Appendix B Scoping Decision

MINNESOTA DEPARTMENT OF COMMERCE

In the Matter of the Application of
Great River Energy for a Route Permit for
the Bull Moose 115 kV Transmission Line
in Cass County, Minnesota

Environmental Assessment
Scoping Decision

eDockets No. ET2/TL-15-628

The above matter has come before the Deputy Commissioner of the Department of Commerce (Commerce) for a decision on the scope of the environmental assessment (EA) to be prepared for the Bull Moose 115 kV Transmission Line Project (project) proposed by Great River Energy (applicant) in Cass County, Minnesota.

Project Purpose

The applicant's stated purpose is to provide electric service to the new, proposed Backus crude oil pumping station (proposed pump station) located approximately two and three-quarter miles south/southwest of Backus, Minnesota. This proposed pump station is associated with the Line 3 Pipeline Replacement Project (Line 3 Project) proposed by Enbridge Pipeline, Limited Partnership (PL-9/PPL-15-137). The applicant indicates the project will not be constructed if the Line 3 Project is not permitted by the Minnesota Public Utilities Commission (Commission).

Project Description

The applicant proposes to construct approximately two and one-half miles of new 115 kV electric transmission line from the existing Minnesota Power Badoura to Pine River "#142" 115 kV electric transmission line (142 Line) to a proposed Enbridge-owned substation (proposed substation) associated with the proposed pump station. The proposed transmission line will interconnect with the 142 Line and travel northeast cross-country for approximately one-quarter mile toward an existing ±250 kV direct current electric transmission line (DC Line) right-of-way (ROW), then parallel immediately adjacent to the south side of the DC Line ROW east approximately two and one-quarter miles, and lastly turn north and cross under the DC Line to interconnect with the proposed substation.

The applicant is requesting a 200 foot route width for the project and a wider route width in select areas near the proposed pump station. The applicant indicates the transmission line will require a 100 foot ROW with a wider width in select locations to accommodate the transmission line guy wires and anchors. This ROW will abut the south side of the existing DC Line ROW. The transmission line structures will be 70 to 80 feet in height, with a span between structures of 350 to 400 feet. The applicant intends to begin construction in early 2017 and energize the transmission line in spring of 2017.

Regulatory Background

The applicant filed a route permit application for the project pursuant to the alternative review process outlined in Minnesota Statute 216E.04 and Minnesota Rules 7850.2800-3900 on August 7, 2015.[1] The Commission considered the completeness of the application at its September 17, 2015, agenda meeting.[2] On October 13, 2015, the Commission issued an order accepting the application as complete and authorizing use of the alternative review process.[3]

HVTL Route Permit

No person may construct a high voltage transmission line (HVTL) without first obtaining a route permit from the Commission. A HVTL is defined as a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kV or more and is greater than 1,500 feet in length. The proposed project will operate at 115 kV and be approximately two and one-half miles in length. As a result, the proposed project requires a route permit from the Commission.

Certificate of Need

No person may construct a large energy facility without first obtaining a Certificate of Need (CN) from the Commission. A HVTL is considered a large energy facility if it meets the following capacity and length requirements:

- 200 kV or more and is greater than 1,500 feet in length
- 100 kV or more with more than 10 miles of its length in Minnesota
- 100 kV or more and crosses a state line

The proposed project has a capacity of more than 100 kV; however, it does not meet the definition of large energy facility because it is not more than 10 miles in length or does not cross a state line. Therefore, a CN is not required for the project.

Eminent Domain

If issued a route permit by the Commission, the applicant may exercise the power of eminent domain to acquire the land necessary for the project pursuant to Minnesota Statute 216E.12 and Minnesota Statutes 117.

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1 Great River Energy, *Application to the Minnesota Public Utilities Commission for a Route Permit for the Bull Moose 115 kV Project*, August 7, 2015, eDockets Nos. 20158-113086-01, 20158-113086-02. (Hereinafter "Application")

2 Minnesota Public Utilities Commission, *Notice of Commission Meeting*, September 4, 2015, eDockets No. 20159-113782-05.

