Minnesota Public Utilities Commission

Staff Briefing Papers

Meeting Date:	January 6, 2015 .....Agenda Item **2
Company:	Minnesota Power
Docket No.	E015/TL-14-21
	In the Matter of the Application of Minnesota Power for a Route Permit for the Great Northern Transmission Line Project in Roseau, Lake of the Woods, Beltrami, Koochiching and Itasca Counties, Minnesota
Issue(s):	What action should the Commission take regarding route alternatives to be evaluated in the environmental impact statement? Should the Commission accept the proposed permit template for review and comment during the permit proceedings?
Staff:	Michael Kaluzniak | 651-201-2257 | mike.kaluzniak@state.mn.us

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Relevant Documents

Minnesota Power Route Permit Application (24 parts) .....April 15, 2014
Commission Order Finding Application Complete ..... July 2, 2014
Department of Commerce EERA Draft Scoping Document .....August 8, 2014
MNDOT Comments .....August 14, 2014
MN DNR Comments (4 parts) .....August 15, 2014
RRANT Comments .....August 15, 2014
Public Comment .....August 18, 2014
Public Comments filed by DOC EERA (98 parts)* .....August 22, 2014
Public Comment .....September 2, 2014
DOC EERA Advisory Task Force Summary .....September 5, 2014
Minnesota Power Response to Scoping Summary ..... October 20, 2014
Minnesota Power and US DOE Amendment to Border Crossing..... October 29, 2014
DOC EERA Scoping Summary Report (51 parts) ..... November 13, 2014
Minnesota Power Response to Scoping Summary Report (2 parts) ..... November 14, 2014
MN DNR Response to Scoping Summary Report ..... November 26, 2014
US FWS Route Alternative Recommendations .....December 2, 2014
DOC EERA Comments and Recommendations .....December 5, 2014

Enclosure – Draft Route Permit

* Note – Public comments filed by the Department of Commerce EERA staff are included and summarized in the Scoping Summary Report e-Filed on November 13, 2014, including those comments received to date from federal, state and local governments.

Statement of the Issues

What action should the Commission take regarding route alternatives to be evaluated in the environmental impact statement? Should the Commission accept the proposed permit template for review and comment during the permit proceedings?

Project Overview

Minnesota Power, an operating division of ALLETE, Inc. (Applicant), is applying to the Minnesota Public Utilities Commission (Commission) for a Route Permit to construct the Great Northern Transmission Line (GNTL). The project includes an approximately 200-mile 500-kilovolt (kV) alternating current transmission line between the Minnesota-Manitoba border and the existing Blackberry Substation near Grand Rapids, Minnesota[1]. The proposed project also includes associated substation facilities and transmission system modifications at the Blackberry Substation site, and a 500 kV series compensation station within, or adjacent to, the final approved route. The project is being proposed to fulfill the applicant's power purchase agreement with Manitoba Hydro, to meet regional energy demand, strengthen system reliability and to increase the applicant's generation diversity and renewable portfolio.

Procedural History

On April 15, 2014, the applicant filed an application with the Commission for a route permit for its GNTL project under Minnesota Statutes Section 216E.03, subdivision 2 of the Power Plant Siting Act.

On July 2, 2014, the Commission issued an order finding the application complete, provided a charge for an advisory task force and referred the matter to the Office of Administrative Hearings for a contested case proceeding. The Commission also authorized Department of Commerce Energy Environmental Review and Analysis staff (EERA) to initiate an environmental review and to prepare an analysis of draft route alternatives to facilitate Commission input to the Commissioner of Commerce on the scope of the EIS prior to its issuance.

On July 7, 2014, the Department filed a draft scoping document for the project.

Eight public information and environmental impact statement (EIS) scoping meetings were held in

[1] Under Minn. Stat. §216B.243, subd.2, a certificate of need is required from the Commission before the project can be sited or constructed (see Commission Docket No. E015/CN-12-1163).

the cities of Roseau, Baudette, Littlefork, International Falls, Kelliher, Bigfork and Grand Rapids between July 16 and 24, 2014. Public comments on issues and alternative routes to be considered in the scope of the EIS were accepted until August 15, 2014.

On August 14, 2014, the Minnesota Department of Transportation (MNDOT) filed scoping comments.

On October 29, 2014, Minnesota Power filed an amendment to the border crossing.

