MINNESOTA
PUBLIC UTILITIES COMMISSION

Staff Briefing Papers

Meeting Date	**November 21, 2024**		**Agenda Item 2***
Company	Great River Energy		
Docket No.	ET2/TL-23-410		
	In the Matter of the Application of Great River Energy for a Route Permit for the 115-kV Pilot Knob to Burnsville Rebuild and Upgrade Project in Dakota County, Minnesota		
Issues	1. Should the Commission adopt the administrative law judge's Findings of Fact, Conclusions of Law, and Recommendation? 2. Should the Commission find that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision? 3. Should the Commission issue a route permit identifying a specific route and permit conditions for the 115-kV Pilot Knob to Burnsville Rebuild and Upgrade Project?		
Staff	Trevor Culbertson	Trevor.culbertson@state.mn.us	651-201-2200

✓ **Relevant Documents**	**Date**
GRE – Initial Filing – Rebuild Route Permit Application (11 parts)	11/17/2023
PUC – Order	1/17/2024
PUC – Order	4/16/2024
DOC EERA – Scoping Decision	5/1/2024

✓ **Relevant Documents**	**Date**
DOC EERA – Environmental Assessment (4 parts)	8/1/2024
GRE – Testimony – Direct Testimony of M. Strohfus	8/7/2024
Aaron Jaeger – Public Comment	8/20/2024
Aaron Jaeger – Public Comment	8/22/2024
GRE – Comments and Proposed Findings of Fact (2 parts)	9/10/2024
DOC EERA – Comments on Proposed Findings	9/23/2024
OAH – Findings of Fact, Conclusions of Law, and Recommendations	10/24/2024
GRE – Exceptions to ALJ Report	11/7/2024

Map 1 – Proposed Route
Attachment 1 – Draft Route Permit
Attachment 2 – Compliance Filing Procedure
Attachment 3 – Complaint Handling Procedure

PROJECT DESCRIPTION

On November 17, 2023, Great River Energy (GRE) applied for a route permit to construct the Pilot Knob to Burnsville Rebuild and Upgrade Project (Project). Approximately 8.75 miles long, it will span from the Pilot Knob Substation in Eagan to the Burnsville Substation in Burnsville. The proposed Project will also include upgrades and modifications to the existing Burnsville substation.

The proposed 115-kV HVTL will generally follow the existing transmission line right-of-way and alignment currently occupied by the existing 69 kV transmission line. Minor realignments are proposed for the new 115-kV HVTL along Blackhawk Road at its intersection with Interstate 35E, and at the proposed 115-kV HVTL connection with the Burnsville Substation. Great River Energy currently holds approximately 70-foot-wide easements along the existing 69 kV transmission line right of way. GRE intends to utilize that ROW; however, it may become necessary for GRE to request renewed, amended, or new easements where additional space or rights are needed and/or to accommodate the Project. The proposed expansion of the existing Burnsville Substation will occur on land currently owned by the Applicant.

The existing 69-kV transmission line, poles, and other associated structures will be removed from the right-of-way as the new 115-kV HVTL is being constructed. Dakota Electric Association (DEA) owns overhead distribution lines currently present on portions of the existing 69-kV structures. Where this occurs, it is GRE's understanding that DEA will attach the distribution lines as underbuild to the Project's new structures. Project construction is anticipated in the winter of 2025/2026, and the Project is anticipated to be in service by the spring of 2028.

STATUTES AND RULES

Route Permit

Minn. Stat. § 216E.03, subd. 2, provides that no high-voltage transmission line shall be constructed in Minnesota without the issuance of a route permit by the Commission.

Under Minn. Stat. § 216E.01 subd., 4, a high-voltage transmission line is defined as a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100-kilovolts or more and that is greater than 1,500 feet in length. The proposed project is a new 8.7-mile 115-kilovolt transmission line and, therefore, requires a route permit from the commission.

The proposed project qualified for alternative review under Minn. Stat. 216E.04 because it is a high-voltage transmission line between 100 and 200-kV. Under the alternative permitting process: (1) the applicant is not required to propose alternative routes in its application but must identify other routes it examined and discuss the reasons for rejecting those routes; (2)

an environmental assessment is prepared instead of an environmental impact statement; (3) a public hearing is conducted, but a contested case hearing is not required.

The proposed project is subject to Minn. Stat. § 216E, which requires that high-voltage transmission lines be routed in a manner consistent with the state's goals to conserve resources, minimize adverse human and environmental impacts, and other land use conflicts, and ensure the state's electric energy security and reliability through efficient, cost-effective power supply and electric transmission infrastructure. The statute also allows the Commission to specify the design, route, right-of-way preparation, facility construction, and any other necessary conditions when issuing a high-voltage transmission line permit. The operative rules for the review of high-voltage transmission line route permit applications under alternative review are found in Minnesota Rules Chapter 7850.2800 to 7850.3900.

Environmental Assessment

Minn. Stat. § 216E.04, subd. 5, requires the Commissioner of the Department of Commerce to prepare an environmental assessment for the Commission on proposed high-voltage transmission lines being reviewed under the alternative permitting process. The environmental assessment must contain information on a proposed project's potential human and environmental impacts and alternative routes considered and address mitigation measures for identified impacts.

