DIVIDER

STATE OF NORTH DAKOTA

INFORMATION TECHNOLOGY DEPARTMENT

SFN 2053 (4-2002)

PU-401-00-108
Otter Tail Power Company
Sargent County 230 kV Reroute
Siting Application 00
Filed 3/9/2000 **Closed 7/24/2002**

Alden Natural Power Company
Steam or Steam applicant
Sargents Court Reroute
Case No. PO-401-00-108

O + P

Bruce Richardson.

Nancy Duty.
- Blue Stem

Todd Langston - O + P

Hearing Exhibit

admitted Exhibit

Docket #8 *
Docket #11 *
Docket #1 *

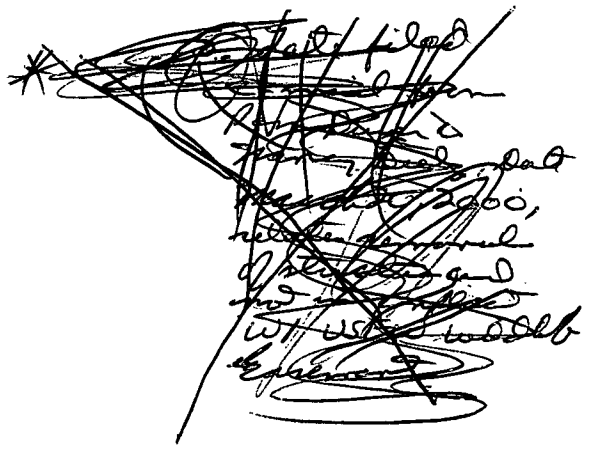
*

*

*

1. Application
1a. Amendment to application
2 plan + profile
3. MMPP Mapsheet map.

4. 3 letters to agencies, + notice of to agencies its record a copy of the letter.



Public Service Commission

5/14/2001

Case File / Docket Card Report

PU 401 00 108 Otter Tail Power Company
Sargent County 230 kV Reroute
Siting Application — Catagory Electric
Filed 03/09/2000 Open — Closed 00/00/0000

Doc#	Filed		Pages
1	3/9/2000	**Hankinson-Forman, ND 230 kV Transmission Reroute Application** By Otter Tail Power Company	2
2	3/14/2000	**App for Emergency Authority to Relocate & For Waiver of Procedures & Time Sche** By Otter Tail Power Company	18
3	3/14/2000	**Cover letter re App for Emergency Authority & Waiver of Procedure & Time Sched.** By Todd Guerrero, Attorney Otter Tail Power Company	1
4	3/15/2000	**Motion confirming that a power emergency exists** By Public Service Commission	1
5	3/16/2000	**Letter re confirmation of a power emergency** By Public Service Commission	1
6	3/16/2000	**Motion denying request for waivers** By Public Service Commission	1
7	3/16/2000	**Letter re request for waiver denied** By Public Service Commission	1
8	7/31/2000	**App for a Waiver of Proc & Time Sched & App for Cert of Corridor & Route Permit** By Otter Tail Power Company	94
9	7/31/2000	**Letter re filing & $5,000 filing fee** By Otter Tail Power Company	1
10	8/7/2000	**Initial review of consolidated application** By Jerry Lein Public Service Commission	2
11	10/16/2000	**Supplement & Amendment to App for Waiver of Procedures & Time Schedules etc.** By Otter Tail Power Company	3
12	10/16/2000	**Letter re filing** By Otter Tail Power Company	1
13	10/25/2000	**Notice of Filing and Notice of Hearing** By Public Service Commission \\Regulator\Case Mgmt\OrderLib\2000\000108\ \\Regulator\Case Mgmt\OrderLib\2000\000108\13.doc	2
14	10/25/2000	**Motion assessing filing fee & Hearing set for 11-29-00** By Public Service Commission \\Regulator\Case Mgmt\OrderLib\2000\000108\ \\Regulator\Case Mgmt\OrderLib\2000\000108\14.doc	1
15	10/26/2000	**Notice of Hearing e-mailed to NDNA requesting publication** By Public Service Commission	1
16	10/26/2000	**Affidavit of Service by Ordinary Mail or E-Mail** By Public Service Commission	12
17	10/26/2000	**Affidavit of Service by Certified Mail** By Public Service Commission \\Regulator\Case Mgmt\OrderLib\2000\000108\ \\Regulator\Case Mgmt\Orderlib\2000\000108\17.doc	1
18	12/4/2000	**Affidavit of Publication** By North Dakota Advertising Service, Inc.	2
19	12/5/2000	**Statement forwarded to Otter Tail Power Co. for payment of publication fee** By Public Service Commission	1

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July 23, 2002

Reply to Fergus Falls office
Direct: 218-739-8350

Mr. Jon H. Mielke
Executive Secretary
North Dakota Public Service Commission
State Capitol – 600 E. Boulevard
Bismarck, ND 58505-0480

Re: COMPLIANCE FILING REGARDING BIRD DIVERTERS
Otter Tail Power Company Sargent County 230 kV Reroute
Case No. PU-401-00-108

Dear Mr. Mielke:

I am filing this letter in order to establish compliance with the Commission's Order in the above-referenced matter. Specifically, the Commission's July 9, 2001 Findings of Fact, Conclusions of Law and Order, paragraph 10, requires that "Otter Tail shall consult with the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department to see if bird deflectors are needed on the line. Otter Tail shall follow any and all recommendations of the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department." This letter establishes that Otter Tail has consulted with the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department and followed their recommendations.

Otter Tail initially consulted with the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department in preparation of its application for a route permit. In those consultations it was recommended that Otter Tail install bird diverters where the rerouted power line crossed or ran adjacent to large wetlands. Therefore, Otter Tail installed bird diverters along most of the route, from structure 241 to structure 243. Diverters were placed on the shield wire alternating in colors from red to white at 50-foot intervals. The bird diverters Otter Tail installed are manufactured by Kaddas Enterprises, Inc., and identified as model No. LSFB 0416. The manufacturer represents that it has been designed to make lines more visible to birds and to provide a cost-effective means to reducing the hazards associated with line strikes.

I have enclosed two photographs which attempt to show the bird diverters as installed.

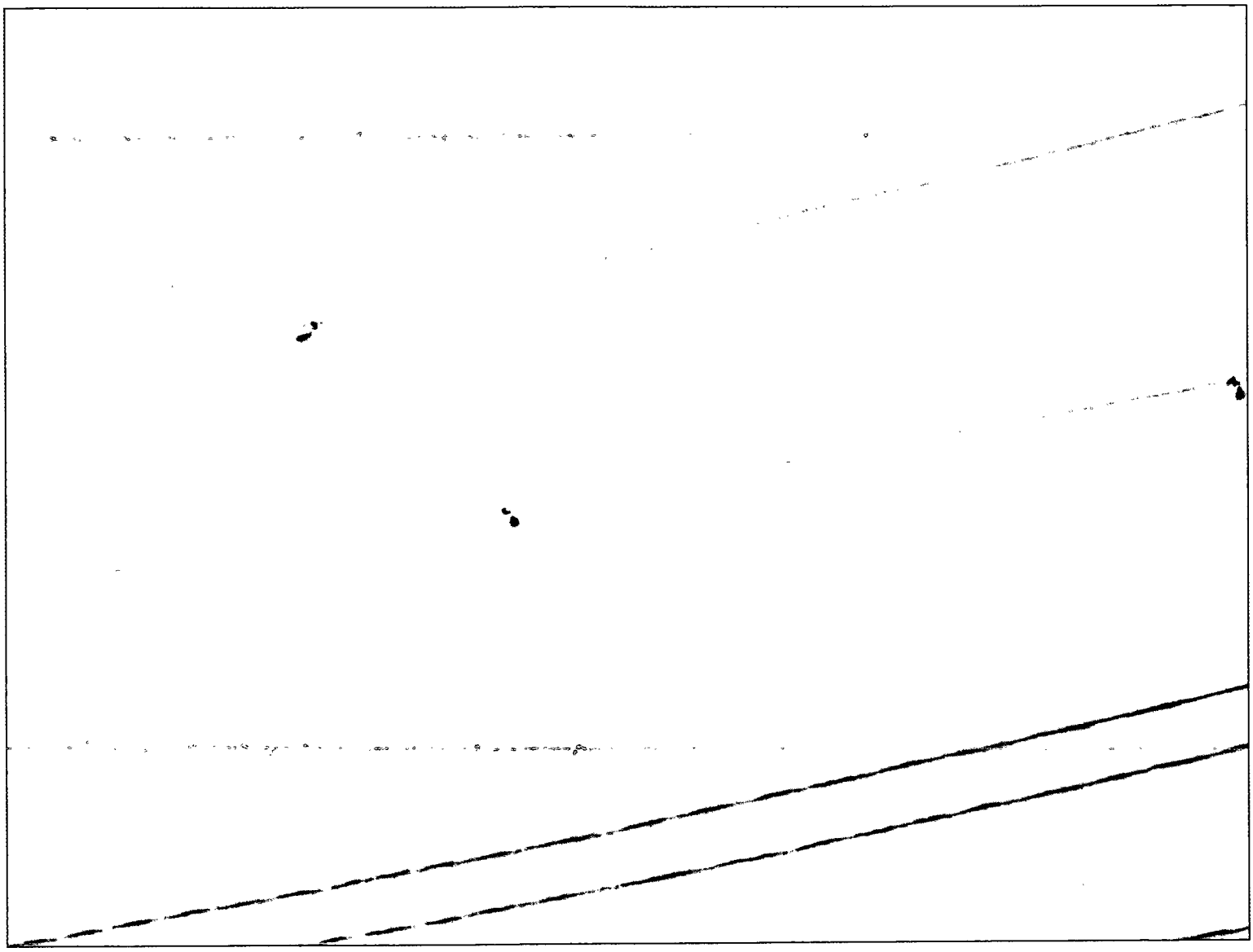
If you have any questions regarding this filing, please feel free to contact me at any time.