On November 13, 2014, Department EERA filed comments and recommendations summarizing the scoping process for the EIS, and identified alternative routes that it intends to recommend for inclusion in the EIS.

On November 14, 2014, Minnesota Power filed comments in response to the Department's recommendations.

On November 26, 2014, the Minnesota Department of Natural Resources (DNR) filed its Response to Scoping Summary Report.

On December 2, 2014, the U.S. Fish and Wildlife Service (USFWS) filed its Route Alternative Recommendations.

DOC EERA filed Comments and Recommendations with the Commission on December 5, 2014.

Statutes and Rules

The Department EERA and U.S. Department of Energy (DOE) are jointly preparing an EIS for high-voltage transmission line projects being reviewed under the full permitting process in accordance with Minn. Stat. §216E.03 and Minn. Rules, part 7850.2500[2]. The EIS must provide information on the human and environmental impacts of the proposed project and of alternative sites or routes, including methods to mitigate such impacts.

Before preparing the EIS, the Department EERA must develop a scoping document that identifies the routes and impacts to be addressed. The scoping process must include a public meeting and a 7-day minimum comment period for the public to submit comments on the scope of the EIS. The Department must determine the scope of the EIS as soon after holding the public scoping meeting as possible.

Minnesota Statute 216E.02, subdivision 3 states: If a route is proposed in two or more states, the

[2] The project also requires a Presidential permit from the U.S. Department of Energy. When considering an application for a Presidential permit, the DOE must take into account possible environmental impacts of the proposed facility. DOE and the DOC-EERA will prepare a single EIS to comply with environmental review requirements under the National Environmental Policy Act of 1969 (NEPA) and the Minnesota Power Plant Siting Act. DOE will act as federal joint lead agency with DOC-EERA acting as state joint lead agency per 40 CFR 1501.5(b).

commission shall attempt to reach agreement with affected states on the entry and exit points prior to designating a route. The commission, in discharge of its duties pursuant to this chapter may make joint investigations, hold joint hearings within or without the state, and issue joint or concurrent orders in conjunction or concurrence with any official or agency of any state or of the United States. The commission may negotiate and enter into any agreements or compacts with agencies of other states, pursuant to any consent of Congress, for cooperative efforts in certifying the construction, operation, and maintenance of large electric power facilities in accord with the purposes of this chapter and for the enforcement of the respective state laws regarding such facilities.

Minn. Stat. § 216E.03, subd. 5, anticipates that the Commission will have the opportunity to identify other routes for consideration prior to environmental review of a project. Thus, the Commission requested that, prior to issuance of the EIS scoping decision, Department EERA present draft route alternatives to facilitate Commission input.

Department of Commerce Comments

On November 13, 2014, the Department EERA filed a summary report that discussed the scoping process and route alternatives proposed during the scoping process. The Department indicated that, in addition to comments received from the applicant, DOC EERA and DOE received 122 comment letters, emails or website submittals from private citizens, government agencies and nongovernmental organizations.

In its December 5, 2014 comments and recommendations, Department EERA provided analyses of each alternative route segment or alignment modification relative to the five criteria discussed below.

In determining which alternative routes and alignments should be carried forward for evaluation in the EIS, the Department applied the following criteria:

1) Was the alternative submitted within the scoping period, i.e., prior to the end of the public comment period for scoping?

2) Does the alternative contain an explanation of why the site or route should be included in the environmental review document as required by Minnesota Rule 7850.2500, Subp. 3? The DOC-EERA staff interprets this text to require that route alternatives included in the scope of the environmental review document must mitigate a potential impact of the proposed project, and that this mitigation must be explained by the proposer of the route alternative. The proposer was not required to provide extensive supporting data for their alternative, but must provide enough explanation such that it is fairly clear the potential impact(s) being mitigated by the route alternative.

3) Is the alternative outside of areas prohibited in Minnesota Rule 7850.4300, e.g., state and national parks?

4) Does the alternative meet the applicant's stated need for the project?

5) Is the alternative feasible?

The Department EERA identified 33 route segment (including 5 border crossing alternatives) or alignment modification requests that were proposed in the comments it received, including alternatives proposed by the project workgroup[3]. Of the 33 alternatives identified, the Department recommended 22 of them for inclusion in the scope of the EIS. Additionally, Department EERA staff recommended that all 9 of the proposed alignment modifications be carried forward. A summary table of DOC EERA's recommendations is enclosed as Table 1.