Certificate of Need

Minn. Stat. § 216E.243, subd. 2, provides that no large energy facility shall be cited or constructed in Minnesota without the Commission's issuance of a certificate of need. The proposed high-voltage transmission line is not defined as a large energy facility under Minn. Stat. 216B.2421, subd. 2 (3), because it is less than 10 miles in length. Therefore, a certificate of need is not required.

PROCEDURAL HISTORY

On November 17, 2023, GRE filed an application for a route permit to rebuild and upgrade portions of an existing 69-kilovolt (kV) transmission line under the alternative review process.

On January 17, 2024 the Commission issued an Order finding the application complete and requested a full administrative law judge (ALJ) report.

On February 20 and 21, 2024, the Commission and the Department of Commerce Energy Environmental Review and Analysis (EERA) staff conducted public information and environmental assessment scoping meetings. One meeting was held in Burnsville, and the other meeting was held online.

On April 16, 2024, the Commission issued an order accepting Great River Energy’s proposed

route for the Project as the sole routing alternative included in the scoping decision for the EA.

On May 1, 2024 EERA issued the EA scoping decision.

On August 1, 2024, EERA issued the EA.

On August 7, 2024, GRE filed direct testimony from Mark Strohfus.

On August 21 and 22, 2024, Administrative Law Judge James Mortensen with the Office of Administrative Hearings (OAH) presided over in-person and virtual public hearings. The hearings included presentations from GRE, Commission staff, and EERA staff. A court reporter was present to transcribe the public hearings. Written comments were accepted through September 2, 2024.

On September 3, 2024, GRE filed comments on the Environmental Assessment and Draft Route Permit including proposed revisions to the Draft Route Permit.

On September 3, 2024, EERA filed comments on the Draft Route Permit including proposed revisions to the Draft Route Permit.

On September 10, 2024, Great River Energy filed its Post-Hearing Response to Comments (Post-Hearing Comments). In those comments, Great River Energy provided further responses to comments submitted during the public hearing comment period. Among other things, Great River Energy discussed electromagnetic fields (EMFs), property values, route widths and right of ways, removal of trees and the proposed Draft Route Permit language submitted by Art Kalmes.

On September 10, 2024, GRE submitted comments, a proposed route permit, and proposed findings of fact.

On September 23, 2024 DOC EERA submitted a reply to GRE's comments, proposed findings of fact, and a draft route permit.

On October 24, 2024, the OAH submitted findings of fact, conclusions of law, and recommendations.

On November 7, 2024, Great River Energy submitted Exceptions to the ALJ report.

PUBLIC COMMENTS

Jaeger

On August 20 and 22, Aaron Jaeger submitted written comments.[1] The resident is strongly opposed to the proposed upgrade of a 115-kV high voltage transmission line near their home due to health and property value concerns. Mr. Jaeger indicated that his family is already exposed to EMFs from a nearby 115-kV line, and the addition of another line closer to their neighborhood would increase exposure without the ability to mitigate it. This is especially concerning given the presence of a child with special needs and a home business with sensitive clients. Additionally, the family is worried about the impact on property values and their ability to sell the property in the future.

Response by GRE

On September 10, GRE responded to the written public comments.[2] They noted that Mr. Jaeger's home is located approximately 260 feet from an existing transmission line, with another home and street between his property and the line. They stated that the proposed project involves rebuilding the transmission line within the existing right-of-way, and that the Environmental Assessment (EA) for the project addresses his concerns, concluding that EMF exposure is not expected to impact public health or safety, and the project will comply with safety codes and regulations. They cite the EA, in that it notes the upgrade from a 69 kV to a 115 kV line is not expected to affect property values.

Kalmes

On September 3, resident Art Kalmes commented with various clarifying questions largely on Right-of-Way and vegetation management.[3] Mr. Kalmes also proposed modifications to Section 5.3.10 of the Draft MN PUC Permit in Appendix C, with the intention that the Permit be more consistent with wording in the EA related to the projects impacts to vegetation. The changes are underlined in the following:

> **5.3.10 Vegetation Management**
> 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 the areas such as trails, and stream crossings, and private residences where vegetation screening may minimize aesthetic, human, or environmental impacts, to the extent that such actions do not violate sound engineering principles or system reliability criteria.
> The Permittee may shall remove tall growing species with a mature height equal to the lowest transmission line located within the transmission line right-of-way that

[1] Aaron, Jaeger, Public Comment, 8/20/2024

[2] GRE, Response to Public Hearing Comments, 9/10/2024

[3] Art Kalmes, Public Comment, 9/3/2024

endanger the safe and reliable operation of the transmission line. The Permittee shall leave undisturbed, to the extent possible, existing low growing species that have a mature height below the lowest transmission line in the right-of-way or replant such species in the right-or-way to blend the difference between the right-of-way and adjacent areas, to the extent that the low growing vegetation will not pose a threat to the transmission line or impede construction.
The permittee shall design the transmission line infrastructure to avoid vegetation impacts and reduce the easement right-of-way to the extent possible by engineered measures such as placing the line on one side of the pole or similar methods.

