

## Staff Briefing Papers

**Meeting Date** January 21, 2026      **ALJ** Suzanne Todnem      **Agenda Item 3\*\***

**Company** Otter Tail Power Company, Great River Energy,  
Western Municipal Power Agency, Agralite Electric  
Coop., City of Benson

**Docket Nos** ET-2,E-017,ET-6135, E-100/CN-24-263; TL-24-264

**In the Matter of the Application of Great River Energy, Otter Tail Power Co.,  
Western Minnesota Municipal Power Agency, Agralite Electric Coop., and the  
City of Benson for a Certificate of Need and Route Permit for the Appleton to  
Benson 115-Kilovolt Transmission Line Project**

- Issues**
- Should the Commission adopt the administrative law judge's findings of fact, conclusions of law, and recommendation?
  - Should the Commission determine that the environmental assessment is adequate?
  - Should the Commission grant a certificate of need for the 115-kV Appleton to Benson Project?
  - Should the Commission grant a route permit for the 115 kV Appleton to Benson Project?

**Staff** Sam Lobby      [Sam.lobby@state.mn.us](mailto:Sam.lobby@state.mn.us)      651-201-2205

### ✓ Relevant Documents

#### Date

Applicants – Appleton to Benson Joint Application (24 Parts)	12/27/2024
PUC – Notice of Comment on Application Completeness	01/03/2025
DOC EERA – Comments on Application Completeness	01/14/2025
Applicants – Reply Comments, Application Completeness	01/21/2025

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

Applicants – Reply Comments, Application Completeness	01/21/2025
DOC DER – Supplemental Comments, Application Completeness	01/24/2025
MIAC – Review Comment and Recommendation	02/05/2025
PUC – Notice of Info/Scoping Meetings	02/11/2025
PUC – Sample Permit	02/27/2025
PUC – Order Accepting Application as Complete	03/10/2025
PUC – SHPO Authorization Letter	03/20/2025
MnDOT – Review Comments and Recommendations	03/27/2025
Applicants – Scoping Comments	04/08/2025
DOC EERA – Oral and Written Comments on EA Scoping (2 parts)	04/11/2025
DOC EERA – Scoping Summary and Recommendations	04/15/2025
OAH – First Prehearing Order	04/17/2025
PUC – Order Authorizing Environmental Assessment	04/29/2025
PUC EIP (formerly DOC EERA) – Environmental Assessment (7 parts)	07/31/2025
PUC – Notice of Public Hearings and EA Availability	08/08/2025
Applicants – Applicant Testimony (5 parts)	08/14/2025
CAH – Second Prehearing Order	08/25/2025
U.S. Fish and Wildlife Service – Comment	09/11/2025
Applicants – Comments on EA	09/12/2025
Shaddix – Hearing Transcripts	09/19/2025
Minnesota VMPWG Hearing Comments	09/30/2025
DOC DER – Comments on CN Merits	09/30/2025
Applicants – Reply Comments to DOC DER	10/08/2025
Applicants – Public Hearing Comments	10/10/2025
Applicants – Proposed Findings	10/10/2025
PUC EIP (formerly DOC EERA) – Comments on Proposed FoF	10/22/2025
CAH – ALJ Report – Findings of Fact, Conclusions of Law, and Recommendations	12/05/2025
Applicant and PUD-EIP Exceptions	12/16 & 12/17

### **Attachments**

Attachment 1: Proposed Route Permit Conditions Table

Attachment 2: Proposed Route Permit

## STATEMENT OF THE ISSUES

- Should the Commission adopt the administrative law judge’s findings of fact, conclusions of law, and recommendation?
- Should the Commission determine that the environmental assessment is adequate?
- Should the Commission grant a certificate of need for the 115-kV Appleton to Benson Project?
- Should the Commission grant a route permit for the 115 kV Appleton to Benson Project?

## PROJECT DESCRIPTION

Great River Energy, Otter Tail Power Company, Western Municipal Power Agency (Missouri River Energy Services), Agralite Electric Cooperative, and the City of Benson, MN (collectively referred to as “the Applicants”) submitted a joint application for a Certificate of Need and Route Permit<sup>1</sup> for their proposed ~29 mile 115-kV transmission Line project.

The project consists of two proposed route segments. The first proposed route segment is approximately 27-miles and will upgrade, rebuild or reconductor existing transmission lines starting near the Appleton Substation in the City of Appleton and extend northeast, to Great River Energy’s Benson Substation near the City of Benson. The second proposed route segment will be a new approximately 1.7-mile transmission line that will extend westerly from the Benson Substation near the City of Benson extending to interconnect with Great River Energy’s existing AG-BK 115-kV transmission line. The Applicants’ preferred route was heavily influenced by early outreach and coordination done through outreach meetings in the Project area prior to the submittal of their Joint Application. The Applicants’ also began contacting government agencies in October of 2023 for early coordination, and once a preferred route was developed, performed outreach with State, Federal, and Tribal organizations in September of 2024.

The Project will also include upgrading, rebuilding or reconductoring, and/or constructing new transmission lines between the following Substations: Appleton, Shible Lake, Moyer, Danvers, Benson, and Benson Municipal Substations. The Shible Lake, Benson, and Benson Municipal Substations are existing Substations that will be modified and/or expanded to accommodate the Project’s 115-kV connection. The Project also includes the construction of new Appleton Substations. The Moyer and Danvers Substations will be expanded or relocated to accommodate connection to the Project.

The proposed project would primarily use single-pole wood structures with heights of 50-100 feet above ground and 300 to 500-foot spans between structures. Construction of the

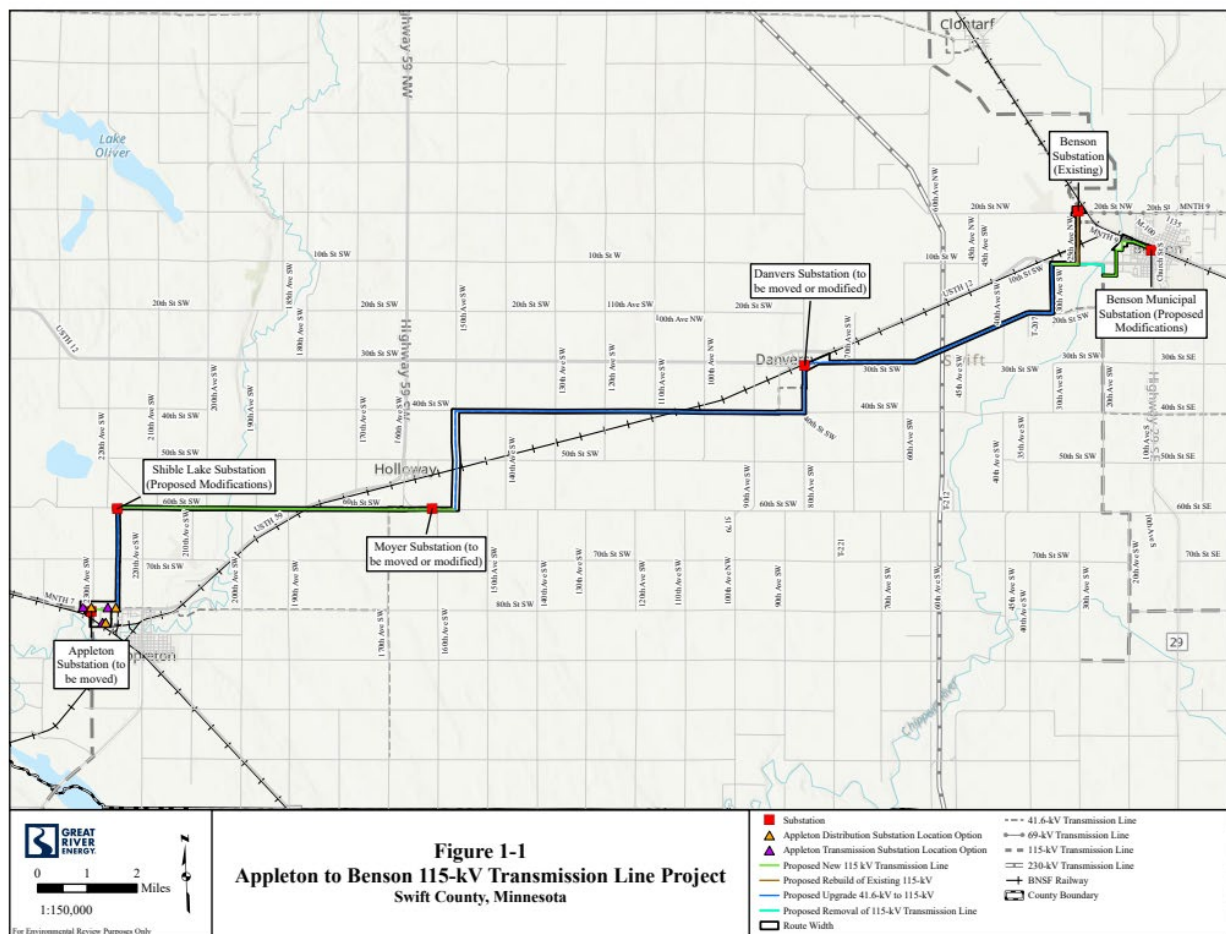
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<sup>1</sup> Appleton to Benson Joint Filing Application – Applicants (12/27/2024) 24 parts: [202412-213349-02](#)