Minnesota Department of Transportation Comments

In its August 14, 2014 comments, MNDOT requested that the EIS identify and quantify any impact the project may have on the safety of the transportation system, effectiveness of operations and maintenance of the trunk highway system and any additional costs that may be imposed on the state trunk highway fund to the extent possible. MNDOT indicated that it would work to accommodate the project within or as near as feasible to the trunk highway rights-of-way based on an evaluation of the specific locations to ensure that appropriate clearance is maintained in accordance with its Accommodation Policy.

MNDOT stated that, due to the proximity of the project to the Piney-Pinecreek Airport, the transmission line may be subject to airspace restrictions of the U.S. Federal Aviation Administration regulations (14 CFR Part 77) and the Piney-Pinecreek Airport Zoning Ordinance. MNDOT stated that route alignments A, B and C are not acceptable options due to airspace restrictions. Alignment E is the preferred option for aeronautical purposes, but alignment D may be considered a viable option.

Minnesota DNR Comments

The DNR's November 26, 2014 comment clarified its position with regard to Scientific and Natural Resource Areas (SNAs). DNR stated that construction of a transmission line is incompatible with the purposes and limitations contained in Minn. Stat. §86A.05, subdivision 5. The DNR stated that Peatland SNAs have additional regulations relative to other state managed lands, specifically Minn. Statutes §83.035 and §84.036. These requirements are designed to preserve the national and international significance of Peatland SNAs by prohibiting any modification or alteration of peatland water levels or flows, peatland water chemistry, plant or animal species or communities, or other natural features of the peatland SNAs. Because construction of a new transmission line would create a new corridor of disturbance and thereby harm those resources within an SNA, it is not allowed by state law.

[3] In its September 29, 2014 Order, the Commission revised its previous July 2, 2014 order establishing an advisory task force, and instead approved a workgroup process for development of the EIS scope.

U.S. Fish and Wildlife Service Comments

The USFWS filed route alternative recommendations on December 2, 2014. The USFWS requested inclusion of several route alternative recommendations for the project as identified in Attachment A. The USFWS also recommended the proposed route and right-of-way be shifted south to avoid Service interest lands a parcel located in Lake of the Woods County (Tract 160 North, Range 30, Section 27)[4]. The USFWS indicated that it could not determine if a right-of-way through Service owned and administrated parcels could be permitted without additional information and analyses. Finally, the USFWS indicated that they are unable to analyze impacts to refuge lands, and cannot estimate appropriate minimization and mitigation until the EIS and NEPA reviews are complete.

Minnesota Power Comments

On October 29, 2014, Minnesota Power filed its amendment to border crossing. The applicant stated that they had determined that the originally proposed border crossing is no longer feasible. The applicant stated that it had reached this conclusion upon consultation with relevant stakeholders and documents in letters from the Minnesota Department of Transportation (MNDOT) and the Minnesota Department of Natural Resources (DNR). With this new information, Minnesota Power and Manitoba Hydro reached an agreement on a new border crossing approximately 4.3 miles east of the one previously proposed. Minnesota Power stated that it is amending its Presidential Permit Application effectively eliminating the previously proposed border crossing and replacing it with the new crossing.

Minnesota Power filed its response to Department EERA's route alternative recommendations on November 14, 2014. The applicant stated that any other U.S. – Canada border crossing is infeasible. Minnesota Power stated that the alternatives generally had greater impacts than the preferred alternatives. Minnesota Power's comments evaluated the merits of the alternatives and indicated that the alternatives identified that the impacts and constraints would require additional analysis for consideration.

Staff Discussion

Alternative Routes

Commission staff has reviewed the route permit application along with the comment letters received during the prescribed comment period, and the transcripts from the public information and scoping meetings held, along with comments from the applicant and government agencies. Staff agrees with the Department's decision to evaluate the route and alignment alternatives identified in its comment and recommendations. Regarding the route alternatives provided, staff supports the Department EERA's recommendations for inclusion of additional alternatives in order to create a

[4] The USFWS referenced its August 14, 2014 letter, however no such document is available in the e-Docket record for either Dockets Nos. E015/CN-12-1663 or E015/TL-14-21.

more robust analysis for the Commission's consideration. If the Commission takes no action, the Department may proceed with issuing the scoping decision without an order from the Commission.