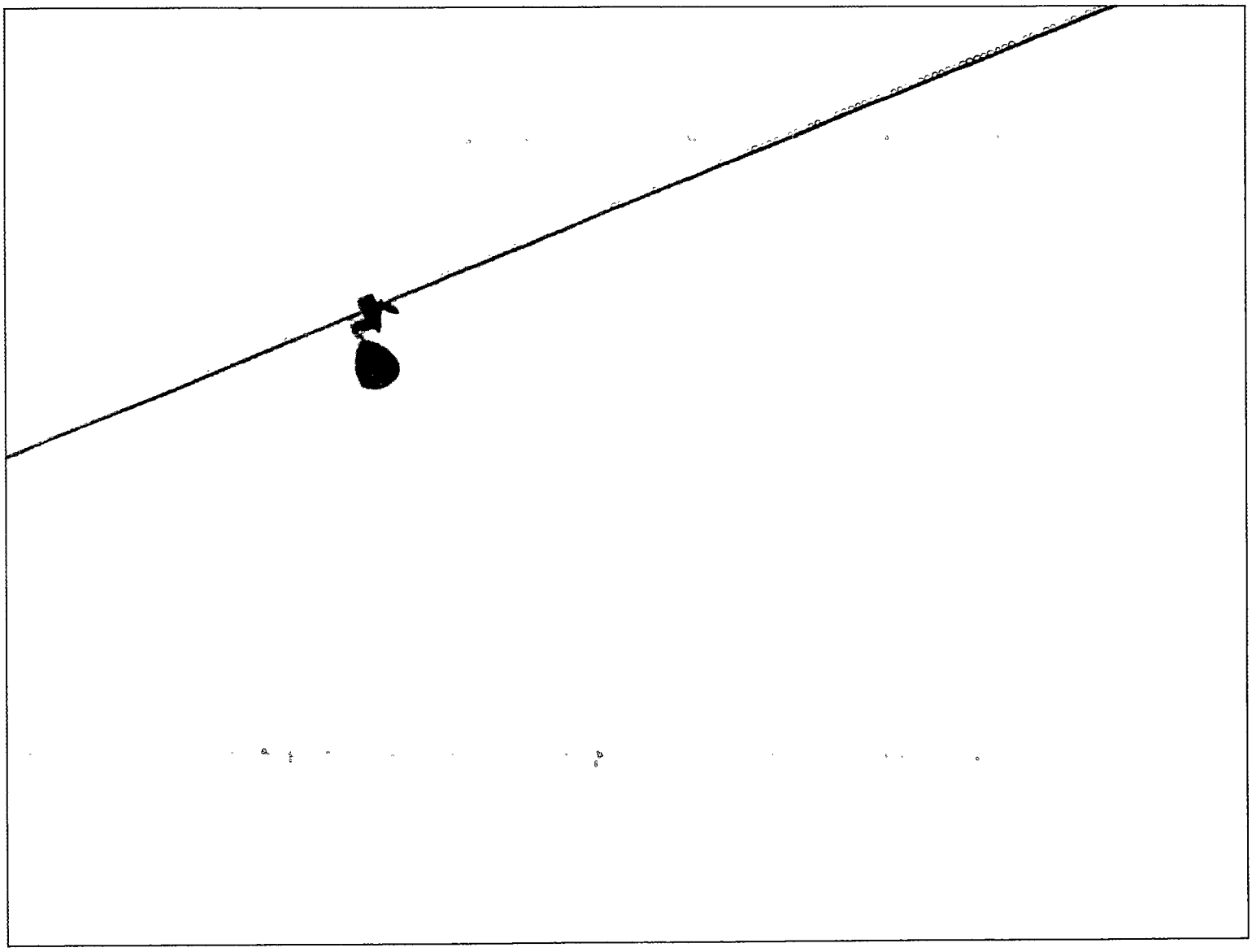
Sincerely,

Bruce Gerhardson
Associate General Counsel
BG/dm

Enclosure

40 **PU-401-00-108** Pages: 3
Compliance filing regarding bird diverters
by Otter Tail Power Company
07/24/2002 CC: Comm Legal PUD (3)





STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **26th day of July, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Findings of Fact, Conclusions of Law and Order

The envelope was addressed as follows:

Bruce Gerhardson
Otter Tail Power Company
215 S Cascade St
Fergus Falls MN 56538-0496
Cert. No. 7000 0520 0022 8655 3421

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sharon Helbling

Subscribed and sworn to before me
this **26th day of July, 2001**.

Sandra L. Scott
Notary Public

SEAL

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **26th day of July, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

Findings of Fact, Conclusions of Law and Order

The envelopes were addressed as follows:

See Attached List

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sharon Helbling

Subscribed and sworn to before me
this **26th day of July, 2001**.

Sandra L. Scott
Notary Public

SEAL

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

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APPROVED

DATE: 7-25-01
KMF

MOTION

July 25, 2001

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

I move the Commission adopt the Order adopting the Hearing Officer's Recommended Findings of Fact, Conclusions of Law, and Order and issue a Certificate of Corridor Compatibility and Route Permit to Otter Tail Power Company for the relocation of approximately one-half mile of 230 kV electric transmission line in Sargent County, North Dakota, Case No. PU-401-00-108.

JRL/sdh

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

Order

July 25, 2001

Having considered the evidence of record in this proceeding, the Public Service Commission adopts the Hearing Officer's July 9, 2001 Recommended Findings of Fact, Conclusions of Law and Order.

PUBLIC SERVICE COMMISSION

Anthony T. Clark	**Susan E. Wefald**	**Leo M. Reinbold**
Commissioner	**President**	**Commissioner**

37 **PU-401-00-108** Pages: 1

Order adopting hearing officer recommended order by Public Service Commission

07/25/2001 CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

July 9, 2001

Appearances

William W. Binek, Chief Counsel, Public Service Commission, State Capitol, Bismarck, North Dakota 58505-0480, substantive Hearing Officer.

Bruce Gerhardson, Associate General Counsel, Otter Tail Corporation, 215 South Cascade Street, Fergus Falls, MN 56537, on behalf of Otter Tail Power Company, a division of Otter Tail Corporation.

Jerry Lien, Staff Analyst, Public Service Commission, State Capitol, Bismarck, ND 58505-0480, on behalf of the Public Service Commission.

Preliminary Statement

On March 9, 2000, Otter Tail Power Company ("Otter Tail"), 215 South Cascade Street, Fergus Falls, MN 56537, wrote to inform the Commission that a storm had caused a portion of Otter Tail's Hankinson-Forman 230 kilovolt (kV) transmission line to topple and render the line out of service. Otter Tail also requested emergency authority to relocate and reconstruct the line. Commission Staff informed Otter Tail that it had emergency authority to relocate and reconstruct the line.

On July 31, 2000, Otter Tail filed a Consolidated Application for a Waiver of Procedures and Time Schedules, a Certificate of Corridor Compatibility, and a Route Permit for the construction and relocation of approximately one-half mile of 230 kV electric transmission line around the South and East sides of a semi-permanent wetland in Section 6, Township 130 North, Range 54 West in Sargent County, North Dakota. This proposed relocation had been constructed under the power emergency conditions declared by Otter Tail in their March 9, 2000 letter, described above.

In its Application, Otter Tail requested that the Commission waive procedures to allow for combining filing of Applications for a Corridor Certificate and Route Permit, to

waive the requirement for hearings on the Applications for a Corridor Certificate and Route Permit. More specifically, Otter Tail requested the Commission: (1) waive the provisions of N.D.C.C. § 49-22-13(2) and N.D. Admin. Code § 69-06-01-02(3), which require a public hearing on the waiver request, and Otter Tail requested that a Notice of Opportunity for Hearing be published instead; (2) waive the provisions of N.D.C.C. § 49-22-08 and 08.1, § 49-22-13 and N.D. Admin. Code § 69-06-01-02 insofar as they require separate application filings, hearings on the separate filings, and certain time schedules. The Application also included a filing fee of $5,000.

On October 16, 2000, Otter Tail filed a Supplement and Amendment to its Application to provide further justification for its request for waiver of procedures and timelines, to further describe how Otter Tail considered the relative value of each facility siting criteria in determining the proposed corridor and route, and to include a request that the Commission waive the requirements that Mylar maps be included with the Application.

On October 25, 2000, the Commission deemed the Application complete and issued a Notice of Filing and Notice of Hearing, scheduling a consolidated public hearing for November 29, 2000, at 1:00 p.m. in the Sargent County Courthouse, Commission's Room, 355 Main Street, Forman, North Dakota. The issues to be considered in the hearing were:

1. Will the location, construction, and operation of the proposed transmission line produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed transmission line compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed transmission line corridor and route minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

4. Is the proposed transmission line of such length, design, location, or purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived?

5. Does a demonstrable emergency exist which requires immediate construction so that adherence to procedures and time schedules will jeopardize the utility's system?

6. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the Application?

On November 29, 2000, the date the public hearing was scheduled to be held, weather conditions made it impossible for the Commission, as well as Otter Tail representatives, to travel to the location of the hearing. Therefore, the hearing was postponed until May 15, 2001, at 1:00 p.m.

On May 15, 2001, the postponed public hearing was held as rescheduled.

Having heard and considered this matter, the Hearing Officer makes the following:

Findings of Fact

1. Otter Tail is a public utility under Title 49 of the North Dakota Century Code, headquartered at 215 South Cascade Street, Fergus Falls, Minnesota 56537. Otter Tail serves customers in central and Eastern North Dakota, as well as Western Minnesota and Northeastern South Dakota.

2. On March 8, 2000, a wind storm swept across North Dakota, causing a one-half mile portion of Otter Tail's Hankinson-Forman 230 kV transmission line to topple and render the line out of service. When the transmission line was constructed in 1960, the structures along this one-half mile stretch were located on dry land near the shore of a wetland. Since that time, the water levels of this particular wetland have risen to an extent that structures along this portion of the facility were located in the water.

3. Otter Tail states that after the March 8, 2000, outage, it was imperative that the line was re-energized as soon as practically possible. In evaluating all possible options, sound utility practice required rerouting the section out of the wetland and onto higher ground. The reroute required moving approximately 1700 feet of line approximately 600 feet to the East.

4. Designation of a corridor and a route for a proposed transmission facility must be made in accordance with the criteria established pursuant to N.D. Admin.Code § 69-06-08-02 and the considerations set out in N.D.C.C. § 49-22-09.

5. The proposed facility has been constructed using wood pole H-frame structures. The structures range from 55 to 70 feet high, and the spans have an average length of 590 feet. The structures support three-phase conductors and two overhead shield wires for lightning protection. The conductors are constructed of steel reinforced aluminum strands with the trade designation 477RTZ. All construction, testing, and operation will conform to the requirements of the National Electric Safety Code.

