Generic Route Permit Template is appropriate to the circumstances of the proposed project.

The EERA proposes a Modified Proposed Finding 292 as follows:

**Modified Finding 292.** As amended by the Commission, the proposed language in the Generic Route Permit Template, as modified by EERA's proposals, is appropriate to the circumstances of the proposed project.

The Department agrees that *certain* “proposed language in the Template is appropriate to the circumstances of the proposed Project,” as stated in ALJ Report Finding 292. However, the Template initially filed in this docket needs to be updated, corrected, and improved to create a clearer and more robust final permit should the Commission elect to issue a permit for Project. EERA recommends that changes be made to the Template filed in this docket, and that the approved permit be used in future pipeline proceedings.

Clarity: EERA recommends certain changes for clarity. These changes align permit conditions and requirements with the sequence of project development, and identify staged construction when proposed as part of a project. EERA proposes a series of minor but helpful changes, such as the elimination of duplicative language, the consolidation of related permit condition requirements, and the transfer of text from one condition to another. EERA believes these proposed changes, if adopted by the Commission, would make the permit a more useful and informative document for the landowners who receive it.

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<sup>1</sup> Ex. 63 (Generic Route Permit Template). See eDockets, Document ID [20168-123860-01](#).

Updates: Several EERA changes update terms, includes definitions, identifies class location, and clarifies the use of “special conditions.” For example, the proposed Template does not refer to “drain tile” requirements. In the past, conditions of pipeline permits addressed drain tile requirements; now, however, these are a part of the Agricultural Mitigation Plan (AMP).

EERA staff continues to believe its proposed permit conditions are appropriate for consideration and should be incorporated into the pipeline permit Template and into the permit issued for this Project.

**B. ALJ Report Findings 293 to 308 and the Related ALJ Report Conclusions are Detailed and Compared in the Attached Appendix A**

EERA is also recommends corrections and updates to the remainder of the ALJ Report’s permit-related Findings, and the EERA’s and MERC’s concerns with the Findings are described below in these Exceptions, where the provisions are identified, but only in very general terms. EERA’s, MERC’s, and the ALJ Report’s permit language is precisely stated, however, in the attached **Appendix A**, which is a chart that compares these recommendations, side-by-side, for ease of the reader. The EERA staff recommends that the Commission adopt the language proposed by EERA in attached **Appendix A**.

**ALJ Finding 295:**

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 condition should clarify that a proper Environmental Mitigation Plan must be developed in consultation with EERA staff and include:

- (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) [appropriate mitigation as discussed in the CEA and EERA Reply to Substantive Comments; and](#)
- (f) a description construction management methods, including the tracking of required plan or permit inspection forms.<sup>2</sup>

**ALJ Finding 296:**

296. Condition 5.3~~5~~ states that the construction practices and material specifications described in the Application shall be followed during construction.

**ALJ Finding 306:**

306. 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 landowner request for a different location entirely on that landowner's property so long as the Permittee is agreeable to the proposed location.~~
2. Federal or state agency requirements.
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.

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 part of the Plan and Profile submitted pursuant to Part VI of this permit.

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<sup>2</sup> Minn. R. 7852.1900, subp. 3(F).

**EERA Discussion:** EERA believes this permit condition is appropriate, as modified by the strikeout shown above (See Appendix A at 3.5 Route Width Variations. EERA does not believe it is appropriate to include the language stricken and that landowner requests should be considered under the heading 6.0 Special Conditions (See Appendix A at 6.5 Specific Landowner Requests).

**ALJ Finding 308:**

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:

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.

**EERA Discussion:** EERA modifies this finding by striking the word “special” and incorporating as a new standard condition, as proposed in Appendix A at 3.3 Extra Temporary Right-of-Way/Workspace.

**ALJ REPORT CONCLUSIONS**

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.
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.
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.

## Appendix A

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**PIPELINE ROUTING 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 (MERC)**

MERC is authorized by this route permit to construct: approximately 5.1 miles of 16-inch outside diameter and 8.08 miles of 12-inch outside diameter steel pipe with a maximum allowable operating pressure of 500 designed to operate at pressures between 400-475 pounds per square inch gauge (psig), two town border stations (TBS), one district regulator station (DRS) and other 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, aerial photos attached to this permit and in compliance with the conditions specified in this permit.

Approved and adopted this \_\_\_\_ day of March, 2017

BY ORDER OF THE COMMISSION

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Daniel P. Wolf,  
Executive Secretary



GENERIC TEMPLATE

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**ATTACHMENTS**

- Attachment 1:** Complaint Procedures for Permitted Energy Facilities
- Attachment 2:** Compliance Filing Procedures for Permitted Energy Facilities
- Attachment 3:** Permit Compliance Filings
- Attachment 4:** Designated Route Maps (Not attached; placeholder.)
- Attachment 5:** Agricultural Mitigation Plan (Not attached; placeholder.)

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p>Commission Issued Generic Template Language shown in normal black typeface.<sup>1</sup></p> <p>EERA proposed template revisions and or modifications shown by <del>strikeout</del> and <u>additions</u> by <u>underscoring</u>,<sup>2</sup> with updates, unless otherwise noted.</p> <p>MERC's proposed permit recommendations, and modifications shown in red by <del>strikeout</del> and <u>underscoring</u>.<sup>3</sup></p> <p>ALJ Findings of Fact, Conclusions of Law, and Recommendations shown in blue.<sup>4</sup> Proposed permit conditions and modifications shown in blue type face with conventional <del>strikeout</del> for deletions and additions by <u>underscoring</u>, unless otherwise noted.</p>	<p><b>EERA Proposed Route Permit Language (02-22-2017)</b></p>	
<p><b>1.0 ROUTE PERMIT</b></p>	<p><b>1.0 ROUTE PERMIT</b></p>	

<sup>1</sup> See eDockets, Document Id. [20168-123853-01](#).

<sup>2</sup> See eDockets, Document Id. [201612-127574-03](#).

<sup>3</sup> See eDockets, Document Id. [201612-127735-01](#).

<sup>4</sup> See eDockets, Document Id. [20171-128654-01](#).

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p>The Minnesota Public Utilities Commission (Commission) hereby issues this <u>pipeline routing</u> permit to <del>{Permittee Name}</del> (Permittee) <u>Minnesota Energy Resources Corporation</u> (herein after Permittee or MERC) pursuant to Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852. This pipeline routing permit authorizes <del>{Permittee Name}</del> MERC to construct <del>{Provide a brief description of the project as authorized by the Commission}</del>, <u>a pipeline of approximately 14 miles in length: approximately 5.1 miles of 16-inch outside diameter and 8.8 miles of 12-inch outside diameter steel pipe designed to a maximum allowable operating pressure of 500 operate at pressures between 400-475 pounds per square inch gauge (psig), two town border stations (TBS), one district regulator station (DRS), and other associated facilities.</u></p>	<p>The Minnesota Public Utilities Commission (Commission) hereby issues this pipeline routing permit to Minnesota Energy Resources Corporation (herein after Permittee or MERC) pursuant to Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852. This pipeline routing permit authorizes MERC to construct a pipeline of approximately 14 miles in length: approximately 5.1 miles of 16-inch outside diameter and 8.8 miles of 12-inch outside diameter steel pipe designed to a maximum allowable operating pressure of 500 pounds per square inch gauge (psig), two town border stations (TBS), one district regulator station (DRS), and other associated facilities.</p>	<p>Minn R. 7852.0100 Sub. 28 defines “Pipeline Routing Permit” as “the written document issued by the commission to the permittee that designates a route for a pipeline and associated facilities, conditions for right-of-way preparation, clean-up, and restoration. The permit may not set safety standards for pipeline construction.”</p> <p>MERC’s proposed amendment to this condition reflects the length of the Modified Preferred Route and the proper description of the pipeline.<sup>5</sup></p> <p>EERA staff concurs with MERC’s recommendation for this permit condition as being a more accurate description of the project.</p>
<p><b>1.1 Pre-emption</b></p>	<p><b>1.1 Pre-emption</b></p>	
<p>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 <u>and associated</u> facilities and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or</p>	<p>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 and associated facilities and this permit shall supersede and preempt all</p>	<p>This proposed modification more accurately reflects what facilities are included under the “Pre-emption” provision of Minn. Stat. § 216G.02.</p>

<sup>5</sup> MERC’s reply to route permit comments of EERA. See eDockets, Document Id. [201612-127735-01](#), p. 4.

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
ordinances promulgated by regional, county, local and special purpose government.	zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.	
<b><u>1.2 Definitions</u></b>	<b>1.2 Definitions</b>	
<p><u>“Construction,” as defined in Minn R. 7852.0100 Subp. 11 “means any clearing of land, excavation, or other action for the purpose of constructing new pipeline that would adversely affect the natural environment of a pipeline route. Construction does not include changes needed for use of a route for purposes of maintenance, or replacement of an existing pipeline and associated facilities within existing rights-of-way, or for the minor relocation of less than three-quarters of a mile of an existing pipeline or for securing survey or geological data, including necessary borings to ascertain soil conditions.”</u></p> <p><u>“Associated facilities,” as defined in Minn R. 7852.0100 Subp. 7” means all parts of those physical facilities through which hazardous liquids or gas moves in transportation, including but not limited to pipe, valves, and other appurtenances connected or attached to pipe, plumbing and compressor units, fabricated assemblies associated with pumping and</u></p>	<p>“Construction,” as defined in Minn R. 7852.0100 Subp. 11 “means any clearing of land, excavation, or other action for the purpose of constructing new pipeline that would adversely affect the natural environment of a pipeline route. Construction does not include changes needed for use of a route for purposes of maintenance, or replacement of an existing pipeline and associated facilities within existing rights-of-way, or for the minor relocation of less than three-quarters of a mile of an existing pipeline or for securing survey or geological data, including necessary borings to ascertain soil conditions.”</p> <p>“Associated facilities,” as defined in Minn R. 7852.0100 Subp. 7” means all parts of those physical facilities through which hazardous liquids or gas moves in transportation, including but not limited</p>	<p>Condition 1.2 is a new permit condition that includes two definitions: “construction” and “associated facilities” as defined in Minn. Rules, Ch. 7852. The inclusion of these two terms will assist the reader in their understanding of how these terms are used in this permit.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>compressor units, metering and delivery stations, regulations stations, holders, breakout tanks, fabricated assemblies, cathodic protection equipment, telemetering equipment, and communication instrumentation located on the right-of-way.”</u></p>	<p>to pipe, valves, and other appurtenances connected or attached to pipe, plumbing and compressor units, fabricated assemblies associated with pumping and compressor units, metering and delivery stations, regulations stations, holders, breakout tanks, fabricated assemblies, cathodic protection equipment, telemetering equipment, and communication instrumentation located on the right-of-way.”</p>	
<p><b>2.0 PROJECT DESCRIPTION</b></p>	<p><b>2.0 PROJECT DESCRIPTION</b></p>	
<p><i>{Provide a description of the project as authorized by the Commission}</i></p> <p><u>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 psig and 8.08 miles of 12-inch outside diameter steel pipe designed anticipated to be operated at 250 to 275 pressures between 400-475 pounds per square inch gauge (psig). [Moved to 2, 2. The maximum allowable pressure of the Project’s pipeline will be 500 psig.]</u></p>	<p>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 psig and 8.8 miles of 12-inch outside diameter steel pipe anticipated to be operated at 250 to 275 psig.</p>	<p>This language provides a brief description of the project, except for associated facilities that are described in condition 2.1 below.</p> <p>EERA concurs with the language proposed by MERC to reflect the proposed design and operation of the pipeline to be installed for the Project (Finding 45). Also “psig” was defined in Section 1.0 of the Permit language.<sup>6</sup></p>

<sup>6</sup> Id. at 5.