transmission line will generally occur within a 100-foot-wide right-of-way easement that the Applicants will obtain from landowners. The proposed route has a requested 400-foot route width (200 feet on either side) for most of the project.

The Applicants stated that the Project is needed to meet future loads in the Project area and to avoid low voltage issues that may result with the retirement of the 55-megawatt FibroMinn Energy Center near the City of Benson.

### PROPOSED PROJECT AREA



### STATUTES AND RULES

#### Certificate of Need

Under Minn. Stat. § 216b.2421, Subd. 2(2) a certificate of need is required for any high-voltage transmission line with a capacity of 100 kilovolts or more with more than ten miles of its length in Minnesota. The proposed Appleton to Benson transmission line requires a certificate of need because it is 115kV and approximately 29-miles in length.

**Route Permit**

Under Minn. Stat. § 216E.03, subd. 2 the Commission must issue a route permit before a high voltage transmission line may be constructed in Minnesota. The proposed project requires a route permit because it meets the definition of a high-voltage transmission line, as it is a transmission line with a capacity greater than 100kV and a length greater than 1,500 feet.

In deciding whether to issue a permit for a high-voltage transmission line the Commission must consider the factors under Minn. R. 7850.4100

**Alternative Review**

The project qualified for alternative review under Minn. Stat. § 216E.044 and Minn R. 7850.2800-.3900 because it is a high voltage transmission line between 100 and 200kV. Under the alternative permitting process: (1) the applicant is not required to propose alternative routes in its application but must identify other routes it examined and discuss the reasons for rejecting those routes; (2) an environmental assessment (EA) is prepared instead of an environmental impact statement; (3) a public hearing is conducted, but a contested case hearing is not required.

**Environmental Document**

Under Minn. Stat. § 216E.04 *Alternative Review of Applications*, the Commissioner of the Department of Commerce is required to prepare an environmental assessment (EA) on proposed high-voltage transmission lines on behalf of the Commission. The environmental assessment must contain information on the potential human and environmental impacts of a proposed project and of alternative sites or routes considered and must address mitigation measures for identified impacts.

**PROCEDURAL HISTORY**

On December 27, 2024, the Applicants filed a joint application for a certificate of need and route permit for the Appleton to Benson 115kV Transmission Line.

On January 3, 2025, the Commission issued a Notice of Comment Period on Application Completeness.

On February 11, 2025, the Commission issued a *Notice of Public Information and Environmental Assessment Scoping Meetings*.

On March 10, 2025, the Commission issued its Order accepting the Application as complete.

On March 12 and 13, 2025, the Commission held Public Information and Environmental Assessment Scoping Meetings both in-person in the Project area and online. There were no comments received at the meetings.

On March 27, 2025, the MN Department of Transportation (MnDOT) filed comments and recommendations.

On April 8, 2025, the Applicants filed comments on the scope of the EA.

On March 28, 2025, the MN Department of Natural Resources submitted comments, proposed permit conditions, and a Natural Heritage Review for the Project.

On April 15, 2025, DOC EERA submitted comments regarding the scope of the EA.

On April 29, 2025, the Commission issued its Order accepting the Scoping Decision as recommended by DOC EERA.

On May 13, 2025, DOC EERA filed the Scoping Decision and notice of Scoping Decision for the Project.

On July 9, 2025, the Commission filed a Notice of Legislative Changes informing parties, participants, and others interested in the Project that the DOC EERA staff moved from the Department of Commerce to the Commission's Energy Infrastructure Permitting (EIP) Unit.

On July 31, 2025, the Commission filed the Environmental Assessment for the Project.

On August 8, 2025, the Commission filed the Notice of Public Hearings and Availability of Environmental Assessment for both in-person meetings in the Project area and a virtual meeting.

On August 14, 2025, the applicant's filed the direct testimony of Mark Strohfus, Nick Goater, George Vinson, and Brian Zavesky.

On August 27, 2025, the Commission filed an Amended Notice of the Public Hearings and Availability of Environmental Assessment.

On September 3 and 4, 2025, the Commission held an in-person hearing in the Project area and a virtual hearing via WebEx. Four members of the Public asked questions about the Project.

On September 11, 2025, the US Fish and Wildlife Service filed comments.

On September 19, 2025, the MN Department of Natural Resources resubmitted its comments, proposed permit conditions, and a Natural Heritage Review for the Project.

On September 30, 2025, DOC DER filed comments related to the Merits of the Certificate of Need.

On October 8, 2025, the Applicants filed reply comments in response to DOC DER.

On October 10, 2025, the applicants filed a reply to the oral public comments received at the public hearing and the written comments received during the public comment period.

Also on October 10, 2025, the applicants filed proposed findings of fact.

On October 22, 2025, PUC EIP filed a response to hearing comments and to the Applicant's proposed findings of fact.

On December 5, 2025, the ALJ submitted her Report containing Findings of Fact, Conclusions of Law, and Recommendations.

On December 16, 2025, the Applicants submitted their exceptions to the ALJ Report.

On December 17, 2025, PUC EIP filed exceptions to the ALJ Report.

### COMMENTS

The Applicants' began contacting government agencies in October of 2023 for early coordination, and once a preferred route was developed, performed outreach with State, Federal, and Tribal organizations in September of 2024.

On March 2, 2025, the Minnesota Indian Affairs Council (MIAC)<sup>2</sup> noted that there are no known or suspected burial sites that the Project could potentially impact, requested the Applicant's' have an Inadvertent Discovery Plan in place, and stated they have no concerns with the Project as proposed.

### Public Information and Environmental Assessment Scoping Meetings

On March 12, 2025, the Commission held two Public Information and Environmental Scoping meetings, starting in Appleton, Minnesota in the early afternoon and concluding in Benson, Minnesota in the evening. On March 13, 2025, the Commission held the virtual meeting. No public comments were received at any of the meetings.