Response by GRE
On September 10, Great River Energy responded with concerns about editing Section 5.3.10 of the Draft Route Permit.[4] The company opposes revisions that could affect safety and reliability, particularly the proposed requirement for vegetation to match the lowest transmission line height, which could allow trees under the line. They also disagree with reducing the easement right-of-way, noting the existing right-of-way is already narrow (70-100 feet) and overlaps with road right-of-way, minimizing impacts on private property.

ADMINISTRATIVE LAW JUDGE REPORT

The Commission referred this Project to the OAH for the assignment of an ALJ to conduct public hearings. The ALJ was charged with applying routing criteria established in statute and rule and preparing a report containing findings of fact, conclusions of law, and a recommendation on the proposed project and conditions and provisions to be included in the route permit.

Rather than repeat the ALJ's full analysis, staff has summarized the recommendations concerning the adequacy of the EA and whether a route permit should be issued. Staff refers Commissioners to the ALJ Report for a complete analysis of the Project.[5]

Adequacy of Environmental Assessment
The ALJ found that EERA prepared an adequate EA for the project, which satisfied Minn. R. 7850.3700 and 7850.3900. The EA included the items required by Minn. R. 7850.3700, subp. 4 and was prepared in compliance with Minn R. 7850.3700. The ALJ also reported that the EA and the record addressed the issues identified in the scoping decision to a reasonable extent.[6]

[4] GRE, Response to Public Hearing Comments, 9/10/2024

[5] OAH, Report – Findings of Fact, Conclusions of Law, and Recommendations, 10/14/2024

[6] Ibid., p. 44

Route Permit

The ALJ reported that the evidence in the record demonstrated that the Proposed Route best satisfied the Route Permit factors in Minn. Stat. § 216E.04, subd. 8 and Minn. R. 7850.4100. They also found that there is no feasible and prudent alternative to the construction of the Project.[7]

ALJ Conditions

The ALJ ~~wrote~~ determined that the ~~general~~ Commission's standard route permit conditions, with minor edits, are appropriate for the Project. The ALJ recommended ~~with~~ the following special conditions:[8]

Special Condition	Proposed Language
Proximity to Radio Antennas	*The Permittee shall conduct technical studies to determine the effects of rebuilding and upgrading the transmission line in proximity to the AM 980 KKMS antennas. The study shall be based on final engineering of the transmission structure components' location in space, identify radio signal interference, determine the ability for the antennas to induce a voltage on the transmission line, and propose mitigation for any interference or induced voltage. At least 30 days prior to commencing construction within one-half-mile of the AM 908 KKMS antennas, the Permittee shall submit a compliance filing summarizing the results of the technical studies conducted, its coordination with AM 908 KKMS, and any mitigation incorporated by the Permittee. Construction in proximity to the AM 908 KKMS antennas will not be authorized until the special condition has been met.*
Wells	*Permittee shall coordinate with the cities of Eagan and Burnsville regarding the location of any city wells in the vicinity of the Project and obtain copies of each city's applicable emergency response plan prior to construction. Records of compliance shall be retained by the Permittee, and be provided to the Commission and Commerce staff upon request.*
Wildlife-friendly Erosion Control	*Due to entanglement issues with small animals, the Permittee shall use erosion control blankets limited to "bio-netting" or "natural netting" types, and shall specifically not use products containing plastic mesh netting or other plastic components, including hydromulch products that may contain small synthetic (plastic) fibers to aid in its matrix strength. In accordance with any applicable Construction Stormwater General Permit, Permittee will document the type and location of installed erosion and sediment control best management practices in the site plans associated with the Stormwater Pollution Prevention Plan.*

[7] Ibid., p. 45

[8] Ibid., p. 39-43

Dust Control	*To protect plants and wildlife from chloride products that do not break down in the environment, the Permittee is prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.*
Facility Lighting	*The Permittee shall follow the MnDOT Approved Products for luminaries for new construction at substations, which limits the uplight rating to zero. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.*
Vegetation Management Plan	*The Permittee shall develop a vegetation management plan (VMP), in coordination with the Vegetation Management Plan Working Group (VMPWG). The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission with the plan and profile required under this permit. At least 14 days prior to the preconstruction meeting, the Permittee shall provide all landowners along the route with copies of the VMP. An electronic copy (including by web address) shall be sufficient. The Permittee shall file an affidavit of its distribution of the VMP to landowners with the Commission with the compliance filing required under Section 5.3.1 of this Permit.* *The VMP shall include, at a minimum, the following:* *1) short term and long-term management objectives; roles and responsibilities of site personnel.* *2) a description of planned restoration and vegetation activities, including how the route will be prepared, timing of activities, and how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used.* *3) a description of how the route will be monitored and evaluated to meet management objectives.* *4) a description of management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, etc.), including timing/frequency of maintenance activity.* *5) identification, monitoring and management plan for noxious weeds and invasive species (native and non-native) on route; and* *6) a plan showing how the route will be revegetated and corresponding seed mixes. Seed mixes, seeding rates, and cover crops should follow best management practices.*