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>



Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><b>2.1 Associated Facilities</b></p>	<p><b>2.1 Associated Facilities</b></p>	
<p><i>{Provide a detailed description of the associated facilities authorized by the Commission}</i></p> <p><u>The associated facilities for the project consist of two <del>town border stations (TBSs)</del> and one <del>district regulator station (DRS)</del>. <del>A TBS serves as the custody transfer point of natural gas carried by transmission pipelines (usually from an “interstate transmission operator” to an</del></u></p>	<p>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</p>	<p>MERC commented that “TBS” and “DRS” were previously identified in 1.0 above. This information was covered and explained in the Comparative Environmental</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><del>“intrastate distributor operator” (public utility). A TBS is also the point where the high pressure transmission gas (900 to 1,000 or more psig) is regulated down to the level of high pressure distribution gas (400 to 500 psig).</del> 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. <del>The district regulator station (DRS) will regulate high pressure distribution gas (400 to 500 psig) down to standard distribution pressure (60 to 100 psig) for delivery to a low pressure distribution system that directly serves customers.</del> The DRS will include pressure regulation and flow control valves, a line heater and SCADA.</p> <p>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.</p>	<p>(SCADA) station and metering. The DRS will include pressure regulation and flow control valves, a line heater and SCADA.</p> <p>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.</p>	<p>Analysis.<sup>7</sup> If so included, high pressure distribution gas covers a range of 200 psig to 500 psig.</p> <p>EERA staff concurs with this recommendation, as modified is reflected in the proposed EERA permit language.</p>
<p><b>2.2 Project Location</b></p>	<p><b>2.2 Project Location</b></p>	
<p>Renumbered as 2.5 and moved accordingly</p>	<p>Renumbered as 2.5 and moved accordingly</p>	<p>Renumbered as 2.5 and moved accordingly</p>

<sup>7</sup> Id. at 5-6.

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p><b><u>2.12 Design Pressure</u></b></p> <p><u>The proposed pipelines will be designed and constructed with a maximum allowable operating pressure of 500 psig.</u></p>	<p><b>2.2 Design Pressure</b></p> <p>The proposed pipelines will be designed and constructed with a maximum allowable operating pressure of 500 psig.</p>	<p>Renumbered as shown. During the review of this project, several individuals inquired about the design pressure of the proposed pipeline. This requirement is normally included in pipeline routing permits and is necessary to inform interested persons about the pressure thresholds for the proposed project. This also limits the pressure at which the 16- and 12-inch pipelines may be operated.</p>
<p><b><u>2.23 Class Location</u></b></p> <p><u>The pipeline will be designed to a minimum of a Class 3 location. Class location is <del>guided</del> determined by the requirements of 49 CFR 192.5 requirements.</u></p>	<p><b>2.3 Class Location</b></p> <p>The pipeline will be designed to a minimum of a Class 3 location. Class location is determined by 49 CFR 192.5 requirements.</p>	<p>Natural gas pipelines are designed to comply with a class location, as determined by the code of federal regulations. This permit condition identifies the class location that the pipeline will be designed to and provides reference to the appropriate federal regulations.</p>
<p><b><u>2.24 Timing of Project Construction</u></b></p>	<p><b>2.4 Timing of Project Construction</b></p>	
<p><u>The Rochester Natural Gas Pipeline Project will be constructed in three distinct phases, as</u></p>	<p>The Project will be constructed in three distinct phases, as described below.</p>	

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>described below and illustrated on Figure XX, attached to this permit.</u></p> <ul style="list-style-type: none"> <li>• <u>Phase I 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.</u></li> <li>• <u>Phase 2 of the project includes the <del>construction of the new proposed TBS and installation of 5.1 miles of</del> 16-inch outside diameter steel pipe. <del>This phase of the project will connect from</del> the new MERC TBS 1D <del>with</del> to the new proposed TBS. The expected in-service date for completion of Phase 2 is 2019.</u></li> <li>• <u>Phase 3 of the project includes installation of <del>approximately 8.0 miles of</del> 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.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Phase I 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<p>In its route permit application, MERC noted that the Project is proposed to be built in three (3) phases over six (6) years, it is reasonable to incorporate a permit condition to reflect the anticipated project schedule.</p> <p>MERC’s proposed revisions to this condition simplify the description and eliminate duplication. The reference to NNG in Phase 3 was eliminated as NNG is not a Permittee under the conditions of this permit.<sup>8</sup></p> <p>EERA, with its proposed modification concurs with the language modifications offered by MERC and is reflected in the proposed EERA Permit language</p>

<sup>8</sup> Id. at 7.

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale										
<p><u>After completion of Phase 3, NNG will remove the existing Rochester 1BTBS.</u></p>												
<p><b><u>2.5 Project Location</u></b></p>	<p><b>2.5 Project location</b></p>											
<p><b>Project Location</b></p> <p><i>[Describe the location of the project including details such as the county, state, city, and townships, as appropriate]</i></p> <table border="1" data-bbox="205 737 823 821"> <thead> <tr> <th data-bbox="205 737 317 821">County</th> <th data-bbox="321 737 464 821">Township Name</th> <th data-bbox="468 737 604 821">Township</th> <th data-bbox="609 737 709 821">Range</th> <th data-bbox="714 737 823 821">Section</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><u>Language to be added later</u></p> <p><u>The Project will be located in the Townships of Cascade, Kalmar, Salem, Marion and Rochester as well as the City of Rochester, in Olmsted County, Minnesota as shown on the Attachment 4 attached route maps.</u></p>	County	Township Name	Township	Range	Section						<p>The Project will be located in the Townships of Cascade, Kalmar, Salem, Marion and Rochester as well as the City of Rochester, in Olmsted County, Minnesota as shown on the attached route maps.</p>	<p>This information will be included on the route maps attached to the permit. MERC comments indicated that the maps have been modified to reflect the location of their Modified Preferred Route.<sup>9</sup></p> <p>Designation of a different route by the Commission will require new maps.</p>
County	Township Name	Township	Range	Section								
<p><b>3.0 DESIGNATED ROUTE</b></p>	<p><b>3.0 DESIGNATED ROUTE</b></p>											

<sup>9</sup> Id. at 8.

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><del><i>[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 permit.]</i></del></p> <p>The route designated by the Commission in this permit is the route described below and <u>as</u> shown on the route maps <del>airial photos</del> attached to this permit (<del>See Appendix</del>). The route is generally described as follows:</p> <p><u>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</u></p>	<p>The route designated by the Commission in this permit is the route described below and as shown on the route maps attached to this permit. The route is generally described as follows:</p> <p>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</p>	<p>Description of designated route provided by MERC, which includes revisions and appropriate cross-reference.<sup>10</sup></p> <p>[See proposed route description in red in the left column.]</p>

<sup>10</sup> Id. at 8-9.

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>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.</u></p> <p><u>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 included at Attachment 4.</u></p> <p>The identified route widths <u>on the attached aerial photos</u> route maps <del>will</del> provide the Permittee with flexibility for minor adjustments of the <del>specific</del> <u>anticipated</u> alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained rights-of-way <u>and temporary workspaces</u>) will be located within this designated route unless otherwise authorized by <u>this permit or the Commission.</u></p>	<p>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.</p> <p>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.</p> <p>The identified route widths on the attached route maps provide the Permittee with flexibility for minor adjustments of the anticipated alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained rights-of-way and temporary workspace) will be located within this designated route unless otherwise authorized by this permit or the Commission.</p>	

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<p><b>3.1 Permanent Right-of-Way</b></p> <p>The approved right-of-way width for the project is up to [X] feet [<del>Describe any right-of-way width variations along the route, as necessary, including that needed for associated facilities</del>].</p> <p><u>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 easement measuring 200-feet by 200-feet (0.92 acres) for TBS 1D, the Proposed TBS and the Proposed DRS. If, however, the landowner does not grant an easement for the TBS or DRS and requests that the Permittee obtain these properties in fee, from the landowner, the Permittee will purchase the land required from the landowner.</u></p>	<p><b>3.1 Permanent Right-of-Way</b></p> <p>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 easement measuring 200-feet by 200-feet (0.92 acres) for TBS 1D, the Proposed TBS and the Proposed DRS.</p>	<p>This language identifies the land requirements for the permanent right-of-way, TBS and DRS.</p>
<p><b>3.2 Temporary Right-of-Way/<u>Work Space</u></b></p>	<p><b>3.2 Temporary Right-of-Way/<u>Work Space</u></b></p>	
<p><del>[Describe temporary right-of-way authorized by the permit]</del></p> <p><del>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</del></p>	<p>Construction of the proposed pipeline project will require a 50-foot wide temporary right-of-way/workspace at most locations in addition to the 50-foot wide permanent right-of-way authorized in permit condition 3.1. The temporary right-of-way/workspace will be adjacent</p>	<p>The proposed edits clarify that the Permittee’s application and all other documents that address temporary right-of-way and workspace requirements have stated the need for 50-feet of temporary work space</p>



