


Staff Briefing Papers

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| Meeting Date | January 4, 2018 | Agenda Item # *6 |
| Company | Xcel Energy | |
| Docket No. | G002/GS-16-656 | |
| | In the Matter of the Xcel Energy Request for Permit Amendment of the Black Dog Natural Gas Pipeline Route Permit | |
| Issues | 1. Should the Commission grant the requested route permit amendment? | |
| Staff | Tricia DeBleeckere | Tricia.DeBleeckere@state.mn.us 651-201-2254 |

|  Relevant Documents | Date |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Commission Order – Adopting FOF, Conclusion of Law, and Order Granting Partial Exemption and Issuing Pipeline Route Permit with Conditions | March 7, 2017 |
| Xcel Energy – Permit Amendment Request (3 Parts) | November 16, 2017 |
| MPCA – Letter | December 6, 2017 |
| DOC EERA – Comments | December 6, 2017 |
| PUC – Public Comments | December, 20 2017 |

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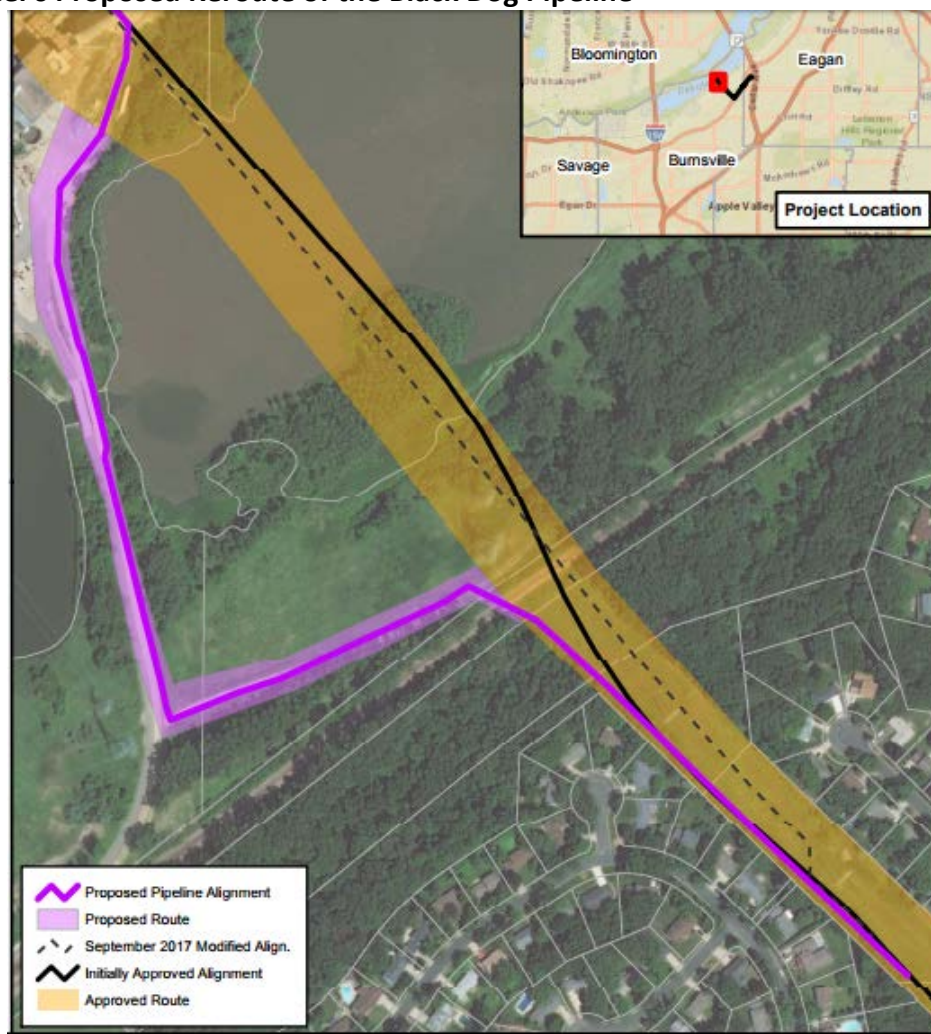
I. Statement of the Issues

Should the Commission grant the requested route permit amendment?