In regard to the border crossing, staff asks the Commission to consider whether a single border crossing is sufficient to demonstrate that environmental impacts are minimized relative to other available alternatives. This may be achieved by directing the evaluation of one or more preliminary route corridors included in the application to determine that the preferred option remains the most feasible option[5].

In response to DNR and USFWS comments, staff encourages Department EERA and DOE to include in the EIS granular analyses of land ownership and governance as it relates to SNAs, peatlands, wetlands, forests and other protected features. Additionally, staff encourages the Commission to recommend that the EIS provide an evaluation of infrastructure corridor sharing as a potential mitigation measure.

Permit Template

Separately, staff has enclosed a generic route permit template as Attachment A. The intent of the template is to provide interested stakeholders an opportunity to review typical permit language and provide suggestions of additional language and special conditions specific to the proposed project. Having a generic permit template is intended to enhance the discussion of appropriate permit conditions and may provide the administrative law judge with a foundation to build upon during the hearing process and when preparing the final hearing report and recommendations.

Commission Decision Alternatives

A. What action should the Commission take regarding route alternatives to be evaluated in the environmental impact statement?

1. Propose additional routes for inclusion in the scoping decision for the environmental impact statement.
2. Take no action.
3. Take some other action deemed appropriate.

B. Should the Commission approve the generic route permit template for review and comment during the permit proceedings?

1. Approve the issuance of the generic route permit template attached to these briefing papers.
2. Deny the issuance of a generic route permit template.
3. Take some other action deemed appropriate.

Staff Recommendation: A1 and B1

[5] See Figure 4-15 at page 4-23 of Application Initial Filing, e-Docket filing #20144-98339-.03, April 15, 2013.

TABLE 1 **Great Northern Transmission Line EIS Scope Options**

Route/Alignment Alternative	Modification Type	Sponsor	Applicant's Position (Merits & EIS Scope)	EERA's Position	Append. F - Figure No.	Report Page No.
International Boundary Segment	Route Alternative	Heller	Con	Con	1	6
Pine Creek Border Crossing Segment	Route Alternative	DNR	Con	Pro	2	7
Hwy 310 Border Crossing Segment	Route Alternative	DNR	Con	Pro	3	8
500kV Border Crossing Segment	Route Alternative	DNR	Con	Pro	6	8
230kV Border Crossing Segment	Route Alternative	DNR	Con	Pro	7	9
Roseau Lake WMA Segment 1	Route Alternative	DNR	Con	Pro	4	10
Roseau Lake WMA Segment 2	Route Alternative	DNR	Con	Pro	5	10
Cedar Bend WMA Segment	Route Alternative	DNR	Con	Pro	8	11
Beltrami WMA Segment 1 "North" & "South"	Route Alternative	USFWS	Con	Pro	9A 9B	12 —14
Beltrami WMA Segment 2	Route Alternative	USFWS	Con	Pro	10	14
Beltrami WMA Segment 3	Route Alternative	USFWS	Con	Pro	11	14
Beltrami WMA Segment 4	Route Alternative	USFWS	Con	Pro	12	15—16
Beltrami WMA Segment 5	Route Alternative	USFWS	Con	Pro	13	16—17
Williams Segment 1	Route Alternative	Myers	Con	Con	14	17—18
Williams Segment 2	Route Alternative	Myers	Con	Con	15	18—19
Beltrami WMA Segment 6	Route Alternative	DNR	Con	Con	16	19
Williams Segment 3	Route Alternative	Myers	Con	Pro	17	19—20
Beltrami WMA Segment 7	Route Alternative	USFWS	Con	Pro	18	20—21