<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p><del>selected to limit the removal and impacts to vegetation.</del></p> <p><u>Construction of the proposed pipeline project will require a 50-foot wide temporary right-of-way/workspace at most locations in addition to the 50-foot wide permanent right-of-way authorized in permit condition 3.1. The temporary right-of-way/workspace will be adjacent to the permanent right-of-way and <del>may</del> all be located to one side of the permanent right-of-way or split between the two sides as determined necessary by the Permittee. The Permittee is authorized to obtain up to a 50-foot wide temporary construction right-of-way/workspace.</u></p>	<p>to the permanent right-of-way and may be located to one side of the permanent right-of-way or split between the two sides as determined necessary by the Permittee. The Permittee is authorized to obtain up to a 50-foot wide temporary construction right-of-way/workspace.</p>	<p>adjacent to the proposed-foot wide permanent right-of-way.</p> <p>The proposed site condition modification distinguishes the difference between the permanent right-of-way and temporary right-of-way/workspace requirements to construct the proposed project and associated facilities.</p>
<p><b><u>3.3 Extra Temporary Right-of-Way/Workspace</u></b></p>	<p><b>3.3 Extra Temporary Right-of-Way/Workspace</b></p>	
<p>The following proposed permit language was submitted by MERC and proposed by the ALJ.</p> <p>ALJ Finding 308, permit language recommendation:</p> <p><u><a href="#">The Permittee may obtain extra temporary workspace that is needed at locations where the project will cross features such as water bodies, road, railroads, side slopes and other special circumstances where horizontal directional</a></u></p>	<p>The Permittee may obtain extra temporary workspace that is needed at locations where the project will cross features such as water bodies, road, railroads, side slopes and other special circumstances where horizontal directional drilling (HDD) will be utilized. Extra temporary workspace will be allowed for construction activities including, but not limited to, staging equipment and stockpiling spoil</p>	<p>MERC, in its direct testimony at the public hearing in November 2016 and in its December 2, 2016, proposed Findings of Fact (No. 205) and Post- Hearing Brief (page 28) provided proposed permit language that addressed temporary workspace requirements and recommended that it be included to ensure sufficient workspace at HDD crossings.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p><u>drilling (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 aerial photos attached to this Route Permit.</u></p>	<p>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 aerial photos attached to this Route Permit.</p>	<p>The report of the ALJ concurred with this recommendation in Finding 308.</p> <p>Finding 308. “<u>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:</u>”</p> <p>[See ALJ proposed permit language in left column.]</p> <p>EERA recommends inclusion of the language, as modified, in the permit at 3.3, rather than under 6.0 Special Conditions. Permit conditions (3.1 and 3.2) address permanent and temporary right-of-way and workspace requirements. By moving the proposed permit requirement to condition 3.3, it consolidates all of the right-of-way and workspace requirements in the same part of the permit.</p> <p>Previous pipeline routing permits issued by the Commission have contained similar language as a standard condition, rather than a special condition.</p>

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		Pipeline construction normally requires “extra temporary workspace” for HDD crossings, depending on the features crossed by the Project.
<b>3.34 Right-of-Way Conformance</b>	<b>3.4 Right-of-Way Conformance</b>	
<p><del>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.</del></p> <p><del>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 submitted pursuant to Section 8.1 of this permit.</del></p> <p><u>This permit identifies an anticipated alignment within the designated route that minimizes potential impacts to the criteria identified in Minn. R. 7852.1900, and as such this permit</u></p>	<p>This permit identifies an anticipated alignment within the designated route that minimizes potential impacts to the criteria identified in Minn. R. 7852.1900, and as such this permit anticipates that the actual right-of-way will generally conform to this anticipated alignment, except as otherwise provided by this permit. Any alignment modification within 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.</p>	<p>EERA proposed modification for the purpose of clarity.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>anticipates that the actual right-of-way will generally conform to this anticipated alignment, except as otherwise provided by this permit. Any alignment modification within 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.</u></p>		
<p><b><u>3.5 Route Width Variations</u></b></p>	<p><b>3.5 Route Width Variations</b></p>	
<p><u>Route width variations may be allowed for the Permittee to overcome potential site specific constraints. These constraints may arise from any of the following:</u></p> <ol style="list-style-type: none"> <li>1. <u>Unforeseen circumstances encountered during the detailed engineering and design process, including a landowner request for a different location entirely on that landowner's property so long as the Permittee is agreeable to the proposed location.</u></li> <li>2. <u>Federal or state agency requirements.</u></li> <li>3. <u>Existing infrastructure within the pipeline route, including but not limited to railroads, natural gas and liquid</u></li> </ol>	<p>Route width variations may be allowed for the Permittee to overcome potential site specific constraints. These constraints may arise from any of the following:</p> <ol style="list-style-type: none"> <li>1. Unforeseen circumstances encountered during the detailed engineering and design process.</li> <li>2. Federal or state agency requirements.</li> <li>3. Existing infrastructure within the pipeline route, including but not limited to railroads, natural gas and liquid pipelines, high voltage electric transmission lines, or sewer and water lines.</li> </ol>	<p>MERC, in its direct testimony at the public hearing in November 2016 and in its December 2, 2016, proposed Findings of Fact (No. 204) and Post-Hearing Brief (pages 27-28) provided the following language and recommended that it be included as a permit condition, because of the possibility for identification of sinkholes, underground cavities, and enlarged fractures that may require rerouting of the pipeline outside of the route width, because of the possibility of road development in the area over the time the project will be constructed, and to accommodate the possibility a landowner may want the pipeline located elsewhere on that landowner's property (so long as such</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>pipelines, high voltage electric transmission lines, or sewer and water lines.</u></p> <p><u>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 part of the Plan and Profile submitted pursuant to Part VI of this permit.</u></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 part of the Plan and Profile submitted pursuant to this permit</p>	<p>location is agreeable to the Applicant), it is appropriate for the Commission to include” this language, in this part of the permit or as a special condition.</p> <p>The ALJ addressed this request in Finding 306 and 307, as follows:</p> <p>306. “Because of the possibility that sinkholes, underground cavities and enlarged fractures may be identified after construction begins, or that road development or accommodation of landowner preferences oblige slight alterations of the pipeline alignment, it is appropriate for the Commission to account for these contingencies in the route permit.”</p> <p>307. The following special condition has been used in other pipeline proceedings and is appropriate for use in this matter as well:</p> <p>[See ALJ recommended language in left column, in blue.]</p> <p>As noted by the ALJ, this language has appeared in previous pipeline permit dockets: MinnCan (05-2003), Southern Lights (07-360) and Alberta</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
		<p>Clipper 06-361)) issued by the Commission.</p> <p>This provision, used infrequently, has been both timely and effective when used. Examples include the discovery of calcareous fens, previously unrecorded burial mounds, state agency requests, and infrastructure plans and modifications. Commission review and authorization of such requests are determined by the Commission, not EERA.</p> <p>EERA can provide previous examples and supporting documentation that identify Permittee requests and supporting documentation, as well as EERA analysis of such requests as filed with the Commission.</p> <p>EERA concurs with this recommendation, as modified by eliminating the following clause “including a 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>EERA staff understands the intent and purpose of this request; however,</p>

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		<p>EERA recommends that language to facilitate landowner requests to locate outside of the designated route on their property, if so considered and approved by the Commission, it would be more appropriate as a permit condition under 6.0 Special Conditions. Therefore, EERA has addressed this by proposed language in the “Special Condition” portion of the proposed route permit for consideration by the Commission.</p> <p>Previous crude oil pipeline dockets described above, where landowner concerns and requests made on the record have been included as special conditions in those dockets.</p>
<p><del>4.0 STATE AND FEDERAL MINIMUM DEPTH OF COVER REQUIREMENTS</del></p> <p><u>3.6 State and Federal Minimum Depth of Cover Requirements</u></p>	<p><b>3.6 State and Federal Minimum Depth of Cover Requirements</b></p>	
<p>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</p>	<p>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</p>	<p>Renumbered from 4.0 to 3.6. This modification proposes a technical correction and additional CFR reference. Code of Federal</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p>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 <del>as the existing pipelines</del> <u>required by 49 C.F.R.192.327</u>.</p> <p>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 in accordance with U.S. Department of Transportation regulations (49 CFR <u>192.327</u> <del>195.248</del>).</p>	<p>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 required by 49 CFR 192.327.</p> <p>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 in accordance with U.S. Department of Transportation regulations (49 CFR 192.327).</p>	<p>Regulations (CFR) Part 195.248 refers to liquid pipelines, not natural gas pipelines. CFR 192.327 refers to gas lines.</p>



Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<b><u>4.0 ADMINISTRATIVE COMPLIANCE</u></b>	<b>4.0 ADMINISTRATIVE COMPLIANCE</b>	
<p><u>The following administrative compliance procedures require submissions to the Commission. Submissions must be made by electronic filing (eFiling).</u></p>	<p>The following administrative compliance procedures require submissions to the Commission. Submissions must be made by electronic filing (eFiling).</p>	<p>This proposed permit condition provides for a new heading [4.0] and incorporates, by renumbering, several existing template conditions under this heading as follows:</p> <ul style="list-style-type: none"> <li>• <del>5.3</del> <u>4.1</u> Permit Distribution</li> <li>• <del>5.4</del> <u>4.2</u> Notification of landowners prior to entry</li> <li>• <del>5.5.1</del> <u>4.3</u> Field representative Identification and Contact information</li> <li>• <del>5.5.2</del> <u>4.4</u> Agricultural and County Inspector Identification.</li> <li>• <del>5.5.3</del> <u>4.5</u> Training of Personnel.</li> </ul> <p>Modifications proposed for these permit conditions are proposed for clarification and consistency.</p> <p>Operation and maintenance of a pipeline is a safety related item and</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
		outside of the Commission's jurisdiction.
<p><b><u>5.3 4.1 Permit Distribution to Local Governments and Residents</u></b></p>	<p><b>4.1 Permit Distribution to Local Governments and Residents</b></p>	
<p>The Permittee shall within <u>ten</u> (10) days of receipt of the pipeline routing permit from the Commission, send a copy of the permit to the office of each regional development commission of a development region, soil and water conservation district, watershed district, watershed management district, office of the county auditor, and the clerk of each city and township crossed by the designated route.</p> <p>Within <u>thirty</u> (30) days of permit issuance, the Permittee shall <del>provide all affected</del> <u>send a printed copy of the permit and the complaint procedures to all affected landowners</u> <del>with a copy of this permit and the complaint procedures.</del> In no case shall the <u>affected</u> 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 <del>permitted</del> <u>designated</u> pipeline route authorized by this permit.</p>	<p>The Permittee shall, within ten (10) days of receipt of the pipeline routing permit from the Commission, send a copy of the permit to the office of each regional development commission of a development region, soil and water conservation district, watershed district, watershed management district, office of the county auditor, and the clerk of each city and township crossed by the designated route.</p> <p>Within thirty (30) days of permit issuance, the Permittee shall send a printed copy of the permit and the complaint procedures to all affected landowners. In no case shall the affected 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</p>	<p>Proposed edits are for clarification.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>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 <del>and future operation and maintenance.</del></p> <p>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.</p>	<p>adjacent to the designated pipeline route authorized by this permit.</p> <p>The Permittee shall provide all affected landowners with information concerning, at a minimum, the initial survey, right-of-way acquisition, right-of-way preparation, construction, and restoration.</p> <p>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 affected landowners within the route whose land is crossed by the pipeline and, upon request, to any interested persons.</p>	
<b><u>5.4</u> 4.2 Notification</b>	<b>4.2 Notification</b>	
<p>The Permittee shall notify landowners or their designee at least fourteen (14) days in advance but not greater than 60 days in advance of entering the property.</p>	<p>The Permittee shall notify landowners or their designee at least fourteen (14) days in advance but not greater than 60 days in advance of entering the property.</p>	<p>Permit condition renumbered. No modification proposed.</p>
<b><u>5.5.1</u> 4.3 Field Representative</b>	<b>4.3 Field Representative</b>	