II. Background

Xcel Energy has proposed to reroute a portion of the Black Dog Natural Gas Pipeline which the Commission issued a permit for in March 2017 and for which a large portion of the project is already constructed. Due to construction issues faced onsite relating to the horizontal directional drilling of the pipeline under Black Dog Lake, Xcel has proposed a new route segment (see Figure 1). Staff refers Commissioner’s to the Department of Commerce Environmental Review and Analysis [Comments](#) dated December 6, 2017 for an overview of the petition, merits and recommendation. Staff agrees with the DOC EERA’s recommendation to grant the requested permit amendment as Xcel has demonstrated that the proposed amended route and construction technique will have similar or less impacts to the natural and built environments as those outlined in the route permit issued on March 7, 2017.

Figure 1. Xcel’s Proposed Reroute of the Black Dog Pipeline



See eDockets ID No: [201711-137523-01](#)

Staff notes that notice of the petition and open comment period was issued to all landowners and affected landowners, local governmental units, local watershed districts, and state agencies (a full list can be reviewed in the affidavit of mailing to the comment period notice).¹ Staff notes that comments on the proposed amendment were only received by the DOC EERA, the Minnesota Pollution Control Agency (who noted they did not have comments at this time) and one member of the public. The member of the public expressed concern over the pipeline and the proximity to their home. They requested that local meetings be held with the residents and questioned about concerns relating to property values.

The public comments were received on December 6, 2017 during the initial comment period via the Commission's SpeakUp system; however the comments were not eFiled until December 20, 2017 following the close of the reply comment period. Therefore, neither Xcel nor other interested persons had the ability to respond during the reply comment period. Staff notes that safety and integrity public concerns were addressed during the permitting process in early 2017. Additional findings were made by the Commission in regard to this topic.² At that time, the Commission reviewed the pipeline route, its impacts, and the proposed mitigation put forth by Xcel and found that Xcel was committed to comply with the federal pipeline standards as well as additional safety protocols in excess of the federal standards.

Staff is aware of the significant amount of pre-filing agency consultation Xcel conducted and believes that those efforts contributed to the low level of concern and comment from agencies and local governmental units.

On December 18, 2017, Commission staff confirmed with the Minnesota Department of Natural Resources (MnDNR) that they had received notice of the amendment and did not submit comments. The MnDNR confirmed that their agency had no comments or concerns with this amendment due to the early outreach and coordination conducted by Xcel.

Staff has attached a proposed amended route permit attached to these briefing papers which will allow for the relocation of the pipeline corridor.

III. Decision Options

- A. Grant the route permit amendment, as attached authorizing the Black Dog Lake reroute.
- B. Deny the petition for a route permit amendment.
- C. Take some other action.
- D. Authorize staff to make further administrative permit modifications as necessary to ensure consistency with the record and recently issued permits.

Staff recommends Decision Option A and D.

¹ See eDockets ID No: [201711-137523-02](#)

² See eDockets ID No: [20173-129703-01](#)

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT

FOR CONSTRUCTION OF A LARGE NATURAL GAS PIPELINE

AND ASSOCIATED FACILITIES

IN

DAKOTA COUNTY

ISSUED TO

XCEL ENERGY

PUC DOCKET NO. G002/GP-16-656

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

XCEL ENERGY

Xcel Energy is authorized by this route permit to construct approximately 12,250 foot (2.3 mile) long natural gas (methane) pipeline with a maximum outside diameter of 16 inches and maximum allowable operating pressure of 650 pressure per square inch gauge (psig) that will supply natural gas to meet the need of the Black Dog Generating Plant.

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

Approved and adopted this ____ day of _____ 201__.

BY ORDER OF THE COMMISSION

Daniel P. Wolf,
Executive Secretary

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Official Site Maps

ATTACHMENTS

Complaint Procedures for Permitted Energy Facilities

Compliance Filing Procedures for Permitted Energy Facilities

1.0 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Xcel Energy (Permittee) pursuant to Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852. This permit authorizes Xcel Energy to construct the approximately 2.3 mile natural gas pipeline, and as identified in the attached route permit maps, hereby incorporated into this document.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216G.02, subd. 4, this permit shall be the sole route approval required to be obtained by the Permittee for construction of the pipeline facilities and associated facilities and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

2.0 PROJECT DESCRIPTION

The Project is located within the cities of Burnsville and Eagan in Dakota County, Minnesota. The Project is an approximately 12,250 foot (2.3 mile) long natural gas (methane) pipeline with a maximum outside diameter of 16 inches that will supply natural gas to meet the need of the Black Dog Generating Plant.