On March 27, 2025, Minnesota Department of Transportation (MnDOT)<sup>3</sup> submitted a written comment into the record thanking the Applicant for their early coordination and laying out their expectations regarding the acquisition of the appropriate MnDOT permits, should the Commission grant a Route Permit for the Project.

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<sup>2</sup> Minnesota Indian Affairs Council – Comments (2/5/25) - [20252-214980-01](#)

<sup>3</sup> Minnesota Department of Transportation – Comments (3/27/2025) - [20253-216894-01](#)

On March 28, 2025, the Minnesota Department of Natural Resources (MnDNR)<sup>4</sup> submitted comments and included recommendations for relevant topics to be studied in the Environmental Assessment.

The comment period associated with the environmental scoping meeting ended on March 28, 2025.

### **Public Hearings on Availability of Environmental Assessment**

On September 3, 2025, the Commission held two Public Hearings on the availability of the Environmental Assessment, starting in Appleton, Minnesota in the early afternoon and concluding in Benson, Minnesota in the evening. There was one question received at the Appleton hearing regarding the possibility of power outages during construction of the line. During the evening hearing in Benson, two commenters asked about the line location and if it would impact their properties, and one commenter asked if there were any eagles in the Project area. At the virtual hearing held on September 4, 2025, there was one commenter who asked several questions about Right of Way (ROW) in relation to his property.<sup>5</sup>

On September 11, 2025, the U.S. Fish and Wildlife Service<sup>6</sup> submitted comments and recommendations regarding the Endangered Species Act, Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act, and indicated that the Applicant's must coordinate with the Agency during construction in accordance with the above mentioned laws.

On September 19, 2025, the Minnesota Department of Natural Resources<sup>7</sup> submitted their Natural Heritage Review with comments and recommendations. In their review they recommended several permit conditions, including: Rare Resources (Natural Heritage); Avian Flight Diverters; Trails (Grants-in-Aid Trails, State Water Trail); Vegetation Management (floodplain, tree clearing timing, vegetation management plan); Facility Lighting; Dust Control; Wildlife-Friendly Erosion Control; DNR Permitting (water appropriation, public waters and state lands).

The public comment period for the project hearings ended on September 19, 2025. No written comments were received from members of the public.

On September 30, 2025, the Interagency Vegetation Management Planning Working Group<sup>8</sup> submitted comments and recommendations on the Draft Vegetation Management Plan that

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<sup>4</sup> Minnesota Department of Natural Resources – Comments (3/28/2025) - [20253-216974-01](#); [20253-216974-02](#)

<sup>5</sup> Appleton to Benson Public Hearing Transcripts 9/3/25 (9/9/2025) – Available Upon Request

<sup>6</sup> US Fish and Wildlife Service – Comments (9/11/2025) - [20259-222913-01](#)

<sup>7</sup> Minnesota Department of Natural Resources – Comments (9/19/2025) - [20259-223187-01](#); [20259-223187-02](#)

<sup>8</sup> Minnesota Interagency Vegetation Management Planning Working Group – Hearing Comments (9/30/25) - [20259-223416-01](#)



was submitted by the Applicants.

Also on September 30, 2025, the Department of Commerce – Division of Energy Resources (DER)<sup>9</sup> submitted comments on the Merits of the Certificate of Need and provided the recommendations that the Applicant’s successfully demonstrated need for the project and that a more prudent alternative was not identified.

### **ALJ REPORT**

The Commission requested that an ALJ preside over the public hearings and prepare a Report with findings of fact, conclusions of law, and recommendations on the merits of the proposed Project and permit conditions, as necessary. On December 5, 2025, Administrative Law Judge Todnem issued her Report<sup>10</sup>.

The ALJ Report contained 358 findings and 15 conclusions of law and provided a thorough review of the record. The ALJ concluded that all procedural requirements for processing the route permit and certificate of need applications were satisfied. The Report provided recommendations regarding the adequacy of the EA and the justification for granting a route permit, including the designation of a specific route and additional permit conditions. Rather than repeat the ALJ’s full analysis in these briefing papers, staff has summarized their recommendations and refers the Commission to the ALJ Report for the complete analysis.

### **Notice Requirements**

Regarding project notice, the ALJ concluded that: “Applicants provided notice to the public and to local governments in satisfaction of Minnesota statutory and rule requirements. Minnesota statutes and rules also require the EERA and the Commission to provide certain notice to the public throughout the route permit process. The EERA and the Commission provided the notice in satisfaction of Minnesota statutes and rules.”

### **Adequacy of Environmental Assessment**

The ALJ concluded that: “The evidence in the record demonstrates that the EA is adequate because the EA and the record created at the public hearing and during the subsequent comment period address the issues raised in the Scoping Decision.”

### **Route Recommendation**

The ALJ Report discussed the routes evaluated for the project and how the Applicants selected their preferred route. Initially, the Applicants considered five potential routing options which all focused on routing along existing transmission lines and road ROWs with adequate space to route the proposed line. No additional routes were requested for study during the scoping period. Through a multi-stage, interactive process, the Applicants narrowed their preferred

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<sup>9</sup> Department of Commerce – Division of Energy Resources – Comments (9/30/25) - [20259-223398-01](#)

<sup>10</sup> ALJ Report (12/5/25) - [202512-225564-01](#)

route down to their Proposed Route.

The Proposed Route would include two route segments. The first segment will follow an ~27-mile route starting in the City of Appleton and extend northeast to the City of Benson. This segment will upgrade 18.3 miles of existing 41.6 kV transmission line, rebuild/reconductor ~1-miles of existing 115 kV transmission line, and construct 7.8 miles of new 115 kV transmission line. The second segment will be a new 1.7-mile 115 kV transmission line that will extend to the Benson Municipal Substation and will bound both sides of the BNSF Railroad right-of-way. The Proposed Route incorporates Minnesota DNR guidance that the Proposed Route follow the existing 41.6 kV transmission line, particularly between the Cities of Danvers and Benson to avoid the Danvers Wildlife Management Area.

The ALJ concluded that: “The Proposed Route best balances the Commission’s routing criteria by using existing transmission line corridors for 67 percent of the route and co-locating with road and railroad ROWs for 68 percent of the route, while minimizing environmental impacts where possible. The Proposed Route will also result in fewer National Wetlands Inventory (NWI) wetland impacts and avoid impacts to MDNR-managed public lands.”

### Permit Conditions

In recommending permit conditions, the ALJ Report referenced the Draft Route Permit included as Attachment C of the Environmental Assessment<sup>11</sup>, as well as the Applicant’s Comments on the EA<sup>12</sup> discussing their preferred modifications to the route permit conditions in the Draft Route Permit.

On July 31, 2025, the PUC EIP environmental review manager filed the Environmental Assessment into the docket along with Appendix C – Draft Route Permit. PUC EIP’s recommendations for the Draft Route Permit incorporated suggestions from State Agencies as well as conditions which PUC EIP deemed appropriate for this Project. The Special Conditions recommended by PUC EIP in their Draft Permit include:

- 6.1 (Impacts to Irrigators)
- 6.2 (Blanding’s Turtles)
- 6.3 (Facility Lighting)
- 6.4 (Dust Control)
- 6.5 (Wildlife Friendly Erosion Control)
- 6.6 (MnDOT Consultation and Coordination)
- 6.7 (Well Protection)
- 6.8 (Bat Protections)
- 6.9 (Vegetation Management Plan).

