

Appendix F
Agency Correspondence

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Federal Agencies

Federal Aviation Administration

DATE	TYPE	FROM	TO	SUBJECT
November 10, 2023	Letter	Applicants	Federal Aviation Administration (FAA)	Initial outreach for BSSA Project and request for comments
December 18, 2023	Email	FAA	Applicants	Response to BSSA Transmission Line Project Introduction
December 21, 2023	Email	FAA	Applicants	Status of FAA Filing

November 10, 2023

Andy Peek, Manager
Federal Aviation Administration
6020 28th Ave S - Ste 102
Minneapolis, MN 55450

Re: Request for Input for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Mr. Peek,

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). The Project is a segment of one of eighteen new transmission projects identified in the Upper Midwest by the Midcontinent Independent System Operator (MISO)¹ that is needed to ensure electric reliability, reduce transmission congestion, increase access to low-cost energy, and increase system resiliency to extreme weather events. The Project will be in Grant County, South Dakota and potentially in Big Stone, Lac qui Parle, Swift, Stevens, Pope, and Douglas Counties, Minnesota depending on the final route identified through the state permitting processes in Minnesota and South Dakota. Otter Tail and Western Minnesota were applicants to a Certificate of Need application that was filed with the Minnesota Public Utilities Commission (MN PUC) on September 29, 2023, and plan to submit a Route Permit application with the MN PUC in the fourth quarter of 2024 as well as a Facility Permit application with the South Dakota Public Utilities Commission in the second quarter of 2024. Depending on a variety of factors, construction of the Project is anticipated to start in 2027 and end in either 2030 or 2031.

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We request your review of the corridors identified for the Project to help identify opportunities and constraints as we move towards defining a preferred route. We are particularly interested in any property located within or adjacent to the corridors which your agency may own or have an interest in. We would also appreciate being made aware of any proposed developments your agency may be contemplating within the corridors in addition to any information that might assist us in our siting analysis and studies. To help us identify potential concerns or opportunities in our on-going routing analysis, we request that you please provide us with any information pertaining to the Project by December 11, 2023. Verbal, written or email responses should be sent to:

¹ See more information at www.misoenergy.org.

HDR, Inc.
Attn: Jennifer Hanley
51 N Broadway, Suite 550
Fargo, ND 58102
Jennifer.hanley@hdrinc.com
701-353-6139

Future opportunities for input will also be available. As the Project progresses, we are planning to have additional consultations with agencies, other jurisdictions, and landowners as we develop and refine a preferred route.

If you desire further information regarding the proposed Project, please contact me at 218-739-8311 or jweiers@otpc.com or our lead environmental consultant, Jennifer Hanley of HDR, Inc., at 701-353-6139 or jennifer.hanley@hdrinc.com. In addition, further information about the Project can also be found on our website at www.BigStoneSouthtoAlexandria.com.

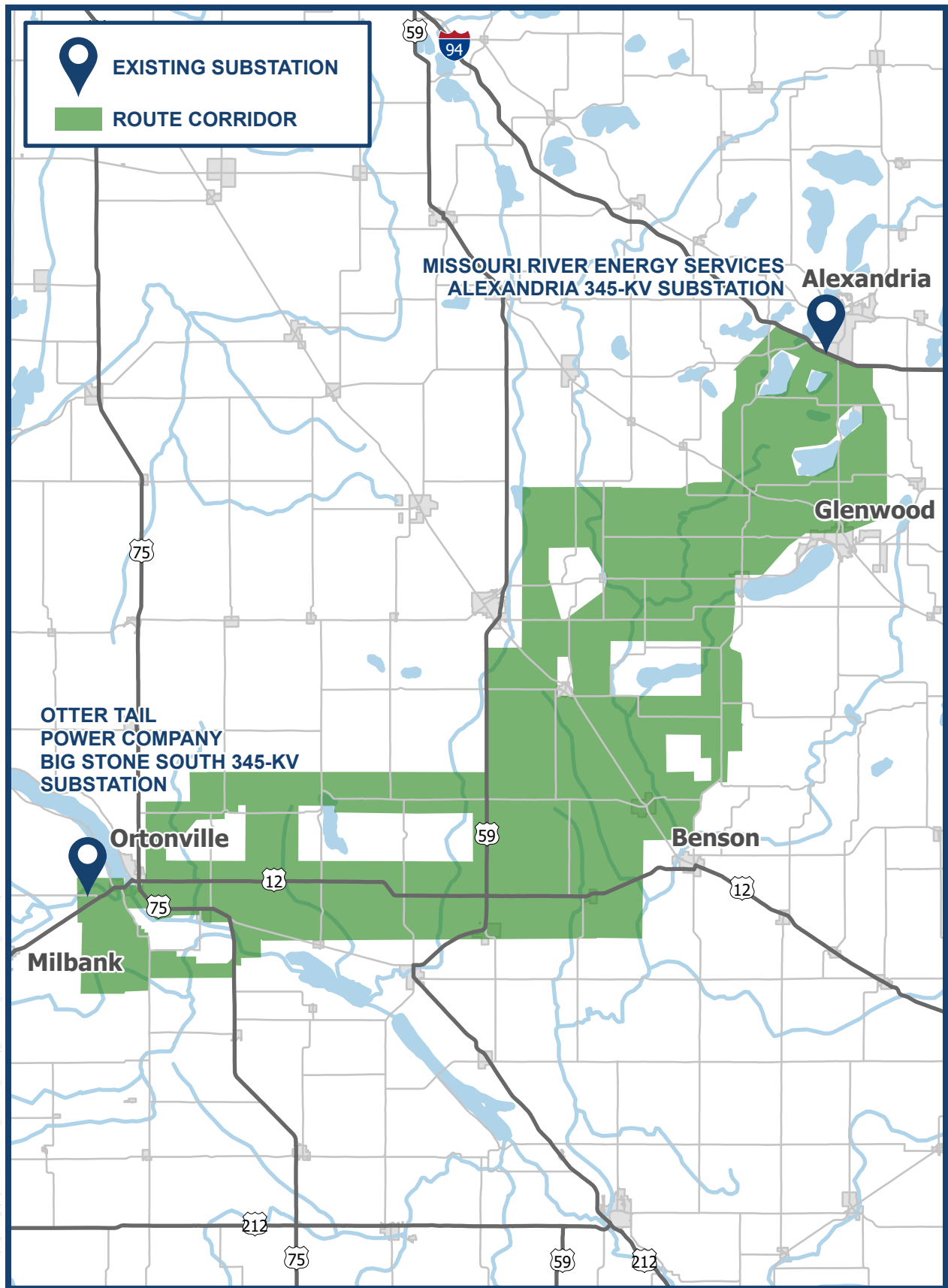
We appreciate and value your input in our on-going efforts to minimize effects to socioeconomics, avoid known culturally significant sites, protect natural resources, and utilize opportunities to parallel existing infrastructure corridors where feasible and look forward to your feedback and continued coordination.

Sincerely,



Jason Weiers
Manager, Transmission Project Development

Enclosure: BSSA Corridor Map



▲ Route corridor is marked in green on the map above and subject to change.

Hanley, Jennifer

From: Hahn, Robert (FAA) <Robert.Hahn@faa.gov>
Sent: Monday, December 18, 2023 10:31 AM
To: Weiers, Jason; Hanley, Jennifer
Subject: BSSA - Proposed Big Stone South to Alexandria Transmission Line Project - FAA DAK-MIN ADO Comment

You don't often get email from robert.hahn@faa.gov. [Learn why this is important](#)

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Weiers & Ms. Hanley,

I have been reviewing your letter sent to the FAA ADO office (DTD 11/10/2023 attention Andy Peek – he is no longer at the ADO).

Looking at the 'Route Corridor' map provided, I see several airports on the configuration edges:

Alexandria (AXN)
Glenwood (GHW)
Starbuck (D12)
Benson (BBB)
Appleton (AQP)
Ortonville (VVV)
Morris (MOX)

FAA notification criteria is shown at the bottom of the following web page:

[Obstruction Evaluation / Airport Airspace Analysis \(OE/AAA\) \(faa.gov\)](#)

Suggestion: a good place to see the overall view of this aeronautical usage area is through [SkyVector: Flight Planning / Aeronautical Charts](#)

Sincerely,

Robert Hahn
FAA - Dakota-Minnesota ADO
6020 28th Ave S
Suite 102
Minneapolis, MN 55450-2700
W 612-253-4639
E-mail: Robert.Hahn@faa.gov

From: noreply@faa.gov
To: [Britz, Jordan](#)
Subject: [EXTERNAL] Status of FAA Filing
Date: Thursday, December 21, 2023 6:33:48 AM

CAUTION: This Email is from an **EXTERNAL** source. **STOP. THINK** before you **CLICK** links or **OPEN** attachments.

Your filing is assigned Aeronautical Study Number(s) (ASN): 2023-AGL-23764-OE, 2023-AGL-23762-OE, 2023-AGL-23755-OE, 2023-AGL-23756-OE, 2023-AGL-23754-OE, 2023-AGL-23760-OE, 2023-AGL-23763-OE, 2023-AGL-23757-OE, 2023-AGL-23773-OE, 2023-AGL-23761-OE, 2023-AGL-23767-OE, 2023-AGL-23770-OE, 2023-AGL-23765-OE, 2023-AGL-23766-OE, 2023-AGL-23769-OE, 2023-AGL-23771-OE, 2023-AGL-23774-OE, 2023-AGL-23775-OE, 2023-AGL-23758-OE, 2023-AGL-23759-OE, 2023-AGL-23768-OE, 2023-AGL-23772-OE.

To review your electronic record, go to our website oeaaa.faa.gov [oeaaa.faa.gov] and select the Search Archives link to locate your case using the assigned Aeronautical Study Number (ASN).

The FAA verified your filing and an aeronautical study has been initiated. Please allow a minimum 45 days for the FAA to complete the study. Please refer to the assigned ASN on all future inquiries regarding this filing.

For Wind Turbine proposals only, please ensure Wind Turbine Data as described on the project summary page in your registered e-filing account has been uploaded to your filing.

To ensure e-mail notifications are delivered to your inbox please add noreply@faa.gov to your address book. Notifications sent from this address are system generated FAA e-mails and replies to this address will NOT be read or forwarded for review. Each system generated e-mail will contain specific FAA contact information in the text of the message.

Federal Highway Administration

DATE	TYPE	FROM	TO	SUBJECT
November 10, 2023	Letter	Applicants	Federal Highway Administration (FHA)	Initial outreach for BSSA Project and request for comments

November 10, 2023

Wendall Meyer, Division Administrator
Federal Highway Administration
180 E. Fifth St., Suite 930
St Paul, MN 55101

Re: Request for Input for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Mr. Meyer,

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). The Project is a segment of one of eighteen new transmission projects identified in the Upper Midwest by the Midcontinent Independent System Operator (MISO)¹ that is needed to ensure electric reliability, reduce transmission congestion, increase access to low-cost energy, and increase system resiliency to extreme weather events. The Project will be in Grant County, South Dakota and potentially in Big Stone, Lac qui Parle, Swift, Stevens, Pope, and Douglas Counties, Minnesota depending on the final route identified through the state permitting processes in Minnesota and South Dakota. Otter Tail and Western Minnesota were applicants to a Certificate of Need application that was filed with the Minnesota Public Utilities Commission (MN PUC) on September 29, 2023, and plan to submit a Route Permit application with the MN PUC in the fourth quarter of 2024 as well as a Facility Permit application with the South Dakota Public Utilities Commission in the second quarter of 2024. Depending on a variety of factors, construction of the Project is anticipated to start in 2027 and end in either 2030 or 2031.

Otter Tail and Western Minnesota started public engagement efforts in the second quarter of 2023 through a series of public meetings and has continued routing efforts since that time with a second round of public meetings recently occurring throughout the Project area over the past month. Otter Tail and Western Minnesota, with our consultants' help, have identified potential corridors as shown on the enclosed map. These corridors were based on: (1) an analysis of publicly available data; (2) stakeholder feedback and comments; (3) engineering and constructability best practices; (4) environmental considerations; and (5) regulatory rules and guidelines. These corridors are planning to be refined into a preferred route in which Otter Tail and Western Minnesota will seek to obtain a 150-foot-wide easement from landowners for the construction, operation, and maintenance of the proposed 345-kV transmission line.