Vegetation Clearing	*If the Permittee proposes to clear vegetation for any portion of the Transmission Facility prior to completion of the design necessary to provide a plan and profile contemplated under Section 9.2, the Permittee shall file with the Commission at least 14 days prior to such vegetation clearing activities:* *• The Vegetation Management Plan contemplated under Section 6.6 of this Route Permit that is applicable to any portion of the Transmission Facility being proposed for vegetation clearing;* *• A map showing the area proposed for vegetation removal and its location within the Designated Route and compared to the right-of-way identified in this route permit;* *• A statement of confirmation that the Permittee has obtained, or will obtain before commencing, all necessary land rights and agency permits for the vegetation removal in this area;* *• If the Permittee has made any modifications to the right of way or alignment within the Designated Route from that identified in this route permit, as required by Section 4 of this route permit, the Permittee shall demonstrate that the right-of-way to be cleared of vegetation will be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit*
Northern Long-Eared Bat	*The Permittee will coordinate with the U.S. Fish and Wildlife Service regarding the timing of tree-clearing and any other construction or restoration actions that may impact Northern Long Eared Bat. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.*
Blanding's Turtle	*The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to the Blanding's turtle. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.*
Minnesota Department of Transportation Requirements	*The permittee will comply with applicable Minnesota Department of Transportation (MnDOT) requirements for the project including but not limited to MnDOT's Utility Accommodation on Highway Right of Way Policy and shall obtain all applicable MnDOT permits. The Permittee shall give MnDOT district specialists the opportunity to participate in pre-construction meetings as they apply to MnDOT-owned property. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.*

EXCEPTIONS

On November 7, 2024, GRE submitted Exceptions to the ALJ Report.[9] Specifically, Great River Energy requests that Paragraph 57 of the Report be revised to include the underlined language below:

> Single circuit structures would have three phases of bundled conductor wires and one shield wire. Double circuit structures would have six phases of bundled conductor wires and up to two shield wires. It is anticipated that the phase wires would be 795 thousand circular mil aluminum-clad steel supported (795 ACSS) or a conductor with similar capacity.

The Report recommends that the Commission adopt the permit conditions proposed by Great River Energy and further revised by the Department of Commerce, Energy Environmental Review and Analysis (EERA). Great River Energy believes the proposed conditions are effective in minimizing potential project impacts.

STAFF ANALYSIS

ALJ Report

Staff agrees with the ALJ's findings and conclusions in their report. Staff also agrees with the special permit conditions outlined by the ALJ.

Environmental Assessment

Staff agrees with the ALJ's finding that the EA is adequate as it properly addresses the issues and alternatives raised in the Scoping Decision. The EA was prepared in compliance with the procedures in Minn. R. 7850.3700.

Route Permit

Staff agrees with the ALJ that the proposed route is the best route option. The Commission issued an order on April 16, 2024, accepting Great River Energy's proposed route for the Project as the sole routing alternative included in the scoping decision for the EA. Therefore, the EA did not analyze any alternative routes.

DECISION OPTIONS

ALJ Report

1. Adopt the ALJ report to the extent it is consistent with the Commission's decisions. (DOC EERA), **OR**

2. Adopt the ALJ report to the extent it is consistent with the Commission's decisions, with the following modification to Finding 57: (GRE)

[9] GRE, Exceptions to ALJ, 11/7/2024

Single circuit structures would have three phases of bundled conductor wires and one shield wire. Double circuit structures would have six phases of bundled conductor wires and up to two shield wires. It is anticipated that the phase wires would be 795 thousand circular mil aluminum-clad steel supported (795 ACSS) or a conductor with similar capacity.

Environmental Assessment

3. Find that the Environmental Assessment and the record created at the public hearing address the issues identified in the Scoping Decision (DOC EERA, Great River Energy), **OR**

4. Find the Environmental Assessment is not complete, identify the deficiencies and request the Environmental Assessment be revised or supplemented, and determine a schedule for its completion.

Route Permit

5. Issue a Route Permit that identifies the route proposed by Great River Energy for its 115-kV Pilot Knob to Burnsville Rebuild and Upgrade Project and includes the requirements and conditions recommended by the ALJ. (DOC EERA, Great River Energy), **AND**

6. Modify Section 5.3.10 of the Draft MN PUC Permit as proposed in the September 2, 2024 comments of Art Kalmes. (Art Kalmes)**, OR**