6. The total estimated cost of the project is $70,000.

7. Otter Tail completed easement acquisition, vegetation clearing, and construction, and energized the line in March 2000.

8. Otter Tail requests approval of a route, approximately one-half mile long, running between a point on the existing route near the Southwest shore of the semi-permanent wetland and a point also on the existing route on the easterly shore of the semi-permanent wetland. This proposed route includes a right-of-way 120 feet wide (60 feet on either side of the centerline).

9. Otter Tail contacted the North Dakota Parks and Recreation Department, the U. S. Fish and Wildlife Service, and the North Dakota Game and Fish Department on March 20, 2000, to notify them of the proposed corridor and route. On April 3, 2000, Otter Tail contacted other state and federal agencies to notify them of the proposed corridor and route.

10. Blue Stem, Incorporated ("Blue Stem"), an environmental consulting firm, compiled data from numerous sources to analyze the biological, environmental, historic, and archeological conditions within the proposed corridor and along the proposed route. The data included information received following agency consultations, data publicly available from other sources, and data collected during field examinations. Blue Stem used this data to produce maps showing the existence and nonexistence of criteria (as defined in N.D. Admin. Code § 69-06-08-02) within the proposed corridor and route.

11. No designated or registered national parks, memorial parks, historic sites, landmarks, natural landmarks, monuments, or wilderness areas are located within the proposed corridor or along the proposed route.

12. No designated or registered state parks, historic sites, monuments, historical markers, archeological sites, or nature preserves are located within the proposed corridor or along the proposed route. No park or recreational facilities are located within the proposed corridor or along the proposed route.

13. There are no areas within the proposed corridor or along the proposed route that are critical to the life stages of federally threatened or endangered species.

14. There are no areas within the proposed corridor or along the proposed route where animals or plant species unique or rare to North Dakota would be irreversibly damaged.

15. There are no federal waterfowl production areas, designated or registered national historic districts, wildlife areas, wild, scenic, or recreational rivers, wildlife refuges, or grasslands within the proposed corridor or along the proposed route.

16. There are no wildlife management areas or other designated or registered state wild, scenic, or recreational rivers, game refuges, game management areas, management areas, forests, forest management lands, or grasslands within the proposed corridor or along the proposed route.

17. Blue Stem contracted with Powers Elevation Co., Inc. (historical and archeological consultant) to conduct archeological investigations along the proposed route. A Class I Inventory (files search) was made along the corridor for the entire proposed transmission line route. An on-the-ground field study was also conducted at the time of construction initiation. A report of this Class I inventory and on-the-ground field survey was submitted to the State Historical Society for review, along with detailed maps of the corridor. The Historical Society notified Otter Tail that no archeological or historic properties were affected by the facility.

18. No areas within the proposed corridor or along the proposed route are geologically unstable.

19. There are two rural residences within the proposed corridor. However, the proposed route does not come within 1,000 feet of any structure being used for a residence or a business.

20. There are no reservoirs or municipal water supplies within the proposed corridor or along the proposed route.

21. There are no water sources for organized rural water districts located within the proposed corridor or along the proposed route.

22. There are no irrigation permits located within the proposed corridor or along the proposed route.

23. There are no areas of recreational significance otherwise designated located within the proposed corridor or along the proposed route.

24. The corridor is made up largely of agricultural production lands and wetlands. Construction created minimal adverse impacts upon agricultural production along the route, and operation of the proposed facility will create minimal adverse impacts upon agricultural production along the route.

25. The proposed facility is not expected to have any impact upon surface drainage patterns and groundwater flow patterns.

26. The proposed facility is expected to have very minimal impacts upon noise sensitive land uses. The North Dakota Department of Health recommended that all construction equipment be equipped with recommended mufflers in good working order, and construction activities near homes and places of business be limited to normal working hours. Otter Tail has complied with this recommendation.

27. The proposed facility will be visible to landowners and community residents who live near the proposed facility.

28. No gravel or sandpits are located within the proposed corridor or along the proposed route.

29. There are numerous wetlands within the proposed corridor. In fact, the need for the reroute is specifically because the waters of a semi-permanent wetland have risen in such a way as to impact the existing facility in this location. The U.S. Fish and Wildlife Service maintains a conservation easement over the wetlands existing within Section 6, Township 130 North, Range 54 West in Sargent County, North Dakota, which is in the area of the proposed reroute. Permits and mitigation would be required by the Service and the U.S. Army Corps of Engineers wherever wetlands are impacted. However, because Otter Tail Power Company's reroute has not impacted any wetlands in the effected area, the U.S. Fish and Wildlife Service has indicated it will not require any permits or mitigation.

30. A number of woodlands and shelterbelts are located within the proposed corridor. However, the proposed route does not impact any woodlands, shelterbelts, or trees.

31. No impacts to radio or television reception or other communication or electronic control facilities are anticipated from the proposed facility.

32. Human health and safety are not expected to be impacted by the proposed facility. The North Dakota Department of Health investigated the proposed facility and concluded, "impacts from the proposed construction will be minor and can be controlled by proper construction methods." Otter Tail has agreed to employ proper construction methods to ensure the project will result in minimal impacts to human health and safety. The proposed facility will be designed and constructed to meet or exceed the standards of the National Electric Safety Code.

33. Animal health and safety is not expected to be impacted by the proposed facility.

34. Impacts of the proposed facility on agricultural plant life will be minimal, and landowners will be compensated for any losses. Native plant life will be impacted minimally, and mitigation will be conducted by Otter Tail.

35. Otter Tail has adopted policies and practices that will maximize benefits and, therefore, Otter Tail's Application should be given preference. Examples of such policies and practices are as follows: Otter Tail has policies to minimize and mitigate environmental impacts, to follow the National Electric Safety Code requirements and policies, to design its systems to efficiently transfer electricity, to ensure worker and public health and safety, and to ensure cost-effective methods of meeting its delivery obligations. Furthermore, Otter Tail has policies and practices that encourage training and utilization of available labor in this state for the general and specialized skills required. Also, the electricity transmitted across the proposed facility is largely committed for use in the State of North Dakota. Otter Tail has also coordinated its existing facilities with the proposed facility to ensure reliability and enhance efficiency. As is explained further herein, the need for the proposed facility arose out of rising

water, semi-permanent wetland, and weather conditions. The damage caused by these conditions rendered the Hankinson-Forman 230 kV facility out-of-service. The Hankinson-Forman 230 kV facility provides important transmission to the State of North Dakota, and enhances operational flexibility and reliability in the region. The proposed reroute is the most prudent and feasible method of ensuring that this need is continued to be served

36. Because of the high water levels, Otter Tail was not able to remove the entirety of the structure materials along the old route. Otter Tail removed all above-water materials and debris, however, some portion of the poles remained below the water. Otter Tail believes that the poles broke off at the ground level (below water) or just above ground level. There is no practical way to remove the remaining materials while they remain underwater, but they will be accessible when the water in the semi-permanent wetland recedes.

From the foregoing Findings of Fact, the Hearing Officer makes the following:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, Otter Tail Power Company, and over the subject matter of this Application under N.D.C.C. Chapter 49-22.

2. The transmission line proposed by Otter Tail is a transmission facility as defined in N.D.C.C. § 49-22-03(11). The proposed transmission line is of such length, location, and purpose that it will minimize adverse effects upon the environment and upon the welfare for citizens of North Dakota.

3. The proposed transmission line is compatible with the environmental preservation and the efficient use of resources. The proposed transmission line corridor and route are of such length, location, and purpose that they will minimize adverse human and environmental impact while ensuring continued system reliability and integrity, and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

4. The proposed transmission line is of such length, design, location, and purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived.

5. A demonstrable emergency existed, which required immediate construction, and adherence to procedures and time schedules would have jeopardized the utility's system.

6. It is appropriate for the Commission to waive procedures and time schedules, as requested in Otter Tail's Application. The Application submitted by Otter Tail meets the corridor and route evaluation criteria required by N.D.C.C. Chapter 49-22.

From the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommends the following:

Order

The Commission orders:

1. Certificate of Corridor Compatibility for Transmission Facility No. 81 is issued to Otter Tail Power Company, a division of Otter Tail Corporation, designating a corridor for its proposed transmission facility as shown on the attached map.

2. Certificate of Site Compatibility for Transmission Facility Route No. 91 is issued to Otter Tail Power Company, a division of Otter Tail Corporation, designating a route for its proposed transmission facility as shown on the attached map.

3. Otter Tail Power Company shall comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed transmission line, and shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission, if any.

4. Otter Tail shall construct and operate the transmission line in the manner described in Otter Tail's Application as supplemented and amended, and in accordance with all applicable safety requirements.

5. All pre-existing roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads or working areas during construction must be restored to their original condition.

6. Reclamation, fertilization, and reseeding is to be done by Otter Tail according to the National Resources Conservation Service recommendation, unless otherwise specified by landowner and approved by the Commission.

7. Otter Tail shall continue to monitor the water levels in the semi-permanent wetland, and when the water levels recede sufficiently, Otter Tail shall remove the remaining structure materials along the old route.

8. Otter Tail's obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission line.

9. Otter Tail shall work with landowners and residents to mitigate any increase in television and residential radio interference that occurs from the transmission line.

10. Otter Tail shall consult with the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department to see if bird deflectors are needed on the line. Otter Tail shall follow any and all recommendations of the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department.

11. Otter Tail shall provide the Commission with a copy of the design specification for the construction of the transmission facility showing the location of the transmission facility as built.