The Maximum Allowable Operating Pressure (MAOP) for the proposed pipeline will be 740 pounds per square inch gauge (psig) and an operating pressure of 650 psig will be established by NNG. The wall thickness and pipe grade will be established in part by pipe availability with a minimum nominal wall thickness of 0.375 inch. The pipeline will be buried to a depth of at least four feet to the top of the pipe. The planned minimum design capacity of the Project is 55,584 decatherms (Dth) per day. The maximum design requirement of this system is approximately 168,864 Dth per day.

The pipe installed will meet the most recent edition of API 5L PSL 2 Specifications for Line Pipe, is proposed to be seamless and/or Electrical Resistance Welded, and have a minimum yield strength of 52,000 psig. The anticipated tensile strength is 66,000 psig minimum.

2.1 Associated Facilities

Associated facilities include valves and flanges, remote actuated valves, a 24-hour SCADA monitoring system, an in-line inspection tool launcher and receiver, cathodic protection, alternating current mitigation, and gas delivery station. Xcel Energy will install a gas delivery station within the existing fence at the NNG Cedar Station. The gas delivery station will contain

all required valves, odorization equipment, an in-line inspection tool launcher/receiver, and necessary equipment required for custody transfer of gas. Pipeline markers will be installed at various locations (e.g., road crossings) in accordance with applicable federal and state regulations. One launcher/receiver will be installed at the NNG Cedar Station and one will be installed at the Black Dog Generating Plant.

2.2 Project Location

| County | Township | Range | Section |
|---------------|----------|-------|------------|
| Dakota County | T27N | R24W | 23, 24, 25 |

3.0 DESIGNATED ROUTE

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

Starting at the Black Dog Plant the pipeline exits the facility heading SE for approximately 200 feet before angling SW behind the flood berm within the Black Dog Plant yard, passing outside of the permitted Route. When it reaches the former rail spur (now the gravel heavy haul road for the Black Dog Plant) which runs adjacent to the high-water road, the pipeline will turn south and be installed within the existing gravel road. Upon reaching the bridge that spans the channel connecting the Lyndale (west) and Cedar (east) sides of Black Dog Lake, the pipeline will outlet from the road to the east side of the bridge. The proposed pipeline will extend north from NNG Cedar Station in Eagan then crossing under Old Sibley Memorial Highway. The route parallels Old Sibley Memorial Highway within road right-of-way towards the south and west for approximately 1500 feet before turning west where it then extends approximately 450 feet crossing under to the west side of Minnesota State Highway 13 (Sibley Memorial Highway). The route then turns southwest and parallels the western edge of the southbound lane of Minnesota State Highway 13, again within road right-of-way, and traverses approximately 3,350 feet (0.64 miles), crossing under Cedar Bridge Avenue and River Hills Drive, before reaching an existing utility corridor. The pipeline runs the southwest site of the Tennesioux Park Corridor, under the Union Pacific Railroad (UPR) tracks, crosses over the Met Council sanitary pipe, angles toward the northwest, and then follow a transmission line access road to the west until it reaches the heavy haul road until it reaches the bridge (connecting the Lyndale (west) and Cedar (east) sides of Black Dog Lake) that spans the channel, to which the pipe is attached to the east, downstream side of the bridge for approximately 88 feet. Then the pipe will follow the heavy haul road (a former rail spur), angles to the NE behind the flood berm, then turns NW into the facility. The route in this section is located on parcels owned by the City of Burnsville or NSP.

Xcel will acquire easements approximately 40 feet in width for ongoing operations and maintenance of the pipeline. Xcel will acquire a modified easement with the City of Burnsville to allow for placement of the natural gas pipeline in Xcel's existing transmission line easement.

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

3.1 Permanent Right-of-Way

The approved right-of-way width for the project is up to 40 feet.

3.2 Temporary Right-of-Way or Work Space

The Project will also require a wider temporary right-of-way, or construction corridor, and work space during construction of the pipeline in some locations to allow for equipment access and laying out the pipe. This temporary right-of-way may extend up to 100 feet wide along the existing electric transmission line corridor on the land owned by the City Burnsville to facilitate safe construction. Where space allows an approximately 40 foot-wide temporary right-of-way will be utilized along roadways, however, along Old Sibley Memorial Highway the distance between the road and the edge of road right-of-way is not adequate to accommodate the full 40 feet and a narrower temporary right-of-way will be necessary. All temporary space for construction within road right of way will be approved under the accommodation permits rather than through temporary easements.

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

3.3 Right-of-Way Conformance

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

Any right-of-way modifications within the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7852.1900, as does the right-of-

way identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile required by this permit.