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>At least fourteen (14) days prior to the start of construction and continuously throughout construction and completion of restoration of the areas affected by construction,</u> <del>The</del> Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this <del>p</del>Permit during construction of the project. This person (or a designee) shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.</p> <p>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 <del>site manager</del> <u>field representative</u> at any time upon notice to the Commission by <u>eFiling as well as posting to a project website maintained by the Permittee and by providing a telephone number to</u> affected landowners, residents, local government units and other interested persons that provides current contact information for the field representative.</p>	<p>At least fourteen (14) days prior to the start of construction and continuously throughout construction and completion of restoration of the areas affected by construction, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this Permit during construction of the project. This person (or a designee) shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.</p> <p>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 upon notice to the Commission by eFiling as well as posting to a project website maintained by the Permittee and by providing a telephone number to affected landowners, residents, local</p>	<p>Renumbered. Modifications proposed for clarification.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
	government units and other interested persons that provides current contact information for the field representative.	
<b>5.5.2 4.4 Agricultural Monitor and County Inspector Notification Requirements</b>	<b>4.4 Agricultural Monitor and County Inspector Notification Requirements</b>	
The Permittee shall at least <u>fourteen</u> (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.	The Permittee shall at least fourteen (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.	Minor edit provided.
<b>5.5.3 4.5 Employee Training and Education of Permit Terms and Conditions</b>	<b>4.5 Employee Training and Education of Permit Terms and Conditions</b>	
<p><del>The Permittee shall inform all employees, contractors, and other persons involved in construction of the terms and conditions of this permit.</del></p> <p><u>Prior to any construction, the Permittee shall file an affirmative statement with the Commission, certified by a senior company official, that all</u></p>	<p>Prior to any construction, the Permittee shall file an affirmative statement with the Commission, certified by a senior</p>	<p>Permit condition renumbered. Modification for clarification.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>Permittee personnel, environmental inspectors, and contractor personnel will be informed of the environmental inspector’s authority and have been or will be trained on the implementation of environmental mitigation measures in this permit that are appropriate to their jobs before becoming involved with construction and restoration activities associated with the project.</u></p>	<p>company official, that all Permittee personnel, environmental inspectors, and contractor personnel will be informed of the environmental inspector’s authority and have been or will be trained on the implementation of environmental mitigation measures in this permit that are appropriate to their jobs before becoming involved with construction and restoration activities associated with the project.</p>	
<p><b>5.0 GENERAL CONDITIONS</b></p>	<p><b>5.0 GENERAL CONDITIONS</b></p>	
<p>The Permittee shall comply with the following conditions during pipeline right-of-way preparation, construction, cleanup, and restoration over the life of this permit.</p>	<p>The Permittee shall comply with the following conditions during pipeline right-of-way preparation, construction, cleanup, and restoration over the life of this permit.</p>	<p>No proposed modification to this permit condition.</p>
<p><b>5.2<del>1</del> Environmental Mitigation Plan <i>{if applicable}</i></b></p>	<p><b>5.1 Environmental Mitigation Plan</b></p>	
<p><del>The Permittee shall comply with the Environmental Mitigation Plan that is attached to this permit (Appendix XX) and incorporated herein. The Permittee shall also comply with all additional conditions that may be added as a</del></p>		<p>MERC’s proposed Findings of Fact (No. 197) and Post-Hearing Brief (p.25) point out, “no such plan has been prepared for this project and</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><del>result of permits issued by other agencies or governmental units.</del></p> <p><u>The Permittee must develop and file with the Commission and Environmental Mitigation Plan, in consultation with EERA staff.</u></p> <p><u>The Environmental Mitigation Plan shall be developed in consultation with EERA staff and shall include 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 Environmental Mitigation Plan shall include the Agricultural Mitigation Plan (AMP), a Vegetation Management Plan (VMP), and a Stormwater Pollution Prevention Plan (SWPPP). The Environmental Mitigation Plan shall be filed with the Commission with the first Plan and Profile Submission. The Environmental Mitigation Plan shall include the following:</u></p> <ol style="list-style-type: none"> <li>1. <u>Identification of and contact information for an Environmental Monitor to oversee the construction process and monitor compliance with the Environmental Mitigation Plan and all plans therein.</u></li> <li>2. <u>A process for reporting construction status to the Commission.</u></li> </ol>	<p>The Permittee must develop and file with the Commission and Environmental Mitigation Plan, in consultation with EERA staff.</p> <p>The Environmental Mitigation Plan shall include all environmental control plans and special conditions imposed by permits or licenses issued by federal, state, and local agencies or units of government, and a list of permits required for the construction of the Project. Plans within the Environmental Mitigation Plan shall include the Agricultural Mitigation Plan (AMP), a Vegetation Management Plan (VMP), and a Stormwater Pollution Prevention Plan (SWPPP). The Environmental Mitigation Plan shall be filed with the Commission with the first Plan and Profile Submission. The Environmental Mitigation Plan shall include the following:</p> <ol style="list-style-type: none"> <li>1. Identification of and contact information for an Environmental Monitor to oversee the construction</li> </ol>	<p>none is defined or discussed in the CEA.”</p> <p>To address the absence of an environmental mitigation plan (EMP) MERC requested that Condition 5.2 be revised to provide that an EMP be filed with the first Plan and Profile submission for the project and define what is to be contained in the plan.</p> <p>MERC provided language for 5.2 as shown in the left column.</p> <p>The EMP requirement was addressed by the ALJ in Finding 295.</p> <p>295. “Condition 5.2 should be modified to state that the Environmental Mitigation Plan “shall be provided upon filing of the first Plan and Profile submission for the Project.” Additionally the condition shall clarify that a proper Environmental Mitigation Plan must include:</p> <p>[See ALJ proposed permit condition language in the left column.]</p> <p>EERA has reviewed the language provided by MERC and the ALJ.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p>3. <a href="#">A process for internal tracking of construction management, including required plan or permit inspection forms.</a></p> <p>4. <a href="#">Appropriate mitigation as discussed in the CEA and EERA Reply to Substantive Comments</a></p> <p><a href="#">Finding 295. ALJ proposed permit language for condition 5.2.</a></p> <p>“Condition 5.2 should be modified to state that the Environmental Mitigation Plan “shall be provided upon filing of the first Plan and Profile submission for the Project.” Additionally the condition shall clarify that a proper Environmental Mitigation Plan must include:</p> <p>(a) <a href="#">an Agricultural Mitigation Plan, Vegetation Management Plan and a Stormwater Pollution Prevention Plan;</a></p> <p>(b) <a href="#">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;</a></p> <p>(c) <a href="#">identification of, and contact information for an Environmental Monitor to oversee the construction process and monitor</a></p>	<p>process and monitor compliance with the Environmental Mitigation Plan and all plans therein.</p> <p>2. A process for reporting construction status to the Commission.</p> <p>3. A process for internal tracking of construction management, including required plan or permit inspection forms.</p> <p>4. Appropriate mitigation as discussed in the CEA and EERA Reply to Substantive Comments</p>	<p>EERA finds that the language provided by MERC incorporates all ALJ recommendations for this permit condition with greater clarity, while achieving the same objective. EERA recommends that the EMP be developed in consultation with staff in order to assure all required information is submitted.</p> <p>Therefore, EERA recommends adoption of the now proposed permit language as amended, which includes for the filing requirements associated with this permit condition.</p> <p>The Comparative Environmental Analysis (CEA), Volume I and II (released on September 16, 2016) discussed Best Management Practices (BMP), which are often individual components that are compiled and incorporated into an EMP.</p> <p>EERA requested examples of MERC’s BMPs and the following examples were included in Appendix G of the CEA of as follows:</p> <ul style="list-style-type: none"> <li>• G-1 Dewatering</li> <li>• G-2 Erosion Mats</li> </ul>



Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><a href="#">compliance with features of the Environmental Mitigation Plan;</a></p> <p>(d) <a href="#">a description of the process for reporting on the status of project construction to the Commission; and</a></p> <p>(e) <a href="#">a description of management methods, including the tracking of required plan or permit inspection form.</a></p>		<ul style="list-style-type: none"> <li>• G-3 Sediment Control</li> <li>• G-4 Restoration – Mulching, Seeding and Sod</li> <li>• G-5 Frac Out Response Plan and Report Form</li> </ul> <p>In EERA’s “Reply to Substantive Comments,” dated October 25, 2016, Appendices D, E and F, and G were included as additional examples of BMPs:</p> <ul style="list-style-type: none"> <li>• D. Fraction Mitigation Plan (as an example that included more information than the one provided by MERC in G-5</li> <li>• E. Wetland and Waterbody Construction and Mitigation Procedures</li> <li>• F. Upland Erosion Control, Revegetation, and Maintenance Plan</li> <li>• G 2013 Revisions to FERC Plans and Procedures</li> </ul> <p>As noted in EERA’s “Reply to Substantive Comments,” dated October 25, 2016, at pages 14-15, response “BMP’s may be specifically designed or existing ones modified for</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
		<p>certain project conditions or projects. BMP's have been included as requirements in route permits issued by the Commission.</p> <p>As EERA discussed in the CEA, there is an upstream component of this project that will require Northern Natural Gas (NNG) to construct approximately 11 miles of high pressure natural gas pipeline that will provide gas to MERC's new TBS. The NNG project will be reviewed by FERC and upon issuance of a certificate the NNG project will need to comply with FERC's requirements for wetland and waterbody construction and upland erosion control (as required by Appendices E and F) in EERA's "Reply to Substantive Comments," dated October 25, 2016).</p> <p>These BMPs were revised in 2013 and Appendix G, to EERA's "Reply to Substantive Comments," dated October 25, 2016, discusses those changes and modifications. Many of the requirements in these detailed BMPs contain language similar to the Commission's pipeline routing permit conditions, and address issues and/or</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
		<p>concerns identified by the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency.</p> <p>EERA Staff believes many of the requirements in FERC’s BMPs could be incorporated into the Environmental Mitigation Plan.</p>
<p><b>5.12 <del>Agricultural Protection</del> Mitigation Plan</b> <i>{if applicable}</i></p>	<p><b>5.2 Agricultural Mitigation Plan</b></p>	
<p>The Permittee shall comply with the Agricultural <del>Protection</del> Mitigation Plan (AMPP) that is attached to this permit (<del>Appendix XX</del>) and incorporated herein. The obligation to comply with the AMPP 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 AMPP. The Minnesota Department of Agriculture must approve of any amendments to the AMPP. The Permittee shall file the amended AMPP with the Commission within 10 days of Minnesota Department of Agriculture approval.</p>	<p>The Permittee shall comply with the Agricultural Mitigation Plan (AMP) attached to this permit and incorporated herein. The obligation to comply with the AMP 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 AMP. The Minnesota Department of Agriculture must approve of any amendments to the AMP. The Permittee shall file an amended AMP with the Commission within 10 days of Minnesota Department of Agriculture approval.</p>	<p>Bob Patton representing the Minnesota Department of Agriculture on December 14, 2016, indicated that review of the AMP has been completed and that there are no changes to the AMP as proposed.</p> <p>Minor edits proposed by MERC for clarification to refer to the AMP as identified in MERC’s Route Permit Application and in the Comparative Environmental Analysis.</p> <p>EERA concurs with the proposed condition modification.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<b><del>5.3 Permit Distribution</del></b>	<b><del>5.3 Permit Distribution</del></b>	
Renumbered as 4.1 and moved accordingly.	Renumbered as 4.1 and moved accordingly.	Renumbered as 4.1 and moved, with modifications.
<b><del>5.4 Notification</del></b>	<b><del>5.4 Notifications</del></b>	
Renumbered as 4.2 and moved accordingly.	Renumbered as 4.2 and moved accordingly.	Moved to 4.2 with no modifications.
<b><del>5.53 Construction Practices</del></b>	<b><del>5.3 Construction Practices</del></b>	
<p>The Permittee shall follow those specific construction practices and material specifications described in <del>Permittee Name</del> <u>Minnesota Energy Resources Corporation</u> <del>MERC's</del> Application to the Commission for a route permit for the <del>Project Application Name and Environmental Information Report</del> <u>Rochester Natural Gas Pipeline Project</u>, dated <del>Date</del> <u>November 3, 2015</u>, 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,</p>	<p>The Permittee shall follow those specific construction practices and material specifications described in MERC's Application to the Commission for a route permit for the Rochester Natural Gas Pipeline Project, dated November 3, 2015, 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,</p>	<p>Permit condition renumbered. Revisions by MERC for consistency in referring to the Company.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
construction, cleanup, and restoration contained in Minn. R. 7852.3600.	and restoration contained in Minn. R. 7852.3600.	
<b>5.5.1 Field Representative</b>	<b>5.5.1 Field Representative</b>	
Renumbered and moved to 4.3	Renumbered and moved to 4.3	Renumbered and moved to 4.3, with modifications.
<del><b>5.5.2 Agricultural Monitor and County Inspector Notification Requirements</b></del>	<del><b>5.5.2 Agricultural Monitor and County Inspector Notification Requirements</b></del>	
Renumbered and moved to 4.4, with modifications.	Renumbered and moved to 4.4, with modifications.	Renumbered and moved to 4.4, with modifications.
<del><b>5.5.3 Employee Training and Education of Permit Terms and Conditions</b></del>	<del><b>5.5.3 Employee Training and Education of Permit Terms and Conditions</b></del>	
Renumbered and moved to 4.5, with modifications.	Renumbered and moved to 4.5, with modifications	Renumbered and moved to 4.5, with proposed modifications.
<del><b>5.5.43.1 Public Services, Public Utilities, and Existing Easements</b></del>	<del><b>5.3.1 Public Services, Public Utilities, and Existing Easements</b></del>	
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	During construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public	Permit condition renumbered. No modifications proposed for this permit condition.

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>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.</p>	<p>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.</p>	
<p><b>5.5.5 <u>3.2</u> Access to Property for Construction</b></p>	<p><b>5.3.2 Access to Property for Construction</b></p>	
<p>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.</p> <p>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</p>	<p>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.</p> <p>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</p>	<p>Permit condition renumbered. No other modifications proposed for this permit condition.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>requested relocation does not adversely affect environmentally sensitive areas.</p> <p>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.</p>	<p>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.</p> <p>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.</p>	
<b>5.5.63.3 Noise</b>	<b>5.3.3 Noise</b>	
<p>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.</p>	<p>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 noise level standards will not be exceeded.</p>	<p>Permit condition renumbered. Edit provides for clarification.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><b>5.5.73.4 Site Sediment and Erosion Control</b></p>	<p><b>5.3.4 Site Sediment and Erosion Control</b></p>	
<p><del>The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency Construction Stormwater Program.</del></p> <p><del>The Permittee shall minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.</del></p> <p><del>In accordance with Minnesota Pollution Control Agency requirements, the Permittee shall obtain a National Pollutant Discharge Elimination</del></p>	<p>The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission at least fourteen (14) days prior to the start of construction. This Plan may be the same as the SWPP submitted to the MPCA as part of the National Pollutant Discharge Elimination System (NPDES) permit application provided it identifies the information in the following paragraph.</p> <p>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</p>	<p>MERC commented that “SWPPP” is a previously identified term.</p> <p>Permit condition renumbered. This site permit condition language was modified for clarification and consistency with other Commission issued permits containing this requirement.</p>



Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><del>System (NPDES)/State Disposal System (SDS) Construction Stormwater permit from the Minnesota Pollution Control Agency.</del></p> <p><u>The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission at least fourteen (14) days prior to the start of construction. This Plan may be the same as the <del>Storm Water Pollution Prevention Plan</del> SWPPP submitted to the MPCA as part of the National Pollutant Discharge Elimination System (NPDES) permit application provided it identifies the information in the following paragraph.</u></p> <p><u>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</u></p>	<p>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.</p>	

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>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.</u></p>		
<p><b>5.5.83.5 Topsoil Protection</b></p>	<p><b>5.3.5 Topsoil Protection</b></p>	
<p>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.</p>	<p>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.</p>	<p>Permit condition renumbered. No modifications proposed for this permit condition.</p>
<p><b>5.5.93.6 Soil Compaction</b></p>	<p><b>5.3.6 Soil Compaction</b></p>	
<p>Compaction of agricultural lands by the Permittee must be kept to a minimum and mitigated in accordance with its <del>agricultural protection plan</del> <i>[if applicable]</i> AMP.</p>	<p>Compaction of agricultural lands by the Permittee must be kept to a minimum and mitigated in accordance with its AMP.</p>	<p>Permit condition renumbered. Edit provides reference to AMP consistent with naming from CEA.</p>
<p><b>5.5.103.7 Landscape Preservation</b></p>	<p><b>5.3.7 Landscape Preservation</b></p>	
<p>Care shall be used to preserve the natural landscape, minimize tree removal and prevent</p>	<p>Care shall be used to preserve the natural landscape, minimize tree</p>	

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
any unnecessary destruction of the natural surroundings in the vicinity of all pipeline construction and restoration activities.	removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of all pipeline construction and restoration activities.	Permit condition renumbered. No modifications proposed for this permit condition.
<b>5.5.113.8 Sensitive Areas</b>	<b>5.3.8 Sensitive Areas</b>	
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.	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.	Permit condition renumbered. No modifications proposed for this permit condition.
<b>5.5.123.9 Wetlands and Water Resources</b>	<b>5.3.9 Wetlands and Water Resources</b>	
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,	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	Permit condition renumbered.  Revision provided by MERC to reflect regulatory oversight by the Minnesota Department of Resources and/or the U.S. Army Corps of Engineers.  EERA concurs the modification proposed for this permit condition.

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p>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. <u>Soil excavated from the wetlands and riparian areas shall be <del>handled in compliance with the permit from the appropriate regulatory agency contained and not placed back into the wetland or riparian area.</del> Should a permit not be required, excavated soils shall be contained and not placed back into the wetland or riparian area.</u></p> <p>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.</p> <p>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.</p>	<p>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 handled in compliance with the permit from the appropriate regulatory agency. Should a permit not be required, excavated soils shall be contained and not placed back into the wetland or riparian area.</p> <p>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.</p> <p>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</p>	

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p>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.</p> <p><u>As part of the preconstruction reports, the Permittee will include a section evaluating the potential for the occurrence of aquatic invasive species in the project area and describing, if any, the best management practices that apply.</u></p> <p><u>The Permittee should identify any infested waters or otherwise indicate that aquatic invasive species are not anticipated Aquatic Invasive Species. The DNR must be provided an opportunity to review and comment on the plan. The DNR must be notified if any aquatic invasive species are identified in an area not previously identified as infested water.</u></p>	<p>requirements of applicable state and federal permits or laws and landowner agreements.</p> <p>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.</p> <p>As part of the preconstruction reports, the Permittee will include a section evaluating the potential for the occurrence of aquatic invasive species in the project area and describing, if any, the best management practices that apply.</p> <p>The Permittee should identify any infested waters or otherwise indicate that aquatic invasive species are not anticipated Aquatic Invasive Species. The DNR must be provided an opportunity to review and comment on the plan. The DNR must be notified if any aquatic invasive species are identified in an area not previously identified as infested water.</p>	