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<sup>11</sup> PUC-EIP – Environmental Assessment Appendix C, Draft Route Permit (7/31/2025) - [20257-221599-04](#)

<sup>12</sup> Applicants – Comments on the EA (9/12/25) - [20259-222942-01](#)

On September 12, 2025, the Applicants submitted their EA Comments where they commented on the Draft Route Permit special conditions and also requested certain revisions to the draft permit. The Applicants did not object to Proposed Special Conditions including 6.3 (Facility Lighting), 6.4 (Dust Control), 6.5 (Wildlife-Friendly Erosion Control), and 6.9 (Vegetation Management Plan), but did have additional comments on Proposed Special Conditions including 6.1 (Impacts to Irrigators), 6.2 (Blanding's Turtles), 6.6 (MnDOT Consultation and Coordination), 6.7 (Wellhead protection), and 6.8 (Bat Protection). The Applicant's also requested to make several revisions to the Draft Route Permit, including the descriptions of Structures and Conductors, a minor revision to Section 5.3.9 Wetlands and Water Resources, adding a section called "Vegetation Clearing," and a new section titled "Substation Construction."

The ALJ Report largely incorporated the revisions and changes requested by the Applicants in their September 12, 2025, Comments on the EA. The ALJ Report recommends the following be included in a final permit:

- Section 2.1 (Structures)
- Section 2.2 (Conductors)
- Section 5.3.9 (Wetlands and Water Resources)
- New Condition (Substation Construction)
- Special Condition 6.1 (Impacts to Irrigators)
- Special Condition 6.2 (Blandings Turtle)
- Special Condition 6.3 (Facility Lighting)
- Special Condition 6.4 (Dust Control)
- Special Condition 6.5 (Wildlife-friendly Erosion Control)
- Special Condition 6.6 (MnDOT Consultation and Coordination)
- Special Condition 6.7 (Wellhead Protection)
- Special Condition 6.8 (Bat Protections)
- Special Condition 6.9 (Vegetation Management Plan)
- Special Condition 6.10 (Vegetation Clearing)
- Finding 352 – DER Cost Recovery Recommendation

Recommended language for each condition from the ALJ Report can be found in the attached comparison table – this table also compares the Applicant's requested exceptions to the ALJ Report.

## **EXCEPTIONS TO THE ALJ REPORT**

### **PUC – Energy Infrastructure Permitting, Environmental Review**

The PUC-EIP analyst did not have any exceptions<sup>13</sup> to the Report and stated that the Report accurately reflects the record for the Project.

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<sup>13</sup> PUC-EIP – Exceptions (12/17/2025) - [202512-225969-01](#)

### Applicant Exceptions

The Applicants' exceptions<sup>14</sup> stated that the ALJ Report was a comprehensive, thoughtful, and detailed review of the record. The Applicant's further discussed that they appreciated that the Report integrated their requests from their September 12, 2025, Comments on EA filing for Special Conditions 6.1, 6.2, 6.6, 6.7, 6.8, and 6.10, which PUC EIP supported. However, the Applicants did take exception to other changes made in the Report that they assert were not requested or agreed upon by other parties. Specifically, the Applicants exceptions to the ALJ Report included Special Conditions 6.1 and 6.2, as well as Standard Condition 5.3.9.

### Standard Condition 5.3.9

Draft Permit (7/31/2025)	ALJ Report (12/5/2025)	Applicant Exceptions (12/26/2025)
<p>Permit Condition 5.3.9 (Wetlands and Water Resources)</p> <p>The Permittee shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittee shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittee shall assemble power pole structures on upland areas before they are brought to the site for installation.</p>	<p>Permit Condition 5.3.9 (Wetlands and Water Resources)</p> <p>The Permittees shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittees shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittees shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittees shall assemble power pole structures on upland areas before they are brought to the site for installation, <i>as practicable</i>.</p>	<p>Permit Condition 5.3.9 (Wetlands and Water Resources)</p> <p>The Permittees shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittees shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittees shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittees shall assemble power pole structures on upland areas before they are brought to the site for installation, <i>unless, after consultation with MDNR, it is shown that assembling certain structures</i></p>

<sup>14</sup> Applicant Exceptions (12/16/2025) - [202512-225910-01](#)

		on site is less impactful than assembly on upland areas.
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The Applicant's stated that they prefer their proposed language in Standard Permit Condition 5.3.9 because it allows for more flexibility in assembling structures on site which potentially correlates with fewer impacts. Applicants stated that assembling structures upland could require heavier equipment and more workspace which could potentially have greater impacts on the land. PUC EIP did not object to the Applicants proposed language.

### Special Condition 6.1

Draft Permit (7/31/2025)	ALJ Report (12/5/2025)	Applicant Exceptions (12/26/2025)
<p>Special Condition 6.1 (Impacts to Irrigators)</p> <p>The Permittees shall coordinate with landowners that maintain irrigation equipment within the proposed route to ensure that irrigation operations are not impacted by Project construction or operation. Landowners should be consulted during the Project's design phase to ensure that pole placement and clearances will not negatively impact irrigation operations.</p>	<p>Special Condition 6.1 (Impacts to Irrigators)</p> <p>The Permittees shall coordinate with landowners that maintain irrigation equipment within the proposed route to ensure that irrigation operations are not impacted by Project construction or operation. Landowners should be consulted during the Project's design phase to ensure that pole placement and clearances will not negatively impact irrigation operations. <u>To the extent irrigation equipment avoidance is not feasible, Permittees shall coordinate with landowners to minimize or mitigate impact.</u></p>	<p>Special Condition 6.1 (Impacts to Irrigators)</p> <p>The Permittees shall coordinate with landowners that maintain irrigation equipment within the proposed route to ensure that <b>impacts to</b> irrigation operations are <b>avoided, minimized, and/or mitigated.</b> <b>This coordination shall include consultation with landowners regarding pole placement.</b> <del>Landowners should be consulted during the Project's design phase to ensure that pole placement and clearances will not negatively impact irrigation operations</del></p>

The Applicants stated that they believe their preferred language provides more flexibility in working with landowners and minimizing impacts to irrigators. While their intention is to completely avoid any impacts to irrigator operations, the Applicant's asserted that their language provides for the ability to compensate landowners if it is not possible to fully mitigate or avoid impacts.

### Special Condition 6.2

Draft Permit	ALJ Report	Applicant Exceptions
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(7/31/2025)	(12/5/2025)	(12/26/2025)
<p>Special Condition 6.2 (Blanding's Turtle)</p> <p>The Permittees must work with DNR to develop a Blanding's Turtle avoidance plan for those portions of the project DNR determines applicable for the project. The avoidance plan must include measures to be taken to minimize disturbance to the species and seasonal maps of disturbance areas overlayed with the timing of project impact.</p>	<p>Special Condition 6.2 (Blanding's Turtle)</p> <p>The Permittees must work with DNR to develop a Blanding's Turtle avoidance <u>and mitigation</u> plan <u>consistent with applicable DNR requirements related to the Blanding's turtle</u> for those portions of the project DNR determines applicable for the project. The avoidance <u>and mitigation</u> plan must include measures to be taken to minimize disturbance to the species and seasonal maps of disturbance areas overlayed with the timing of project impacts. <u>Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff</u></p>	<p>Special Condition 6.2 (Blanding's Turtle)</p> <p><i>Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff</i></p>

The Applicants stated that Special Condition 6.2 as modified by the ALJ Report is too broad and is not consistent with MnDNR requirements and recommendations. The Applicants reference their January 14, 2024, MCE Correspondence with the MnDNR which did not require an avoidance or mitigation plan but rather requires avoidance measures. The Applicants asserted that their proposed language more closely mirrors MnDNR guidance and comments on the Project.