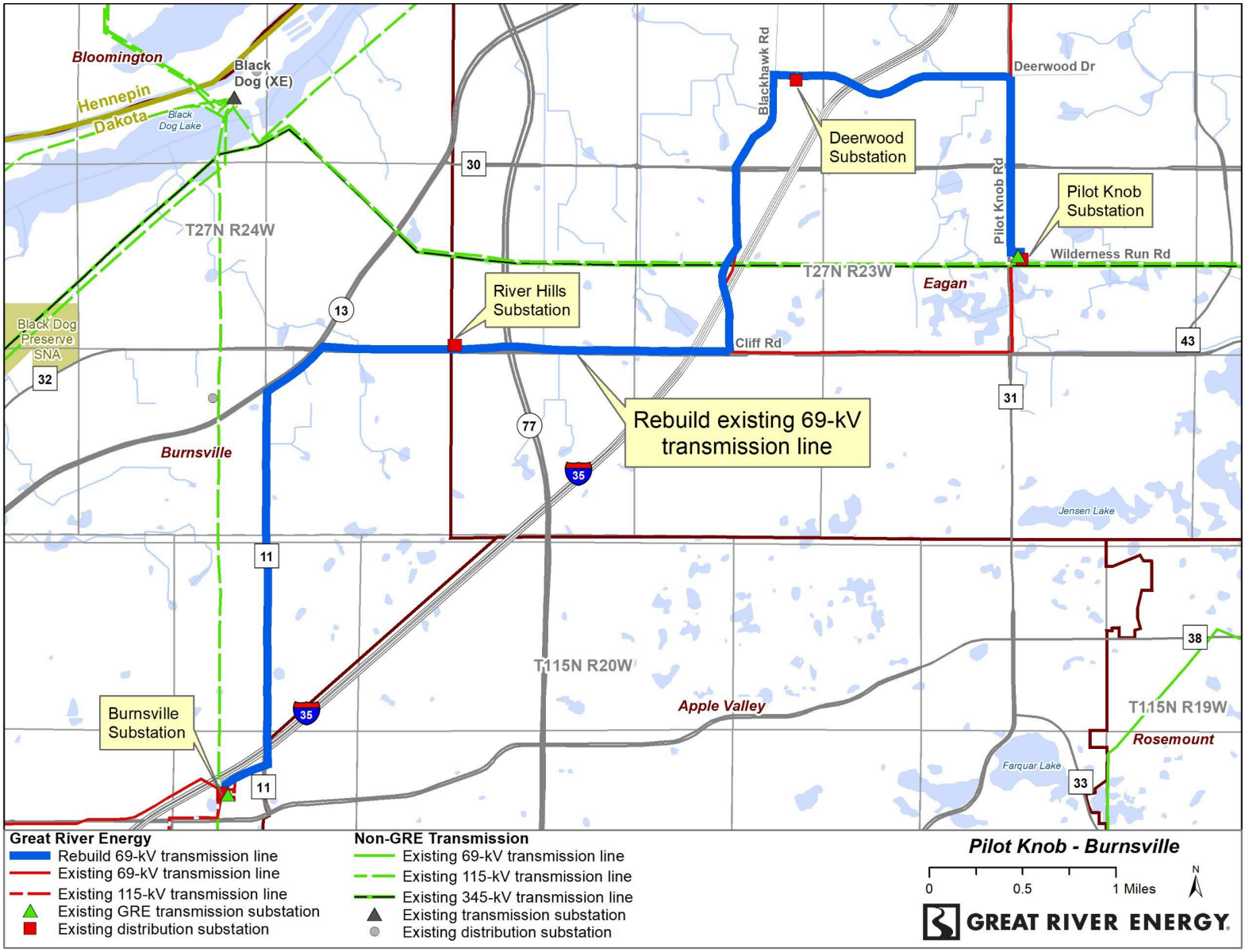
7. Deny the route permit.

Administrative

8. Delegate authority to the Executive Secretary to modify the Route Permit and the ALJ Report if necessary to correct any typographic and formatting errors and to ensure consistency with the Commission's order.

Staff Recommendation: 2, 3, 5, 8

MAP 1 – PROPOSED ROUTE



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT FOR
PILOT KNOB TO BURNSVILLE 115 KV REBUILD AND UPGRADE PROJECT

A HIGH-VOLTAGE TRANSMISSION LINE AND ASSOCIATED FACILITIES

IN
DAKOTA COUNTY

ISSUED TO
GREAT RIVER ENERGY

PUC DOCKET NO. ET2/TL-23-410

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

Great River Energy

Great River Energy is authorized by this route permit to construct and operate the Pilot Knob to Burnsville 115 kV Rebuild and Upgrade Project.

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

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

BY ORDER OF THE COMMISSION

_____
Will Seuffert,
Executive Secretary

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ATTACHMENTS

1 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Great River Energy (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This route permit authorizes the Permittee to construct and operate a [Provide a description of the project as authorized by the Commission], and as identified in the attached route maps, hereby incorporated into this document (Pilot Knob to Burnsville 115 kV Rebuild and Upgrade Project, henceforth known as Transmission Facility).

1.1 Pre-emption

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

2 TRANSMISSION FACILITY DESCRIPTION

The project includes the following segments of existing 69 kV transmission to be rebuilt and upgraded:

- Approximately 2.1 miles between the existing Pilot Knob and Deerwood substations;
- Approximately 3.2 miles between the existing Deerwood and River Hills substations; and
- Approximately 3.4 miles between the existing River Hills and Burnsville substations.

Additionally, the existing Burnsville Substation would be upgraded and modified as part of the project.

The Transmission Facility is located in the following:

County	Township Name	Township	Range	Section
Dakota	City of Eagan	27N	23W	20, 21, 22, 27, 28, 29, 30, 31, 32
	City of Burnsville	27N	24W	25, 35, 36
		115N	20W	17, 20
	City of Apple Valley	115N	20W	20

2.1 Structures

The majority of the new 115-kV transmission line will consist of single circuit, horizontal post, or braced post direct-imbedded monopole steel structures spaced approximately 300 to 400 feet apart. Transmission structures will typically range in height from 65 to 100 feet above ground. The diameter of the direct-embedded steel structures at ground level would be between 22 and 40 inches.

Laminated wood structures or steel structures on concrete foundations may be needed for switches and angled structures. Multi-pole (e.g., 3-pole deadend) and/or H-frame structures are designed in a horizontal configuration, which maintains the transmission line conductors parallel to the ground. Horizontal configuration is sometimes desirable where the proposed transmission line crosses under other existing high voltage transmission lines.