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<b>5.5.13.10 Vegetation Removal and Protection</b>	<b>5.3.10 Vegetation Removal and Protection</b>	
<p>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.</p> <p>Tree stumps will be removed at the landowner’s request or when necessitated due to trench location. <del>The Permittee will dispose of all debris created by clearing at a licensed disposal facility.</del> <u>Cleared vegetation may be disposed of in a manner authorized by the responsible governmental unit or as agreed to with the landowner, provided disposal complies with local regulations.</u></p>	<p>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.</p> <p>Tree stumps will be removed at the landowner’s request or when necessitated due to trench location. Cleared vegetation may be disposed of in a manner authorized by the responsible governmental unit or as agreed to with the landowner, provided disposal complies with local regulations.</p>	<p>The ALJ recommended a modification to this permit condition in Finding 297.</p> <p>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.”</p> <p>This permit condition, as now proposed, has been renumbered, modifies the template language regarding disposal, and incorporates the ALJ recommended modification.</p> <p>This proposed permit modification allows a local unit of government to determine the manner in which woody vegetation removed from the right-of-way and temporary workspace for construction is disposed of.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
		<p>Vegetation disposal is commonly addressed by local permitting authorities. In some instances the permitting authority may authorize burning or require chipping in order to make it available for: mulch, erosion control berms, silt fencing, gardens, livestock bedding or other beneficial uses rather than requiring disposal at a licensed facility.</p> <p>Landowners may also want the wood for use in stoves, fireplaces and may have other uses for the wood on land owned by them.</p> <p>ERRA recommends adoption of this permit condition as modified.</p>
<b>5.5.1411 Application of Pesticides</b>	<b>5.3.11 Application of Pesticides</b>	
<p>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</p>	<p>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</p>	<p>Permit condition renumbered. No modifications proposed for this permit condition.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>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.</p>	<p>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.</p>	
<b>5.5.153.12 Invasive Species</b>	<b>5.3.12 Invasive Species</b>	
<p>The Permittee shall <del>employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities</del> <u>develop and Invasive Species Plan to prevent the introduction of invasive species on lands disturbed by Project construction activities. This requirement may be included as an element of the Soil Erosion and Sediment Control Plan.</u></p>	<p>The Permittee shall develop and Invasive Species Plan to prevent the introduction of invasive species on lands disturbed by Project construction activities. This requirement may be included as an element of the Soil Erosion and Sediment Control Plan.</p>	<p>Permit condition renumbered. Provides clarification and opportunity to consolidate permit requirements.</p>



Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><b>5.5.163.13 Noxious Weeds</b></p> <p>The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of pipeline construction <u>and restoration of all areas affected by construction</u>. 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.</p>	<p><b>5.3.13 Noxious Weeds</b></p> <p>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.</p>	<p>Permit condition renumbered. Permit modification proposed to clarify requirement of permit condition.</p>
<p><b>5.5.173.14 Roads (Public and Private)</b></p>	<p><b>5.3.14 Roads (Public and Private)</b></p>	
<p><del>Equipment involved in pipeline construction shall be moved into the right of way using existing public or private roads unless a temporary access road is negotiated with the landowner and approved by the [Environmental Monitor and the Agricultural Monitor when on agricultural lands].</del></p> <p>Prior to commencement of construction, the Permittee shall identify all state, county, <u>city</u> or</p>	<p>Prior to commencement of construction, the Permittee shall identify all state, county, city or and township roads that</p>	<p>Permit condition renumbered. Modification proposed to clarify extent of permit condition. Road agreements with responsible governmental units and landowners are likely to be agreed upon prior to the start of construction and selection of inspectors and monitors.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>and</u> township roads that will be used for the project and shall notify the state, county, <u>city</u> or 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 <u>state, county, city</u> and <del>city</del> <u>township</u> road authorities to develop appropriate signage and traffic management during construction.</p> <p><u>Equipment involved in pipeline construction shall be moved into the right-of-way using existing public or private roads unless a temporary access road is negotiated with the landowner and approved by the</u> <del>[Environmental Monitor and the Agricultural Monitor when on agricultural lands]</del>.</p> <p>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.</p>	<p>will be used for the project and shall notify the state, county, city or 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.</p> <p>Equipment involved in pipeline construction shall be moved into the right-of-way using existing public or private roads unless a temporary access road is negotiated with the landowner</p> <p>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.</p>	

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><b>5.5.183.15</b> <u>Archaeological and Historic Resources</u></p>	<p><b>5.3.15</b> <u>Archaeological and Historic Resources</u></p>	
<p><del>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.</del></p> <p><u>The Permittee shall work with the State Historic Preservation Office (SHPO) and the State Archaeologist prior to commencing construction to determine whether any additional archaeological survey work will be necessary for any part of the proposed Project. The Permittee shall contract with a qualified archaeologist to complete such surveys, and shall submit the results to SHPO, the State Archaeologist and the Commission.</u></p> <p><u>The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are</u></p>	<p>The Permittee shall work with the State Historic Preservation Office (SHPO) and the State Archaeologist prior to commencing construction to determine whether any additional archaeological survey work will be necessary for any part of the proposed Project. The Permittee shall contract with a qualified archaeologist to complete such surveys, and shall submit the results to SHPO, the State Archaeologist and the Commission.</p>	<p>Permit condition renumbered. Revised for consistency with language in other Commission issued permits.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>identified. Any issue in the implementation of these recommendations will be resolved by the Commission in consultation with SHPO and the State Archaeologist.</u></p> <p>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. <del>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 previously unrecorded archaeological sites are found during construction, the Permittee shall mark and preserve the sites and promptly notify the SHPO, the State Archaeologist, and the Commission of such discovery. The Permittee shall not excavate at such locations until so authorized by the Commission in consultation with the SHPO and the State Archeologist.</del></p> <p><u>If human remains are encountered during construction, the Permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State Archaeologist. Construction at the human</u></p>	<p>The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are identified. Any issue in the implementation of these recommendations will be resolved by the Commission in consultation with SHPO and the State Archaeologist.</p> <p>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 any previously unrecorded archaeological sites are found during construction, the Permittee shall mark and preserve the sites and promptly notify the SHPO, the State Archaeologist, and the Commission of such discovery. The Permittee shall not excavate at such locations until so authorized by the Commission in consultation with the SHPO and the State Archeologist.</p> <p>If human remains are encountered during construction, the Permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State</p>	

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p><u>remains location shall not proceed until authorized by local law Enforcement authorities or the State Archaeologist.</u></p> <p><u>If any federal funding, permit, or license is involved or required, the Permittee shall <del>notify the SHPO as soon as possible in the planning process to coordinate and</del> complete any Section 106 (36 C.F.R. part 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></u></p>	<p>Archaeologist. Construction at the human remains location shall not proceed until authorized by local law Enforcement authorities or the State Archaeologist.</p> <p>If any federal funding, permit, or license is involved or required, the Permittee shall complete any Section 106 (36 C.F.R. part 800) review that is necessary by coordinating with the federal agency or federal authority and SHPO as deemed necessary by the federal agency or federal authority.</p>	<p>MERC’s rationale for this requirement reflects the existing programmatic agreement between the U.S. Army Corps of Engineers and the State Historic Preservation Office regarding the coordination Section 106 review if federal action is required for the Project. This language would also apply should any federal review by the U.S. Fish and Wildlife Service be necessary.</p> <p>EERA concurs with MERC’s proposed amendment to this permit condition and recommends adoption of this proposed permit modification.</p>
<p><b><u>5.5.193.16 Livestock Protection</u></b></p>	<p><b><u>5.3.16 Livestock Protection</u></b></p>	
<p><del>Precautions to protect livestock must be taken by the Permittee unless otherwise negotiated with the affected landowner.</del></p> <p><u>The Permittee shall take precautions to protect livestock during all phases of construction and restoration of the areas affected by construction.</u></p>	<p>The Permittee shall take precautions to protect livestock during all phases of construction and restoration of the areas affected by construction.</p>	<p>Permit condition renumbered. Modified for clarification as to intent of this permit condition.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<b><u>5.5.203.17 Security</u></b>	<b>5.3.17 Security</b>	
The Permittee will install temporary gates or similar barriers, as needed, to prohibit public access to the right-of-way during construction.	The Permittee will install temporary gates or similar barriers, as needed, to prohibit public access to the right-of-way during construction	Permit condition renumbered. No modifications proposed for this permit condition.
<b><u>5.5.213.18 Restoration</u></b>	<b>5.3.18 Restoration</b>	
The Permittee shall restore the right-of-way, temporary work spaces, access roads, <del>abandoned right-of-way</del> , 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.	The Permittee shall restore the right-of-way, temporary work spaces, access roads, 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.	Permit condition renumbered and modified for clarification. EERA staff is not aware of any situation where an abandoned right-of-way requires restoration. The land on which the right-of-way is located is owned by a public or private entity and if that land was affected by pipeline construction activity, it will be restored.
<b><u>5.5.223.19 Cleanup</u></b>	<b>5.3.19 Cleanup</b>	
All waste and scrap that is the product of construction shall be removed from the right-of-	All waste and scrap that is the product of construction shall be removed from	

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
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.	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.	Permit condition renumbered. No modification proposed for this permit condition.
<b>5.5.23.20 Pollution and Hazardous Wastes</b>	<b>5.3.20 Pollution and Hazardous Wastes</b>	
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.	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	Permit condition renumbered. No modifications proposed for this permit condition.
<b>5.5.243.21 Damages</b>	<b>5.3.21 Damages</b>	
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 fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.	Permit condition renumbered. No modifications proposed for this permit condition.
<b>5.6 4 Other Requirements</b>	<b>5.4 Other Requirements</b>	

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<b>5.64.1 Other Permits and Regulations</b>	<b>5.4.1 Other Permits and Regulations</b>	
<p>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. A list of the permits known to be required is included in the permit application. The Permittee shall <del>submit a copy of such permits to the Commission upon request</del> <u>file a listing of all permits with the Commission and submit a copy of any requested permit to the Commission.</u></p>	<p>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. A list of the permits known to be required is included in the permit application. The Permittee shall file a listing of all permits with the Commission and submit a copy of any requested permit to the Commission.</p>	<p>After further consideration, EERA staff has determined that a listing of all permits is sufficient. The Commission, at any time, may request a copy of the actual permit.</p>
<b>6.0 SPECIAL CONDITIONS</b>	<b>6.0 SPECIAL CONDITIONS</b>	
<p>Special conditions shall take precedence over other conditions of this permit should there be a conflict.</p>	<p>Special conditions shall take precedence over other conditions of this permit should there be a conflict.</p>	
<b><u>6.1 Aquatic Invasive Species</u></b>	<b><u>6.1 Aquatic Invasive Species</u></b>	
<p><del>Aquatic Invasive Species</del></p>		