### STAFF ANALYSIS

Based on the information in the Application, the analysis provided in the Environmental Assessment, the ALJ Report, and other evidence in the record, staff recommends that the Commission (i) find the Environmental Assessment and the record created at the public hearing

address the issues identified in the scoping decision; (ii) adopt the ALJ Report; and (iii) issue the attached Route Permit for the Appleton to Benson 115-kV Transmission Line Project.

Staff believes the ALJ's Report established that:

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

Public and Agency comments, both oral and written, helped to identify issues and concerns that informed the ALJ's recommendations. Staff concurs that the route identified and recommended by the ALJ is the best option for the Appleton to Benson 115 kV transmission line.

Concerning Route Permit Conditions, Staff does not take a position on the proposed modifications to Standard Permit Condition 5.3.9 and Special Conditions 6.1 (Impacts to Irrigators) and 6.2 (Blanding's Turtle) and recommend that further discussion of these conditions is warranted at the final decision meeting. Staff is also recommending the inclusion of a new special condition, 6.11 Tree Replacement Plan, which can be referenced in the attached permit condition comparison table and proposed permit.

Staff provides the Route Permit comparison Table and Proposed Route Permit as Attachments to these briefing papers.

## DECISION OPTIONS

### ALJ Report

1. Adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation to the extent they are consistent with the Commission's decision. (Staff, applicant)

### Environmental Assessment

2. Determine that the Environmental Assessment and the record created at the public hearings address the issues identified in the Scoping Decision. (CAH, Staff, applicant)

[Or, if the Commission does not select Option 2, it must identify the reasons and request that the Environmental Assessment be revised or supplemented.]

3. Determine that the Environmental Assessment and the record created at the public hearings do not address the issues identified in the Scoping Decision for the following reasons:

[identify the reasons] **and**

4. Request that PUC EIP (formerly EERA) prepare a supplement to the Environmental Assessment that addresses the identified deficiencies.

### Route Permit

5. Issue a Route Permit for the Appleton to Benson 115 kV Transmission Line Project with the conditions recommended in the ALJ Report. (CAH)

*Or*

6. Issue a Route Permit for the Appleton to Benson 115 kV Transmission Line Project with the conditions recommended in the ALJ Report, including staff recommended Tree Replacement Plan. (Staff)

*Or*

7. Issue a Route Permit for the Appleton to Benson 115 kV Transmission Line Project with the conditions recommended in the ALJ Report, with modifications to the following conditions as proposed by the Applicants in their Exceptions to the ALJ Report: (Staff, Applicants)



- A. Permit Condition 5.3.9 Wetlands and Water Resources
- B. Special Condition 6.1 Impacts to Irrigators
- C. Special Condition 6.2 Blanding's Turtle

*or*

- 8. Do not issue a route permit.

#### **Certificate of Need**

- 9. Grant a Certificate of Need for the Appleton to Benson 115 kV Transmission Line Project (EIP Environmental Review, DOC DER, CAH, Applicants)
  - A. Limit Otter Tail Power's cost recovery for the Project to Otter Tail Power's share of the Project's \$62 million overall cost estimate. Require Otter Tail Power to make a filing identifying this cost cap amount within 90 days of the order. (Staff interpretation of ALJ Report finding 352; OTP not opposed)

*Or*

- 10. Do not issue a Certificate of Need for the Project

#### **Administrative**

- 11. Delegate authority to the Executive Secretary to modify the Route Permit to correct any typographic and formatting errors, to reflect recent changes in energy infrastructure permitting legislation as applicable, and to ensure consistency with the Commission's decision.



## Permit Conditions Comparison Table

Conditions contested in Applicant Exceptions are **highlighted in this color**

Draft Permit (7/31/2025)	ALJ Report (12/5/2025)	Applicant Exceptions (12/26/2025)
<b>Section 2.1 (Structures)</b>  The upgraded, newly built, and rebuilt transmission line will include new structures and wires. The majority of the new 115 kV transmission line would consist of single circuit, horizontal post, or braced post monopole wood structures. The structures will be direct-embedded when feasible, and concrete piers will be used to embed the poles when direct-embedding is not feasible.	<b>Section 2.1 (Structures)</b>  The upgraded, newly built, and rebuilt transmission line will include new structures and wires. The majority of the new 115 kV transmission line would consist of single circuit, horizontal post, or braced post monopole wood structures. <u>A short segment in the City of Benson and south of Great River Energy's Benson substation will be double circuited.</u> The structures will be direct-embedded when feasible, and concrete piers will be used to <u>provide the necessary support for</u> <del>embed</del> the poles when direct-embedding is not feasible.	The Applicants had no exceptions to this section of the Draft Permit.
<b>Section 2.2 (Conductors)</b>  The single circuit structures will have three single conductor phase wires and one shield wire. The phase wires proposed will be twisted pair conductor with 266 Aluminum Conductor Steel Reinforced (ACSR) or 366 ACSR wire sizes or a conductor with similar capacity. The shield wire will be 0.528 optical ground wire.	<b>Section 2.2 (Conductors)</b>  The single circuit structures will have three single conductor phase wires and one shield wire. <u>The double circuit structures will have six single conductor phase wire and one or two shield wires. Additional wires may also be attached if mitigation is required by BNSF along this double-circuited section.</u> The phase wires proposed will be twisted pair conductor	The Applicants had no exceptions to this section of the Draft Permit.

	with 266 Aluminum Conductor Steel Reinforced (ACSR) or 366 ACSR wire sizes or a conductor with similar capacity. The shield wire will be 0.528 optical ground wire.	
<b>Permit Condition 5.3.9 (Wetlands and Water Resources)</b>  The Permittee shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittee shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittee shall assemble power pole structures on upland areas before they are brought to the site for installation.	<b>Permit Condition 5.3.9 (Wetlands and Water Resources)</b>  The Permittees shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittees shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittees shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittees shall assemble power pole structures on upland areas before they are brought to the site for installation <u>unless, after consultation with MDNR, it is shown that assembling certain structures on site is less impactful than assembly on upland areas.</u>	<b>Permit Condition 5.3.9 (Wetlands and Water Resources)</b>  The Permittees shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittees shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittees shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittees shall assemble power pole structures on upland areas before they are brought to the site for installation, <u>as practicable</u>
<b>Special Condition 6.1 (Impacts to Irrigators)</b>  The Permittees shall coordinate with landowners that maintain irrigation	<b>Special Condition 6.1 (Impacts to Irrigators)</b>  The Permittees shall coordinate with landowners that maintain irrigation	<b>Special Condition 6.1 (Impacts to Irrigators)</b>