In some cases where overhead clearances require the use of H-frame structures, it may be necessary to also bury the optical ground shield/communication wire.

A deadend structure is used to change direction and / or wire tension on a transmission line. A typical deadend structure with bundled conductor has a height of approximately 75 feet, a diameter of approximately 70 inches, and a concrete foundation diameter of approximately 82 inches.

2.2 Conductors

Single circuit structures would have three phases of bundled conductor wires and one shield wire. Double circuit structures would have six phases of bundled conductor wires and up to two shield wires. It is anticipated that the phase wires would be 795 thousand circular mil aluminum-clad steel supported (795 ACSS) or a conductor with similar capacity.

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

Line Type	Conductor	Structure		Foundation	Height	Span
		Type	Material			
115 kV	795 ACSS	Monopole with horizontal post or braced post	Wood, steel, or ductile iron	Direct embed or concrete	65 – 100 feet	300 – 400 feet

		H-Frame	Wood, steel, or ductile iron	Direct embed or concrete	65 – 100 feet	350 - 800
		Three-pole	Wood, steel, or ductile iron	Direct embed or concrete	65 – 100 feet	350 – 800

2.3 Substations and Associated Facilities

Upgrades at Burnsville Substation include shifting the upgraded and rebuilt 69 kV transmission to the west side of Burnsville Substation, removal of existing bus work, and installation of new bus work, new breakers, and new control equipment.

3 DESIGNATED ROUTE

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

[The Designated Route will be updated according to the Commission's decision in this matter.]

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

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

4 RIGHT-OF-WAY

This route permit authorizes the Permittee to obtain a new permanent right-of-way for the transmission line up to 500 feet in width. The permanent right-of-way is typically 35 feet on both sides of the transmission line measured from its centerline or alignment.

The anticipated alignment is intended to minimize potential impacts relative to the criteria identified in Minn. R. 7850.4100. The final alignment must generally conform to the anticipated

alignment identified on the route maps unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or as otherwise provided for by this route permit.

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

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

5 GENERAL CONDITIONS

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

5.1 Route Permit Distribution

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

5.2 Access to Property

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

5.3 Construction and Operation Practices

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

5.3.1 Field Representative

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

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee need only provide the field representative's contact information to those landowners that are the subject of the Permittee's vegetation clearing or plan and profile submission, and additional landowners may be notified separately when the Permittees are ready to proceed with a vegetation clearing or plan and profile filing for other Transmission Facility areas. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to commencing construction and upon changes to the field representative.

5.3.2 Employee Training - Route Permit Terms and Conditions

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

5.3.3 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee. The Permittee shall file with the Commission the scope of work and the name, address, email, and telephone number of the third party-monitor at least 30 days prior to commencing any construction or right-of-way preparation and upon any change in contact information that may occur during construction of the project and restoration of the right-of-way.

5.3.4 Public Services, Public Utilities, and Existing Easements

During Transmission Facility 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 shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this route permit.

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

5.3.5 Temporary Workspace

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. The Permittee shall obtain temporary easements outside of the authorized transmission line right-of-way from affected landowners through rental agreements. Temporary easements are not provided for in this route permit.

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

5.3.6 Noise

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

5.3.7 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. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Transmission Facility during construction and maintenance. The 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. The Permittee shall place structures at a distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highways, or trail crossings.

5.3.8 Soil Erosion and Sediment Control

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

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 Transmission Facility shall be returned to pre-construction conditions.

5.3.9 Wetlands and Water Resources

The Permittee shall develop wetland impact avoidance measures and implement them during construction of the Transmission Facility. Measures shall include spacing and placing the power

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

The Permittee shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittee shall access wetlands and riparian areas using the shortest route feasible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittee shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittee shall assemble power pole structures on upland areas before they are brought to the site for installation.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

The Permittee shall meet all requirements of the U.S. Army Corps of Engineers, Minnesota Department of Natural Resources, and local units of government.

5.3.10 Vegetation Management

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.

The Permittee shall remove tall growing species located within the transmission line right-of-way that endanger the safe and reliable operation of the transmission line. The 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 line or impede construction.

5.3.11 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. Selective foliage or basal application

shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commerce or Commission staff.

5.3.12 Invasive Species

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

5.3.13 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 keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

5.3.14 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Transmission Facility. Where practical, existing roadways shall be used for all activities associated with construction of the Transmission Facility. Oversize or overweight loads associated with the Transmission Facility shall not be hauled across public roads without required permits and approvals.

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

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

5.3.15 Archaeological and Historic Resources

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

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

5.3.16 Avian Protection

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

5.3.17 Restoration

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

restoration activities, the Permittee shall file with the Commission a Notification of Restoration Completion.

5.3.18 Cleanup

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

5.3.19 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. 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.

5.3.20 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

5.4 Electrical Performance Standards

5.4.1 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 National Electric Safety Code. The Permittee shall address and rectify any induced current problems that arise during transmission line operation.

5.4.2 Electric Field

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

5.4.3 Interference with Communication Devices

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

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

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

5.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the Transmission Facility and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. The Permittee shall submit a copy of such permits upon the request of Commerce or Commission staff.