Beltrami WMA Segment 8	Route Alternative	USFWS	Con	Pro	19	21—23
North Black River Segment	Route Alternative	DNR	Con	Pro	20	23—24
Airstrip Alignment Modification	Alignment Modification	Gray	Con	Pro	21	24
Mizpah Alignment Modification	Alignment Modification	Lindner	Con	Pro	22	24
Northome Segment	Route Alternative	Strand	Con	Pro	23	24—25
Cutfoot Segment	Route Alternative	Peterson	Con	Pro	24	25—26
Gravel Pit Alignment Modification	Alignment Modification	Francisco	Con	Pro	25	26
Effie Segment	Route Alternative	DNR	Con	Pro	26A 26B	26—27
Bass Lake Alignment Modification	Alignment Modification	Perry	Con	Pro	28	27—28
Wilson Lake Alignment Modification	Alignment Modification	Ostlund	Con	Pro	29	28—29
East Bear Lake Segment	Route Alternative	DNR	Con	Pro	27	29
Hwy 65 Segment	Route Alternative	Delich	Con	Pro	30	29—30
Grass Lake Alignment Modification	Alignment Modification	Boyle	Con	Pro	31	30—31
Dead Man's Pond Alignment Modification	Alignment Modification	Weber	Con	Pro	32	31
Dead Man's Pond Segment	Route Alternative	Weber	Con	Pro	33	31—32
Balsam Segment 1	Route Alternative	Mattfield	Con	Pro	34	32—33
Balsam Segment 2	Route Alternative	Mattfield	Con	Con	35	33
Balsam Segment 3	Route Alternative	Mattfield	Con	Con	36	33—34
Trout Lake Alignment Modification	Alignment Modification	White	Con	Pro	37	34—35
East Bear Lake Extended Alt Route Segment	Route Alternative	Libby	Con	Con	39A 39B	35
Effie Extended Alt Route Segment	Route Alternative	Libby	Con	Con	38A 38B	35—36
Peatlands Alt Route Segment	Route Alternative	Work-group	Con	Con	40A 40B	36—37
Silver Creek WMA Alignment Modification	Alignment Modification	White	N/A	Pro	N/A	Attach. 1

GENERIC ROUTE PERMIT TEMPLATE

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT FOR CONSTRUCTION OF A HIGH-VOLTAGE TRANSMISSION LINE AND ASSOCIATED FACILITIES

IN
[*COUNTY*]

ISSUED TO
[*PERMITTEE*]

PUC DOCKET NO. [*Docket Number*]

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

[*PERMITTEE*]

[*Permittee*] is authorized by this route permit to construct [*Provide a description of the project authorized by the Minnesota Public Utilities Commission*].

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

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

BY ORDER OF THE COMMISSION

_____

Burl W. Haar,
Executive Secretary

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FIGURES

ATTACHMENTS

Attachment [ ] – Complaint Procedures
Attachment [ ] – Compliance Procedures

1.0 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to [*Permittee Name*] (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the [*Permittee Name*] to construct [*Provide a description of the project as authorized by the Minnesota Public Utilities Commission*], and as identified in the attached route permit maps, hereby incorporated into this document.

1.1 Pre-emption

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

2.0 PROJECT DESCRIPTION

[*Provide a description of the project as authorized by the Minnesota Public Utilities Commission*]

2.1 Project Location

[*Describe the location of the project including details such as the county, state, city, and townships, as appropriate*]

County	Township Name	Township	Range	Section

2.2 Associated Facilities and Substations

[*Provide a detailed description of the associated facilities and substations as authorized by the Commission*]

2.3 Structures

[*Provide a detailed description of the structures and conductors authorized by the Commission*]

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

Line Type	Conductor	Structure		Foundation	Height	Span
		Type	Material			

2.4 Conductors

2.5 Safety Codes and Design Requirements

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

3.0 DESIGNATED ROUTE

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

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

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

4.0 RIGHT-OF-WAY

The approved right-of-way width for the project is up to [*number*] feet.

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

Any alignment modifications within the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the alignment

identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.1 of this permit.

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

5.0 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction of the transmission line and associated facilities over the life of this permit.

5.1 Notification to Landowners

The Permittee shall provide all affected landowners with a copy of this permit and, as a separate information piece, the complaint procedures at the time of the first contact with the landowners after issuance of this permit. The Permittee shall contact landowners prior to entering the property or conducting maintenance along the route. The Permittee shall work with landowners to locate the high-voltage transmission line to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads.

At the time of first contact, the Permittee shall also provide all affected landowners with a copy of the Department of Commerce's Rights-of-Way and Easements for Energy Facility Construction and Operation fact sheet.[1]

5.2 Construction Practices

The Permittee shall follow those specific construction practices and material specifications described in [*Permittee Name*] Application to the Commission for a route permit for the [*Project Name*], dated [*Date*], unless this permit establishes a different requirement in which case this permit shall prevail.