<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>As part of the preconstruction reports, the Permittee will include a section evaluating the potential for the occurrence of aquatic invasive species in the project area and describing, if any, the best management practices that apply. The Permittee should identify any infested waters or otherwise indicate that aquatic invasive species are not anticipated. The DNR must be provided an opportunity to review and comment on the plan. The DNR must be notified if any aquatic invasive species are identified in an area not previously identified as infested water.</p>	<p>Renumbered and moved to 5.3.9 Wetlands and Water Resources, as the last paragraph in this permit condition.</p>	<p>Renumbered and inserted as the last paragraph in permit condition: 5.3.9 Wetlands and Water Resources.</p> <p>This modification moves the proposed language to a location in the permit where it is a better fit.</p>
<p><b><u>6.1 Wildlife-Friendly Erosion Control Materials</u></b></p>	<p><b>6.1 Wildlife Friendly Erosion Control Materials</b></p>	
<p>Wildlife Friendly Erosion Control Materials</p> <p><u>The Permittee, in cooperation 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.</u></p>	<p>The Permittee, in cooperation 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.</p>	<p>Comments filed by the Minnesota Department of Natural Resources in the docket requested that MERC use wildlife-friendly erosion control materials.</p> <p>MERC’s proposed findings (No. 199) recommended inclusion of language supporting wildlife-friendly erosion control materials and provided the proposed permit language (6.1) in the left column.</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
		<p>This was addressed by the ALJ in Finding 298.</p> <p>298. “As requested by the DNR, and agreed to by MERC, the Route Permit should contain a special condition obliging the use of wildlife-friendly erosion control materials.”</p> <p>EERA concurs with this recommendation.</p>
<b>6.32 Rare Species Surveys</b>	<b>6.2 Rare Species Surveys</b>	
<p><del>Rare Species Surveys</del></p> <p><del>Known locations of state-listed threatened/endangered species and their habitats have been identified within the project area. These species may occur within the proposed route where suitable habitat exists. The Permittee, in consultation with the DNR, will determine the need for rare species surveys (pre-construction) within the approved route. In the areas where these species are known to exist or where the right-of-way passes through habitats where these species are likely to exist, field surveys may be required. In the event that impacts cannot be avoided, the Permittee would be required to obtain a takings permit from DNR for impacts to the species. The Permittee</del></p>	<p>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</p>	<p>MERC’s proposed Findings (No. 200), recommended that the proposed “Rare Species Surveys” language not be used, and offered language replacing the Generic Route Permit Template language.</p> <p>Rare Species Surveys were addressed by the ALJ in Finding 301.</p> <p>301. “The example special condition in the Generic Route Permit Template for “Rare Species Surveys should not be used. EERA and MERC jointly revised the template text so as to improve its accuracy and clarity with respect to the requirements of this</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p>shall submit results of these efforts to the Commission with the Plan and Profile.<sup>11</sup></p> <p>Strikeouts and additions by illustrated below were agreed on by MERC and EERA.</p> <p><u>The Permittee, in consultation with the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources-<del>USFWS</del> and the MnDNR, will determine the need for rare species surveys (pre-construction) within the <del>approved</del> 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 <del>MnDNR or the USFWS</del> 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.</u></p> <p><u>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</u></p>	<p>shall submit the results of these efforts to the Commission with its Plan and Profile filing.</p> <p>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.</p>	<p>case. The following special condition is appropriate for this Project:"</p> <p>[See proposed permit language (6.2) as proposed by the ALJ and as modified by MERC and EERA regarding reference to the U.S. Fish and Wildlife Service and Minnesota Department of Natural Resources as illustrated in the column left column.</p> <p>EERA suggests striking the word “<del>approved</del>”-and replacing it with the word “designated,” as illustrated in the left column.</p> <p>EERA recommends acceptance of this permit condition (6.2) language as modified I the middle column.</p>

<sup>11</sup> Exhibit 63 at 11 (Generic Route Permit Template), See eDockets, Document Id. [20168-123853-01](#).

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><u>endangered, threatened, and special concern species in all areas of the project including temporary workspaces associated with the project.</u></p>		
<p><b><u>6.3 Rare and Unique Resources</u></b></p>		
<p><del>Rare and Unique Resources</del></p> <p><del>The Permittee shall follow measures and recommendations for avoiding and minimizing impacts to Blanding’s turtle populations as outlined in the Minnesota Department of Natural Resources Environmental Review Fact Sheet Series for the Blanding’s Turtle.</del></p> <p><del>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. [This part moved to 6.2, above.]</del></p>		<p>Moved as modified to Condition 6.2.</p> <p>MERC in its proposed Findings (No. 201) suggested that this permit condition is not necessary because it would be covered by the notification requirements under Special Condition 6.2.</p> <p>This was addressed by the ALJ in Findings 302.</p> <p>302. Further, the example special condition on the Generic Route Permit Template for “Rare and Unique Resources” is not needed for this Project. If Blanding’s Turtles, a rare species, are identified in the route alignment during land surveys, protective measures would follow under Permit Special Condition 6.2.</p> <p>EERA concurs with this recommendation. This</p>

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
		<p>recommendation also moves the second paragraph of this specific permit condition (6.3) to 6.2 as illustrated and eliminate this permit condition.</p>
<b><u>6.3 Contamination Survey</u></b>	<b><u>6.3 Contamination Survey</u></b>	
<p><del>Contamination Survey</del></p> <p>The Permittee, in consultation with the MPCA, shall identify any contaminated sites as it performs its detailed survey and acquisition work prior to the submittal of the final plan and profile to the Commission.</p>	<p>The Permittee, in consultation with the MPCA, shall identify any contaminated sites as it performs its detailed survey and acquisition work prior to the submittal of the final plan and profile to the Commission.</p>	<p>Other than numbering as a specific condition, no modification proposed.</p>
<b><u>6.4 Vegetation Management Plan</u></b>	<b><u>6.4 Vegetation Management Plan</u></b>	
<p><a href="#">Permittee shall submit a <del>Vegetation Management Plan (VMP)</del> with the <del>Environmental Control</del> Mitigation 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 area with appropriate native species in cooperation with landowner and state, federal, and local resource agencies, such that such re-</a></p>	<p>Permittee shall submit a VMP with the Environmental Mitigation 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 area with appropriate native species in cooperation with landowner and state, federal, and local resource agencies, such that such re-vegetation does not</p>	<p>MERC’s proposed Findings (No. 202) addressed the requirements for a “Vegetation Management Plan (VMP)” and proposed language to be included in the permit as a special condition.</p> <p>The ALJ recommended inclusion of a vegetation management plan in Finding 303.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p><a href="#">vegetation does not negatively impact safe and reliable operation of the Project.</a></p>	<p>negatively impact safe and reliable operation of the Project.</p>	<p><a href="#">Finding 303. In compliance with the recommendations of the CEA, the following special condition should be included in the Route Permit:</a></p> <p>[See ALJ proposed VMP language in left column.]</p> <p>EERA has reviewed this language and supports inclusion of the proposed VMP language, as modified, as a special condition in this permit</p>
<b>6.5 Specific Landowner Requests</b>	<b>6.5 Specific Landowner Requests</b>	
<b><a href="#">6.5.1 Oldfield Property Special Condition</a></b>	<b>6.5.1 Oldfield Property Special Condition</b>	
<p><a href="#">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</a></p>	<p>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</p>	<p>MERC proposed language to accommodate landowners that would allow them to go outside of the designated route, as discussed in proposed permit condition 3.5 Route Width Variations.</p> <p>EERA disagreed with that proposed modification, as discussed above and as reflected in the permit language</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p><u>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>	<p>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.</p>	<p>proposed for permit condition 3.5 Route Width Variations.</p> <p>EERA suggested that MERC seek Commission approval in the permit at (6.0 Special Conditions) that would provide them with the flexibility needed to address a specific landowner's concerns.</p> <p>Mr. Oldfield, a landowner with concerns about how the modified preferred route crosses his property, potentially limiting his future plans.</p> <p>In order to address Mr. Oldfield's concerns MERC is proposing permit language under permit heading (6.0 Special Conditions), that would allow MERC to go outside of the designated route on Mr. Oldfield's property in order to address his concerns.</p> <p>MERC's proposed permit language is provided in the left column.</p> <p>In past pipeline proceedings, the Commission has addressed landowner concerns as special conditions.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<b>7.0 DELAY IN CONSTRUCTION</b>	<b>7.0 DELAY IN CONSTRUCTION</b>	
<p>If the Permittee has not commenced construction or improvement of the <u>designated</u> 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.</p>	<p>If the Permittee has not commenced construction or improvement of the designated 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.</p>	<p>This EERA proposed modification provides for consistency and clarification by indicating that this applies to the designated route.</p>
<b>8.0 COMPLAINT PROCEDURES</b>	<b>8.0 COMPLAINT PROCEDURES</b>	
<p>Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to</p>	<p>Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be</p>	



<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>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 [<del>Attachment Complaint Report Procedures</del>]. The Permittee shall advise the Commission when such procedure has been established.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>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.</p>	<p>Non-substantive change. No other proposed modifications to this permit condition.</p>
<b>9.0 PIPELINE SAFETY</b>	<b>9.0 PIPELINE SAFETY</b>	
<p>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</p>	<p>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</p>	<p>No modifications proposed for this permit condition.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>pipeline. This would also apply to operation and maintenance. Therefore, this Pipeline Routing Permit does not address pipeline safety related issues.</p>	<p>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.</p>	
<b>10.0 COMPLIANCE REQUIREMENTS</b>	<b>10.0 COMPLIANCE REQUIREMENTS</b>	
<p>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.</p>	<p>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.</p>	<p>No modifications proposed for this permit condition.</p>
<b>10.1 Plan and Profile</b>	<b>10.1 Plan and Profile</b>	
<p>At least 30 days before right-of-way <u>preparation</u> for construction begins on any <del>segment</del> <u>phase</u> 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 <u>each</u> <del>the segment phase of the project pipeline</del> for which construction is scheduled. The documentation shall include maps depicting the</p>	<p>At least 30 days before right-of-way preparation for construction begins on any phase 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 each phase of the project for which construction is scheduled. The</p>	<p>EERA amended permit condition 10.1 to reflect that the project will be built in three phases over a period of several years and include the two TBS's and the DRS.</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>plan and profile including the designated route, right-of-way, and pipeline alignment approved per this permit.</p> <p>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.</p> <p>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.</p>	<p>documentation shall include maps depicting the plan and profile including the designated route, right-of-way, and pipeline alignment approved per this permit.</p> <p>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.</p> <p>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.</p>	

Generic Template Edits	EERA Proposed Permit Language	Justification/Rationale
<p><b>10.2 Periodic Status Reports</b></p>	<p><b>10.2 Status Reports</b></p>	
<p><del>The Permittee shall report to the Commission on progress during finalization of the route and construction of the pipeline. The Permittee shall report weekly. Reports shall begin with the submittal of the plan and profile for the project and continue until completion of restoration.</del></p> <p><u>In the event the Permittee proceeds with phased construction of the Project, such weekly reports should shall be filed beginning with the submittal of the plan and profile for that phase and continue until completion of restoration of that phase. If there is any period of time where no construction activity is occurring, restoration of the prior phase of the Project has been completed, and the overall Project is not yet completed, Permittee need only provide status reports monthly.</u></p>	<p>In the event the Permittee proceeds with phased construction of the Project, such weekly reports shall be filed beginning with the submittal of the plan and profile for that phase and continue until completion of restoration of that phase. If there is any period of time where no construction activity is occurring, restoration of the prior phase of the Project has been completed, and the overall Project is not yet completed, Permittee need only provide status reports monthly.</p>	<p>Because project construction will be phased over several years, MERC proposed a modification to this permit condition (MERC Findings No. 203).<sup>12</sup></p> <p>The ALJ concurred with MERC’s recommendation and addressed this condition in Finding 305.</p> <p><u>305. Because it is likely that there will be some periods where no construction activity will occur, the text of Condition 10.2, which requires weekly reports “until completion of restoration” should be revised as follows:</u></p> <p>[See ALJ proposed language for permit condition 10.2 Status Reports, in left column.]</p> <p>This proposed language modification represents a reasonable approach, as there may be a gap of several months</p>

<sup>12</sup> See eDockets, Document Id. [201612-127021-03](#), p. 37.