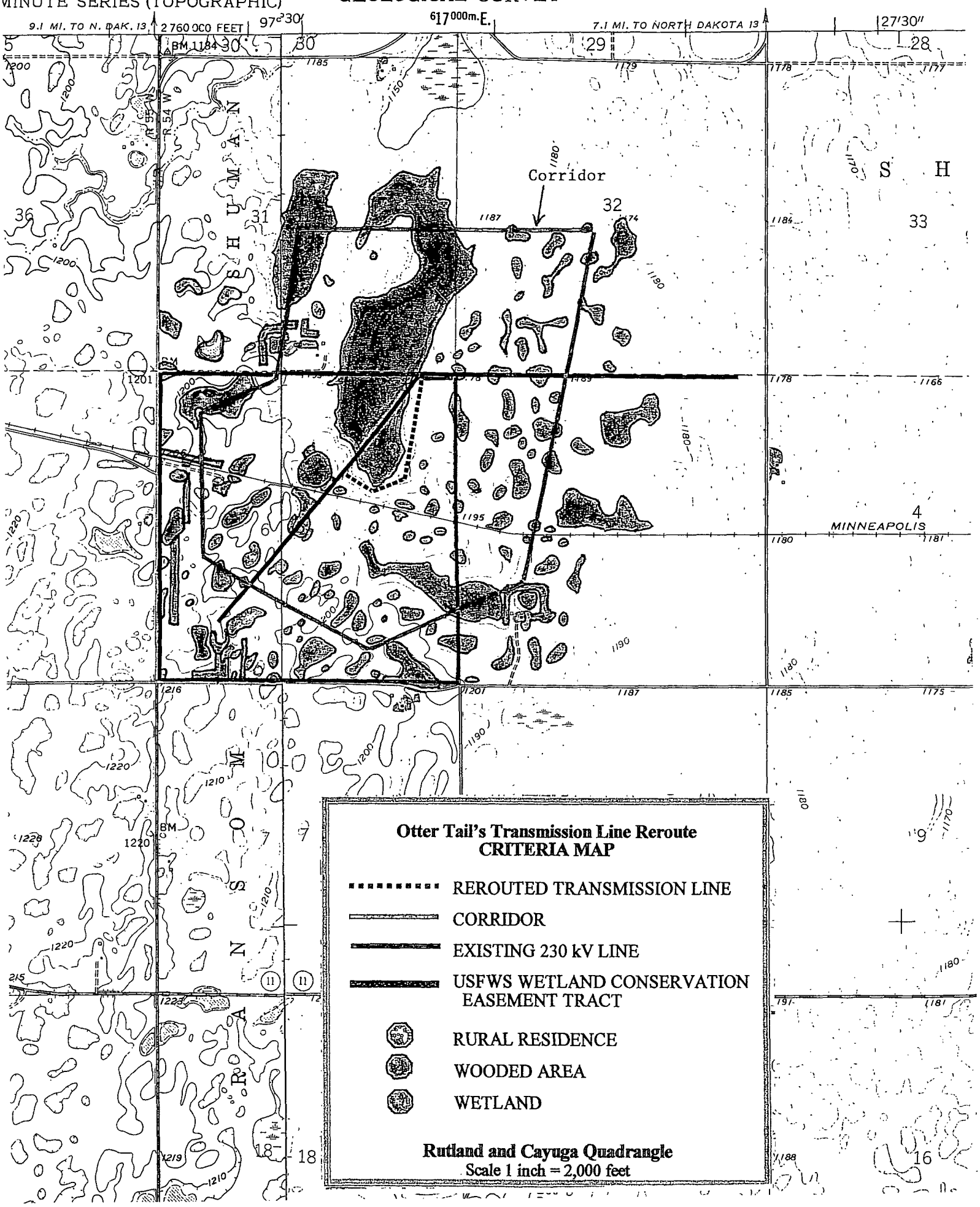
12. The authorizations granted by the Corridor Certificate and the Route Permit are subject to modification by the Order of the Commission if deemed necessary to further protect the environment or the public.

By: _____

William W. Binek, Hearing Officer
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RUTLAND QUADRANGLE
ORTH DAKOTA—SARGENT CO.
MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Corridor Compatibility for Transmission Facility

Certificate Number 81

This is to certify that the Commission has designated a transmission facility corridor for Otter Tail Power Company, which is described as follows:

A corridor approximately one mile wide, the center of which extends southeasterly from a point in the SE ¼ of Section 31, T 131N, R 54W to a point in the SW ¼ of Section 6, T 130N, R 54W.

The facility may be routed in this designated corridor in compliance with the transmission facility routing criteria. This certificate is issued in accordance with the Order of the Commission in Case No. Case No. PU-401-00-108 dated July 25, 2001, and is subject to the conditions and limitations noted in the order.

Bismarck, North Dakota, July 25, 2001.

ATTEST: **PUBLIC SERVICE COMMISSION**

Executive Secretary **Commissioner**

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Route Permit for the Construction of a Transmission Facility

Certificate Number 91

This is to certify that the Commission has designated a transmission facility route for Otter Tail Power Company, which is described as follows:

A 230 kV electric transmission line reroute approximately one-half mile in length beginning at a point along the northern section line of Section 6, T 130N, R 54W and extending southerly and then westerly to rejoin with Otter Tail's existing Hankinson-Forman 230 kV transmission line, all within Section 6, T 130N, R 54W.

This permit is issued in accordance with the Order of the Commission in Case No. PU-401-00-108 dated July 25, 2001, and is subject to the conditions and limitations noted in the order.

Bismarck, North Dakota, July 25, 2001.

ATTEST: **PUBLIC SERVICE COMMISSION**

Executive Secretary **Commissioner**

35 **PU-401-00-108** Pages: 1

Certificate # 91

by Public Service Commission

07/25/2001 CC: Comm Legal PUD (3)

Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
web: www.psc.state.nd.us
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

July 9, 2001

Mr. Jon H. Mielke
Public Service Commission
600 East Blvd. Ave., Dept. 408
Bismarck, ND 58505-0480

RE: Case No. PU-401-00-108
Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Dear Jon:

Enclosed for filing in the above is the original and seven copies of the Hearing Officer's Recommended Findings of Fact, Conclusions of Law and Order.

Thank you.

Sincerely,

William W. Binek
Hearing Officer

WWB/sls
Enclosure

C: Bruce Gerhardson

34 **PU-401-00-108** Pages: 1

Cover letter re Recommended Findings

by Public Service Commission by Wm. Binek, Hearing

07/09/2001 CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

July 9, 2001

Appearances

William W. Binek, Chief Counsel, Public Service Commission, State Capitol, Bismarck, North Dakota 58505-0480, substantive Hearing Officer.

Bruce Gerhardson, Associate General Counsel, Otter Tail Corporation, 215 South Cascade Street, Fergus Falls, MN 56537, on behalf of Otter Tail Power Company, a division of Otter Tail Corporation.

Jerry Lien, Staff Analyst, Public Service Commission, State Capitol, Bismarck, ND 58505-0480, on behalf of the Public Service Commission.

Preliminary Statement

On March 9, 2000, Otter Tail Power Company ("Otter Tail"), 215 South Cascade Street, Fergus Falls, MN 56537, wrote to inform the Commission that a storm had caused a portion of Otter Tail's Hankinson-Forman 230 kilovolt (kV) transmission line to topple and render the line out of service. Otter Tail also requested emergency authority to relocate and reconstruct the line. Commission Staff informed Otter Tail that it had emergency authority to relocate and reconstruct the line.

On July 31, 2000, Otter Tail filed a Consolidated Application for a Waiver of Procedures and Time Schedules, a Certificate of Corridor Compatibility, and a Route Permit for the construction and relocation of approximately one-half mile of 230 kV electric transmission line around the South and East sides of a semi-permanent wetland in Section 6, Township 130 North, Range 54 West in Sargent County, North Dakota. This proposed relocation had been constructed under the power emergency conditions declared by Otter Tail in their March 9, 2000 letter, described above.

In its Application, Otter Tail requested that the Commission waive procedures to allow for combining filing of Applications for a Corridor Certificate and Route Permit to

waive the requirement for hearings on the Applications for a Corridor Certificate and Route Permit. More specifically, Otter Tail requested the Commission: (1) waive the provisions of N.D.C.C. § 49-22-13(2) and N.D. Admin. Code § 69-06-01-02(3), which require a public hearing on the waiver request, and Otter Tail requested that a Notice of Opportunity for Hearing be published instead; (2) waive the provisions of N.D.C.C. § 49-22-08 and 08.1, § 49-22-13 and N.D. Admin. Code § 69-06-01-02 insofar as they require separate application filings, hearings on the separate filings, and certain time schedules. The Application also included a filing fee of $5,000.

On October 16, 2000, Otter Tail filed a Supplement and Amendment to its Application to provide further justification for its request for waiver of procedures and timelines, to further describe how Otter Tail considered the relative value of each facility siting criteria in determining the proposed corridor and route, and to include a request that the Commission waive the requirements that Mylar maps be included with the Application.

On October 25, 2000, the Commission deemed the Application complete and issued a Notice of Filing and Notice of Hearing, scheduling a consolidated public hearing for November 29, 2000, at 1:00 p.m. in the Sargent County Courthouse, Commission's Room, 355 Main Street, Forman, North Dakota. The issues to be considered in the hearing were:

1. Will the location, construction, and operation of the proposed transmission line produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed transmission line compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed transmission line corridor and route minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

4. Is the proposed transmission line of such length, design, location, or purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived?

5. Does a demonstrable emergency exist which requires immediate construction so that adherence to procedures and time schedules will jeopardize the utility's system?

6. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the Application?

On November 29, 2000, the date the public hearing was scheduled to be held, weather conditions made it impossible for the Commission, as well as Otter Tail representatives, to travel to the location of the hearing. Therefore, the hearing was postponed until May 15, 2001, at 1:00 p.m.

On May 15, 2001, the postponed public hearing was held as rescheduled.

Having heard and considered this matter, the Hearing Officer makes the following:

Findings of Fact

1. Otter Tail is a public utility under Title 49 of the North Dakota Century Code, headquartered at 215 South Cascade Street, Fergus Falls, Minnesota 56537. Otter Tail serves customers in central and Eastern North Dakota, as well as Western Minnesota and Northeastern South Dakota.

2. On March 8, 2000, a wind storm swept across North Dakota, causing a one-half mile portion of Otter Tail's Hankinson-Forman 230 kV transmission line to topple and render the line out of service. When the transmission line was constructed in 1960, the structures along this one-half mile stretch were located on dry land near the shore of a wetland. Since that time, the water levels of this particular wetland have risen to an extent that structures along this portion of the facility were located in the water.

3. Otter Tail states that after the March 8, 2000, outage, it was imperative that the line was re-energized as soon as practically possible. In evaluating all possible options, sound utility practice required rerouting the section out of the wetland and onto higher ground. The reroute required moving approximately 1700 feet of line approximately 600 feet to the East.

4. Designation of a corridor and a route for a proposed transmission facility must be made in accordance with the criteria established pursuant to N.D. Admin.Code § 69-06-08-02 and the considerations set out in N.D.C.C. § 49-22-09.