5.2.1 Field Representative

At least 14 days prior to commencing construction, the Permittee shall advise the Commission in writing of the person or persons designated to be the field representative

[1] http://mn.gov/commerce/energyfacilities/documents/Easements%20Fact%20Sheet_08.05.14.pdf

for the Permittee with the responsibility to oversee compliance with the conditions of this permit during construction.

The field representative's address, phone number, emergency phone number, and email shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons. The Permittee may change the field representative at any time upon written notice to the Commission.

5.2.2 Employee Training and Education of Permit Terms and Conditions

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

5.2.3 Public Services, Public Utilities, and Existing Easements

During construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these would be temporary and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to determine the most appropriate transmission structure placement.

The Permittee shall work with the landowners, townships, cities, and counties along the route to accommodate concerns regarding tree clearing, distance from existing structures, drain tiles, pole depth and placement in relationship to existing roads and road expansion plans.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.

5.2.4 Temporary Work Space

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

Temporary driveways may be constructed between the roadway and the structures to minimize impact using the shortest route possible. Construction mats should also be used to minimize impacts on access paths and construction areas.

5.2.5 Noise

Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0200, to ensure nighttime noise level standards will not be exceeded.

5.2.6 Site Sediment and Erosion Control

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

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

Where larger areas of one acre or more are disturbed or other areas designated by the MPCA, the Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater permit from the MPCA.

5.2.7 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. Care shall be used to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and maintenance.

Structures shall be placed at a distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highway, or trail crossings and could cross roads to minimize or avoid impacts.

5.2.8 Vegetation Removal and Protection

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

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

5.2.9 Application of Herbicides

The Permittee shall restrict herbicide use to those herbicides and methods of application approved by the Minnesota Department of Agriculture and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of herbicide prior to any application on their property. The landowner may request that there be no application of herbicides on any part of the right-of-way within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as not to damage crops, orchards, tree farms, or gardens.

5.2.10 Noxious Weeds

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

5.2.11 Restoration

The Permittee shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the transmission line.

Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittee shall advise the Commission in writing of the completion of such activities.

5.2.12 Wetlands and Water Resources

Wetland impact avoidance measures that shall be implemented during design and construction of the transmission line will include spacing and placing the power poles at variable distances to span and avoid wetlands, watercourses, and floodplains. Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, construction in wetland areas shall occur during frozen ground conditions. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and not placed back into the wetland or riparian area.

Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. No staging or stringing set up areas shall be placed within or adjacent to wetlands or water resources, as practicable. Power pole structures shall be assembled on upland areas before they are brought to the site for installation.

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

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

5.2.13 Archaeological and Historic Resources

The Permittee shall consult with the State Historic Preservation Office (SHPO) concerning the extent of a Phase I archaeological survey and appropriate mitigation measures for the Project. Permittee shall document and submit to the Commission the results of the consultation, including those portions of the Project that will be surveyed and the extent of the survey with the Construction Environmental Control Plan for the Project.

For those portions of the Project that are surveyed, Permittee shall submit, with the plan and profile for these portions, the results of the survey and all applicable avoidance and mitigation measures employed or to be employed.

Permittee shall inform construction personnel of known archaeological resources along the permitted route for the Project and of archaeological survey results. Permittee shall employ a monitor that reports to and communicates with the Environmental Monitor to identify and report archaeological resources encountered during construction of the Project and to coordinate with SHPO on appropriate mitigation measures.

5.2.14 Avian Mitigation

The Permittee's standard transmission design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices.

The Permittee will consult with the Minnesota Department of Natural Resources regarding type and placement of bird diverters.

5.2.15 Cleanup

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

5.2.16 Pollution and Hazardous Wastes

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

5.2.17 Damages

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

5.3 Electrical Performance Standards

5.3.1 Grounding

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

5.3.2 Electric Field

The transmission line shall be designed, constructed, and operated in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.

5.3.3 Interference with Communication Devices

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the transmission line, the Permittee shall take whatever action is feasible to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the line.

5.4 Other Requirements

5.4.1 Applicable Codes

The Permittee shall comply with applicable NERC planning standards and requirements of the NESC including clearances to ground, clearance to crossing utilities, clearance to buildings, right-of way widths, erecting power poles, and stringing of transmission line conductors.

5.4.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the Project and comply with the conditions of these permits. A list of the permits known to be required is included in the permit application. The Permittee shall submit a copy of such permits to the Commission upon request.