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HDR, Inc.
Attn: Jennifer Hanley
51 N Broadway, Suite 550
Fargo, ND 58102
Jennifer.hanley@hdrinc.com
701-353-6139

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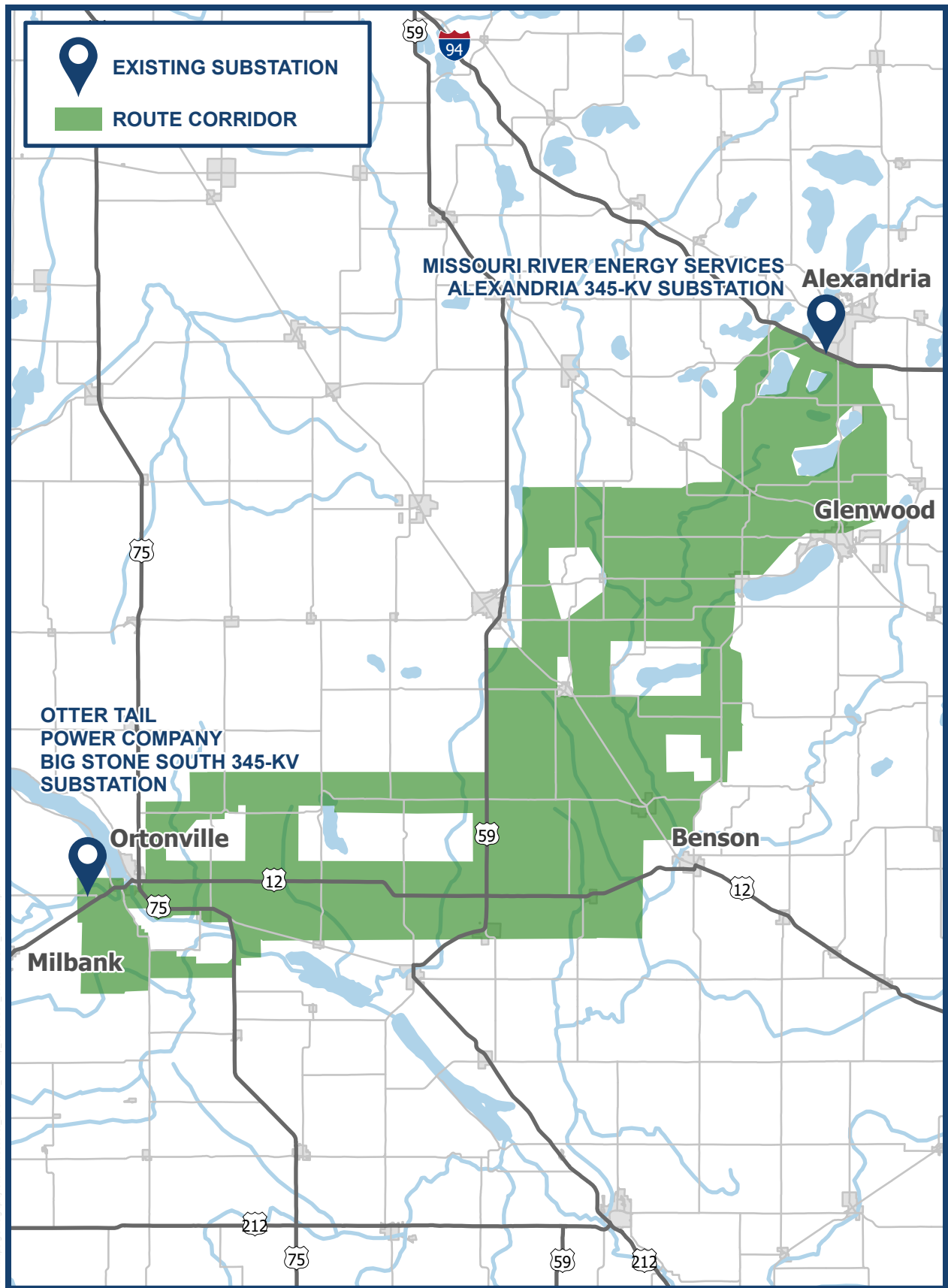
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Sincerely,



Jason Weiers
Manager, Transmission Project Development

Enclosure: BSSA Corridor Map



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Federal Representatives

DATE	TYPE	FROM	TO	SUBJECT
November 10, 2023	Letter	Applicants	U.S. Senate	Initial outreach for BSSA Project and request for comments
			U.S. Representative	

November 10, 2023

Amy Klobuchar
U.S. Senate
425 Dirksen Senate Office Bldg.
Washington, DC 2051020510

Re: Request for Input for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Ms. Klobuchar,

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). The Project is a segment of one of eighteen new transmission projects identified in the Upper Midwest by the Midcontinent Independent System Operator (MISO)¹ that is needed to ensure electric reliability, reduce transmission congestion, increase access to low-cost energy, and increase system resiliency to extreme weather events. The Project will be in Grant County, South Dakota and potentially in Big Stone, Lac qui Parle, Swift, Stevens, Pope, and Douglas Counties, Minnesota depending on the final route identified through the state permitting processes in Minnesota and South Dakota. Otter Tail and Western Minnesota were applicants to a Certificate of Need application that was filed with the Minnesota Public Utilities Commission (MN PUC) on September 29, 2023, and plan to submit a Route Permit application with the MN PUC in the fourth quarter of 2024 as well as a Facility Permit application with the South Dakota Public Utilities Commission in the second quarter of 2024. Depending on a variety of factors, construction of the Project is anticipated to start in 2027 and end in either 2030 or 2031. Otter Tail and Western Minnesota started public engagement efforts in the second quarter of 2023 through a series of public meetings and has continued routing efforts since that time with a second round of public meetings recently occurring throughout the Project area over the past month. Otter Tail and Western Minnesota, with our consultants' help, have identified potential corridors as shown on the enclosed map. These corridors were based on: (1) an analysis of publicly available data; (2) stakeholder feedback and comments; (3) engineering and constructability best practices; (4) environmental considerations; and (5) regulatory rules and guidelines. These corridors are planning to be refined into a preferred route in which Otter Tail and Western Minnesota will seek to obtain a 150-foot-wide easement from landowners for the construction, operation, and maintenance of the proposed 345-kV transmission line.

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Jason Weiers
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Enclosure: BSSA Corridor Map

U.S. Army Corps of Engineers

DATE	TYPE	FROM	TO	SUBJECT
November 10, 2023	Letter	Applicants	U.S. Army Corp of Engineers (USACE)	Initial outreach for BSSA Project and request for comments
September 12, 2024	Email	Applicants	USACE	Project introduction and potential USACE permitting

November 10, 2023

Larry Puchalski, Project Manager
U.S. Army Corp of Engineers- Bemidji Branch
4111 Technology Dr. NW, Suite 295
Bemidji, MN 56601

Re: Request for Input for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Mr. Puchalski,

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). The Project is a segment of one of eighteen new transmission projects identified in the Upper Midwest by the Midcontinent Independent System Operator (MISO)¹ that is needed to ensure electric reliability, reduce transmission congestion, increase access to low-cost energy, and increase system resiliency to extreme weather events. The Project will be in Grant County, South Dakota and potentially in Big Stone, Lac qui Parle, Swift, Stevens, Pope, and Douglas Counties, Minnesota depending on the final route identified through the state permitting processes in Minnesota and South Dakota. Otter Tail and Western Minnesota were applicants to a Certificate of Need application that was filed with the Minnesota Public Utilities Commission (MN PUC) on September 29, 2023, and plan to submit a Route Permit application with the MN PUC in the fourth quarter of 2024 as well as a Facility Permit application with the South Dakota Public Utilities Commission in the second quarter of 2024. Depending on a variety of factors, construction of the Project is anticipated to start in 2027 and end in either 2030 or 2031.

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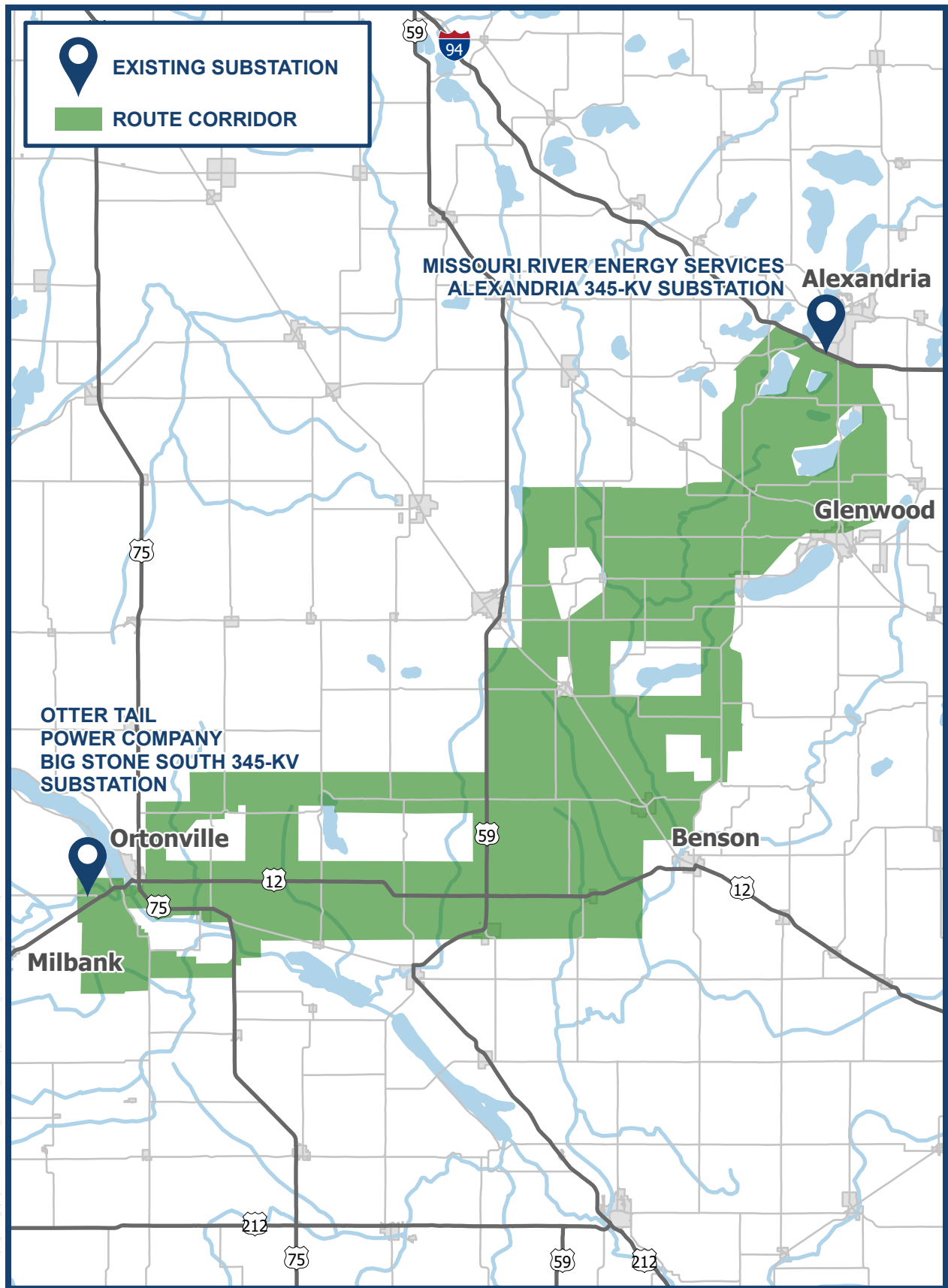
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Sincerely,



Jason Weiers
Manager, Transmission Project Development

Enclosure: BSSA Corridor Map



▲ Route corridor is marked in green on the map above and subject to change.

From: [Hanley, Jennifer](#)
To: [Wierzbinski, Daryl W CIV USARMY CEMVP \(USA\)](#)
Cc: [Scheidecker, Kevin J.](#)
Subject: Big Stone South to Alexandria 345kV Transmission Line (BSSA) USACE Contact
Date: Thursday, September 12, 2024 10:50:00 AM

Daryl,

Thanks so much for the call this morning. Here is a brief summary of the Big Stone South to Alexandria 345 kV transmission line project (BSSA).

BSSA is a brand new transmission line that will go from the Big Stone South substation in Big Stone City, SD to the Alexandria substation in Alexandria, MN and would be owned by Otter Tail Powe Company and Missouri River Energy Services. The transmission line would cross Big Stone County, Swift County, Stevens County, Pope County and Douglas County. The transmission line structures will be steel monopoles that are approximately 150 ft tall and spaced approximately 1,400 ft apart. The concrete foundations they sit on will be approximately 10 feet in diameter. We do not plan on building any permanent access roads for construction.

As part of the Minnesota Public Utilities Commission (MPUC) process to permit a transmission line of this size, we need to put forth 2 route alternatives in a Route Permit Application (for this project these are broken into south, central, and north segments that the MPUC could mix and match how they see fit). Once we submit our Route Permit Application, the MN Department of Commerce Energy Environmental Review and Analysis (EERA) team will prepare a Minnesota Environmental Impact Statement for the MPUC's decision making process. EERA and the MPUC will hold public information and environmental scoping meetings ahead of the EIS preparation, at which time landowners/agencies/LGUs could propose additional alternatives. Once the EIS is complete a public hearing is held.

Once this process is complete and the information is provided to the MPUC commissioners, MPUC will select the route. It is at this time that we start to work with landowners to get right of entry to do environmental field studies.

The proposed routes that plan on submitting to the MPUC in October of this year, include a Minnesota River Crossing near Ortonville, MN which is a USACE Section 10 waterway. We intend to avoid wetlands as much as we can but we won't know if we can completely avoid until we receive an approved route and have finalized the design and locations of the structures.

We understand that the USACE 404/10 permitting would likely fall under the General Regional Permit for utilities in Minnesota and would be done under the Joint State/Federal form in MN. As we discussed, when we get closer to our final route, we will reach out to the USACE for a pre-application meeting to discuss our field survey scope for permitting efforts.