5. The proposed facility has been constructed using wood pole H-frame structures. The structures range from 55 to 70 feet high, and the spans have an average length of 590 feet. The structures support three-phase conductors and two overhead shield wires for lightning protection. The conductors are constructed of steel reinforced aluminum strands with the trade designation 477RTZ. All construction, testing, and operation will conform to the requirements of the National Electric Safety Code.

6. The total estimated cost of the project is $70,000.

7. Otter Tail completed easement acquisition, vegetation clearing, and construction, and energized the line in March 2000.

8. Otter Tail requests approval of a route, approximately one-half mile long, running between a point on the existing route near the Southwest shore of the semi-permanent wetland and a point also on the existing route on the easterly shore of the semi-permanent wetland. This proposed route includes a right-of-way 120 feet wide (60 feet on either side of the centerline).

9. Otter Tail contacted the North Dakota Parks and Recreation Department, the U. S. Fish and Wildlife Service, and the North Dakota Game and Fish Department on March 20, 2000, to notify them of the proposed corridor and route. On April 3, 2000, Otter Tail contacted other state and federal agencies to notify them of the proposed corridor and route.

10. Blue Stem, Incorporated ("Blue Stem"), an environmental consulting firm, compiled data from numerous sources to analyze the biological, environmental, historic, and archeological conditions within the proposed corridor and along the proposed route. The data included information received following agency consultations, data publicly available from other sources, and data collected during field examinations. Blue Stem used this data to produce maps showing the existence and nonexistence of criteria (as defined in N.D. Admin. Code § 69-06-08-02) within the proposed corridor and route.

11. No designated or registered national parks, memorial parks, historic sites, landmarks, natural landmarks, monuments, or wilderness areas are located within the proposed corridor or along the proposed route.

12. No designated or registered state parks, historic sites, monuments, historical markers, archeological sites, or nature preserves are located within the proposed corridor or along the proposed route. No park or recreational facilities are located within the proposed corridor or along the proposed route.

13. There are no areas within the proposed corridor or along the proposed route that are critical to the life stages of federally threatened or endangered species.

14. There are no areas within the proposed corridor or along the proposed route where animals or plant species unique or rare to North Dakota would be irreversibly damaged.

15. There are no federal waterfowl production areas, designated or registered national historic districts, wildlife areas, wild, scenic, or recreational rivers, wildlife refuges, or grasslands within the proposed corridor or along the proposed route.

16. There are no wildlife management areas or other designated or registered state wild, scenic, or recreational rivers, game refuges, game management areas, management areas, forests, forest management lands, or grasslands within the proposed corridor or along the proposed route.

17. Blue Stem contracted with Powers Elevation Co., Inc. (historical and archeological consultant) to conduct archeological investigations along the proposed route. A Class I Inventory (files search) was made along the corridor for the entire proposed transmission line route. An on-the-ground field study was also conducted at the time of construction initiation. A report of this Class I inventory and on-the-ground field survey was submitted to the State Historical Society for review, along with detailed maps of the corridor. The Historical Society notified Otter Tail that no archeological or historic properties were affected by the facility.

18. No areas within the proposed corridor or along the proposed route are geologically unstable.

19. There are two rural residences within the proposed corridor. However, the proposed route does not come within 1,000 feet of any structure being used for a residence or a business.

20. There are no reservoirs or municipal water supplies within the proposed corridor or along the proposed route.

21. There are no water sources for organized rural water districts located within the proposed corridor or along the proposed route.

22. There are no irrigation permits located within the proposed corridor or along the proposed route.

23. There are no areas of recreational significance otherwise designated located within the proposed corridor or along the proposed route.

24. The corridor is made up largely of agricultural production lands and wetlands. Construction created minimal adverse impacts upon agricultural production along the route, and operation of the proposed facility will create minimal adverse impacts upon agricultural production along the route.

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27. The proposed facility will be visible to landowners and community residents who live near the proposed facility.

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32. Human health and safety are not expected to be impacted by the proposed facility. The North Dakota Department of Health investigated the proposed facility and concluded, "impacts from the proposed construction will be minor and can be controlled by proper construction methods." Otter Tail has agreed to employ proper construction methods to ensure the project will result in minimal impacts to human health and safety. The proposed facility will be designed and constructed to meet or exceed the standards of the National Electric Safety Code.

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From the foregoing Findings of Fact, the Hearing Officer makes the following:

Conclusions of Law

1. The Commission has jurisdiction over the applicant, Otter Tail Power Company, and over the subject matter of this Application under N.D.C.C. Chapter 49-22.

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4. The proposed transmission line is of such length, design, location, and purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived.

5. A demonstrable emergency existed, which required immediate construction, and adherence to procedures and time schedules would have jeopardized the utility's system.

6. It is appropriate for the Commission to waive procedures and time schedules, as requested in Otter Tail's Application. The Application submitted by Otter Tail meets the corridor and route evaluation criteria required by N.D.C.C. Chapter 49-22.

From the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommends the following:

Order

The Commission orders:

1. Certificate of Corridor Compatibility for Transmission Facility No. 81 is issued to Otter Tail Power Company, a division of Otter Tail Corporation, designating a corridor for its proposed transmission facility as shown on the attached map.

2. Certificate of Site Compatibility for Transmission Facility Route No. 91 is issued to Otter Tail Power Company, a division of Otter Tail Corporation, designating a route for its proposed transmission facility as shown on the attached map.

3. Otter Tail Power Company shall comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed transmission line, and shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission, if any.

4. Otter Tail shall construct and operate the transmission line in the manner described in Otter Tail's Application as supplemented and amended, and in accordance with all applicable safety requirements.

5. All pre-existing roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads or working areas during construction must be restored to their original condition.

6. Reclamation, fertilization, and reseeding is to be done by Otter Tail according to the National Resources Conservation Service recommendation, unless otherwise specified by landowner and approved by the Commission.

7. Otter Tail shall continue to monitor the water levels in the semi-permanent wetland, and when the water levels recede sufficiently, Otter Tail shall remove the remaining structure materials along the old route.

8. Otter Tail's obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission line.

9. Otter Tail shall work with landowners and residents to mitigate any increase in television and residential radio interference that occurs from the transmission line.

10. Otter Tail shall consult with the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department to see if bird deflectors are needed on the line. Otter Tail shall follow any and all recommendations of the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department.

11. Otter Tail shall provide the Commission with a copy of the design specification for the construction of the transmission facility showing the location of the transmission facility as built.

12. The authorizations granted by the Corridor Certificate and the Route Permit are subject to modification by the Order of the Commission if deemed necessary to further protect the environment or the public.

By: _____

William W. Binek, Hearing Officer
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

AFFIDAVIT OF SERVICE BY FIRST CLASS MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sandra L. Scott deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **9th day of July, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with first class postage, fully prepaid, securely sealed and each containing a photocopy of:

Recommended Findings of Fact, Conclusions of Law and Order

The envelope was addressed as follows:

Bruce Gerhardson
Otter Tail Power Company
215 S Cascade St
Fergus Falls MN 56538-0496

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sandra L Scott

Subscribed and sworn to before me
this **9th day of July, 2001**.

Susan K. Richter
Notary Public

SEAL

SUSAN K. RICHTER
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 15, 2004

32 **PU-401-00-108** Pages: 1

Affidavit of Service

by Public Service Commission

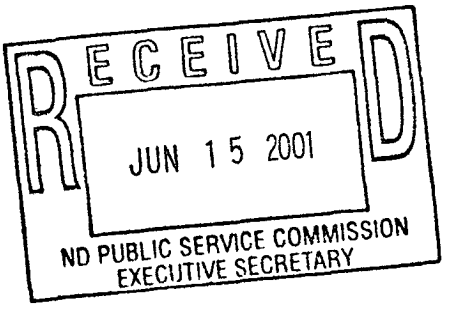
07/09/2001 CC: Comm Legal PUD (3)

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)

OTTER TAIL
Power Company

VIA FACSIMILE & MAIL

June 15, 2001



Mr. Jon H. Mielke
Executive Secretary
North Dakota Public Service Commission
State Capitol – 600 E. Boulevard
Bismarck, ND 58505-0480

Re: Otter Tail Power Company
Sargent County 230 kV Reroute Siting
Case No. PU-401-00-108

Dear Mr. Mielke:

Enclosed for filing please find the original and ten copies of Otter Tail Power Company's proposed Findings of Fact, Conclusions of Law and Order in the above-referenced matter. Also enclosed are ten copies of a map showing the corridor and route.

Should you have any questions, please feel free to call me at 218-739-8350.

Sincerely,

Bruce Gerhardson

Bruce Gerhardson
Associate General Counsel
BG:dm

Enclosures

31 **PU-401-00-108** Pages: 1

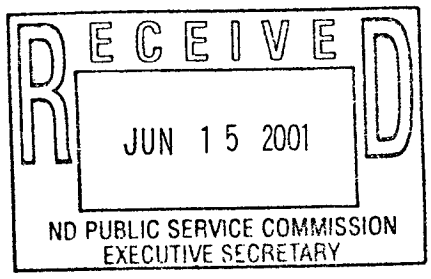
Cover letter re filing

by Otter Tail Power Company

06/15/2001 CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION



Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

_____, 2001

Appearances

Jerry Lien, Staff Analyst, Public Service Commission, State Capitol, 12th Floor, Bismarck, ND 58505-0480, on behalf of the Public Service Commission.

William W. Binek, Chief Counsel, Public Service Commission, State Capitol, 12th Floor, Bismarck, ND 58505-0480, as Hearing Examiner.

Bruce Gerhardson, Associate General Counsel, Otter Tail Corporation, 215 South Cascade Street, Fergus Falls, MN 56537, on behalf of Otter Tail Power Company, a division of Otter Tail Corporation.

Preliminary Statement

On March 9, 2000, Otter Tail Power Company ("Otter Tail"), 215 South Cascade Street, Fergus Falls, MN 56537, wrote to inform the Commission that a storm had caused a portion of Otter Tail's Hankinson-Forman 230 kilovolt (kV) transmission line to topple and render the line out of service. Otter Tail also requested emergency authority to relocate and reconstruct the line. Commission Staff informed Otter Tail that it had emergency authority to relocate and reconstruct the line.