4.0 STATE AND FEDERAL MINIMUM DEPTH OF COVER REQUIREMENTS

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

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).

5.0 GENERAL CONDITIONS

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

5.1 Agricultural Protection Plan

The project will not impact cultivated agricultural land, therefore an agricultural mitigation plan is not required (Minnesota Statute 216E.10, subdivision 3(b)).

5.2 Permit Distribution

Within 10 days of permit issuance, the Permittee shall 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 auditor of each county, and the clerk of each city and township crossed by the designated route.

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

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

5.3 Notification

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

5.4 Construction Practices

The Permittee shall follow those specific construction practices and material specifications described in Xcel Energy's Application to the Commission for a route permit for the Black Dog Natural Gas Pipeline Project, dated August 18, 2016, and its Application for a Route Permit Amendment, dated November 16, 2017, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail. The Permittee shall comply with the conditions for right-of-way preparation, construction, cleanup, and restoration contained in Minn. R. 7852.3600.

5.4.1 Field Representative

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

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

5.4.2 Agricultural Monitor and County Inspector Notification Requirements

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

5.4.3 Employee Training and Education of Permit Terms and Conditions

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

5.4.4 Public Services, Public Utilities, and Existing Easements

During construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these would be temporary and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to determine the most appropriate mitigation measures if not already considered as part of this permit.

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

5.4.5 Access to Property for Construction

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

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

The Permittee shall negotiate agreements with landowners that will give the landowners access to their property; minimize the impact on planned future development of the property; and to assume any additional costs for such development that may be the result of installing roads,

driveways and utilities that must cross the right-of-way. The Permittee shall not unreasonably deny a landowner's request to cross the easement to access the landowner's property.

5.4.6 Noise

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

5.4.7 Site Sediment and Erosion Control

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

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.

In accordance with Minnesota Pollution Control Agency requirements, the Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater permit from the Minnesota Pollution Control Agency.

5.4.8 Topsoil Protection

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

5.4.9 Soil Compaction

Compaction of soils by the Permittee must be kept to a minimum.

5.4.10 Landscape Preservation

Care shall be used to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of all pipeline construction and restoration activities.

5.4.11 Sensitive Areas

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

5.4.12 Wetlands and Water Resources

Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. No temporary workspace areas shall be placed within or adjacent to wetlands or water resources, as practicable. To minimize impacts, construction in wetland areas shall occur during frozen ground conditions where practicable and shall be according to permit requirements by the applicable permitting authority. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and not placed back into the wetland or riparian area.

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

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

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

5.4.13 Vegetation Removal and Protection

Xcel Energy will develop a Vegetation Management Plan with input from the DNR, DOT, and the cities of Burnsville and Eagan to address impacts to vegetation and potential restoration plantings, the plan shall be filed with the Commission at least 30 days before commencing construction. The Permittee shall clear the permanent right-of-way and temporary right-of-way preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize

aesthetic impacts, to the extent that such actions do not impact the safe operation, maintenance, and inspection of the pipeline and are in compliance with all applicable laws and regulations.

Tree stumps will be removed at the landowner's request or when necessitated due to trench location. The Permittee will dispose of all debris created by clearing at a licensed disposal facility or as authorized by the responsible governmental unit or as agreed to with the landowners, provided disposal complies with local regulations.

5.4.14 Application of Pesticides

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

5.4.15 Invasive Species

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

5.4.16 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of pipeline construction and restoration of all areas affected by construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall consult with landowners on the selection and use of seed for replanting.

5.4.17 Roads (Public and Private)

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

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

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

5.4.18 Archaeological and Historic Resources

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

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement or the State Archaeologist.

5.4.19 Livestock

Precautions to protect livestock must be taken by the Permittee unless otherwise negotiated with the affected landowner.

5.4.20 Security

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

5.4.21 Restoration

The Permittee shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the pipeline to the natural conditions that existed immediately before construction of the pipeline and as required by other federal and state agency permits. Restoration must be compatible with the safe operation, maintenance, and inspection of the pipeline. Within 60 days after completion of all restoration activities the Permittee shall advise the Commission in writing of the completion of such activities.

5.4.22 Cleanup

All waste and scrap that is the product of construction shall be removed from the right-of-way and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

5.4.23 Pollution and Hazardous Wastes

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

5.4.24 Damages

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

5.5 Other Requirements

5.5.1 Other Permits and Regulations

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 submit a copy of such permits to the Commission upon request.