I have also cc'd Kevin Scheidecker, Otter Tail Power's project environmental lead. Here is his contact information:

Kevin Scheidecker
Senior Environmental Specialist
Environmental Services
Direct: 218-739-8773
kscheidecker@otpco.com

Please let either of us know if you have any questions. Thanks again!

Jen

Jennifer Hanley, PE*
D 701.353.6139

hdrinc.com/follow-us

*MN, ND, SD, MT and TX


From: Wierzbinski, Daryl W CIV USARMY CEMVP (USA) <Daryl.W.Wierzbinski@usace.army.mil>

Sent: Thursday, September 12, 2024 9:58 AM

To: Hanley, Jennifer <jennifer.hanley@hdrinc.com>

Subject: FW: Message from HDR (7013536139)

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Daryl W. Wierzbinski
U.S. Army Corps of Engineers, Duluth office
600 South Lake Avenue, Suite 211
Duluth, Minnesota 55802
Phone:  218 788-6406
Email: daryl.w.wierzbinski@usace.army.mil

Requests for action (pre-application consultations, permit applications, requests for delineation concurrences, requests for jurisdictional determinations, and mitigation bank proposals) should be sent directly to the following email: usace_requests_mn@usace.army.mil. Please include the county name in the subject line of the email (e.g. Washington County).

From: Cisco Unity Connection Messaging System
<unityconnection@cpcunitypub.eis.ds.usace.army.mil>
Sent: Wednesday, September 4, 2024 10:55
To:.mvp-reg-inquire <mvp-reg-inquiry@cpcunitypub.eis.ds.usace.army.mil>
Subject: Message from HDR (7013536139)

U.S. Bureau of Indian Affairs

DATE	TYPE	FROM	TO	SUBJECT
November 10, 2023	Letter	Applicants	U.S. Bureau of Indian Affairs (BIA)	Initial outreach for BSSA Project and request for comments

November 10, 2023

Alan Fogarty, Acting Superintendent
U.S. Bureau of Indian Affairs
5600 American Blvd W - Ste 500
Bloomington, MN

Re: Request for Input for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Mr. Fogarty,

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). The Project is a segment of one of eighteen new transmission projects identified in the Upper Midwest by the Midcontinent Independent System Operator (MISO)¹ that is needed to ensure electric reliability, reduce transmission congestion, increase access to low-cost energy, and increase system resiliency to extreme weather events. The Project will be in Grant County, South Dakota and potentially in Big Stone, Lac qui Parle, Swift, Stevens, Pope, and Douglas Counties, Minnesota depending on the final route identified through the state permitting processes in Minnesota and South Dakota. Otter Tail and Western Minnesota were applicants to a Certificate of Need application that was filed with the Minnesota Public Utilities Commission (MN PUC) on September 29, 2023, and plan to submit a Route Permit application with the MN PUC in the fourth quarter of 2024 as well as a Facility Permit application with the South Dakota Public Utilities Commission in the second quarter of 2024. Depending on a variety of factors, construction of the Project is anticipated to start in 2027 and end in either 2030 or 2031.

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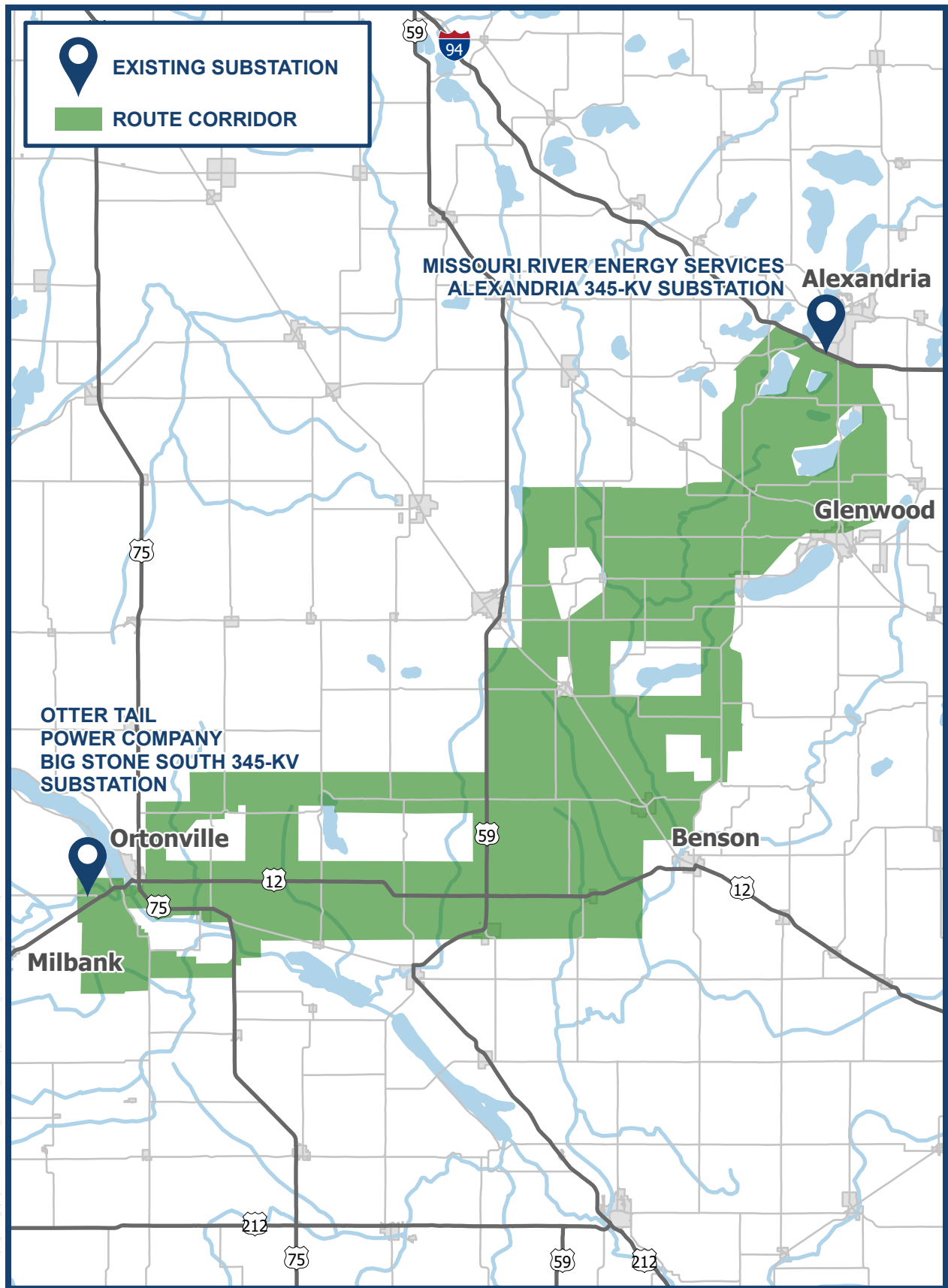
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Sincerely,



Jason Weiers
Manager, Transmission Project Development

Enclosure: BSSA Corridor Map



▲ Route corridor is marked in green on the map above and subject to change.

U.S. Department of Agriculture – Farm Service Agency

DATE	TYPE	FROM	TO	SUBJECT
November 10, 2023	Letter	Applicants	U.S. Department of Agriculture – Farm Service Agency (FSA)	Initial outreach for BSSA Project and request for comments
June 11, 2024	Email	Applicants	USDA FSA	Applicants requesting FSA to review and provide input on BSSA Project shapefiles
June 12, 2024	Email	USDA FSA	Applicants	Response to Applicants' request to review and provide input on BSSA Project shapefiles
June 14, 2024	Email/Letter	USDA FSA	Applicants	Response to Applicants' request to review and provide input on BSSA Project shapefiles and payment report

November 10, 2023

Whitney Place, State Executive Director
U.S. Department of Agriculture, Farm Service Agency
375 Jackson St., Suite 400
St. Paul, MN 55101

Re: Request for Input for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Ms. Place,

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). The Project is a segment of one of eighteen new transmission projects identified in the Upper Midwest by the Midcontinent Independent System Operator (MISO)¹ that is needed to ensure electric reliability, reduce transmission congestion, increase access to low-cost energy, and increase system resiliency to extreme weather events. The Project will be in Grant County, South Dakota and potentially in Big Stone, Lac qui Parle, Swift, Stevens, Pope, and Douglas Counties, Minnesota depending on the final route identified through the state permitting processes in Minnesota and South Dakota. Otter Tail and Western Minnesota were applicants to a Certificate of Need application that was filed with the Minnesota Public Utilities Commission (MN PUC) on September 29, 2023, and plan to submit a Route Permit application with the MN PUC in the fourth quarter of 2024 as well as a Facility Permit application with the South Dakota Public Utilities Commission in the second quarter of 2024. Depending on a variety of factors, construction of the Project is anticipated to start in 2027 and end in either 2030 or 2031.

Otter Tail and Western Minnesota started public engagement efforts in the second quarter of 2023 through a series of public meetings and has continued routing efforts since that time with a second round of public meetings recently occurring throughout the Project area over the past month. Otter Tail and Western Minnesota, with our consultants' help, have identified potential corridors as shown on the enclosed map. These corridors were based on: (1) an analysis of publicly available data; (2) stakeholder feedback and comments; (3) engineering and constructability best practices; (4) environmental considerations; and (5) regulatory rules and guidelines. These corridors are planning to be refined into a preferred route in which Otter Tail and Western Minnesota will seek to obtain a 150-foot-wide easement from landowners for the construction, operation, and maintenance of the proposed 345-kV transmission line.

We request your review of the corridors identified for the Project to help identify opportunities and constraints as we move towards defining a preferred route. We are particularly interested in any property located within or adjacent to the corridors which your agency may own or have an interest in. We would also appreciate being made aware of any proposed developments your agency may be contemplating within the corridors in addition to any information that might assist us in our siting analysis and studies. To help us identify potential concerns or opportunities in our on-going routing analysis, we request that you please provide us with any information pertaining to the Project by December 11, 2023. Verbal, written or email responses should be sent to:

¹ See more information at www.misoenergy.org.

HDR, Inc.
Attn: Jennifer Hanley
51 N Broadway, Suite 550
Fargo, ND 58102
Jennifer.hanley@hdrinc.com
701-353-6139

Future opportunities for input will also be available. As the Project progresses, we are planning to have additional consultations with agencies, other jurisdictions, and landowners as we develop and refine a preferred route.

If you desire further information regarding the proposed Project, please contact me at 218-739-8311 or jweiers@otpc.com or our lead environmental consultant, Jennifer Hanley of HDR, Inc., at 701-353-6139 or jennifer.hanley@hdrinc.com. In addition, further information about the Project can also be found on our website at www.BigStoneSouthtoAlexandria.com.

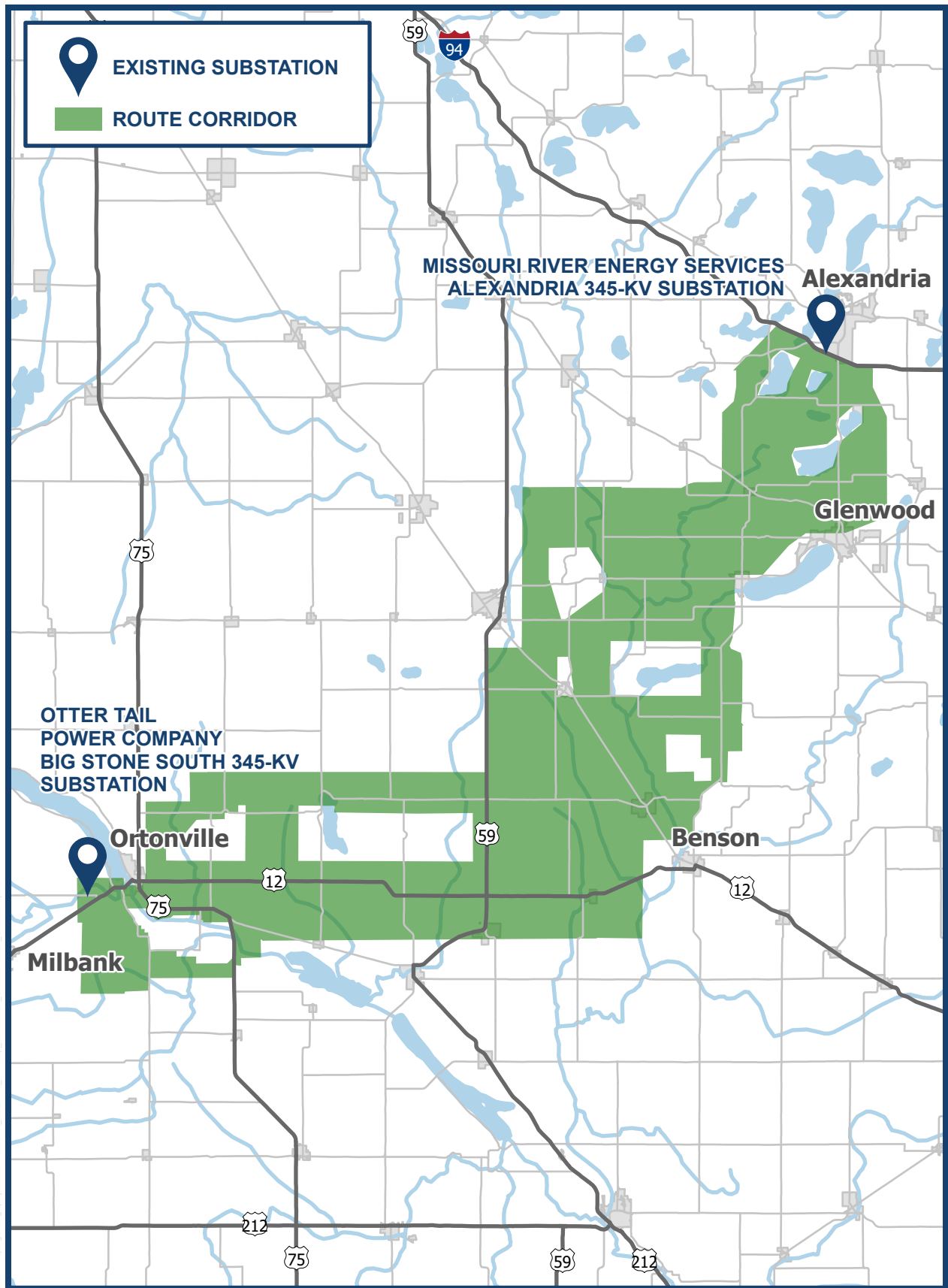
We appreciate and value your input in our on-going efforts to minimize effects to socioeconomics, avoid known culturally significant sites, protect natural resources, and utilize opportunities to parallel existing infrastructure corridors where feasible and look forward to your feedback and continued coordination.