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

6 SPECIAL CONDITIONS

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

[Section may be updated according to the Commission's decision in this matter.]

- Proximity to Radio Antennas
- Wells
- Wildlife-friendly Erosion Control
- Dust Control
- Facility Lighting
- Vegetation Management Plan
- Vegetation Clearing
- Protection of Bats
- Blanding's Turtle
- Minnesota Department of Transportation Requirements

6.1 Proximity to Radio Antennas

The Permittee shall conduct technical studies to determine the effects of rebuilding and upgrading the transmission line in proximity to the AM 980 KKMS antennas. The study shall be based on final engineering of the transmission structure components' location in space, identify radio signal interference, determine the ability for the antennas to induce a voltage on the transmission line, and propose mitigation for any interference or induced voltage. At least 30 days prior to commencing construction within one-half-mile of the AM 908 KKMS antennas, the Permittee shall submit a compliance filing summarizing the results of the technical studies conducted, its coordination with AM 908 KKMS, and any mitigation incorporated by the Permittee. Construction in proximity to the AM 908 KKMS antennas will not be authorized until the special condition has been met.

6.2 Wells

~~To reduce effects of the Project to existing wells, the following measures shall be implemented:~~

- ~~The project is within the Emergency Response Area for the City of Eagan's wells. Any project staging should take place more than 200 feet from the City's wells.~~

- ~~The project crosses both the City of Burnsville and City of Eagan Drinking Water Supply Management Areas. The Applicant and its contractors shall familiarize themselves with the Emergency Response Plans for both cities, and the applicable Plan shall be on site in construction vehicles during work, and followed in the case of a spill.~~
- ~~Contact information (name, address, phone number) for all well owners with wells located within 200 feet of the transmission line shall be identified and cataloged with the well location, for use in the event of a spill or release of hazardous substance. This list of wells shall include identification of wells that aren't included in the Minnesota Well Index (https://mnwellindex.web.health.state.mn.us/#), and shall be provided to Anneka Munsell at Anneka.munsell@state.mn.us.~~
- ~~Drill rigs with masts are typically required to service or seal abandoned wells. The presence of active powerlines near a well can make it difficult or impossible to safely complete this necessary work. The transmission line shall be designed to provide safe clearance and legal access for well service or sealing with a drill rig when the transmission line is active at the maximum proposed voltage. Alternatively, accommodation can be made by the Applicant to well owners to provide an alternative source of water of similar chemistry and supply, as well as sealing the existing well in accordance with Minnesota Statute, prior to energizing the transmission line.~~

~~Records of compliance shall be retained by the Permittee, and be provided to the Commission and Commerce staff upon request.~~

Permittee shall coordinate with the cities of Eagan and Burnsville regarding the location of any city wells in the vicinity of the Project and obtain copies of each city's applicable emergency response plan prior to construction. Records of compliance shall be retained by the Permittee, and be provided to the Commission and Commerce staff upon request.

6.3 Wildlife-friendly Erosion Control

Due to entanglement issues with small animals, the Permittee shall use erosion control blankets limited to "bio-netting" or "natural netting" types, and shall specifically not use products containing plastic mesh netting or other plastic components, including hydro-mulch products that may contain small synthetic (plastic) fibers to aid in its matrix strength. ~~The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.~~

In accordance with any applicable Construction Stormwater General Permit, Permittee will document the type and location of installed erosion and sediment control best management practices in the site plans associated with the Stormwater Pollution Prevention Plan.

6.4 Dust Control

To protect plants and wildlife from chloride products that do not break down in the environment, the Permittee is prohibited from using dust control products containing calcium chloride or magnesium chloride during construction and operation. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

6.5 Facility Lighting

~~To reduce harm to birds, insects, and other animals, the Permittee shall follow the MnDOT Approved Products for luminaries for new construction at substations, which limits the uplight rating to zero. A nominal color temperature below 2700K is preferable for wildlife, and selecting products that have the lowest number for backlight and glare. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.~~

The Permittee shall follow the MnDOT Approved Products for luminaries for new construction at substations, which limits the uplight rating to zero. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

6.6 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Vegetation Management Plan Working Group (VMPWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the plan and profile required under this permit. The Permittee shall provide all landowners along the route with copies of the VMP. The Permittee shall file an affidavit of its distribution of the VMP to landowners with the Commission at least 14 days prior to the plan and profile.

The VMP shall include, at a minimum, the following:

1) short term and long-term management objectives; roles and responsibilities of site personnel.

2) a description of planned restoration and vegetation activities, including how the route will be prepared, timing of activities, and how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used.
3) a description of how the route will be monitored and evaluated to meet management objectives.
4) a description of management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, etc.), including timing/frequency of maintenance activity.
5) identification, monitoring and management plan for noxious weeds and invasive species (native and non-native) on route; and
6) a plan showing how the route will be revegetated and corresponding seed mixes. Seed mixes, seeding rates, and cover crops should follow best management practices.