6.0 SPECIAL CONDITIONS

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

- a. The Stormwater Pollution Prevention Plan shall clearly state that the construction stormwater may not be discharged to any fen and that if dewatering is determined to be necessary the permittee shall consult with the DNR to determine if a Fen Management Plan is required.
- b. Wildlife sensitive erosion control materials shall be used.
- c. All construction contractors shall be instructed on the potential for turtles to become trapped in trenches and precautions taken to ensure against entrapment before backfilling any trenches. 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.
- d. All vegetation management shall occur within the right-of-way and occur outside of the songbird nesting season (mid-May through July).
- e. The permittee shall obtain a Tree Removal Permit prior to the clearing of any trees from the City of Burnsville.
- f. The permittee shall obtain an easement for the pipeline from the City of Burnsville.
- g. Xcel Energy shall obtain from MNDOT a Utility Accommodation Permit for the crossing and building in the right-of-way of Trunk Highway 13, as required. Xcel shall file a copy of the permit, and any special conditions imposed by MNDOT with the Commission within 30 days of receipt of the permit from MNDOT.

7.0 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this permit the Commission shall suspend the permit in accordance with Minn. R. 7852.3300. If at the time of suspension, or at a later time, the Permittee decides to construct the pipeline, it shall certify to the Commission that there have been no significant changes in any material aspects of the conditions or circumstances existing when the permit was issued. If the Commission determines that there are no significant changes, it shall reinstate the permit. If the Commission determines that there is a significant change, it may order public information meetings or a new hearing and consider the matter further, or it may require the Permittee to submit a new application.

8.0 COMPLAINT PROCEDURES

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7852.3700, and as set forth in the complaint procedures attached to this permit. The Permittee shall advise the Commission when such procedure has been established.

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

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

9.0 PIPELINE SAFETY

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

10.0 COMPLIANCE REQUIREMENTS

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

10.1 Plan and Profile

At least 30 days before right-of-way preparation for construction begins on any segment or portion of the project, the Permittee shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, cleanup, and restoration for the segment of pipeline for which construction is scheduled. The documentation shall include maps depicting the plan and profile including the designated route, right-of-way, and pipeline alignment approved per this permit.

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

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

10.2 Status Reports

The Permittee shall report to the Commission on progress during finalization of the route and construction of the pipeline. 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.

10.3 Notification to Commission

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.

10.4 As-Builts

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

10.5 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for the pipeline and associated facilities.