Sincerely,



Jason Weiers
Manager, Transmission Project Development

Enclosure: BSSA Corridor Map



▲ Route corridor is marked in green on the map above and subject to change.

From: [Hanley, Jennifer](#)
To: fsa-mnst2-executive@usda.gov
Cc: [Scheidecker, Kevin J.](#); [Humburg, Joshua](#); [Weiers, Jason](#); [Malkin, Devin](#); [Peterson, Monica](#); [Raine, Katie](#); [Phinney, Samantha](#)
Subject: BSSA FSA Coordination_Route Shapefiles_20240611
Date: Tuesday, June 11, 2024 3:45:23 PM
Attachments: [BSSA_routes_sent_20240611.zip](#)

Hello,

Otter Tail Power and Missouri River Energy Services are working on the development of a 345-kV Transmission Project referred to as Big Stone South to Alexandria (BSSA) that will run from Big Stone, SD to Alexandria, MN. This is a greenfield project and there will be many challenges in developing the route. We do a great deal of outreach to local, state and federal agencies to solicit information on property that is either owned by the agency or the agency has an interest in it via an easement or contract such as CRP. Would FSA be able to review the routes and let us know if there was any land in CRP? We will be working on acquiring a 150-foot easement for our route corridor would like to know the process if we needed to acquire an easement on something that was currently in CRP.

Attached you will find shapefiles of our proposed routes. We would appreciate the opportunity to meet with FSA to discuss the routes and any pertinent information you may have. We will be introducing these routes to the public in open houses June 24-27 and are planning to submit a route permit application to the Minnesota Public Utilities Commission in the fourth quarter of 2024.

Thanks,
Jen

[Jennifer Hanley](#), PE*
Senior Environmental Project Manager

HDR
51 North Broadway, Suite 550
Fargo, ND 58102
D 701.353.6139
jennifer.hanley@hdrinc.com

hdrinc.com/follow-us

*MN, ND, SD, MT and TX

From: [Fast, Kristina - FPAC-FSA, MN](#)
To: [Hanley, Jennifer](#)
Cc: [Scheidecker, Kevin J.](#); [Humburg, Joshua](#); [Weiers, Jason](#); [Malkin, Devin](#); [Peterson, Monica](#); [Raine, Katie](#); [Phinney, Samantha](#); [FSA-MN-Executive](#)
Subject: RE: [External Email]BSSA FSA Coordination_Route Shapefiles_20240611
Date: Wednesday, June 12, 2024 4:01:19 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

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Good afternoon, Jennifer,

Thank you for your email. I am reviewing your request and the shapefiles provided and will follow up later this week. Please note that while FSA may confirm if there is CRP in the path of the project, specific information on the location of CRP contracts would not be released without consent from the contract holder(s), as it is protected under Exemption 3 of the Freedom of Information Act. We may be able to provide a list of CRP payment recipients for the counties impacted by project that may helpful for your team.

Please let me know if you have any questions in the interim.

Kristina Fast

Agricultural Program Specialist/MN FOIA Coordinator
Minnesota State Office

 **USDA** Farm Service Agency
U.S. DEPARTMENT OF AGRICULTURE
375 Jackson Street, St. Paul, MN, 55101
p: (507) 407-5003

e: kristina.fast@usda.gov | w: www.fsa.usda.gov/state-offices/Minnesota/index

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From: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>
Sent: Tuesday, June 11, 2024 2:43 PM
To: FSA-MN-Executive <FSA-MNST2-Executive@usda.gov>
Cc: Scheidecker, Kevin J. <kscheidecker@otpc.com>; Humburg, Joshua <jhumburg@otpc.com>

Weiers, Jason <jweiers@otpc.com>; Malkin, Devin <devin.malkin@hdrinc.com>; Peterson, Monica <monica.peterson@hdrinc.com>; Raine, Katie <Katie.Raine@hdrinc.com>; Phinney, Samantha <Samantha.Phinney@hdrinc.com>

Subject: [External Email]BSSA FSA Coordination_Route Shapefiles_20240611

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[External Email]

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Hello,

Otter Tail Power and Missouri River Energy Services are working on the development of a 345-kV Transmission Project referred to as Big Stone South to Alexandria (BSSA) that will run from Big Stone, SD to Alexandria, MN. This is a greenfield project and there will be many challenges in developing the route. We do a great deal of outreach to local, state and federal agencies to solicit information on property that is either owned by the agency or the agency has an interest in it via an easement or contract such as CRP. Would FSA be able to review the routes and let us know if there was any land in CRP? We will be working on acquiring a 150-foot easement for our route corridor would like to know the process if we needed to acquire an easement on something that was currently in CRP.

Attached you will find shapefiles of our proposed routes. We would appreciate the opportunity to meet with FSA to discuss the routes and any pertinent information you may have. We will be introducing these routes to the public in open houses June 24-27 and are planning to submit a route permit application to the Minnesota Public Utilities Commission in the fourth quarter of 2024.

Thanks,

Jen

*Jennifer Hanley, PE**
Senior Environmental Project Manager

HDR
51 North Broadway, Suite 550
Fargo, ND 58102
D 701.353.6139
jennifer.hanley@hdrinc.com

hdrinc.com/follow-us

*MN, ND, SD, MT and TX

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From: Fast, Kristina - FPAC-FSA, MN <kristina.fast@usda.gov>
Sent: Friday, June 14, 2024 3:41 PM
To: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>
Cc: Scheidecker, Kevin J. <kscheidecker@otpc.com>; Humburg, Joshua <jhumburg@otpc.com>; Weiers, Jason <jweiers@otpc.com>; Malkin, Devin <devin.malkin@hdrinc.com>; Peterson, Monica <monica.peterson@hdrinc.com>; Raine, Katie <Katie.Raine@hdrinc.com>; Phinney, Samantha <Samantha.Phinney@hdrinc.com>; FSA-MN-Executive <FSA-MNST2-Executive@usda.gov>
Subject: RE: [External Email]BSSA FSA Coordination_Route Shapefiles_20240611

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CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Jennifer,

Please see the attached official response letter and payment report.

In response to your request, the table below reflects the counties that administer CRP contracts in the route of your proposed routes, along with the corresponding number of contracts.

County	# of CRP Contracts
Big Stone	30
Douglas	30
Pope	55
Stevens	22
Swift	79

As indicated in my previous email response, while FSA may confirm if there is CRP in the path of the project, specific information on the location of CRP contracts would not be released without consent from the contract holder(s), as it is protected under Exemption 3 of the Freedom of Information Act.

Our [Electronic Reading Room](#) includes publicly available information on payment recipients by program on the payment files information page. <https://www.fsa.usda.gov/news-room/eoia/electronic-reading-room/frequently-requested-information/payment-files-information/index>.

Attached is a downloaded version of the most recent payment report which contains Minnesota producers' payment information, names, and addresses. It is currently filtered by the five Minnesota counties impacted by your proposed transmission line and filtered for CRP payment recipients. The entire report is available at [https://www.fsa.usda.gov/Assets/USDA-FSA-](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/NewsRoom/eFOIA/excel/2023/STATE_LA_MT.FOIA.NA.PMT23.FINALDT24006.xlsx)

[Public/usdafiles/NewsRoom/eFOIA/excel/2023/STATE_LA_MT.FOIA.NA.PMT23.FINALDT24006.xlsx](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/NewsRoom/eFOIA/excel/2023/STATE_LA_MT.FOIA.NA.PMT23.FINALDT24006.xlsx).

Thank you,

Kristina Fast

Agricultural Program Specialist/MN FOIA Coordinator
Minnesota State Office



375 Jackson Street, St. Paul, MN, 55101

p: (507) 407-5003

e: kristina.fast@usda.gov | w: www.fsa.usda.gov/state-offices/Minnesota/index

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Minnesota State Office

375 Jackson Street, Suite 400
Saint Paul, MN 55101-1852

June 14, 2024

Dear Jennifer,

This letter acknowledges receipt and provides a final response for your Freedom of Information Act (FOIA) request dated June 11, 2024, to the Department of Agriculture (USDA) Farm Service Agency (FSA). Your request was received in this office June 11, 2024, and assigned control number 2024-FSA-05425-F. Please use this control number for all future communications regarding this request. The request was perfected and was placed in the simple processing track under the category “Other Use”. There is no fee for your request, as it fell within the two free search hours for this fee category.

Your request included the following language:

Otter Tail Power and Missouri River Energy Services are working on the development of a 345-kV Transmission Project referred to as Big Stone South to Alexandria (BSSA) that will run from Big Stone, SD to Alexandria, MN. This is a greenfield project and there will be many challenges in developing the route. We do a great deal of outreach to local, state and federal agencies to solicit information on property that is either owned by the agency or the agency has an interest in it via an easement or contract such as CRP. Would FSA be able to review the routes and let us know if there was any land in CRP? We will be working on acquiring a 150-foot easement for our route corridor would like to know the process if we needed to acquire an easement on something that was currently in CRP.

Attached you will find shapefiles of our proposed routes. We would appreciate the opportunity to meet with FSA to discuss the routes and any pertinent information you may have. We will be introducing these routes to the public in open houses June 24-27 and are planning to submit a route permit application to the Minnesota Public Utilities Commission in the fourth quarter of 2024. In response to your request, \$ 2,138,403.98 in payments were issued in Big Stone County from the Farm Service Agency for Fiscal Year 2023, covering the time period of 10/1/2022 – 9/30/2023.

In response to your request, the table below reflects the counties that administer CRP contracts in the route of your proposed routes, along with the corresponding number of contracts.

County	# of CRP Contracts
Big Stone	30
Douglas	30
Pope	55
Stevens	22
Swift	79

Jennifer Hanley
June 14, 2024
Page 2 of 2

As indicated in my email response, while FSA may confirm if there is CRP in the path of the project, specific information on the location of CRP contracts would not be released without consent from the contract holder(s), as it is protected under Exemption 3 of the Freedom of Information Act.

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Enclosed is a downloaded version of the most recent payment report which contains Minnesota producers' payment information, names, and addresses. It is currently filtered by the five Minnesota counties impacted by your proposed transmission line. It has been filtered for CRP payment recipients. The entire report is available at <https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/NewsRoom/eFOIA/excel/2023/STATE-LA-MT.FOIA.NA.PMT23.FINALDT24006.xlsx>.

Request 2024-FSA-05425-F is officially closed. If you have any additional questions, please contact me at 507-407-5003 or via email at kristina.fast@usda.gov.