<p>equipment within the proposed route to ensure that irrigation operations are not impacted by Project construction or operation. Landowners should be consulted during the Project's design phase to ensure that pole placement and clearances will not negatively impact irrigation operations.</p>	<p>equipment within the proposed route to ensure that irrigation operations are not impacted by Project construction or operation. Landowners should be consulted during the Project's design phase to ensure that pole placement and clearances will not negatively impact irrigation operations. <u>To the extent irrigation equipment avoidance is not feasible, Permittees shall coordinate with landowners to minimize or mitigate impact.</u></p>	<p>The Permittees shall coordinate with landowners that maintain irrigation equipment within the proposed route to ensure that <b>impacts to</b> irrigation operations are <b>avoided, minimized, and/or mitigated</b>. <b>This coordination shall include consultation with landowners regarding pole placement.</b> <del>Landowners should be consulted during the Project's design phase to ensure that pole placement and clearances will not negatively impact irrigation operations</del></p>
<p><b>Special Condition 6.2 (Blanding's Turtle)</b></p> <p>The Permittees must work with DNR to develop a Blanding's Turtle avoidance plan for those portions of the project DNR determines applicable for the project. The avoidance plan must include measures to be taken to minimize disturbance to the species and seasonal maps of disturbance areas overlayed with the timing of project impact.</p>	<p><b>Special Condition 6.2 (Blanding's Turtle)</b></p> <p>The Permittees must work with DNR to develop a Blanding's Turtle avoidance <u>and mitigation</u> plan <u>consistent with applicable DNR requirements related to the Blanding's turtle</u> for those portions of the project DNR determines applicable for the project. The avoidance <u>and mitigation</u> plan must include measures to be taken to minimize disturbance to the species and seasonal maps of disturbance areas overlayed with the timing of project impacts. <u>Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff</u></p>	<p><b>Special Condition 6.2 (Blanding's Turtle)</b></p> <p><u>Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide</u></p>

		them upon the request of Commission staff.
<p><b>Special Condition 6.3 (Facility Lighting)</b></p> <p>For all new lighting installations at Project substations and facilities associated with substations, the Permittees shall utilize downlit and shielded lighting to reduce harm to birds, insects, and other animals. Lighting utilized shall minimize blue hue. The Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff.</p>	<p>The ALJ Report recommended no changes from the Draft Permit.</p>	<p>The Applicants had no exceptions to this condition in the Draft Permit.</p>
<p><b>Special Condition 6.4 (Dust Control)</b></p> <p>The Permittees are prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation of the Project. The Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff.</p>	<p>The ALJ Report recommended no changes from the Draft Permit</p>	<p>The Applicants had no exceptions to this condition in the Draft Permit.</p>
<p><b>Special Condition 6.5 (Wildlife-friendly Erosion Control)</b></p> <p>The Permittees shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.</p>	<p>The ALJ Report recommended no changes from the Draft Permit</p>	<p>The Applicants had no exceptions to this condition in the Draft Permit.</p>

<p><b>Special Condition 6.6 (MnDOT Consultation and Coordination)</b></p> <p>The Permittees shall coordinate with the Minnesota Department of Transportation, including a pole-by-pole analysis once an initial project design has been prepared, prior to construction. In particular, consultation with MnDOT regarding the intersection of US Highway 59, 60th St. SW, and Burlington Northern Railroad, must occur during the design phase to ensure compliance with MnDOT regulations.</p>	<p><b>Special Condition 6.6 (MnDOT Consultation and Coordination)</b></p> <p>The Permittees shall coordinate with the Minnesota Department of Transportation <a href="#"><u>regarding pole placement, where applicable, and will comply with applicable MnDOT regulations.</u></a> <del>including a pole-by-pole analysis once an initial project design has been prepared, prior to construction.</del> In particular, consultation with <a href="#"><u>Particularly, the Permittees will consult with</u></a> MnDOT regarding the intersection of US Highway 59, 60th St. SW, and Burlington Northern Railroad, <del>must occur</del> during the design phase to ensure compliance with MnDOT regulations.</p>	<p>The Applicants had no exceptions to this condition in the Draft Permit.</p>
<p><b>Special Condition 6.7 (Wellhead Protection)</b></p> <p>The Permittees shall stage all equipment over 200 feet from known well locations. If a spill occurs, Emergency Response Plans for the cities of Appleton and Benson will be followed. A contact list of well owners will be prepared and provided to the Minnesota Department of Health prior to construction. Finally, the transmission lines will be located a sufficient distance from existing wells to</p>	<p><b>Special Condition 6.7 (Wellhead Protection)</b></p> <p><a href="#"><u>Permittee shall request well information from landowners and coordinate with landowners regarding well access. Permittees shall also obtain copies of the applicable emergency response plans for the cities of Appleton and Benson prior to construction and comply with any applicable requirements. Records of compliance shall be retained by the</u></a></p>	<p>The Applicants had no exceptions to this condition in the Draft Permit.</p>

allow safe and legal access for maintenance, service, or sealing with a drill rig, or provide accommodation to well owners. This accommodation could include relocation of the well to provide similar chemistry and supply to the owner, and properly abandoning the impacted well.	<a href="#">Permittee and be provided to the Commission staff upon request.</a>	
<b>Special Condition 6.8 (Bat Protections)</b>  The applicants will avoid tree removal from June 1 through August 15 to avoid impacts to roosting northern long-eared bats.	<b>Special Condition 6.8 (Bat Protections)</b>  <a href="#">The Permittee will coordinate with the U.S. Fish and Wildlife Service regarding the timing of tree clearing and any other conservation measures to mitigate impacts to Northern Long-Eared Bat. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.</a>	The Applicants had no exceptions to this condition in the Draft Permit.
<b>Special Condition 6.9 (Vegetation Management Plan)</b>  The Permittees shall develop a vegetation management plan (VMP), in coordination with the in coordination with the Vegetation Management Plan Working Group (VMPWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the	The ALJ Report recommended no changes from the Draft Permit	The Applicants had no exceptions to this condition in the Draft Permit.



DNR with the Commission as part of the plan and profile required in Section 9.2 of the Permit.		
Not Included in Draft Permit	<p><b>Special Condition 6.10 (Vegetation Clearing)</b></p> <p><u>If Permittees will clear vegetation for any portion of the Transmission Facility prior to completion of the design necessary to provide a plan and profile contemplated under Section 9.2, Permittees shall file with the Commission at least 14 days prior to such vegetation clearing activities:</u></p> <ul style="list-style-type: none"> <li><u>A) If applicable, any vegetation management plan that is applicable to any portion of the Transmission Facility being proposed for vegetation clearing;</u></li> <li><u>B) A map showing the area proposed for vegetation removal and its location within the Designated Route and compared to the right-of-way identified in this route permit</u></li> <li><u>C) A statement of confirmation that Permittees have obtained, or will obtain before commencing, necessary land rights and agency permits for the proposed</u></li> </ul>	The Applicants had no exceptions to this condition in the Draft Permit.

	<p><u>vegetation removal. The required permits must be provided to the Commission prior to vegetation clearing.</u></p> <p><u>D) Permittees' plan for notifying landowners in the identified area(s) and for providing contact information for Permittees' field representative; and</u></p> <p><u>E) If Permittees have made any modifications to the right-of-way or alignment within the Designated Route from that identified in this route permit, Permittees shall demonstrate that the right-of-way to be cleared of vegetation will be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit.</u></p>	
Not included in Draft Permit	Not included in ALJ Report	<p>Staff recommended 6.11 Tree Replacement Plan:</p> <p>The Permittee in coordination with the DNR and Swift County shall develop a plan to replace any trees that are removed for construction of the project by planting new trees in Swift County near the project area, and file the plan</p>

		with the Commission at least 14 days before the pre-construction meeting. All prudent and reasonable costs associated with any tree replanting requirement shall be recoverable under the Renewable Resources Rider
Section 9.2	<u>Notwithstanding any other requirements in this Permit, Permittee may commence construction of the substations identified in Section 2.3 of this Permit, provided that Permittee complies, as applicable, with Sections 9.1 and 9.2 of this Permit with respect to the specific scope of the construction activities sought to be conducted by Permittee</u>	Applicants support inclusion of this condition
Not Included in Draft Permit	<p>Finding 352 reads:</p> <p>“In comments, DER recommends a condition that the Commission place a cap on Otter Tail Power’s cost recovery at Otter Tail Power’s share of the Project’s \$62 million overall cost estimate. Otter Tail Power does not oppose reporting its share of the overall cost of the Project and requests the opportunity to do so after a Route Permit is issued. Specifically, Otter Tail Power requests that the Commission require Otter Tail Power to file a final cost cap number or cap amount for Otter Tail Power’s share of the cost of the Project within 90 days of</p>	<p>Staff proposed language:</p> <p>“The Commission shall place a cap on Otter Tail Powers cost recovery at Otter Tail Power’s share of the Project’s \$62 million overall cost estimate. The Commission shall require Otter Tail Power to final a final cost cap number or cap amount for Otter Tail Power’s share of the cost of the Project within 90 days of the Commission’s Order issuing a Route Permit.” – Staff proposed language based on Finding 352</p>