11.0 RIGHT OF ENTRY

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

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

12.0 PERMIT AMENDMENT

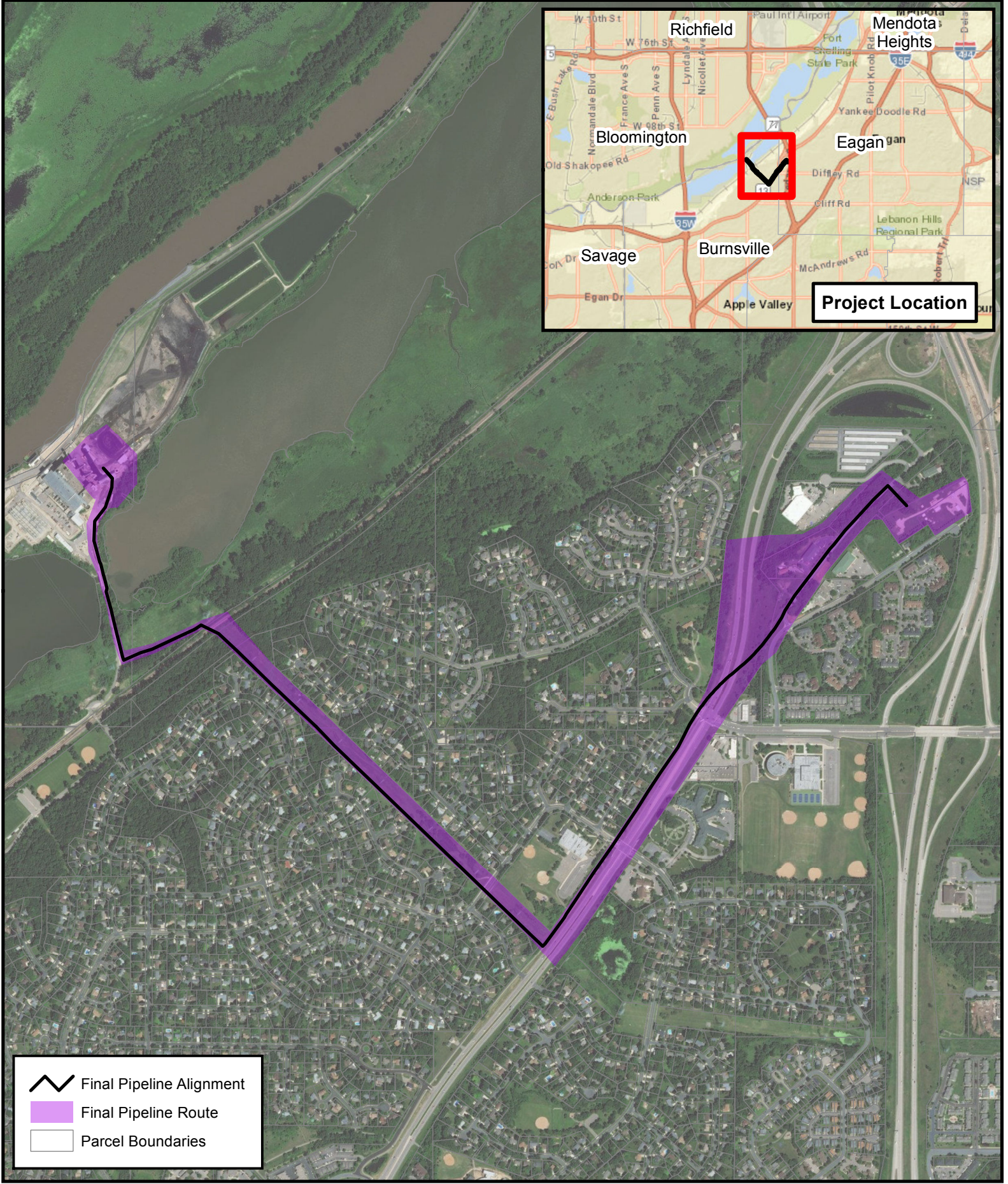
The Permittee may apply to the Commission for an amendment of the route designation or to conditions specified in the permit in accordance with the requirements and procedures of Minn. R. 7852.3400.




13.0 PERMIT MODIFICATION OR SUSPENSION

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

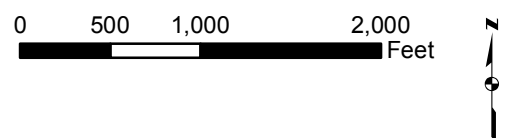
14.0 PIPELINE CONSTRUCTION COMPLETION CERTIFICATE

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



-  Final Pipeline Alignment
-  Final Pipeline Route
-  Parcel Boundaries

Aerial Map of the Black Dog Natural Gas Pipeline Project



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

A. Purpose

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

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

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

D. Definitions

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

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

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

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

E. Complaint Documentation and Processing

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

F. Reporting Requirements

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

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

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

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

G. Complaints Received by the Commission

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

H. Commission Process for Unresolved Complaints

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

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to:

Ellen Heine
Xcel Energy
404 Nicollet Mall
Minneapolis, MN 55401
612-330-6073 or Ellen.l.heine@xcelenergy.com

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

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

A. Purpose

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

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

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

D. Responsibilities

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

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

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

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

The Commission may request a paper copy of any electronically filed document.

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Xcel Energy

PERMIT TYPE: Pipeline Route Permit

PROJECT LOCATION: Burnsville, Minnesota

PUC DOCKET NUMBER: G002/GP-16-656

| Filing Number | Permit Section | Description of Compliance Filing | Due Date |
|---------------|----------------|--------------------------------------------|---------------------------------------------------------------------|
| | 5.2 | Permit Distribution: Governmental Agencies | 10 days of permit issuance |
| | 5.2 | Permit Distribution: Affected Landowners | 30 days of permit issuance |
| | 5.4 | Field Representative: | 14 days prior to commencing construction |
| | 5.4.13 | Vegetation Management Plan | At least 30 days prior to right-of-way preparation for construction |
| | 6.0 (g) | MNDOT Utility Accommodation Permit | Within 30 days of receipt from MNDOT |
| | 10.1 | Plan and Profile | At least 30 days prior to right-of-way preparation for construction |
| | 10.2 | Status Reports | Weekly from plan and profile submittal to final construction |
| | 10.3 | In-Service Notification | Three days prior to pipeline being placed into service |
| | 10.4 | As-Builts | 90 days after completion of construction |
| | 10.5 | GPS Data | 90 days after completion of construction |

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