Kristina Fast
Minnesota FOIA Coordinator

U.S. Fish and Wildlife Service

DATE	TYPE	FROM	TO	SUBJECT
October 13, 2023	Letter	U.S. Fish and Wildlife Service (USFWS)	Applicants	Record of BSSA Project representative's no effect determination for 'BSSA 345kV (MN)'
October 26, 2023	Email	Applicants	USFWS	Initial consultation with USFWS for the BSSA Project
October 26, 2023	Email	USFWS	Applicants	Response to initial consultation for the BSSA Project
October 26, 2023	Email	Applicants	USFWS	Response to initial consultation for the BSSA Project (continued)
November 10, 2023	Letter	Applicants	USFWS	Initial outreach for BSSA Project and request for comments
January 23, 2024	Meeting	N/A	N/A	Meeting between the Applicants and USFWS
February 13, 2024	Email/Documents	USFWS	Applicants	USFWS ROW request process
April 23, 2024	Email	Applicants	USFWS	BSSA Transmission Project routing
April 26, 2024	Email	USFWS	Applicants	Response to BSSA Transmission Project routing
April 29, 2024	Email	Applicants	USFWS	Response to USFWS on BSSA Transmission Project routing
April 29, 2024	Email	USFWS	Applicants	Response to BSSA Transmission Project routing
May 23, 2024	Email	Applicants	USFWS	Providing USFWS with BSSA Project shapefiles
May 29, 2024	Report	USFWS	Applicants	IPaC Report
June 4, 2024	Email	Applicants	USFWS	BSSA Minnesota USFWS coordination route shapefiles
June 4, 2024	Email	USFWS	Applicants	Response to applicants regarding route shapefiles
June 4, 2024	Email	USFWS	Applicants	Question regarding BSSA Minnesota route shapefiles
June 4, 2024	Email	Applicants	USFWS	Response to USFWS question regarding the BSSA Project route shapefiles
June 27, 2024	Email	USFWS	Applicants	BSSA Project ROW application for USFWS

DATE	TYPE	FROM	TO	SUBJECT
June 27, 2024	Meeting	N/A	N/A	Meeting between the Applicants and USFWS for the BSSA Project
June 28, 2024	Email	USFWS	Applicants	Eagle and trumpeter swan nest locations on Waldon WPA
July 31, 2024	Email/Attachment	Applicants	USFWS	USFWS information regarding the BSSA Project routing Attachments: USFWS ROW applicant information letter and standard form 299 application
August 20, 2024	Email	Applicants	USFWS	BSSA Project shapefiles
August 21, 2024	Email	USFWS	Applicants	Response to Applicants on BSSA transmission project
August 22, 2024	Email/Attachment	Applicants	USFWS	BSSA Project draft ROW easement document Attachment: Form MN-3A – Template Electric Transmission Easement (Standard Approach)
August 26, 2024	Email	USFWS	Applicants	Response to BSSA Project draft ROW easement document
August 27, 2024	Email	Applicants	USFWS	Requesting USFWS meeting to discuss the ROW permit process
August 28, 2024	Report	USFWS	Applicants	IPaC Report



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Assistant Regional Director-Ecological Services
5600 American Blvd. West
Bloomington, MN 55437-1458
Phone: (612) 713-5350 Fax: (612) 713-5292

In Reply Refer To:
Project code: 2024-0004779
Project Name: BSSA 345kV (MN)

October 13, 2023

Federal Nexus: yes
Federal Action Agency (if applicable):

Subject: Record of project representative's no effect determination for 'BSSA 345kV (MN)'

Dear Tracey Lee:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on October 13, 2023, for 'BSSA 345kV (MN)' (here forward, Project). This project has been assigned Project Code 2024-0004779 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A

consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Dakota Skipper *Hesperia dacotae* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Red Knot *Calidris canutus rufa* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Critical Habitats:

- Poweshiek Skipperling *Oarisma poweshiek* Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Assistant Regional Director-Ecological Services and reference Project Code 2024-0004779 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

BSSA 345kV (MN)

2. Description

The following description was provided for the project 'BSSA 345kV (MN)':

345kV double circuit capable transmission line to be in-service approximately 2031.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.532723950000005,-95.72224611753448,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

No

From: [Scheidecker, Kevin J.](#)
To: [Freske, Bruce](#)
Subject: RE: [EXTERNAL] Big Stone South to Alexandria Transmission Project
Date: Thursday, October 26, 2023 3:36:25 PM
Attachments: [image001.png](#)

Thanks Bruce. I've added him to my list and sent him an email.

From: Freske, Bruce <bruce_freske@fws.gov>
Sent: Thursday, October 26, 2023 2:28 PM
To: Scheidecker, Kevin J. <kscheidecker@otpc.com>; Budd, Michael <michael_budd@fws.gov>; Marquardt, Shauna R <Shauna_Marquardt@fws.gov>; Simpkins, Darin <Darin_Simpkins@fws.gov>; Powers, Neil <neil_powers@fws.gov>; Kerr, Tom <tom_kerr@fws.gov>
Subject: Re: [EXTERNAL] Big Stone South to Alexandria Transmission Project

This is an **EXTERNAL** email. DO NOT open attachments or click links in suspicious email.

Thanks Kevin for reaching out to us. Neil Powers should also be contacted as he oversees F&WS interests in the Douglas County portion of the corridor.

Bruce Freske
District Manager, Morris Wetland Management District
U.S. Fish and Wildlife Service
43875 230th Street, Morris, MN 56267
Office: (320) 589-4961
Mobile: (320) 287-0369

From: Scheidecker, Kevin J. <kscheidecker@otpc.com>
Sent: Thursday, October 26, 2023 1:59 PM
To: Budd, Michael <michael_budd@fws.gov>; Freske, Bruce <bruce_freske@fws.gov>; Marquardt, Shauna R <Shauna_Marquardt@fws.gov>; Simpkins, Darin <Darin_Simpkins@fws.gov>
Subject: [EXTERNAL] Big Stone South to Alexandria Transmission Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good Afternoon,

If you haven't already received something you will soon be receiving correspondence regarding the Otter Tail Power/Missouri River Energy Services new transmission line project. This project

proposes to connect Otter Tail Power's Big Stone South Substation in northeast South Dakota and Missouri River Energy Services Substation in Alexandria. I am reaching out to you to introduce myself as the environmental specialist with Otter Tail Power that will be working on routing and the environmental aspects of the project along with our other partners and consultants. It is our intention to engage all the agencies and stakeholders early on in the process in order to develop this project in the most effective way possible. We will be reaching out on a more personal level at some point and trying to arrange meetings to allow us to elicit comments, discuss permitting and allow for feedback opportunities.

Thank you in advance for your time and attention. Please let us know if there are others we should be contacting or feel free to forward this email on to other that should receive it. I look forward to working with you in the near future.



Kevin Scheidecker
Senior Environmental Specialist
Environmental Services
Direct: 218-739-8773
kscheidecker@otpco.com

From: Scheidecker, Kevin J. <kscheidecker@otpc.com>

Sent: Thursday, October 26, 2023 1:59 PM

To: Budd, Michael <michael_budd@fws.gov>; Freske, Bruce <bruce_freske@fws.gov>; Marquardt, Shauna R <Shauna_Marquardt@fws.gov>; Simpkins, Darin <Darin_Simpkins@fws.gov>

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To: Scheidecker, Kevin J. <kscheidecker@otpc.com>; Budd, Michael <michael_budd@fws.gov>; Marquardt, Shauna R <Shauna_Marquardt@fws.gov>; Simpkins, Darin <Darin_Simpkins@fws.gov>; Powers, Neil <neil_powers@fws.gov>; Kerr, Tom <tom_kerr@fws.gov>

Subject: Re: [EXTERNAL] Big Stone South to Alexandria Transmission Project

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Bruce Freske
District Manager, Morris Wetland Management District
U.S. Fish and Wildlife Service
43875 230th Street, Morris, MN 56267
Office: (320) 589-4961
Mobile: (320) 287-0369

From: Scheidecker, Kevin J. <kscheidecker@otpc.com>

Sent: Thursday, October 26, 2023 1:59 PM

To: Budd, Michael <michael_budd@fws.gov>; Freske, Bruce <bruce_freske@fws.gov>; Marquardt, Shauna R <Shauna_Marquardt@fws.gov>; Simpkins, Darin <Darin_Simpkins@fws.gov>

Subject: [EXTERNAL] Big Stone South to Alexandria Transmission Project

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Kevin Scheidecker
Senior Environmental Specialist
Environmental Services
Direct: 218-739-8773
kscheidecker@otpco.com

November 10, 2023

Michael Budd, Refuge Manager
U.S. Fish and Wildlife Service- Big Stone National Wildlife Refuge
44843 Co. Rd. 19
Odessa, MN 56267

Re: Request for Input for the Proposed Big Stone South to Alexandria Transmission Line Project (BSSA)

Dear Mr. Budd,

Otter Tail Power Company (Otter Tail) and Missouri River Energy Services, on behalf of Western Minnesota Municipal Power Agency (Western Minnesota), are partnering to develop, construct, and co-own a new, approximately 100-mile, 345-kilovolt (kV) high voltage transmission line that will connect Otter Tail's existing Big Stone South 345-kV substation near Big Stone City, South Dakota to Western Minnesota's existing Alexandria 345-kV substation near Alexandria, Minnesota (referred to as the Project or BSSA). The Project is a segment of one of eighteen new transmission projects identified in the Upper Midwest by the Midcontinent Independent System Operator (MISO)¹ that is needed to ensure electric reliability, reduce transmission congestion, increase access to low-cost energy, and increase system resiliency to extreme weather events. The Project will be in Grant County, South Dakota and potentially in Big Stone, Lac qui Parle, Swift, Stevens, Pope, and Douglas Counties, Minnesota depending on the final route identified through the state permitting processes in Minnesota and South Dakota. Otter Tail and Western Minnesota were applicants to a Certificate of Need application that was filed with the Minnesota Public Utilities Commission (MN PUC) on September 29, 2023, and plan to submit a Route Permit application with the MN PUC in the fourth quarter of 2024 as well as a Facility Permit application with the South Dakota Public Utilities Commission in the second quarter of 2024. Depending on a variety of factors, construction of the Project is anticipated to start in 2027 and end in either 2030 or 2031.

Otter Tail and Western Minnesota started public engagement efforts in the second quarter of 2023 through a series of public meetings and has continued routing efforts since that time with a second round of public meetings recently occurring throughout the Project area over the past month. Otter Tail and Western Minnesota, with our consultants' help, have identified potential corridors as shown on the enclosed map. These corridors were based on: (1) an analysis of publicly available data; (2) stakeholder feedback and comments; (3) engineering and constructability best practices; (4) environmental considerations; and (5) regulatory rules and guidelines. These corridors are planning to be refined into a preferred route in which Otter Tail and Western Minnesota will seek to obtain a 150-foot-wide easement from landowners for the construction, operation, and maintenance of the proposed 345-kV transmission line.

We request your review of the corridors identified for the Project to help identify opportunities and constraints as we move towards defining a preferred route. We are particularly interested in any property located within or adjacent to the corridors which your agency may own or have an interest in. We would also appreciate being made aware of any proposed developments your agency may be contemplating within the corridors in addition to any information that might assist us in our siting analysis and studies. To help us identify potential concerns or opportunities in our on-going routing analysis, we request that you please provide us with any information pertaining to the Project by December 11, 2023. Verbal, written or email responses should be sent to:

¹ See more information at www.misoenergy.org.

HDR, Inc.
Attn: Jennifer Hanley
51 N Broadway, Suite 550
Fargo, ND 58102
Jennifer.hanley@hdrinc.com
701-353-6139

Future opportunities for input will also be available. As the Project progresses, we are planning to have additional consultations with agencies, other jurisdictions, and landowners as we develop and refine a preferred route.

If you desire further information regarding the proposed Project, please contact me at 218-739-8311 or jweiers@otpc.com or our lead environmental consultant, Jennifer Hanley of HDR, Inc., at 701-353-6139 or jennifer.hanley@hdrinc.com. In addition, further information about the Project can also be found on our website at www.BigStoneSouthtoAlexandria.com.

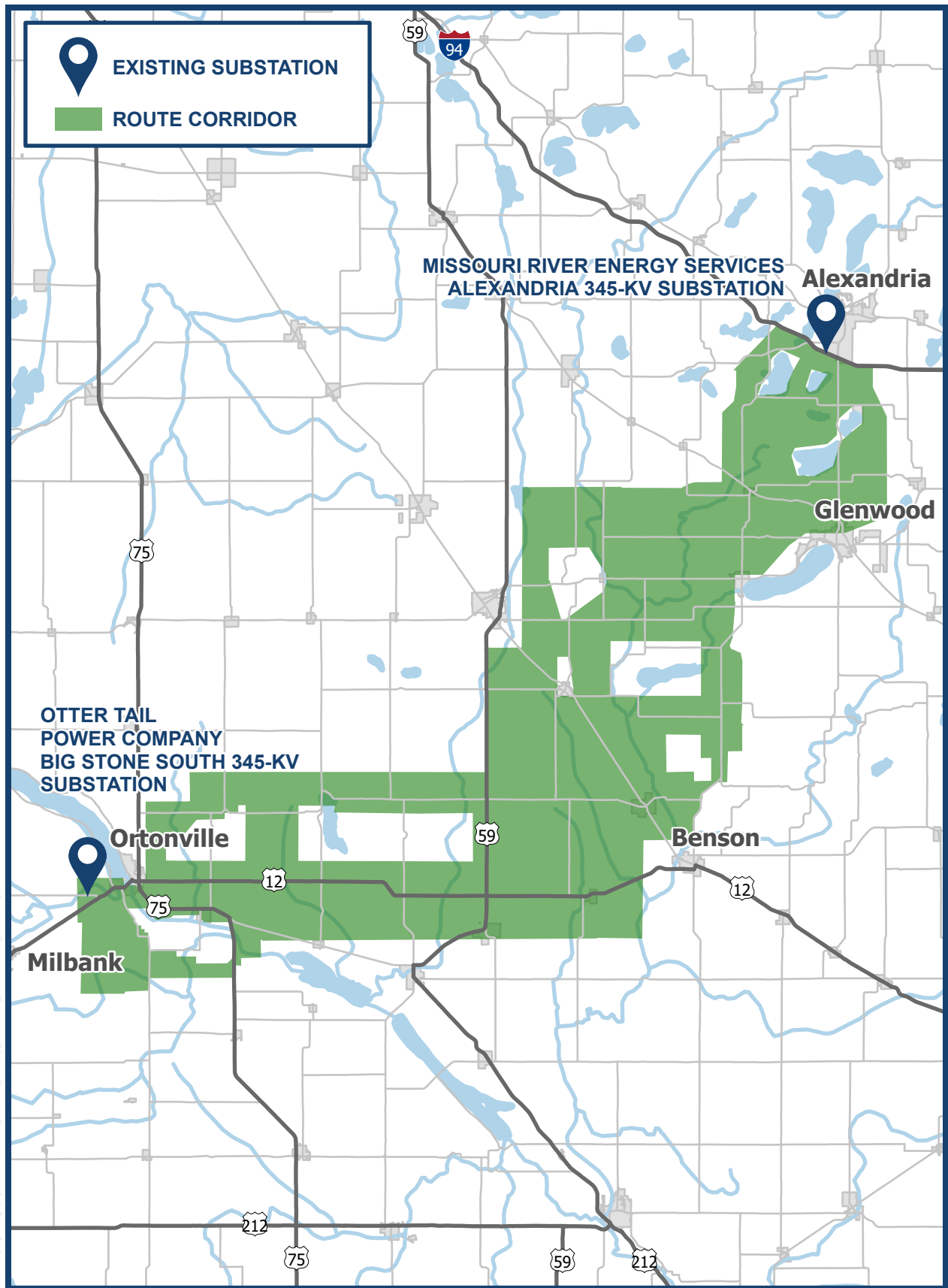
We appreciate and value your input in our on-going efforts to minimize effects to socioeconomics, avoid known culturally significant sites, protect natural resources, and utilize opportunities to parallel existing infrastructure corridors where feasible and look forward to your feedback and continued coordination.