3 Minnesota Public Utilities Commission, *Commission Order Finding Application Complete, Directing Use of Summary Report Review Process, and Granting Variance*, October 13, 2015, eDockets No. 201510-114772-01. (Hereinafter "Order")

Environmental Review

Applications for a HVTL route permit are subject to environmental review, which is conducted by Commerce Energy Environmental Review and Analysis (EERA) staff. The alternative permitting process requires preparation of an EA.[4] An EA is a written document that contains an overview of the resources and potential human and environmental impacts and mitigation measures associated with the proposed project.[5] This is the only state environmental review document required for the project.[6]

Scoping

The first step in the preparation of an EA is scoping. The scoping process has two primary purposes: (1) to ensure that the public has a chance to participate in determining what routes and issues are studied in the EA, and (2) to help focus the EA on impacts and issues important to a reasoned route permit decision.

EERA conducts public information and scoping meetings in conjunction with a public comment period to allow the public the opportunity to participate in the development of the scope (or content) of the EA.[7] The commissioner of Commerce determines the scope of the EA,[8] and may include alternative route or route segments suggested during the scoping process if it is determined the alternatives would aid the Commission in making a permit decision.[9] Applicants are provided the opportunity to respond to each request that an alternative be included in the EA.[10]

Minnesota Rule 7850.3700, subpart 3, requires Commerce to determine the scope of the EA within 10 days after the close of the public comment period. However, Minnesota Statute 216E.04, subdivision 5, anticipates Commission input into identifying alternative routes for inclusion in the scope of the EA. Consequently, the Commission extended the 10-day timeframe to allow for its input.[11]

Scoping Process Summary

In accordance with Minnesota Rule 7850.3700, subpart 2, EERA staff initiated the scoping process for preparation of an EA. On September 18, 2015, Commission staff sent notice of the place, date and time of the public information and scoping meeting to those persons on the project contact list and agency technical representative list, as well as local government units and affected landowners.[12] Notice of the public information and scoping meeting was

4 Minnesota Statute 216E.04, subd. 5; Minnesota Rule 7850.3700, subp. 1.
5 Minn. Stat. 216E.04, subd. 5., Minn. R. 7850.3700, subp. 4.
6 Minn. Stat. 216E.04, subd. 5.
7 Minn. R. 7850.3700, subp. 1.
8 Minn. R. 7850.3700, subp. 3.
9 Minn. R. 7850.3700, subp. 2.
10 Minn. R. 7850.3700, subp. 2.
11 Order.
12 Minnesota Public Utilities Commission and Minnesota Department of Commerce, *Notice of Public*

published in *The Pilot-Independent Newspaper* on September 30, 2015, and *The Echo Journal* on October 1, 2015.[13] Additionally, notice was provided on both the Commission and EERA webpages.

Public Scoping Meeting

Commission and EERA staff jointly held the public information and scoping meeting, as noticed, on October 12, 2015, at Backus City Hall in Backus, Minnesota. The purpose of this meeting was to provide information to interested persons about the proposed project, to answer questions about the proposed project and the permitting process, and to allow the public an opportunity to suggest impacts, mitigative measures, and alternatives that should be considered in the EA. A court reporter was present at the meeting to document oral statements.[14]

No members of the public attended the scoping meeting. Meeting handouts[15] were left at Backus City Hall, and city staff was notified of their location.

Public Comments

A public comment period, ending October 26, 2015, provided the opportunity to submit written comments to EERA on the scope of the EA. The purpose of this comment period was to allow for interested persons to suggest impacts, mitigative measures, and alternatives that should be considered in the EA. Written comments were received from the Minnesota Department of Natural Resources (DNR) and the Minnesota Department of Transportation (MnDOT). DNR suggested a route segment alternative to be studied in the EA.

DNR addressed a variety of issues. The agency requested the EA discuss methods to mitigate impacts to birds, specific construction and maintenance methods, pole placement, and cumulative impacts.

MnDOT indicated that the proposed project does not abut a state trunk highway; however, the agency requested it be made aware of any changes to the proposed project such that the project area would subsequently be modified to include a portion of current MnDOT ROW. MnDOT also requested that any construction work or materials delivery with potential to affect its ROW be coordinated with the agency.

Scoping comments are compiled and available to view or download on the EERA webpage.[16]

Information and Environmental Assessment Scoping Meeting, September 18, 2015, eDockets Nos. 20159-114113-01, 20159-114113-02.

[13] Great River Energy, *Bull Moose 115 kV Project Newspaper Affidavits for 10-12-15 Scoping Meeting*, October 14, 2015, eDockets No. 201510-114824-01.

[14] Minnesota Department of Commerce, *Scoping and Informational Meeting Summary*, October 19, 2015, eDockets No. 201510-114937-01.

[15] Minnesota Department of Commerce, *Public Meeting Handouts*, October 6, 2015, Retrieved December 9, 2015, from: http://mn.gov/commerce/energyfacilities/Docket.html?Id=34235.