6.7 Vegetation Clearing

If the Permittee proposes to clear vegetation for any portion of the Transmission Facility prior to completion of the design necessary to provide a plan and profile contemplated under Section 9.2, the Permittee shall file with the Commission at least 14 days prior to such vegetation clearing activities:

- The Vegetation Management Plan contemplated under Section 6.6 of this Route Permit that is applicable to any portion of the Transmission Facility being proposed for vegetation clearing;
- A map showing the area proposed for vegetation removal and its location within the Designated Route and compared to the right-of-way identified in this route permit;
- A statement of confirmation that the Permittee has obtained, or will obtain before commencing, all necessary land rights and agency permits for the vegetation removal in this area;
- If the Permittee has made any modifications to the right-of- way or alignment within the Designated Route from that identified in this route permit, as required by Section 4 of this route permit, the Permittee shall demonstrate that the right-of- way to be cleared of vegetation will be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit.

6.8 Northern Long-Eared Bats

~~All seven of Minnesota's bats, including the federally endangered northern long-eared bat (*Myotis septentrionalis*), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. The Permittee shall not remove trees from June 1 through August 15. If trees must be removed during this timeframe, the Permittee shall conduct a bat survey and avoid removing trees near observed bat roosts. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.~~

The Permittee will coordinate with the U.S. Fish and Wildlife Service regarding the timing of tree-clearing and any other construction or restoration actions that may impact Northern Long Eared Bat. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

6.9 Blanding's Turtle

~~Blanding's turtles (*Emydoidea blandingii*) is a state-listed threatened species documented in the project vicinity. Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the take of threatened or endangered species without a permit. As such, the following avoidance measures are required:~~

~~1) Avoid wetland and aquatic impacts during hibernation season, between September 15th and April 15th, if the area is suitable for hibernation.~~

~~2) The use of erosion control blanket shall be limited to 'bio-netting' or 'natural-netting' types, and specifically not products containing plastic mesh netting or other plastic components.~~

~~a) Hydro-mulch products may contain small synthetic (plastic) fibers to aid in their matrix strength. These loose fibers could potentially resuspend and make their way into wetlands and other waters. The Permittee shall not allow any materials with synthetic (plastic) fiber additives in areas that drain into water bodies.~~

~~3) Construction areas, especially aquatic or wetland areas, should be thoroughly checked for turtles before the use of heavy equipment or any ground disturbance. Any holes or trenches that are left unattended for prolonged periods should be checked before filling.~~

~~4) The Blanding's turtle flyer (https://files.dnr.state.mn.us/natural_resources/animals/reptiles_amphibians/turtles/blandings_turtle/flyer.pdf) must be given to all contractors working in the area.~~

~~5) Monitor for turtles during construction and report any sightings to the MDNR's QUICK Species Observation Form at https://forms.office.com/Pages/ResponsePage.aspx?id=RrAU68QkGUWPJricIVmCjJd3sXwPSexFr77gaXwyG4RUN1dRT1U2RFNFMlhMRDZIVU9ONks4Mk1PVS4u.~~

~~6) If turtles are in imminent danger they must be moved by hand out of harm's way, otherwise, they are to be left undisturbed.~~

~~The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.~~

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to the Blanding's turtle. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

6.10 Minnesota Department of Transportation Requirements

The permittee will comply with applicable Minnesota Department of Transportation (MnDOT) requirements for the project including but not limited to MnDOT's Utility Accommodation on Highway Right of Way Policy and shall obtain all applicable MnDOT permits. The Permittee shall give MnDOT district specialists the opportunity to participate in pre-construction meetings as they apply to MnDOT-owned property. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

7 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 route permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this route permit in accordance with Minn. R. 7850.4700.

8 COMPLAINT PROCEDURES

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

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

9 COMPLIANCE REQUIREMENTS

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

9.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Because the Project will be developed and constructed in distinct phases, multiple pre-construction meetings and submissions under Section 9.2 are allowed. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

9.2 Plan and Profile

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and the county where the Transmission Facility, or portion of the Transmission Facility, will be constructed 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 Facility. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per this route permit.

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

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this route permit, the Permittee may

submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this route 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, the Department of Commerce, and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this route permit.

9.3 Status Reports

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

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

9.4 In-Service Date

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

9.5 As-Builts

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

9.6 GPS Data

Within 90 days after completion of construction, the 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 Facility and each substation connected.

9.7 Right of Entry

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

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

10 ROUTE PERMIT AMENDMENT

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

11 TRANSFER OF ROUTE PERMIT

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

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

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

12 REVOCATION OR SUSPENSION OF ROUTE PERMIT

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

ATTACHMENT 2
Compliance Filing Procedures for Permitted Energy Facilities

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES

A. Purpose

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

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

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

D. Responsibilities

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

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

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

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

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

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

PERMIT COMPLIANCE FILINGS[1]

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

Filing Number	Permit Section	Description of Compliance Filing	Due 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.

ATTACHMENT 1

Complaint Handling Procedures for Permitted Energy Facilities

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES

A. Purpose

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

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

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

D. Definitions

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

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

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

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

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.

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. initial date of the complaint;
    c. tract, parcel number, or address of the complaint;
    d. a summary of the complaint; and
    e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.

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. summary of activities undertaken to resolve the complaint; and
    g. a statement on the 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, unless otherwise required below. 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 Public Advisor at 1-800-657-3782 (voice messages are acceptable) or publicadvisor.puc@state.mn.us. For e-mail reporting, the email

subject line should read “PUC EFP Complaint” and include the appropriate project docket number.

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Will Seuffert, 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.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the

complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or publicadvisor.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.