Sincerely,



Jason Weiers
Manager, Transmission Project Development

Enclosure: BSSA Corridor Map



▲ Route corridor is marked in green on the map above and subject to change.

From: Freske, Bruce <bruce_freske@fws.gov>
Sent: Tuesday, February 13, 2024 3:41 PM
To: Hanley, Jennifer
Cc: Budd, Michael; Powers, Neil; Humburg, Joshua; Weiers, Jason; Scheidecker, Kevin J.; Malkin, Devin; Peterson, Monica; Kerr, Tom; Kraetsch, Ashley M
Subject: Re: [EXTERNAL] BSSA Minnesota USFWS Coordination Meeting Summary_20240123
Attachments: Roles and Responsibilities_12182020 (1).docx; 340- FW 3 - R-O-W - with highlights.pdf; Compatability Use Flowchart - e1603fw2.pdf

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jennifer:

Yes, ROW requests start with the Project Leader that oversees the affected tract. Attached is a ROW process document (Roles and Responsibilities) and some of the policy we must follow. Let me know if you have any other questions. I also copied my supervisor, Tom Kerr, as well as Ashley Kraetsch, who oversees ROW documentation, including NEPA, for ROW requests.

Bruce Freske
District Manager, Morris Wetland Management District
U.S. Fish and Wildlife Service
43875 230th Street, Morris, MN 56267
Office: (320) 589-4961
Mobile: (320) 287-0369

From: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>
Sent: Tuesday, February 13, 2024 1:50 PM
To: Freske, Bruce <bruce_freske@fws.gov>
Cc: Budd, Michael <michael_budd@fws.gov>; Powers, Neil <neil_powers@fws.gov>; Humburg, Joshua <jhumburg@otpc.com>; Weiers, Jason <jweiers@otpc.com>; Scheidecker, Kevin J. <kscheidecker@otpc.com>; Malkin, Devin <devin.malkin@hdrinc.com>; Peterson, Monica <monica.peterson@hdrinc.com>
Subject: RE: [EXTERNAL] BSSA Minnesota USFWS Coordination Meeting Summary_20240123

Thanks for clarifying Bruce. So if there is a potential need, we start with you and Neil depending on the location? Any policy or process information you can share would be appreciated!

Jennifer Hanley, PE*
D 701.353.6139

hdrinc.com/follow-us

*MN, ND, SD, MT and TX

From: Freske, Bruce <bruce_freske@fws.gov>
Sent: Tuesday, February 13, 2024 12:28 PM
To: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>

Cc: Budd, Michael <michael_budd@fws.gov>; Powers, Neil <neil_powers@fws.gov>

Subject: Re: [EXTERNAL] BSSA Minnesota USFWS Coordination Meeting Summary_20240123

You don't often get email from bruce_freske@fws.gov. [Learn why this is important](#)

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jennifer:

We don't have a ROW team. I can provide you with ROW policy information if you like and/or put you in contact with someone in our realty office for specific realty questions, however, in the F&WS the ROW process is fairly regimented and begins with the project leader(s) that oversee the affected tracts. As you can imagine, with the vast amount of land the federal government oversees, the application/review process for ROW requests is thoroughly covered by written policy.

Bruce Freske
District Manager, Morris Wetland Management District
U.S. Fish and Wildlife Service
43875 230th Street, Morris, MN 56267
Office: (320) 589-4961
Mobile: (320) 287-0369

From: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>

Sent: Tuesday, January 30, 2024 8:35 AM

To: Weiers, Jason <jweiers@otpc.com>; Humburg, Joshua <jhumburg@otpc.com>; Scheidecker, Kevin J. <kscheidecker@otpc.com>; Freske, Bruce <bruce_freske@fws.gov>; Powers, Neil <neil_powers@fws.gov>; Budd, Michael <michael_budd@fws.gov>

Cc: Peterson, Monica <monica.peterson@hdrinc.com>; Malkin, Devin <devin.malkin@hdrinc.com>; Brian Zavesky <brian.zavesky@mrenergy.com>; Richard Dahl <richard.dahl@mrenergy.com>; Vacek, Sara <sara_vacek@fws.gov>; Klavetter, Mead <Mead_Klavetter@fws.gov>

Subject: [EXTERNAL] BSSA Minnesota USFWS Coordination Meeting Summary_20240123

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All,

Thank you for taking the time to meet with us to discuss the Big Stone South to Alexandria transmission line project last Tuesday. Attached you will find the meeting summary with the presentation slides attached. If you have any comments or edits, please let me know.

Our next steps will include setting up meetings with the other groups at USFWS. Bruce, would you be able to provide a contact for the USFWS Right of Way team?

Thanks,

Jen

Jennifer Hanley, PE*
Environmental Project Manager

HDR
51 North Broadway, Suite 550
Fargo, ND 58102
D 701.353.6139
jennifer.hanley@hdrinc.com

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*MN, ND, SD, MT and TX



340 FW 3, Rights-of-Way and Road Closings

FWM#: 105 (new)
Date: July 28, 1993
Series: Real Property
Part 340: Real Property Management
Originating Office: Division of Realty

3.1 Purpose. The purpose is to set out the procedures to be followed by the Service in relation to rights-of-way and road closings in accordance with statutes, regulations, and policies.

3.2 Scope. This chapter applies to all Service activities relating to rights-of-way and road closings.

3.3 Policy. It is the policy of the Service to discourage the types of uses embodied in right-of-way requests. On areas in the National Wildlife Refuge System (System), if a right-of-way cannot be certified as compatible with the purposes for which a unit was established, it cannot be granted without authorization by Congress (50 CFR 29.21(g)). (See 3.6A(3) and A(4) below).

3.4 Authority and Regulations.

A. Prior to December 19, 1969, permits for rights-of-way across lands under the primary jurisdiction of the Service were issued by the Bureau of Land Management in accordance with regulations now published in 43 CFR 2800. After December 19, 1969, the Service's basic authority for granting right-of-way permits and/or easements is the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd(d)). In addition, authority to grant rights-of-way for pipelines for the transportation of oil, natural gas, or synthetic liquid, or gaseous fuels, or any refined product therefrom, is Section 28 of the Mineral Leasing Act of 1920, as amended, (30 U.S.C. 185).

B. Regulations covering the granting of rights-of-way on and across refuge lands are promulgated in 50 CFR, Parts 29.21 and 29.22. 50 CFR 29.21 requires a payment to the Service for use and occupancy of lands for rights-of-way. Fees from System lands are deposited in the Migratory Bird Conservation Fund and used for land acquisition. The Division of Realty has copies of these regulations available upon request.

C. Rights-of-way for the use of other than System lands (National Fish Hatcheries, Research Areas, and Administrative Sites) will be made under applicable authority cited in 43 CFR 2800 in accordance with procedures prescribed in 50 CFR 29.21. Some of these authorities are 43 U.S.C. 959, 43 U.S.C. 961, and 40 U.S.C. 319-319(c). These statutes should be thoroughly reviewed to determine which is applicable for a specific situation. Fees from other than System lands are deposited as directed by the Refuge Revenue Sharing Act (16 U.S.C. 715s).

3.5 Definitions.

A. Right-of-way. The term right-of-way as used in this chapter covers uses that will encumber real property by granting a right to use and alter the landscape through construction of a facility such as a road, powerline, pipeline, or building (air navigation facility, radio tower, etc.). Generally, such uses are for a relatively long period of time; i.e., 10 years or longer.

B. Compatibility. The term compatibility means that the requested right-of-way or use will not interfere with or detract from the purposes for which the unit of the National Wildlife Refuge System was established.

C. Primary or Sole Control Areas. These are lands owned by the United States where the Service is the primary administering agency. Lands acquired in fee by the Service, lands acquired by other Federal agencies and transferred to the Service, and public domain lands on which the Service has the primary withdrawal or reservation fall into this category. The Service grants rights-of-way on these areas.

D. Secondary Control Areas. These are lands owned by the United States, States, or others that are made available to the Service for management through permit, cooperative agreement, and overlay or secondary withdrawal. For such areas, the primary administering agency has the ultimate responsibility to grant rights-of-way. Most management agreements give the Service the right to make recommendations concerning such requests.

E. Easement Areas. These are areas on which the United States owns an interest in land but for which the fee title remains with the landowner. Usually, such easements are negative easements in that the landowner has agreed to maintain the land in an undeveloped state in accordance with terms as specified in the easement. For example, in Waterfowl Production Area easements, landowners agree to maintain wetlands by not filling, leveling, draining, or burning.

F. Coordination Areas. These are areas in which the United States has title (withdrawn or acquired lands) with custody in the Service, and made available to a State pursuant to the Fish and Wildlife Coordination Act (16 U.S.C 661-666c), as amended; or by long-term lease or agreement pursuant to the Bankhead-Jones Farm Tenant Act (50 Stat. 525), as amended. In such cases, the Service will grant the right-of-way.

G. Alaska Native Claims Settlement Act (ANCSA) Lands. These are lands in Alaska which were conveyed out of a refuge but for which application of refuge laws and regulations are retained in accordance with Section 22(g) of the Alaska Native Claims Settlement Act. These are similar to easement areas for granting of rights-of-way.

3.6 Permits vs Easements

A. General Guidance

(1) The term right-of-way should not be confused with short term and temporary use of an existing road or trail, etc., that can best be accommodated through special use permits. Rights-of-way that may be included in a contract for services, such as a powerline or telephone line that provides service to project facilities only, should also be handled through special use permits. Rights-of-way should not be confused with uses of project lands through rights that were reserved or outstanding at the time of acquisition. In these cases, a special use permit with stipulations to protect project values is used to authorize entry onto Service lands. No charge is made for the special use permits; however, surface damages that occur beyond what is ordinary or expected can be assessed to the user.

(2) Applications by any Federal, State, local agency, private individual, or organization for rights-of-way for roads and highways may be made under the above authorities in accordance with 50 CFR 29.21. In the case of Federal, State, or local agencies, use and occupancy charges can be waived only if there is an exemption from payment by any other provision of law. The Federal Aid Highway Act (Title 23 U.S. Code provides no such exemption).

(3) A determination of compatibility or noncompatibility cannot be made in an arbitrary manner and such a determination must be supported by facts. The facts can best be presented in an environmental assessment (EA) or environmental impact statement (EIS). A determination of compatibility with the purposes for which a unit of the System was established must mean consideration only of wildlife values or project values, not of any broader social or economic concerns.

(4) For lands in the System, the file must contain a finding by the Regional Director that the proposed use is compatible as defined in 50 CFR 29.21(g). If the proposed use cannot be certified as compatible, the permit or easement cannot be granted. The term "inconsistent" in Section 28(6)(1) of the Mineral Leasing Act of 1920, as amended, shall be deemed to mean a use that is "not compatible," as "compatible" is defined herein (50 CFR 29.21(g)). A compatibility determination is not required on Service lands other than those in the System (National Fish Hatcheries, Research Areas, and Administrative Sites).

(5) The regulations require a right-of-way permit from the Service where the interest owned by the United States will be adversely affected (thus needing protection by special stipulations). However, no charge will be made. If such interest will not be adversely affected, the Regional Director may simply give a letter of no objection. In each case, the landowner must grant the right-of-way.

(6) On Coordination Areas, written approval of the State administering the land must be obtained before a permit or easement may be granted.

B. When to Use Permits. Permits should be utilized for most Service outgrants. Permits generally have the same force and effect as easements and are subject to the same terms and conditions. Permits may be granted for up to 50 years. In the case of oil and gas pipelines, only permits are authorized and are limited to a 30-year period. Permits should contain stipulations to protect the interests of the United States and provide for termination for non-use or non-compliance. A basic form of permit is found in [Exhibit 1](#).