	<p>the Commission's order issuing a Route Permit.</p> <p>In order for the Commission to hold utilities subject to its jurisdiction accountable for their transmission CN cost estimates, the Commission should cap Otter Tail Power's cost recovery at Otter Tail Power's share of the Project's \$62 million overall cost estimate.</p> <p>Because there are additional recovery options for cost overruns of the Project, this condition is supported by the record and consistent with Minn. Stat. ch. 216B."</p> <p>– ALJ Report Finding 352</p>	
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**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**ROUTE PERMIT FOR  
Appleton to Benson 115-kV HVTL Project**

**A HIGH-VOLTAGE TRANSMISSION LINE AND ASSOCIATED FACILITIES**

**IN  
SWIFT COUNTY**

**ISSUED TO  
Great River Energy, Otter Tail Power, Western Minnesota, Agralite, and the City of Benson**

**PUC DOCKET NO. IP-7115/TL-24-264**

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

**Great River Energy, Otter Tail Power, Western Minnesota, Agralite, and the City of Benson**

Great River Energy, Otter Tail Power, Western Minnesota (through its agent MRES), Agralite, and the City of Benson are authorized by this route permit to construct and operate the 115 kilovolt high voltage transmission line.

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

Approved and adopted this \_\_\_\_ day of [Month, Year]

BY ORDER OF THE COMMISSION

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Mike Bull,  
Acting Executive Secretary

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## **ATTACHMENTS**

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Route Permit Maps



## **1 ROUTE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Great River Energy, Otter Tail Power, Western Minnesota, Agralite, and the City of Benson (the Permittees) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This route permit authorizes the Permittees to construct and operate a 115 kilovolt high voltage transmission line (Appleton to Benson 115-kV HVTL Project, henceforth known as Transmission Facility). The high-voltage transmission line shall be constructed within the route identified in this route permit and in compliance with the conditions specified in this route permit.

### **1.1 Pre-emption**

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

## **2 TRANSMISSION FACILITY DESCRIPTION**

The Applicants propose to upgrade approximately 18.3 miles of existing 41.6-kV transmission lines, rebuild or reconduct approximately 1.0 mile of an existing 115-kV transmission line, and construct 8.0 miles of new 115-kV transmission line in Swift County, MN, as provided in Table 1.3-1, Location of the Project. The transmission lines that are upgraded, rebuilt, reconducted, and/or constructed new will connect the following substations: Appleton, Shible Lake, Moyer, Danvers, and Benson (Figure 1 in Appendix A).

Additionally, an approximately 1.7-mile 115-kV transmission line will be installed from Great River Energy's existing AG-BK 115-kV line southwest of the City of Benson to the Benson Municipal Substation. As part of this construction, 0.7 mile of the existing AG-BK 115-kV line will be removed, including the Chippewa River crossing.

The Applicants will construct the new Appleton transmission and distribution substations and will either relocate or expand the Moyer and Danvers Substations. Improvements will also be made at the Shible Lake and Benson Municipal Substations to accommodate the new 115-kV transmission line. The Project will be located within the Cities of Appleton, Holloway, Danvers and Benson, and Townships of Appleton, Shible, Edison, Moyer, Marysland, Six Mile Grove, Clontarf, and Torning in Swift County, Minnesota.

The Transmission Facility is located in the following:

Township	Section	Ranges
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120N	42W	2, 3, 4, 5, 6
120N	43W	1, 2, 3, 9, 10, 15, 16
121N	39W	6, 7
121N	40W	1, 2, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 30
121N	41W	19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30
121N	42W	23, 24, 25, 26, 31, 32, 33, 34, 35, 36
121N	43W	35, 36
122N	40W	36

## **2.1 Structures**

The upgraded, newly built, and rebuilt transmission line will include new structures and wires. The majority of the new 115 kV transmission line would consist of single circuit, horizontal post, or braced post monopole wood structures. [A short segment in the City of Benson and south of Great River Energy's Benson substation will be double circuited.](#) The structures will be direct-embedded when feasible, and concrete piers will be used to [provide the necessary support for](#) ~~embed~~ the poles when direct-embedding is not feasible.

## **2.2 Conductors**

The single circuit structures will have three single conductor phase wires and one shield wire. [The double circuit structures will have six single conductor phase wire and one or two shield wires. Additional wires may also be attached if mitigation is required by BNSF along this double-circuited section.](#) The phase wires proposed will be twisted pair conductor with 266 Aluminum Conductor Steel Reinforced (ACSR) or 366 ACSR wire sizes or a conductor with similar capacity. The shield wire will be 0.528 optical ground wire.

## **2.3 Substations and Associated Facilities**

The Project will include the construction of two new Appleton substations. Two other existing substations (Moyer and Danvers) may also be relocated if there is insufficient space for expansion in their current locations. The final location of these substations will depend on the Project's route and further coordination with applicable stakeholders. To accommodate this further coordination and design, the Applicants have identified substation siting areas as part of the Project's route width.

## **3 DESIGNATED ROUTE**

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

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

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

#### **4 RIGHT-OF-WAY**

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

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

Any right-of-way or alignment modifications within the Designated Route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.1 of this route permit.

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

#### **5 GENERAL CONDITIONS**

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

### **5.1 Route Permit Distribution**

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

### **5.2 Access to Property**

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

### **5.3 Construction and Operation Practices**

The Permittees shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Transmission Facility unless this route permit establishes a different requirement in which case this route permit shall prevail.

#### **5.3.1 Field Representative**

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

The Permittees shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittees shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittees may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittees shall file with the Commission

an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

### **5.3.2 Employee Training - Route Permit Terms and Conditions**

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

### **5.3.3 Independent Third-Party Monitoring**

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

### **5.3.4 Public Services, Public Utilities, and Existing Easements**

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

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

### **5.3.5 Temporary Workspace**

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

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

#### **5.3.6 Noise**

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

#### **5.3.7 Aesthetics**

The Permittees shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. The Permittees shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Transmission Facility during construction and maintenance. The Permittees shall work with landowners to locate the high-voltage transmission line to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads. The Permittees shall place structures at a distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highways, or trail crossings.

#### **5.3.8 Soil Erosion and Sediment Control**

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

The Permittees shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper

drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the Transmission Facility shall be returned to pre-construction conditions.

### **5.3.9 Wetlands and Water Resources**

The Permittees shall develop wetland impact avoidance measures and implement them during construction of the Transmission Facility. Measures shall include spacing and placing the power poles at variable distances to span and avoid wetlands, watercourses, and floodplains.

Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, the Permittees shall construct in wetland areas during frozen ground conditions where practicable and according to permit requirements by the applicable permitting authority. When construction during winter is not possible, the Permittees shall use wooden or composite mats to protect wetland vegetation.