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
		<p>between restorations of one phase prior to the start of the next phase.</p> <p>As shown in the left column EERA suggests replacing should with shall, as shown by <del>should</del> and <u>shall</u>.</p> <p>With the modification noted above, EERA Staff concurs with the proposed permit language as modified.</p>
<b>10.3 Notification to Commission</b>	<b>10.3 Notification to Commission</b>	
<p>At least three days before the pipeline is to be placed into service, the Permittee shall notify the Commission of the date on which <u>each phase of the pipeline project</u> will be placed into service and the date on which construction was complete.</p>	<p>At least three days before the pipeline is to be placed into service, the Permittee shall notify the Commission of the date on which the pipeline will be placed into service and the date on which construction was complete.</p>	<p>Modification reflects staged construction schedule and notification requirements for each phase of the Project.</p>
<b>10.4 As-Builts</b>	<b>10.4 As-Builts</b>	
<p>Within 90 days after completion of <u>each phase of construction</u>, the Permittee shall submit copies of all final as-built plans and specifications developed <del>during the project for</del></p>	<p>Within 90 days after completion of each phase of construction, the Permittee shall submit copies of all final as-built</p>	<p>As proposed, the proposed Project will take approximately six years to complete and will be built in three separate phases. This permit</p>

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
each project phase ( <del>See Route Permit at Section XX</del> ).	plans and specifications developed for each project phase.	condition is modified to require the as-built plans for each phase to be submitted upon completion, rather than requiring the submission of all the as-built plans and specifications only upon completion of project construction. The reference is not necessary.
<b>10.5 GPS Data</b>	<b>10.5 GPS Data</b>	
Within 90 days after completion of <u>each phase of construction</u> ( <del>See Route Permit at Section XX</del> ), the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS geodatabase or shapefiles, GPS coordinates, associated database of characteristics) for the pipeline and associated facilities.	Within 90 days after completion of each phase of construction the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS geodatabase or shapefiles, GPS coordinates, associated database of characteristics) for the pipeline and associated facilities.	As proposed, the Project will take approximately six years to complete. It is not reasonable to wait six years to receive all the GPS data.  Compliance with the Gopher State One-Call (Minn. Stat. Ch. 216D) requirements is necessary when an underground portion of the project goes into service.
<b>11.0 RIGHT OF ENTRY</b>	<b>11.0 RIGHT OF ENTRY</b>	
The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in	The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at	No modifications proposed for this section.

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>compliance with the Permittee’s site safety standards:</p> <ul style="list-style-type: none"> <li>a. To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.</li> <li>b. To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.</li> <li>c. To sample and monitor upon the facilities easement of the property.</li> <li>d. To examine and copy any documents pertaining to compliance with the conditions of this permit.</li> </ul>	<p>all times in compliance with the Permittee’s site safety standards:</p> <ul style="list-style-type: none"> <li>e. To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.</li> <li>f. To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.</li> <li>g. To sample and monitor upon the facilities easement of the property.</li> <li>h. To examine and copy any documents pertaining to compliance with the conditions of this permit.</li> </ul>	
<b>12.0 PERMIT AMENDMENT</b>	<b>12.0 PERMIT AMENDMENT</b>	
<p>The Permittee may apply to the Commission for an amendment of the route designation or to</p>	<p>The Permittee may apply to the Commission for an amendment of the</p>	

<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
conditions specified in the permit in accordance with the requirements and procedures of Minn. R. 7852.3400.	route designation or to conditions specified in the permit in accordance with the requirements and procedures of Minn. R. 7852.3400.	No modifications proposed for this permit condition.
<b>13.0 PERMIT MODIFICATION OR SUSPENSION</b>	<b>13.0 PERMIT MODIFICATION OR SUSPENSION</b>	
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.	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.	No modifications proposed for this permit condition
<b>14.0 PIPELINE CONSTRUCTION COMPLETION CERTIFICATE</b>	<b>14.0 PIPELINE CONSTRUCTION COMPLETION CERTIFICATE</b>	
In accordance with Minn. R. 7852.3900, the Permittee shall file with the Commission a	In accordance with Minn. R. 7852.3900, the Permittee shall file with the	



<b>Generic Template Edits</b>	<b>EERA Proposed Permit Language</b>	<b>Justification/Rationale</b>
<p>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.</p>	<p>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.</p>	<p>No modifications proposed for this permit condition.</p>

# **ATTACHMENT 1**

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

<b>A.</b>	<p><b>A. Purpose</b></p> <p>To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for <u>route and/or</u> site preparation, construction, cleanup, and restoration, <del>operation, and maintenance.</del></p>	<p><b>A. Purpose</b></p> <p>To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for route and/or site preparation, construction, cleanup, and restoration.</p>	<p>Modification proposed to clarify that this requirement applies to both a route and/or a site associated with the proposed Project. Operation and maintenance are covered by the Federal Pipeline Safety Regulation (CFR 192— Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards. Therefore, operation and maintenance is outside the scope of the Commission’s jurisdiction; however as the proposed project is an intrastate natural gas pipeline the Minnesota Office of Pipeline Safety may have</p>
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			additional requirements.
<b>B.</b>	<p><b>B. Scope</b></p> <p>This document describes complaint reporting procedures and frequency.</p>		
<b>C.</b>	<p><b>C. Applicability</b></p> <p>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.</p>		
<b>D.</b>	<p><b>D. Definitions</b></p> <p><b>Complaint:</b> 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.</p> <p><b>Substantial Complaint:</b> 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.</p> <p><b>Unresolved Complaint:</b> 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.</p> <p><b>Person:</b> 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.</p>		

<b>E.</b>	<p><b>E. Complaint Documentation and Processing</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. A person presenting the complaint should to the extent possible, include the following information in their communications: <ol style="list-style-type: none"> <li>a. name, address, phone number, and email address;</li> <li>b. date of complaint;</li> <li>c. tract or parcel number; and</li> <li>d. whether the complaint relates to a permit matter or a compliance issue.</li> </ol> </li> <li>3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following: <ol style="list-style-type: none"> <li>a. docket number and project name;</li> <li>b. name of complainant, address, phone number and email address;</li> <li>c. precise description of property or parcel number;</li> <li>d. name of permittee representative receiving complaint and date of receipt;</li> <li>e. nature of complaint and the applicable permit condition(s);</li> <li>f. activities undertaken to resolve the complaint; and</li> <li>g. final disposition of the complaint.</li> </ol> </li> </ol>		
<b>F.</b>	<p><b>F. Reporting Requirements</b></p> <p>The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The</p>		

	<p>permittee shall report all complaints to the Commission according to the following schedule:</p> <p><b>Immediate Reports:</b> 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 <a href="mailto:consumer.puc@state.mn.us">consumer.puc@state.mn.us</a>. For e-mail reporting, the email subject line should read “PUC EFP Complaint” and include the appropriate project docket number</p>		
	<p><b>Monthly Reports:</b> 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:  <a href="https://www.edockets.state.mn.us/EFiling/home.jsp">https://www.edockets.state.mn.us/EFiling/home.jsp</a></p> <p>If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.</p>		
<b>G.</b>	<p><b>G. Complaints Received by the Commission</b></p> <p>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.</p>		
<b>H.</b>	<p><b>H. Commission Process for Unresolved Complaints</b></p> <p>Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial</p>		

	<p>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.</p>		
<p><b>I.</b></p>	<p><b>I. Permittee Contacts for Complaints and Complaint Reporting</b></p> <p>Complaints may be filed by mail or email to:</p> <p style="padding-left: 40px;"> <i>[Name]</i>  <i>[Mailing Address]</i>  <i>[Phone]</i>  <i>[Email]</i> </p> <p>This information shall be maintained current by informing the Commission of any changes as they become effective.</p>		

## **ATTACHMENT 2**



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

<b>A.</b>	<p><b>A. Purpose</b></p> <p>To establish a uniform and timely method of submitting information required by Commission energy facility permits.</p>		
<b>B.</b>	<p><b>B. Scope and Applicability</b></p> <p>This procedure encompasses all known compliance filings required by permit.</p>		
<b>C.</b>	<p><b>C. Definitions</b></p> <p><b>Compliance Filing:</b> A filing of information to the Commission, where the information is required by a Commission site or route permit.</p>		
<b>D.</b>	<p><b>D. Responsibilities</b></p> <p>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: <a href="https://www.edockets.state.mn.us/EFiling/home.jsp">https://www.edockets.state.mn.us/EFiling/home.jsp</a></p> <p>General instructions are provided on the eDockets website. Permittees must register on the website to file documents.</p> <p>2. All filings must have a cover sheet that includes:</p> <ul style="list-style-type: none"> <li>a. Date</li> <li>b. Name of submitter/permittee</li> <li>c. Type of permit (site or route)</li> <li>d. Project location</li> <li>e. Project docket number</li> <li>f. Permit section under which the filing is made</li> <li>g. Short description of the filing</li> </ul>		

	<p>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.</p> <p>The Commission may request a paper copy of any electronically filed document.</p>		

## **ATTACHMENT 3**