C. When to Use Easements. Right-of-way easements may be used when the type of use will substantially alter the real property and is of a permanent or long term nature. Also when the charge to be made for the grant is large, a permittee may insist on a recordable instrument to justify the investment. Some examples are major pipelines and electric power transmission lines (when permanent towers will be erected on the land). Generally, easements should be limited to a term of 50 years (30 years for oil and gas pipelines) and should be used only when public utilities are involved. Permits and/or easements for Federal aid or other public highways may be granted without term limitations. Permanent or long term easements for private use should not be granted. Any easement granted should contain stipulations to protect the interests of the United States and to provide for termination for non-use or non-compliance. A basic easement form is found in [Exhibit 2](#).

D. Designations

(1) For record keeping purposes, permits and easements will carry a designation assigned (by Region) at the time of application and in sequence by date of application and specific type. Records will be established for uses that encumber real estate; i.e., those requiring construction or alteration of the land

(roads, powerlines, etc.); and those granting exclusive use of Federal property for a long period of time, 10 years or more. The use of Service land and/or facilities for a temporary or short period of time is usually handled by special use permit which should not be assigned a case number or included in the real property records. The Realty records will reflect a current record of permits/easements for each project in sequence of their application, e.g.:

(E1) Mountain States Power Co.

(E2) Golden Valley Electric Corp.

(D1) Valley Drainage District.

(E3) Valley Electric Corp.

(2) The alphabetical letter used to identify permits/easements for uses of a similar nature is capitalized and used as a prefix. Letter designations are as follows:

D - Ditch, canal, culvert

E - Electric transmission lines

L - Levee, dike

M - Miscellaneous (dock site, jetties, recreational area, stock driveway, right of passage, roadside park, dams)

P - Pipelines (gas, oil, sewer, water)

R - Road or highway

RR - Railroad

T - Telephone or telegraph

(3) An application which covers more than one use should carry the designation of the primary use; e.g., application for a highway and material site should be designated "R".

(4) When permits or rights-of-way are obtained by the Service on lands outside project boundaries, the designation assigned becomes 1E, 2E, 1D. etc.

3.7 Responsibilities.

A. Regional Office. The Regional Office (Division of Realty) will review right-of-way applications for adequacy and resolve any legal questions. The Regional Office will also prepare the appraisal of market value of the right-of-way and prepare the permit document and appropriate charges to the applicant. In situations where Ecological Services is involved with the application at the field level, Ecological Services will coordinate activities to develop a unified Service response.

B. Project Leader. The project leader plays a key role in the decision as to whether or not a right-of-way will be granted. He/she must have a good working knowledge of Title 50, Code of Federal Regulations, Parts 29.21 and 29.22, and the procedures under which rights-of-way are granted. The

basic responsibilities of the project leader, as they apply to rights-of-way, are to:

- (1) Ensure there is no occupancy of project lands unless a right-of-way has been granted except as stated in [3.6](#) above.
- (2) When a right-of-way is granted, ensure that the recipient complies with the terms and conditions of the grant and that the right-of-way is used only for the specific use granted.
- (3) Report to the Regional Director any right-of-way that has been abandoned so that it can be terminated and removed from the Service's real estate records.

3.8 Preapplication Contact. A prospective applicant will usually make an initial contact with the project leader concerning his/her desired use of project lands. For uses such as large powerlines, pipelines, or highways, the initial contact may be made at the Regional Office. At this contact, it is important to determine the magnitude of the proposed use. Will it affect only project lands or is it a part of a larger facility such as a power transmission line, a pipeline, or highway affecting the environment on and off the project? The project leader should discuss proposed routing and alternatives, if any. The prospective applicant should be given a copy of the regulations, 50 CFR 29.21 to 29.22, which describe the requirements for filing an application. If it is determined that the proposed right-of-way will affect the environment on and off the project, the Regional Office must be alerted and brought into discussions if not already involved. Care should be taken not to commit the Service to the granting of a right-of-way prior to actual approval by the Regional Director.

3.9 Application Procedure. The prospective applicant files an application with the Regional Director in accordance with the regulations and accompanies this request with an application fee as required by 50 CFR 29.21-2. Realty will check the request for completeness and conformance with the regulations and resolve any legal questions before it is coordinated with the project leader, Ecological Services, and other agencies as appropriate.

3.10 Right-of-Way Package - Project Leader. The project leader will consider the application and develop a package which will include the following information. Documents referenced are available in Realty offices.

A. National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA). The regulations in CFR 29.21-2(a)(4) require the applicant to furnish an environmental analysis from which the project leader may develop the environmental assessment (EA). This analysis should include alternatives to the proposed use and information concerning historical and cultural features. If these features are present, measures to protect them should be included in accordance with NEPA, NHPA, and Executive Order 11593.

B. Floodplains and Wetlands. If the proposed use is located in a floodplain or wetland, include an analysis of the potential effects, if any, of the proposed use on the floodplain or wetland. (See Executive Orders 11988 and 11990.)

C. Coastal Zone Management. Include a statement from the applicant as to the consistency of the proposed use with State coastal zone management programs, if appropriate.

D. Endangered Species. List any endangered species occurring on the project, if any, and a recommendation as to whether Section 7 consultation is required.

E. Terms and Conditions. List any special terms and conditions needed to protect the interest of the Service over and above the standard fifteen in 50 CFR 29.21-4(b) and recommend whether any of the standard fifteen should be deleted. If a proposed use can be made compatible through mitigation measures (50 CFR 29.21-7(c)), the applicant's recommendation of such mitigation measures should be included.

F. Project Leader's Recommendation. The project leader will make a recommendation whether the proposed use will be compatible (required on System lands only), can be made compatible through specific mitigation measures, or will not be compatible and should be denied and the reasons for such denial. If he/she concurs with the granting of the right-of-way, a Finding of No Significant Impact (FONSI) and a certification of compatibility will be prepared for the Regional Director's signature. If the right-of-way is to be denied, a draft of a letter of denial will be prepared to the applicant for the Regional Director's signature (See [3.6A\(3\)](#) and [\(4\)](#) above).

3.11 Right-of-Way Package - Regional Office.

A. The right-of-way package will be referred to the Regional Office for preparation of the final documents. If the Regional Director decides to grant the right-of-way, Realty will make a determination of market value charges for the right-of-way and prepare the permit or easement document. The Regional Director will send the permit or easement including all special terms and conditions to the applicant for execution. Upon receipt of the approved permit and fees, the Regional Director will execute the permit or easement and send the original to the applicant. Realty will send a copy of the permit to the project leader and maintain a record file in the Regional Office.

B. At the time the right-of-way granting document is sent to the applicant, a certificate of completion of construction is transmitted to the applicant which is to be executed upon completion of construction and returned to the Regional Director.

C. If the Regional Director decides to deny the permit or easement, the applicant will be so informed in writing and the reasons for the denial stated. The Regional Director's decision may be appealed to the Director and the Director's decision may be appealed to the Secretary (43 CFR Part 4.700 Subpart G).

3.12. Oil and Gas Pipelines.

(1) Applications for pipelines and related facilities for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product therefrom are to be filed in accordance with 50 CFR 29.21. Special requirements for these rights-of-way are included in 50 CFR 29.21-9. When the right-of-way or proposed facility will occupy Federal land under the control of more than one Federal agency and/or more than one bureau or office of the Department of the Interior, a single application shall be filed with the appropriate State Director of the Bureau of Land Management in accordance with regulations in 43 CFR Part 2800.

(2) Federal, State, and local government agencies and the public shall be given adequate notice and opportunity to comment upon pipeline right-of-way applications (Publish notice in the Federal Register).

(3) In accordance with 50 CFR 29.21-9(m), the Senate - Committee on Energy and Natural Resources and the House - Committee on Interior and Insular Affairs must be notified when the Service receives an application for a right-of-way for a pipeline 61.44 centimeters (24 inches) or more in diameter. Headquarters will notify the committees. If the Service decides to grant the right-of-way, a follow-up letter will be sent to the committees including a copy of the proposed right-of-way document. If a waiver of the 60-day waiting period is requested, the following information must be provided:

- (a) Justification for the waiver.
- (b) Description of the area affected by Township and Range.
- (c) The kilometers (miles) of right-of-way and hectares (acres) of permanent use which cross Federal lands by agency and county.

3.13 Reimbursement of Costs.

A. When an application is received, the costs expected to be incurred in processing will be estimated. If the estimated costs exceed the application fee, the Regional Director shall require the applicant to make periodic payments in advance of the incurrence of such costs by the United States. On request by the applicant or prospective applicant, the Regional Director will provide an estimate of costs for processing the application.

B. If the permit or easement is to be granted, the holder agrees to reimburse the United States for reasonable costs incurred by the Service in monitoring the construction, operation, maintenance, and termination of facilities.

C. If actual costs for processing a right-of-way are used, Realty must document the charges (including those of all Divisions) in the file. The same procedure applies to monitoring fees.

D. Realty or the applicant will prepare an appraisal (subject to Service review and approval) of the market value to be charged for the right-of-way and also prepare the grant document.

E. No application or monitoring costs will be required of State or local governments or agencies or instrumentalities thereof except those for rights-of-way, easements, or permits for oil and gas pipelines under Section 28 of the Mineral Leasing Act or 1920, as amended by P.L. 93-153 (50 CFR 29.21-2). If any Federal, State or local agency is exempted from the payment for the use and occupancy of the land under another provision of Federal law, such agency shall otherwise compensate the Service at the discretion of the Regional Director or payment may be waived if he/she finds such payment impractical or unnecessary. The Federal Aid Highway Act does not provide an exemption from payment for the use and occupancy of Service lands.

F. Actual payment may be by lump sum or an annual market rental. Payment is to be made in advance. When annual rental payments are used, the rates shall be reviewed at any time not less than 5 years after the grant of the permit, right-of-way, or easement or last revision of charges and a new charge established if appropriate. (See 50 CFR 29.21-2 through 7).

3.14 Post Permit Procedures. The project leader is responsible for monitoring the construction and operation of the facility to ensure that the terms and conditions in the permit are being met and to protect the project and the public.

3.15 Road Closings.

A. On any area acquired by the Service, it may become necessary or desirable to close certain public roads or highways that may no longer serve the public because of the establishment of the project. Public roads are established in a number of ways, such as dedication by the landowner, by prescription, or by statutory proceedings under the power of eminent domain.

B. Roads can be closed by condemnation proceedings or by complying with the applicable statutes of each State. Condemnation will not be used unless all other means fail and it is essential the road be closed. Each situation is best treated separately. Realty should provide the same assistance as if acquiring any other interest in land.

C. Revised Statute 2477 may need to be considered when attempting to eliminate access across public domain lands. Such access might be asserted according to State law. The right originated after 1886 and was repealed in 1976 with the enactment of the Federal Lands Policy and Management Act (P.L. 94-579). Use prior to 1976 can still be asserted, so public access rights thought to be eliminated are possible under Revised Statute 2477.

For more information about this chapter, please contact the Division of Realty. For more information about this Web page, contact [Krista Bibb](#), in the Division of Policy and Directives Management.

[Directives Home](#)

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Great Lakes Region Refuges Roles and Responsibilities for Minor Boundary Expansions, Land Exchanges and Right-of-way Permits

Document purpose:

The Division of Realty (Realty) and the Branch of Conservation Planning (CP) have written this document to help you understand what is needed for certain realty transactions, why it may be needed, and who to contact for further information. Transactions that are summarized in this document include minor boundary expansions, exchanges, exchanges with minor boundary expansions and right-of-way requests. Please contact both Realty and Conservation Planning early in the process for any of these situations.

Minor Boundary Expansions and/or Exchange Process:

Project Leader must complete the necessary documentation and process below when the U.S. Fish and Wildlife Service is proposing a minor boundary expansion (through an exchange, donation, or fee title acquisition) or an exchange with or without a minor boundary expansion. Compliance with NEPA must occur whether an exchange is entirely within the boundary or will include a minor boundary expansion due to the acquisition and divestiture of public property.

The steps to complete any of these actions are as follows:

1. Project Leader completes and sends in the following necessary documents to Area Supervisor for routing:
 - a. *Refuge Boundary Addition (Minor Boundary Expansion), Land Exchange, or Land Exchange with Minor Boundary Expansion Approval Routing Slip* (signed)
 - b. Narrative Project Description
 - c. Maps and/or surveys showing the location of the tracts and their relationship to the current refuge boundary
 - d. Section 7 Consultation with maps (signed)
 - e. SHPO/RHPO Clearance with maps (signed)
 - f. Cat-ex Checklist (signed)
 - g. Environmental Action Statement (draft not signed)
 - h. Statement of Compliance (draft)
 - i. Acquisition Proposal Information form, aka API (signed)

These documents are routed as follows: 1) Project Leader as initiator; 2) Area Supervisor for concurrence; 3) Branch of Conservation Planning will check the 10% rule and determine the level of environmental compliance required (typically a CatEx, on rare occasions requires EA); 4) NWRS Regional Chief for concurrence; 5) CP who retains a copy; 6) to Realty to start the acquisition.