The Permittees shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittees shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittees shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittees shall assemble power pole structures on upland areas before they are brought to the site for installation unless, after consultation with MDNR, it is shown that assembling certain structures on site is less impactful than assembly on upland areas.

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

### **5.3.10 Vegetation Management**

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

The Permittees shall remove tall growing species located within the transmission line right-of-way that endanger the safe and reliable operation of the transmission line. The Permittees shall leave undisturbed, to the extent possible, existing low growing species in the right-of-way or replant such species in the right-of-way to blend the difference between the right-of-way and

adjacent areas, to the extent that the low growing vegetation that will not pose a threat to the transmission line or impede construction.

#### **5.3.11 Application of Pesticides**

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

#### **5.3.12 Invasive Species**

The Permittees shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Transmission Facility construction activities. The Permittees shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittees shall comply with the most recently filed Invasive Species Prevention Plan.

#### **5.3.13 Noxious Weeds**

The Permittees shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittees shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittees shall use native seed mixes. The Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.14 Roads**

The Permittees shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Transmission Facility. Where practical, existing roadways shall be used for all activities associated with construction of the Transmission Facility. Oversize or overweight loads



associated with the Transmission Facility shall not be hauled across public roads without required permits and approvals.

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

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

#### **5.3.15 Archaeological and Historic Resources**

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

Prior to construction, the Permittees shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittees shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittees shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.16 Avian Protection**

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

### **5.3.17 Drainage Tiles**

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

### **5.3.18 Restoration**

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

### **5.3.19 Cleanup**

The Permittees shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittees shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

### **5.3.20 Pollution and Hazardous Wastes**

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

### **5.3.21 Damages**

The Permittees 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 Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff.

## **5.4 Electrical Performance Standards**

### **5.4.1 Grounding**

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

#### **5.4.2 Electric Field**

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

#### **5.4.3 Interference with Communication Devices**

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

### **5.5 Other Requirements**

#### **5.5.1 Safety Codes and Design Requirements**

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

#### **5.5.2 Other Permits and Regulations**

The Permittees shall comply with all applicable state statutes and rules. The Permittees shall obtain all required permits for the Transmission Facility and comply with the conditions of

those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

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

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

## **6 SPECIAL CONDITIONS**

### **6.1 Impacts to Irrigators**

The Permittees shall coordinate with landowners that maintain irrigation equipment within the proposed route to ensure that irrigation operations are not impacted by Project construction or operation. Landowners should be consulted during the Project's design phase to ensure that pole placement and clearances will not negatively impact irrigation operations. To the extent irrigation equipment avoidance is not feasible, Permittees shall coordinate with landowners to minimize or mitigate impact.

### **6.2 Blanding's Turtles**

The Permittees must work with DNR to develop a Blanding's Turtle avoidance and mitigation plan consistent with applicable DNR requirements related to the Blanding's turtle for those portions of the project DNR determines applicable for the project. The avoidance and mitigation plan must include measures to be taken to minimize disturbance to the species and seasonal maps of disturbance areas overlayed with the timing of project impacts. Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff.

### **6.3 Facility Lighting**

For all new lighting installations at Project substations and facilities associated with substations, the Permittees shall utilize downlit and shielded lighting to reduce harm to birds, insects, and other animals. Lighting utilized shall minimize blue hue. The Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **6.4 Dust Control**

The Permittees are prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation of the Project. The Permittees shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **6.5 Wildlife-friendly Erosion Control**

The Permittees shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.

#### **6.6 MnDOT Consultation and Coordination**

The Permittees shall coordinate with the Minnesota Department of Transportation regarding pole placement, where applicable, and will comply with applicable MnDOT regulations. ~~including a pole-by-pole analysis once an initial project design has been prepared, prior to construction. In particular, consultation with~~ Particularly, the Permittees will consult with MnDOT regarding the intersection of US Highway 59, 60th St. SW, and Burlington Northern Railroad, ~~must occur~~ during the design phase to ensure compliance with MnDOT regulations.

#### **6.7 Well Protection**

Permittee shall request well information from landowners and coordinate with landowners regarding well access. Permittees shall also obtain copies of the applicable emergency response plans for the cities of Appleton and Benson prior to construction and comply with any applicable requirements. Records of compliance shall be retained by the Permittee and be provided to the Commission staff upon request.

#### **6.8 Bat Protections**

The Permittee will coordinate with the U.S. Fish and Wildlife Service regarding the timing of tree clearing and any other conservation measures to mitigate impacts to Northern Long-Eared Bat. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **6.9 Vegetation Management Plan**

The Permittees shall develop a vegetation management plan (VMP), in coordination with the in coordination with the Vegetation Management Plan Working Group (VMPWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the DNR with the Commission as part of the plan and profile required in Section 9.2 of the Permit.

#### **6.10 Vegetation Clearing**

If Permittees will clear vegetation for any portion of the Transmission Facility prior to completion of the design necessary to provide a plan and profile contemplated under Section 9.2, Permittees shall file with the

Commission at least 14 days prior to such vegetation clearing activities:

- A) If applicable, any vegetation management plan that is applicable to any portion of the Transmission Facility being proposed for vegetation clearing;
- B) A map showing the area proposed for vegetation removal and its location within the Designated Route and compared to the right-of-way identified in this route permit
- C) A statement of confirmation that Permittees have obtained, or will obtain before commencing, necessary land rights and agency permits for the proposed vegetation removal. The required permits must be provided to the Commission prior to vegetation clearing.
- D) Permittees' plan for notifying landowners in the identified area(s) and for providing contact information for Permittees' field representative; and

If Permittees have made any modifications to the right-of-way or alignment within the Designated Route from that identified in this route permit, Permittees shall demonstrate that the right-of-way to be cleared of vegetation will be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit.

#### **6.11 Tree Replacement Plan**

The Permittee in coordination with the DNR and Swift County shall develop a plan to replace any trees that are removed for construction of the project by planting new trees in Swift County near the project area, and file the plan with the Commission at least 14 days before the pre-construction meeting. All prudent and reasonable costs associated with any tree replanting requirement shall be recoverable under the Renewable Resources Rider.

### **7 DELAY IN CONSTRUCTION**

If the Permittees has not commenced construction or improvement of the route within four years after the date of issuance of this route permit the Permittees shall file a Failure to Construct Report and the Commission shall consider suspension of this route permit in accordance with Minn. R. 7850.4700.

## **8 COMPLAINT PROCEDURES**

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

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

## **9 COMPLIANCE REQUIREMENTS**

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

### **9.1 Pre-Construction Meeting**

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

### **9.2 Plan and Profile**

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



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

Notwithstanding any other requirements in this Permit, Permittee may commence construction of the substations identified in Section 2.3 of this Permit, provided that Permittee complies, as applicable, with Sections 9.1 and 9.2 of this Permit with respect to the specific scope of the construction activities sought to be conducted by Permittee

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

If the Permittees intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittees shall notify the Commission and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this route permit.

### **9.3 Status Reports**

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

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

### **9.4 In-Service Date**

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

### **9.5 As-Builts**

**Draft Permit – Appleton to Benson 115-kV HVTL Project – IP-7115/TL-23-425**

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

## **9.6 GPS Data**

Within 90 days after completion of construction, the Permittees shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Transmission Facility and each substation connected.

## **9.7 Right of Entry**

The Permittees 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.  
To examine and copy any documents pertaining to compliance with the conditions of this route permit.

## **10 ROUTE PERMIT AMENDMENT**

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

## **11 TRANSFER OF ROUTE PERMIT**

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

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

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

## **12 REVOCATION OR SUSPENSION OF ROUTE PERMIT**

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