6.0 SPECIAL CONDITIONS

The Permittee shall provide a report to the Commission as part of the plan and profile submission that describes the actions taken and mitigative measures developed regarding the Project and the following special conditions. Special conditions shall take precedence over other conditions of this permit should there be a conflict.

[*Describe any special conditions*]

Examples of special conditions included in permits:

- *Avian Mitigation Plan*
- *Environmental Control Plan*
- *Agriculture Mitigation Plan*
- *Vegetation Management Plan*
- *Property Restrictions*
- *Minnesota Department of Natural Resources Requirements*
- *Minnesota Pollution Control Requirements*
- *Minnesota State Historical Preservation Office Requirements*
- *Minnesota Department of Transportation Requirements*

7.0 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this permit the Permittee shall file a report on the failure to construct and the Commission shall consider suspension of the permit in accordance with Minn. R. 7850.4700.

8.0 COMPLAINT PROCEDURES

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this permit.

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

9.0 COMPLIANCE REQUIREMENTS

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

9.1 Plan and Profile

At least 30 days before right-of-way preparation for construction begins on any segment or portion of the Project, the Permittee shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, structure specifications and locations, cleanup, and restoration for the transmission line. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per this permit.

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

9.2 Periodic Status Reports

The Permittee shall report to the Commission on progress regarding finalization of the route, design of structures, and construction of the transmission line. The Permittee need not report more frequently than monthly.

9.3 Notification to Commission

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

9.4 As-Builts

Within 60 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the Project.

9.5 GPS Data

Within 60 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the transmission line and each substation connected.

10.0 PERMIT AMENDMENT

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

11.0 TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer.

The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required.

12.0 REVOCATION OR SUSPENSION OF THE PERMIT

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

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
HIGH-VOLTAGE TRANSMISSION LINES

A. Purpose

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

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

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

D. Definitions

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

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

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

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

E. Complaint Documentation and Processing

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.

2. A person presenting the complaint should to the extent possible, include the following information in their communications:

    a. name, address, phone number, and email address;
    b. date of complaint;
    c. tract or parcel number; and
    d. whether the complaint relates to a permit matter or a compliance issue.

3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:

    a. docket number and project name;
    b. name of complainant, address, phone number and email address;
    c. precise description of property or parcel number;
    d. name of permittee representative receiving complaint and date of receipt;
    e. nature of complaint and the applicable permit condition(s);
    f. activities undertaken to resolve the complaint; and
    g. final disposition of the complaint.

F. Reporting Requirements

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

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

Monthly Reports: By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: https://www.edockets.state.mn.us/EFiling/home.jsp

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

G. Complaints Received by the Commission

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

H. Commission Process for Unresolved Complaints

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten (10) days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may filed by mail or email to:

[*Name*]
[*Mailing Address*]
[*Phone*]
[*Email*]

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

ATTACHMENT [ ]

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES

A. Purpose

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

B. Scope and Applicability

This procedure encompasses all compliance filings required by permit.

C. Definitions

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

D. Responsibilities

1. The permittee shall eFile all compliance filings with Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: https://www.edockets.state.mn.us/EFiling/home.jsp

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

2. All filings must have a cover sheet that includes:

    a. Date
    b. Name of submitter/permittee
    c. Type of permit (site or route)
    d. Project location
    e. Project docket number
    f. Permit section under which the filing is made
    g. Short description of the filing

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

The Commission may request a paper copy of any eFiled document.

PERMIT COMPLIANCE FILINGS[1]

PERMITTEE:
PERMIT TYPE:
PROJECT LOCATION:
PUC DOCKET NUMBER:

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	5.1	Notification of Landowners	First contact after issuance of route permit.
	5.2.1	Field Representative	14 days prior to commencing construction.
	5.2.11	Restoration	60 days after completion of all construction activities.
	5.2.13	State Historic Preservation Office Consultation	After completion of consultation.
	5.4.2	Other Permits and Regulations	Upon request of the Commission.
	8.0	Complaint Procedures	Prior to the start of construction.
	9.1	Plan and Profile	30 days before right-of-way preparation.
	9.2	Periodic Status Reports	Monthly
	9.3	Completion of Construction and In-Service Date	Three days prior to in-service date.

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

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	9.4	As-Builts	60 days after completion of construction.
	9.5	GPS Data	60 days after completion of construction.