2. Once Realty obtains a signed option, they notify Project Leader and CP to complete final environmental policy compliance.
3. Project Leader reviews the initial environmental policy compliance for accuracy and makes any necessary changes based on final tract configuration, acreage, or changes in environmental conditions (e.g., a new or delisted T&E species, controversy, etc) and sends to Branch of Conservation Planning the following:

- a. Final Narrative Project Description
 - b. Updated maps
 - c. Signed Section 7 Consultation (updated with final project maps)
 - d. Signed SHPO/RHPO Clearance (updated with final project maps)
 - e. Final NEPA documentation (EA or CatEx Checklist)
 - f. Environmental Action Statement (signed by Project Leader and Area Supervisor)
 - g. Statement of Compliance (updated as necessary to reflect dates compliance received and any changes in tract configuration or location, etc)
4. Routing *after* final documents are received by CP from Project Leader: 1) CP to the Regional Director through the NWRS Regional Chief; 2) return to CP; 3) CP sends final, RD signed, Environmental Policy Compliance Package to Project Leader, Realty Officer, and Realty Specialist.

Right-of-Way Request:

Before the Division of Realty is able to process a right-of-way request, all environmental policy compliance must be complete. The process is outlined below.

1. Pre-consultation briefing with ROW Applicant, Project Leader, Realty, and Branch of Conservation Planning to understand the ROW project and environmental compliance needs.
2. ROW Applicant finalizes and sends in the completed ROW Permit Application form SF299-20 (along with application fee to be deposited by Realty).
3. Applicant and Project Leader work with Conservation Planning to complete environmental policy compliance. Applicant may be required to complete items below. Project Leader completes the following necessary documents and sends to Area Supervisor:
 - a. Finding of Appropriateness and Compatibility Determination
 - b. Maps and/or surveys showing the location of the ROW
 - c. Signed Section 7 Consultation (updated with final project maps)
 - d. Signed SHPO/RHPO Clearance (updated with final project maps)
 - e. Final NEPA documentation (EA or CatEx Checklist)
 - f. Environmental Action Statement (signed by Project Leader and Area Supervisor)
 - g. Statement of Compliance (updated as necessary to reflect dates compliance received and any changes in tract configuration or location, etc)

These documents are routed as follows and occurs prior to Realty completing due diligence:

- 1) Project Leader to Area Supervisor; 2) Area Supervisor to Branch of Conservation Planning; 3) Project Leader and Branch of Conservation Planning will complete environmental compliance; 4) CP to the Regional Director through the NWRS Regional Chief; 5) CP will send to the Division of Realty to begin the Right-of-Way permitting process.
4. Realty works with ROW Applicant and Project leader to complete due diligence process, which results in the issuance of a ROW permit.
 5. Routing *after* signed ROW permit from Applicant: 1) Realty request ROW signature by the Regional Director through the NWRS Regional Chief; 2) Realty to Project Leader.

From: Scheidecker, Kevin J. <kscheidecker@otpc.com>
Sent: Tuesday, April 23, 2024 3:10 PM
To: Freske, Bruce <bruce_freske@fws.gov>
Subject: [EXTERNAL] BSSA Transmission Project Routing

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Bruce,

We are working on developing the two routes that we are required to submit with our route application to the MN PUC. Rest assured that we will be reaching out again to review our routing efforts with the USFWS as we prepare to submit our route application sometime in Quarter 4 of this year. In the meantime, we are working to appropriately route our project through all the lands for which the USFWS has an interest.

We feel that we have a good handle on USFWS fee title land and USFWS wetland easement lands. My question is more about lands with USFWS grassland easements. Our goal is to avoid any impacts to grassland easements such as temporary roads or structures but are we able to obtain a ROW easement on these lands if we have to cross

or overhang them? Is that a simpler process than obtaining an easement on your fee title land? Does it also trigger NEPA? I've read over all the documents you provided us regarding easements but it seemed to only pertain to fee title lands owned by the USFWS.

Thanks in advance for your help. This information will help us better set a course for how we microsite our routing efforts in the upcoming few weeks.

Kevin Scheidecker
Senior Environmental Specialist



Environmental Services

Direct: 218-739-8773

kscheidecker@otpc.com

From: Freske, Bruce <bruce_freske@fws.gov>

Sent: Friday, April 26, 2024 9:29 AM

To: Scheidecker, Kevin J. <kscheidecker@otpc.com>

Cc: Kraetsch, Ashley M <ashley_kraetsch@fws.gov>; Kerr, Tom <tom_kerr@fws.gov>; Kepford, Danielle <danielle_kepford@fws.gov>; Budd, Michael <michael_budd@fws.gov>; Powers, Neil <neil_powers@fws.gov>

Subject: Re: [EXTERNAL] BSSA Transmission Project Routing

EXTERNAL

Hi Kevin:

Ashley Kraetsch works in our Regional Office on ROW projects, she can answer your questions, particularly regarding NEPA. I copied her on this email.

My understanding is that the project requires a 150' wide ROW, therefore, if the poles run along the edge of a grassland easement (habitat easements in MN) you would still need approximately 75' of ROW on the easement. From a biological view, my greatest concerns are not the physical foot print of the poles, except when they impact native prairie, but rather the impact of the powerlines to flying birds. The attached picture is of a pelican which struck a powerline northeast of Ortonville last year, about 7 miles north of the current proposed powerline corridor in Big Stone County. Habitat easements are purchased with Duck Stamp funds for the primary purpose of providing breeding habitat for waterfowl, therefore the presence of flying waterfowl and other water birds is likely wherever we have habitat easements.

Bruce Freske

District Manager, Morris Wetland Management District
U.S. Fish and Wildlife Service
43875 230th Street, Morris, MN 56267
Office: (320) 460-1151
Mobile: (320) 287-0369



From: Scheidecker, Kevin J. <kscheidecker@otpc.com>
Sent: Monday, April 29, 2024 7:24 AM
To: Freske, Bruce <bruce_freske@fws.gov>
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Thanks Bruce. I appreciate getting your perspective on this. I'd guess USFWS will be hearing from us fairly soon on a request for a meeting and we'll be including ecological services as well. More to come.



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EXTERNAL

Danielle <danielle_kepford@fws.gov>; Budd, Michael <michael_budd@fws.gov>; Powers, Neil <neil_powers@fws.gov>

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kscheidecker@otpc.com

From: [Kraetsch, Ashley M](#)
To: [Scheidecker, Kevin J.](#); [Freske, Bruce](#)
Cc: [Kerr, Tom](#); [Kepford, Danielle](#); [Budd, Michael](#); [Powers, Neil](#); [Adams, Krista D](#); [Hanson, Kristina](#)
Subject: RE: [EXTERNAL] BSSA Transmission Project Routing
Date: Monday, April 29, 2024 9:41:44 AM
Attachments: [image001.png](#)
[image002.png](#)

This is an **EXTERNAL** email. DO NOT open attachments or click links in suspicious email.

Hello Kevin,

As a follow-up to what Bruce said regarding NEPA, if USFWS needs to issue a 50 year ROW permit, then we will need to complete NEPA. If our interests on an easement are not being impacted, we can typically issue a Letter of No Objection and the jurisdiction of the resources being impacted in that case determines whether or not we need to complete NEPA to go with the Letter of No Objection. Once we know more about the exact location of the route, we can give you a better idea of whether or not we would need to complete NEPA.

* Bruce, feel free to let Krista/Kristina/myself know if you'd like to set up a meeting to chat about this more.

Ashley Kraetsch

Conservation Planner

U.S. Fish & Wildlife Service – Midwest Region
5600 American Blvd West, Suite 990
Bloomington, MN 55437-1458

For Region 3 Planning resources, visit the [DNRCP SharePoint](#)



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Office: (320) 460-1151
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Senior Environmental Specialist



Environmental Services

Direct: 218-739-8773

kscheidecker@otpc.com

From: Hanley, Jennifer <Jennifer.Hanley@hdrinc.com>

Sent: Thursday, May 23, 2024 9:02 AM

To: Freske, Bruce <bruce_freske@fws.gov>; Budd, Michael <michael_budd@fws.gov>; Powers, Neil <neil_powers@fws.gov>

Cc: Humburg, Joshua <jhumburg@otpc.com>; Weiers, Jason <jweiers@otpc.com>; Scheidecker, Kevin J. <kscheidecker@otpc.com>; Malkin, Devin <devin.malkin@hdrinc.com>; monica.peterson@hdrinc.com <monica.peterson@hdrinc.com>; Kerr, Tom <tom_kerr@fws.gov>; Kraetsch, Ashley M <ashley_kraetsch@fws.gov>; Phinney, Samantha <Samantha.Phinney@hdrinc.com>; Raine, Katie <Katie.Raine@hdrinc.com>

Subject: BSSA Minnesota USFWS Coordination_Route Shapefiles_20240523

This is an **EXTERNAL** email. DO NOT open attachments or click links in suspicious email.

All, it appears that Outlook stripped the content to the email I sent. Trying again.

Bruce/Michael/Neil,

Please find our attached our routes and buffers that we plan to present in June open houses. Once you've had the chance to review this information, we'd like to meet and discuss our routes, USFWS easements, and any comments you may have.

We have multiple public meeting coming up in June. The Minnesota Public Utilities Commission will be hosting public hearings for the Big Stone South to Alexandria (BSSA) and Alexandria to Big Oaks (ABO) Certificate of Need and the ABO Route Permit Application June 13, 17 and 18. Otter Tail Power Company and Missouri River Energy Services will also be hosting public open houses to discuss routes for BSSA June 24-27.

Once you have had the chance to review the routes attached, would like to continue our conversation with you to discuss any questions or concerns prior to our route permit application filing later this year. We will be in the project area for the open houses in late June and could meet in person or virtually in the mornings if you have availability.

Thanks,
Jen

Jennifer Hanley, PE*

D 701.353.6139

hdrinc.com/follow-us

*MN, ND, SD, MT and TX

From: Hanley, Jennifer

Sent: Thursday, May 23, 2024 8:56 AM

To: Freske, Bruce <bruce_freske@fws.gov>; Budd, Michael <michael_budd@fws.gov>; Powers, Neil <neil_powers@fws.gov>

Cc: Humburg, Joshua <jhumburg@otpc.com>; Weiers, Jason <jweiers@otpc.com>; Scheidecker, Kevin J. <kscheidecker@otpc.com>; Malkin, Devin <devin.malkin@hdrinc.com>; Peterson, Monica

<monica.peterson@hdrinc.com>; Kerr, Tom <tom_kerr@fws.gov>; Kraetsch, Ashley M
<ashley_kraetsch@fws.gov>; Phinney, Samantha <Samantha.Phinney@hdrinc.com>; Raine, Katie
<Katie.Raine@hdrinc.com>

Subject: BSSA Minnesota USFWS Coordination_Route Shapefiles_20240517

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Minnesota and South Dakota



Local offices


Minnesota-Wisconsin Ecological Services Field Office


☎ (952) 858-0793

3815 American Blvd East

Bloomington, MN 55425-1659

South Dakota Ecological Services Field Office

 (605) 224-8693

 (605) 224-1416

420 South Garfield Avenue, Suite 400

Pierre, SD 57501-5408

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045</p>	Endangered
<p>Tricolored Bat <i>Perimyotis subflavus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10515</p>	Proposed Endangered

Birds

NAME	STATUS
<p>Rufa Red Knot <i>Calidris canutus rufa</i> Wherever found There is proposed critical habitat for this species. https://ecos.fws.gov/ecp/species/1864</p>	Threatened

Insects

NAME	STATUS
<p>Dakota Skipper <i>Hesperia dactotae</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/1028</p>	Threatened
<p>Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743</p>	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below.

Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

Bald Eagle *Haliaeetus leucocephalus*

Breeds Dec 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Golden Eagle *Aquila chrysaetos*

Breeds Jan 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12

(0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

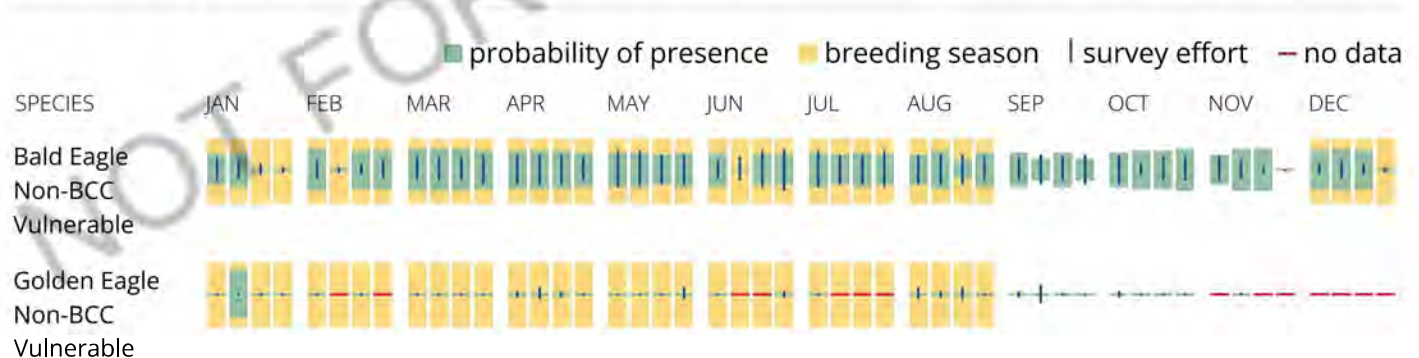
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the [Eagle Act](#) should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and->