On July 31, 2000, Otter Tail filed a Consolidated Application for a Waiver of Procedures and Time Schedules, a Certificate of Corridor Compatibility, and a Route Permit for the construction and relocation of approximately one-half mile of 230 kV electric transmission line around the South and East sides of a semi-permanent wetland in Section 6, Township 130 North, Range 54 West in Sargent County, North Dakota. This proposed relocation had been constructed under the power emergency conditions declared by Otter Tail in their March 9, 2000 letter, described above.

In its Application, Otter Tail requested that the Commission waive procedures to allow for combining filing of Applications for a Corridor Certificate and Route Permit, to waive the requirement for hearings on the Applications for a Corridor Certificate and

Route Permit. More specifically, Otter Tail requested the Commission: (1) waive the provisions of N.D.C.C. § 49-22-13(2) and N.D. Admin. Code § 69-06-01-02(3), which require a public hearing on the waiver request, and Otter Tail requested that a Notice of Opportunity for Hearing be published instead; (2) waive the provisions of N.D.C.C. § 49-22-08 and 08.1, § 49-22-13 and N.D. Admin. Code § 69-06-01-02 insofar as they require separate application filings, hearings on the separate filings, and certain time schedules. The Application also included a filing fee of $5,000.

On October 16, 2000, Otter Tail filed a Supplement and Amendment to its Application to provide further justification for its request for waiver of procedures and timelines, to further describe how Otter Tail considered the relative value of each facility siting criteria in determining the proposed corridor and route, and to include a request that the Commission waive the requirements that Mylar maps be included with the Application.

On October 25, 2000, the Commission deemed the Application complete and issued a Notice of Filing and Notice of Hearing, scheduling a consolidated public hearing for November 29, 2000, at 1:00 p.m. in the Sargent County Courthouse, Commission's Room, 355 Main Street, Forman, North Dakota. The issues to be considered in the hearing were:

1. Will the location, construction, and operation of the proposed transmission line produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed transmission line compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed transmission line corridor and route minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

4. Is the proposed transmission line of such length, design, location, or purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived?

5. Does a demonstrable emergency exist which requires immediate construction so that adherence to procedures and time schedules will jeopardize the utility's system?

6. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the Application?

On November 29, 2000, the date the public hearing was scheduled to be held, weather conditions made it impossible for the Commission, as well as Otter Tail

representatives, to travel to the location of the hearing. Therefore, the hearing was postponed until May 15, 2001, at 1:00 p.m.

On May 15, 2001, the postponed public hearing was held as rescheduled.

Having heard and considered this matter, the Commission makes its:

FINDINGS OF FACT

1. Otter Tail is a public utility under Title 49 of the North Dakota Century Code, headquartered at 215 South Cascade Street, Fergus Falls, Minnesota 56537. Otter Tail serves customers in central and Eastern North Dakota, as well as Western Minnesota and Northeastern South Dakota.

2. On March 8, 2000, a wind storm swept across North Dakota, causing a one-half mile portion of Otter Tail's Hankinson-Forman 230 kV transmission line to topple and render the line out of service. When the transmission line was constructed in 1960, the structures along this one-half mile stretch were located on dry land near the shore of a wetland. Since that time, the water levels of this particular wetland have risen to an extent that structures along this portion of the facility were located in the water.

3. Otter Tail states that after the March 8, 2000, outage, it was imperative that the line was re-energized as soon as practically possible. In evaluating all possible options, sound utility practice required rerouting the section out of the wetland and onto higher ground. The reroute required moving approximately 1700 feet of line approximately 600 feet to the East.

4. Designation of a corridor and a route for a proposed transmission facility must be made in accordance with the criteria established pursuant to N.D. Admin.Code § 69-06-08-02 and the considerations set out in N.D.C.C. § 49-22-09.

5. The proposed facility has been constructed using wood pole H-frame structures. The structures range from 55 to 70 feet high, and the spans have an average length of 590 feet. The structures support three-phase conductors and two overhead shield wires for lightning protection. The conductors are constructed of steel reinforced aluminum strands with the trade designation 477RTZ. All construction, testing, and operation will conform to the requirements of the National Electric Safety Code.

6. The total estimated cost of the project is $70,000.

7. Otter Tail completed easement acquisition, vegetation clearing, and construction, and energized the line in March 2000.

8. Otter Tail requests approval of a route, approximately one-half mile long, running between a point on the existing route near the Southwest shore of the semi-permanent wetland and a point also on the existing route on the easterly shore of the semi-permanent wetland. This proposed route includes a right-of-way 120 feet wide (60 feet on either side of the centerline).

9. Otter Tail contacted the North Dakota Parks and Recreation Department, the U. S. Fish and Wildlife Service, and the North Dakota Game and Fish Department on March 20, 2000, to notify them of the proposed corridor and route. On April 3, 2000, Otter Tail contacted other state and federal agencies to notify them of the proposed corridor and route.

10. Blue Stem, Incorporated ("Blue Stem"), an environmental consulting firm, compiled data from numerous sources to analyze the biological, environmental, historic, and archeological conditions within the proposed corridor and along the proposed route. The data included information received following agency consultations, data publicly available from other sources, and data collected during field examinations. Blue Stem used this data to produce maps showing the existence and nonexistence of criteria (as defined in N.D. Admin. Code § 69-06-08-02) within the proposed corridor and route.

11. No designated or registered national parks, memorial parks, historic sites, landmarks, natural landmarks, monuments, or wilderness areas are located within the proposed corridor or along the proposed route.

12. No designated or registered state parks, historic sites, monuments, historical markers, archeological sites, or nature preserves are located within the proposed corridor or along the proposed route. No park or recreational facilities are located within the proposed corridor or along the proposed route.

13. There are no areas within the proposed corridor or along the proposed route that are critical to the life stages of federally threatened or endangered species.

14. There are no areas within the proposed corridor or along the proposed route where animals or plant species unique or rare to North Dakota would be irreversibly damaged.

15. There are no federal waterfowl production areas, designated or registered national historic districts, wildlife areas, wild, scenic, or recreational rivers, wildlife refuges, or grasslands within the proposed corridor or along the proposed route.

16. There are no wildlife management areas or other designated or registered state wild, scenic, or recreational rivers, game refuges, game management areas, management areas, forests, forest management lands, or grasslands within the proposed corridor or along the proposed route.

17. Blue Stem contracted with Powers Elevation Co., Inc. (historical and archeological consultant) to conduct archeological investigations along the proposed route. A Class I Inventory (files search) was made along the corridor for the entire proposed transmission line route. An on-the-ground field study was also conducted at the time of construction initiation. A report of this Class I inventory and on-the-ground field survey was submitted to the State Historical Society for review, along with detailed maps of the corridor. The Historical Society notified Otter Tail that no archeological or historic properties were affected by the facility.

18. No areas within the proposed corridor or along the proposed route are geologically unstable.

19. There are two rural residences within the proposed corridor. However, the proposed route does not come within 1,000 feet of any structure being used for a residence or a business.

20. There are no reservoirs or municipal water supplies within the proposed corridor or along the proposed route.

21. There are no water sources for organized rural water districts located within the proposed corridor or along the proposed route.

22. There are no irrigation permits located within the proposed corridor or along the proposed route.

23. There are no areas of recreational significance otherwise designated located within the proposed corridor or along the proposed route.

24. The corridor is made up largely of agricultural production lands and wetlands. Construction created minimal adverse impacts upon agricultural production along the route, and operation of the proposed facility will create minimal adverse impacts upon agricultural production along the route.

25. The proposed facility is not expected to have any impact upon surface drainage patterns and groundwater flow patterns.

26. The proposed facility is expected to have very minimal impacts upon noise sensitive land uses. The North Dakota Department of Health recommended that all construction equipment be equipped with recommended mufflers in good working order, and construction activities near homes and places of business be limited to normal working hours. Otter Tail has complied with this recommendation.

27. The proposed facility will be visible to landowners and community residents who live near the proposed facility.

28. No gravel or sandpits are located within the proposed corridor or along the proposed route.

29. There are numerous wetlands within the proposed corridor. In fact, the need for the reroute is specifically because the waters of a semi-permanent wetland have risen in such a way as to impact the existing facility in this location. The U.S. Fish and Wildlife Service maintains a conservation easement over the wetlands existing within Section 6, Township 130 North, Range 54 West in Sargent County, North Dakota, which is in the area of the proposed reroute. Permits and mitigation would be required by the Service and the U.S. Army Corps of Engineers wherever wetlands are impacted. However, because Otter Tail Power Company's reroute has not impacted any wetlands in the effected area, the U.S. Fish and Wildlife Service has indicated it will not require any permits or mitigation.

30. A number of woodlands and shelterbelts are located within the proposed corridor. However, the proposed route does not impact any woodlands, shelterbelts, or trees.

31. No impacts to radio or television reception or other communication or electronic control facilities are anticipated from the proposed facility.

32. Human health and safety are not expected to be impacted by the proposed facility. The North Dakota Department of Health investigated the proposed facility and concluded, "impacts from the proposed construction will be minor and can be controlled by proper construction methods." Otter Tail has agreed to employ proper construction methods to ensure the project will result in minimal impacts to human health and safety. The proposed facility will be designed and constructed to meet or exceed the standards of the National Electric Safety Code.

33. Animal health and safety is not expected to be impacted by the proposed facility.

34. Impacts of the proposed facility on agricultural plant life will be minimal, and landowners will be compensated for any losses. Native plant life will be impacted minimally, and mitigation will be conducted by Otter Tail.

35. Otter Tail has adopted policies and practices that will maximize benefits and, therefore, Otter Tail's Application should be given preference. Examples of such policies and practices are as follows: Otter Tail has policies to minimize and mitigate environmental impacts, to follow the National Electric Safety Code requirements and policies, to design its systems to efficiently transfer electricity, to ensure worker and public health and safety, and to ensure cost-effective methods of meeting its delivery obligations. Furthermore, Otter Tail has policies and practices that encourage training and utilization of available labor in this state for the general and specialized skills required. Also, the electricity transmitted

across the proposed facility is largely committed for use in the State of North Dakota. Otter Tail has also coordinated its existing facilities with the proposed facility to ensure reliability and enhance efficiency. As is explained further herein, the need for the proposed facility arose out of rising water, semi-permanent wetland, and weather conditions. The damage caused by these conditions rendered the Hankinson-Forman 230 kV facility out-of-service. The Hankinson-Forman 230 kV facility provides important transmission to the State of North Dakota, and enhances operational flexibility and reliability in the region. The proposed reroute is the most prudent and feasible method of ensuring that this need is continued to be served

36. Because of the high water levels, Otter Tail was not able to remove the entirety of the structure materials along the old route. Otter Tail removed all above-water materials and debris, however, some portion of the poles remained below the water. Otter Tail believes that the poles broke off at the ground level (below water) or just above ground level. There is no practical way to remove the remaining materials while they remain underwater, but they will be accessible when the water in the semi-permanent wetland recedes.