[16] Minnesota Department of Commerce, *Public Comments Received on the Scope of the EA*, Retrieved December 9, 2015, from: http://mn.gov/commerce/energyfacilities//resource.html?Id=34309.

Commission Consideration of Alternatives

On November 4, 2015, EERA staff provided the Commission with a summary of the scoping process.[17] The summary indicated that EERA staff would recommend to the deputy commissioner that the scoping decision for the proposed project should include the additional alternative proposed by DNR. In its briefing paper dated November 22, 2015, Commission staff recommended taking no action regarding route alternatives to be considered in the EA.[18]

On December 3, 2015, the Commission considered what action, if any, it should take in regards to the alternatives put forth during the scoping process. The Commission elected to take no action, that is, the Commission neither recommended removal of the alternative proposed by DNR nor recommended that additional alternatives be considered as part of the EA.

* * * * *

Having reviewed the matter, consulted with Commerce EERA staff, and in accordance with Minnesota Rule 7850.3700, I hereby make the following scoping decision:

MATTERS TO BE ADDRESSED

The issues outlined below will be analyzed in the EA for the proposed project. The EA will describe the proposed project and the human and environmental resources of the project area. It will provide information on the potential impacts of the proposed project as they relate to the topics outlined in this scoping decision, including possible mitigation measures. It will identify impacts that cannot be avoided, irretrievable commitments of resources, and permits from other government entities that may be required. The EA will discuss the relative merits of the route alternatives studied in the EA using the routing factors found in Minnesota Rule 7850.4100.

The EA regarding the proposed project will address and provide information on the following matters:

I. Project Description
- Purpose
- Description
- Location
- Route Description

II. Regulatory Framework
- Commission Route Permit
- Certificate of Need Applicability

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[17] Minnesota Department of Commerce, *Scoping Process and Route Alternatives*, November 4, 2015, eDockets No. 201510-115443-01.

[18] Minnesota Public Utilities Commission, *Staff Briefing Papers*, November 24, 2015, eDockets No. 201511-115918-01.

- Environmental Review
- Other Potential Permits Required

III. Proposed Project

- Project Design
- Project Construction
- Restoration
- Project Operation and Maintenance
- Project Cost

IV. Affected Environment, Potential Impacts, and Mitigative Measures

The EA will include a discussion of the following human and environmental resources potentially impacted by the proposed project. Potential impacts, both positive and negative, of the proposed project will be described. The EA will discuss the *"effect on the environment that results from the incremental effects of* [*the proposed project*] *in addition to the* [*Line 3 Project*] *in the environmentally relevant area that might reasonably be expected to affect the same environmental resources...."*[19] Based on the impacts identified, the EA will describe mitigation measures that could reasonably be implemented to reduce or eliminate identified impacts. The EA will describe any unavoidable impacts resulting from implementation of the proposed project.

Data and analyses in the EA will be commensurate with the importance of potential impacts and the relevance of the information to a reasoned choice among alternatives and to the consideration of the need for mitigation measures.[20] EERA staff will consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail to provide in the EA. Less important material may be summarized, consolidated or simply referenced.

If relevant information cannot be obtained within timelines prescribed by statute and rule, the costs of obtaining such information is excessive, or the means to obtain it is not known, EERA staff will include in the EA a statement that such information is incomplete or unavailable and the relevance of the information in evaluating potential impacts or alternatives.[21]

Human Settlement

- Aesthetics
- Cultural Values
- Displacement
- Interference
- Land Use and Zoning
- Noise
- Public Health and Safety (including electromagnetic fields)
- Public Services and Infrastructure
- Recreation

[19] Minn. R. 4410.0200, sub. 11(a).
[20] Minn. R. 4410.2300.
[21] Minn. R. 4410.2500.

- Socioeconomics (including property values)

Land Based Economies
- Agriculture
- Forestry
- Mining
- Tourism

Archaeological and Cultural Resources

Natural Environment
- Air
- Geology
- Groundwater
- Rare and Unique Resources
- Soils
- Surface Water
- Vegetation
- Wetlands
- Wildlife (including Wildlife Habitat)

Unavoidable Impacts

Irreversible and Irretrievable Commitments of Resources

V. Routes to be Evaluated in the Environmental Assessment

The EA will evaluate the route proposed by the applicant. It will also evaluate Alternative Route Segment A as depicted in **Figure 1**. No other route or route segment alternatives will be evaluated in the EA.