From the foregoing Findings of Fact, the Commission now makes its:

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the applicant, Otter Tail Power Company, and over the subject matter of this Application under N.D.C.C. Chapter 49-22.

2. The transmission line proposed by Otter Tail is a transmission facility as defined in N.D.C.C. § 49-22-03(11). The proposed transmission line is of such length, location, and purpose that it will minimize adverse effects upon the environment and upon the welfare for citizens of North Dakota.

3. The proposed transmission line is compatible with the environmental preservation and the efficient use of resources. The proposed transmission line corridor and route are of such length, location, and purpose that they will minimize adverse human and environmental impact while ensuring continued system reliability and integrity, and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

4. The proposed transmission line is of such length, design, location, and purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived.

5. A demonstrable emergency existed, which required immediate construction, and adherence to procedures and time schedules would have jeopardized the utility's system.

6. It is appropriate for the Commission to waive procedures and time schedules, as requested in Otter Tail's Application. The Application submitted by Otter Tail meets the corridor and route evaluation criteria required by N.D.C.C. Chapter 49-22.

From the foregoing Findings of Fact and Conclusions of Law, the Commission makes its:

ORDER

The Commission orders:

1. Certificate of Corridor Compatibility for Transmission Facility No. _____ is issued to Otter Tail Power Company, a division of Otter Tail Corporation, designating a corridor for its proposed transmission facility as shown on the attached map.

2. Certificate of Site Compatibility for a Transmission Facility Route No. _____ is issued to Otter Tail Power Company, a division of Otter Tail Corporation, designating a route for its proposed transmission facility as shown on the attached map. Otter Tail Power Company shall comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed transmission line, and shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission, if any.

3. Otter Tail shall construct and operate the transmission line in the manner described in Otter Tail's Application as supplemented and amended, and in accordance with all applicable safety requirements.

4. All pre-existing roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads or working areas during construction must be restored to their original condition.

5. Reclamation, fertilization, and reseeding is to be done by Otter Tail according to the National Resources Conservation Service recommendation, unless otherwise specified by landowner and approved by the Commission.

6. Otter Tail shall continue to monitor the water levels in the semi-permanent wetland, and when the water levels recede sufficiently, Otter Tail shall remove the remaining structure materials along the old route.

7. Otter Tail's obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission line.

8. Otter Tail shall work with landowners and residents to mitigate any increase in television and residential radio interference that occurs from the transmission line.

9. Otter Tail shall consult with the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department to see if bird deflectors are needed on the line. Otter Tail shall follow any and all recommendations of the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department.

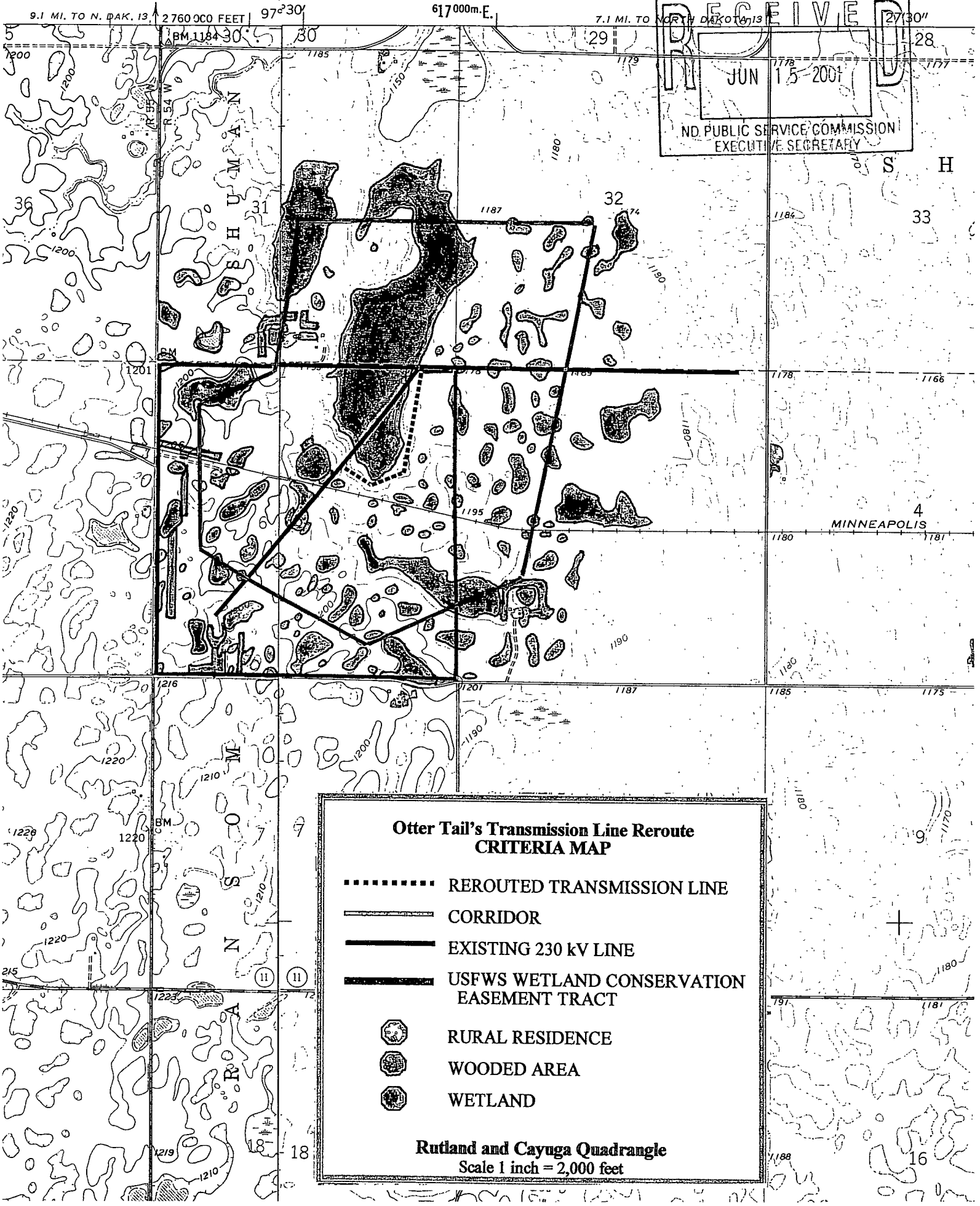
10. The authorizations granted by the Corridor Certificate and the Route Permit are subject to modification by the Order of the Commission if deemed necessary to further protect the environment or the public.

PUBLIC SERVICE COMMISSION

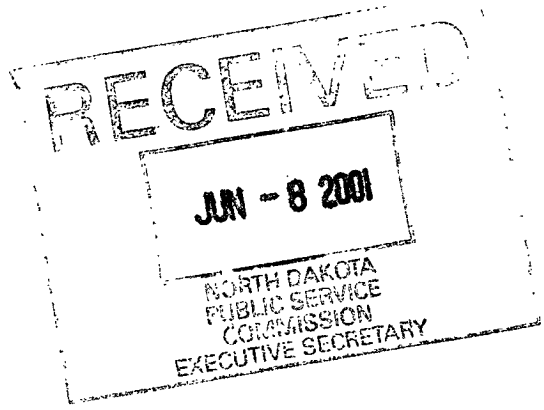
Leo M. Reinbold	**Tony Clark**	**Susan E. Wefald**
Commissioner	**President**	**Commissioner**

RUTLAND QUADRANGLE
ORTH DAKOTA—SARGENT CO.
MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEP TMENT OF THE INTERIOR
GEOLOGICAL SURVEY



215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)



OTTER TAIL
Power Company

June 8, 2001

William W. Binek, Esq.
Public Service Commission
State of North Dakota
600 E. Boulevard Ave.
Bismarck, ND 58505-0480

Re: Otter Tail Power Company
Sargent County 230 kV Reroute Siting
Case No. PU-401-00-108

Dear Bill:

At the hearing in May I indicated that I would have the Findings of Fact, Conclusions of Law and Order to you by June 1, 2001. As I discussed with Jerry Lien in our telephone conversation, that date is now June 15, 2001.

Should you have any questions, please contact me at 218-739-8350.

Sincerely,

Bruce Gerhardson
Associate General Counsel
BG:dm

29 **PU-401-00-108** Pages: 2

Notice that Proposed Findings of Fact etc.
will be filed by June 15, 2001
by Northern States Power Company by Bruce Gerhard

06/08/2001 CC: Comm Legal PUD (3)

Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
web: www.psc.state.nd.us
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

June 6, 2001

Bruce Gerhardson
Ottertail Power Company
215 S Cascade St
Fergus Falls MN 56538-0496

RE: Case No. PU-401-00-108
Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Dear Mr. Gerhardson:

We have been furnished with the Notice of Rescheduled Hearing in the above docket. The legal notice was published by the North Dakota Advertising Service, Inc.

Enclosed is a copy of the affidavit for your file and the statement from the North Dakota Advertising Service, Inc. in the amount of $504.88 for the cost of the publication. **Please make your payment directly to the North Dakota Advertising Service, Inc.** This is billed under 49-11-13, N.D.C.C.

Sincerely,

Gloria Geiger
Administrative Staff Officer
701-328-2401

Enclosure
cc: North Dakota Advertising Service, Inc.

28 **PU-401-00-108** Pages: 1

Statement for publication sent to OTP for payment
by Public Service Commission

06/06/2001 CC: Comm Legal PUD (3)

Affidavit of Publication

State of North Dakota)
)
County of Burleigh)

JUN - 5 2001

Laurie Thiel, being duly sworn, state as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of:
Attest a/O Reschedule, 2 time(s)
as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: Laurie Thiel

Subscribed and sworn to before me this 22nd day of May A.D. 2001.