Alternative Route Segment A was proposed by DNR. It would follow existing electric transmission infrastructure for its entire length by eliminating the approximately one-quarter-mile cross-country portion of the proposed route. DNR indicates that the alternative would mitigate an individual wetland complex from being surrounded within a triangle of utility lines.[22] Additionally, the alternative reduces impacts to a Northern Mesic Hardwood Forest type — an uncommon native plant community in Minnesota — by approximately four acres.[23]

The applicant indicates that Alternative Route Segment A would require that transmission line structures would either need to be placed in the wetland or H-frame structures would be needed to span the wetland. This span could reach 1,000-plus feet in length.

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[22] Minnesota Department of Natural Resources, *Comments*, October 26, 2015, eDockets No. 201510-115104-01.

[23] See Application, Appendix D Agency Correspondence.

VI. Identification of Permits
The EA will include a list and description of permits or approvals from governments or other entities that may be required for the proposed project.

The above outline is not intended to serve as a table of contents for the EA document itself, and, as such, the organization, that is, the structure of the document, may not be similar to that appearing here.

ISSUES OUTSIDE THE SCOPE OF THE ENVIRONMENTAL ASSESSMENT

The EA will not consider the following:

- Any alternative not specifically identified in this scoping decision.
- A no-build alternative.
- Issues related to project need, size, type or timing.
- Impacts of specific energy sources.
- The manner in which landowners are compensated for ROW easements.

SCHEDULE

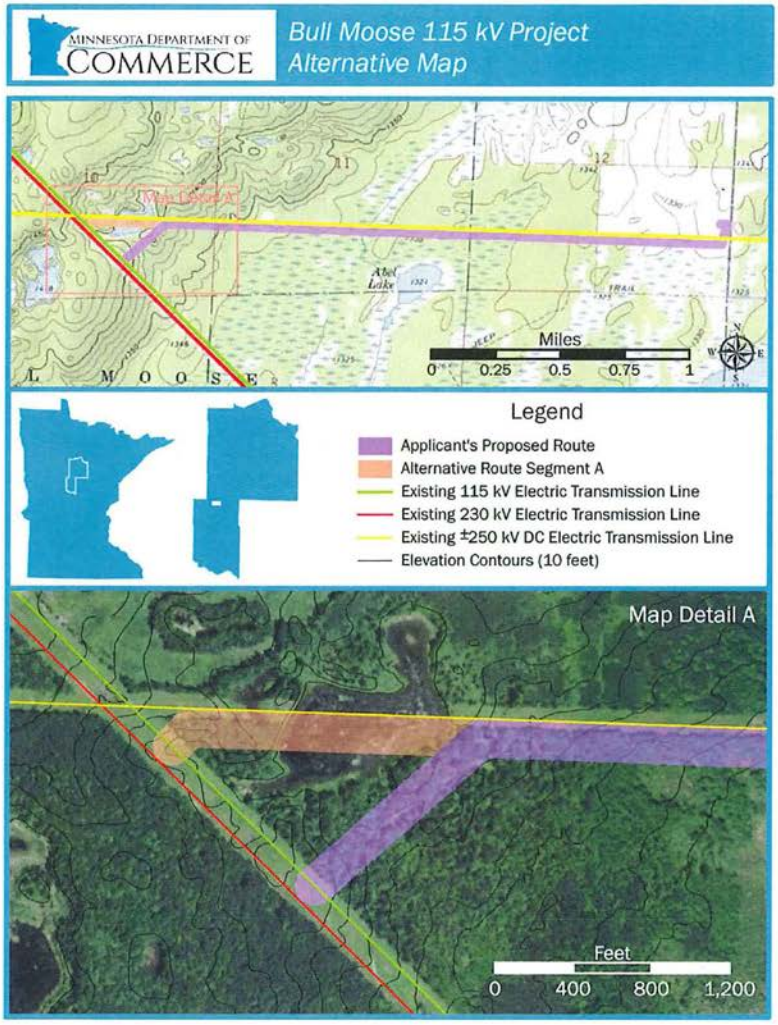
The EA is anticipated to be completed and available by February 2016. A public hearing will be held in the project area after the EA has been issued and notice served.

Signed this 10th day of December, 2015

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

William Grant, Deputy Commissioner

Figure 1 Alternative Map



Appendix C Generic Route Permit Template

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

_____

Daniel P. Wolf,
Executive Secretary

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0406 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

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FIGURES

ATTACHMENTS

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.