Laurie Schaffer

LAURIE SCHAFFER
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires DEC. 1, 2005

LAURIE SCHAFFER NOTARY PUBLIC STATE OF NORTH DAKOTA

27 PU-401-00-108 Pages: 3

Affidavit of Publication

by North Dakota Advertising Service, Inc.

NORTH DAKOTA ADVERTISING SERVICE, INC.

1435 Interstate Loop • Bismarck, ND 58501-4058 • PHONE (701) 223-6397 • FAX 223-8185

INVOICE

Date: 06/01/2001 Page: 1

To:

JON H. MIELKE
PUBLIC SERVICE COMMISSION
STATE CAPITOL
BISMARCK ND 58505

JUN - 5 2001

Client: Public Service Commission Order: 01052PP0

Newspaper	Date	Inches	Rate	Amount
Milnor The Teller	Otter Tail	04/20/2001 92.00 SPR2	0.57	52.44
Milnor The Teller	Map for Ot	04/20/2001 40.00 SPR1	5.00	200.00
Milnor The Teller	Otter Tail	05/11/2001 92.00 SPR2	0.57	52.44
Milnor The Teller	Map for Ot	05/11/2001 40.00 SPR1	5.00	200.00
		*** ADVERTISING TOTAL		504.88
		*** TOTAL DUE		504.88

27 **PU-401-00-108** Pages: 3

Affidavit of Publication

by North Dakota Advertising Service, Inc.

06/05/2001 CC: Comm Legal PUD (3)

This invoice is due and payable upon receipt. Unpaid items over 30 days from invoice date are subject to a finance charge. The finance charge is computed by a periodic rate of 1 3/4 percent per month (or a minimum charge of 50 cents for balances of under $50), which is an annual percentage rate of 21 percent. Total unpaid balance may be paid at any time.

Please pay from this invoice – No statement will be sent. Return duplicate with remittance to North Dakota Advertising Service, Inc.

Affidavit of Publication

State of North Dakota)
)
County of Burleigh)

Laurie Thiel being duly sworn, state as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of:
Otter Ck Reschedule , 2 time(s)
as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: Laurie Thiel

Subscribed and sworn to before me this 22nd day of May A.D. 2001.

Laurie Schaffer

LAURIE SCHAFFER
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires DEC. 1, 2005

LAURIE SCHAFFER NOTARY PUBLIC STATE OF NORTH DAKOTA

Case Number
PU-401-00-108
Action of Ad
Notice of Rescheduled Hearing April 11, 2001
Name of Newspaper (in bold)
Ashley
Beach
Bismarck
Bottineau
Bowbells
Bowman
Cando
Carrington
Carson
Cavalier
Center
Cooperstown
Crosby
Devils Lake
Dickinson
Elgin
Ellendale
Fargo
Finley
Garrison
Grafton
Grand Forks
Harvey
Hazen
Hettinger
Jamestown
Killdeer
Lakota
Lamoure
Landon
Linton
Lisben
Mandan
Mayville
McClusky
Medora
Milnor
Minnewaukan
Minot
Mohall
Napolean

New England
New Rockford
Rolla
Rugby
Stanley
Steele
Towner
Valley City
Wahpeton
Watford City
Williston

BlueStem
INCORPORATED
"Natural Resource Solutions"

March 20, 2000

Jesse Hanson
North Dakota Parks & Recreation Department
1835 Bismarck Expressway
Bismarck, ND 58504

Dear Jesse,

The North Dakota Public Service Commission has granted Otter Tail Power Company emergency authority to reroute and reconstruct a downed 230 kV transmission line near Rutland in Sargent County. The reroute will be approximately one-half mile long in Section 6, T.130 N., R.54 W. Ice movement caused by strong winds this month sheered several towers, causing them to topple. The existing line went down in 25 feet of water in a wetland, which in most years is semi-permanent. Construction will begin this week to move the line to high ground. Otter Tail received permission to repair the line under emergency authority provided in the North Dakota Siting Act.

Attached is a map that shows the location of the existing line and the planned reroute. Before the construction is completed, however, we would like to be aware of any specific concerns you might have. Otter Tail is willing to meet critical concerns in a timely manner as much as possible. Otter Tail will also be responsible for filing an after-the-fact route permit application with the Public Service Commission.

Nancy Dietz is hand-delivering this letter to expedite the process and hear any concerns you have. Please also respond in writing by April 7. Thank you so much for your diligence and immediate response to this emergency situation. Please call me at 715-765-4139 or Nancy at 701-221-0570 if you have any questions.

Sincerely,

Pam Dryer

Pam Dryer

Enclosure
cc: Brian Malchert, Otter Tail Power Company, Fergus Falls, MN

P.O. Box 49 • Ashland, WI 54806 • 715-765-4

BlueStem
INCORPORATED
"Natural Resource Solutions"

March 20, 2000

Al Sapa, State Supervisor
U.S. Fish and Wildlife Service
1500 Capitol Ave.
Bismarck, ND 58501

Dear Al,

The North Dakota Public Service Commission has granted Otter Tail Power Company emergency authority to reroute and reconstruct a downed 230 kV transmission line near Rutland in Sargent County. The reroute will be approximately one-half mile long in Section 6, T.130 N., R.54 W. Ice movement caused by strong winds this month sheered several towers, causing them to topple. The existing line went down in 25 feet of water in a wetland, which in most years is semi-permanent. Construction will begin this week to move the line to high ground. Otter Tail received permission to repair the line under emergency authority provided in the North Dakota Siting Act.

Attached is a map that shows the location of the existing line and the planned reroute. Before the construction is completed, however, we would like to be aware of any specific concerns you might have. Otter Tail is willing to meet critical concerns in a timely manner as much as possible. Otter Tail will also be responsible for filing an after-the-fact route permit application with the Public Service Commission.

Nancy Dietz is hand-delivering this letter to expedite the process and hear any concerns you have. Please also respond in writing by April 7. Thank you so much for your diligence and immediate response to this emergency situation. Please call me at 715-765-4139 or Nancy at 701-221-0570 if you have any questions.

Sincerely,

Pam Dryer

Pam Dryer

Enclosure
cc: Brian Malchert, Otter Tail Power Company, Fergus Falls, MN

P.O. Box 49 • Ashland, WI 54806 • 715-765-4139 (O&F) • bluestem@cheqnet.net

BlueStem
INCORPORATED
"Natural Resource Solutions"

March 20, 2000

Michael G. McKenna
Chief, Natural Resources Division
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501

Dear Mike,

The North Dakota Public Service Commission has granted Otter Tail Power Company emergency authority to reroute and reconstruct a downed 230 kV transmission line near Rutland in Sargent County. The reroute will be approximately one-half mile long in Section 6, T.130 N., R.54 W. Ice movement caused by strong winds this month sheered several towers, causing them to topple. The existing line went down in 25 feet of water in a wetland, which in most years is semi-permanent. Construction will begin this week to move the line to high ground. Otter Tail received permission to repair the line under emergency authority provided in the North Dakota Siting Act.

Attached is a map that shows the location of the existing line and the planned reroute. Before the construction is completed, however, we would like to be aware of any specific concerns you might have. Otter Tail is willing to meet critical concerns in a timely manner as much as possible. Otter Tail will also be responsible for filing an after-the-fact route permit application with the Public Service Commission.

Nancy Dietz is hand-delivering this letter to expedite the process and hear any concerns you have. Please also respond in writing by April 7. Thank you so much for your diligence and immediate response to this emergency situation. Please call me at 715-765-4139 or Nancy at 701-221-0570 if you have any questions.

Sincerely,

Pam Dryer

Pam Dryer

Enclosure
cc: Brian Malchert, Otter Tail Power Company, Fergus Falls, MN

P.O. Box 49 • Ashland, WI 54806 • 715-765-4139 (O&F) • bluestem@cheqnet.net

BlueStem
INCORPORATED
"Natural Resource Solutions"

Nancy,
FYI

April 3, 2000

«FirstName» «LastName»
«Company»
«Address1»
«Address2»
«City», «State» «PostalCode»

Dear«FirstName»:

The North Dakota Public Service Commission has granted Otter Tail Power Company emergency authority to reroute and reconstruct a downed 230 kV transmission line near Rutland in Sargent County. The reroute will be approximately one-half mile long in Section 6, T.130 N., R.54 W. Ice movement caused by strong winds on March 8 sheered several wood structures, causing them to topple. The existing line went down in 25 feet of water in a wetland, which in most years is semi-permanent. Construction began March 20 to move the line to high ground and was completed on March 28. Otter Tail received permission to repair the line under emergency authority provided in the North Dakota Siting Act.

Otter Tail is filing for an after-the-fact route permit application with the Public Service Commission. I am conducting the environmental compliance work for Otter Tail, and I am formally requesting your comments about the proposed project.

The enclosed map shows the location of the original line and the reroute location. The proposed corridor will be one-half mile on either side of the proposed route. The transmission line is a two-pole or three-pole "H" style design with five structures replacing the downed section. The typical structure height ranges from 55 to 70 feet. The average span length is 590 feet. The existing conductors, shield wires, and wooden poles will be removed from service, and disposed of or salvaged.

Please provide any comments, information or suggestions you have about the transmission line reroute relative to your agency's concerns. If you have any question, please call me at 715-765-4139 or Nancy Dietz at 701-221-0570. I am requesting your response by Friday, **April 21, 2000**. Thank you for your help.

Sincerely,

Pam Dryer

Enclosure
cc: Brian Malchert, Otter Tail Power Company, Fergus Falls, MN

P.O. Box 49 • Ashland, WI 54806 • 715-765-4139 (O&F) • bluestem@cheqnet.net

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Bismarck, ND 58502-5520

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Bismarck, ND 58501

Linda Weispfenning
N.D. State Water Commission
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Bismarck, ND 58505

Jesse Hanson
N.D. Parks & Recreation Department
1835 Bismarck Expressway
Bismarck, ND 58504

Michael McKenna
N.D. Game and Fish Department
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Bismarck, ND 58505-0700

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Bismarck, ND 58505-0250

Board of Vocational Education
600 E. Boulevard Ave., Dept. 270
Bismarck, ND 58505-0610

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Economic Development and Finance
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Bob Harms
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Bismarck, ND 58505

Cynthia Mala
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Judicial Wing
Bismarck, ND 58505

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Bismarck, ND 58502

Roger Johnson
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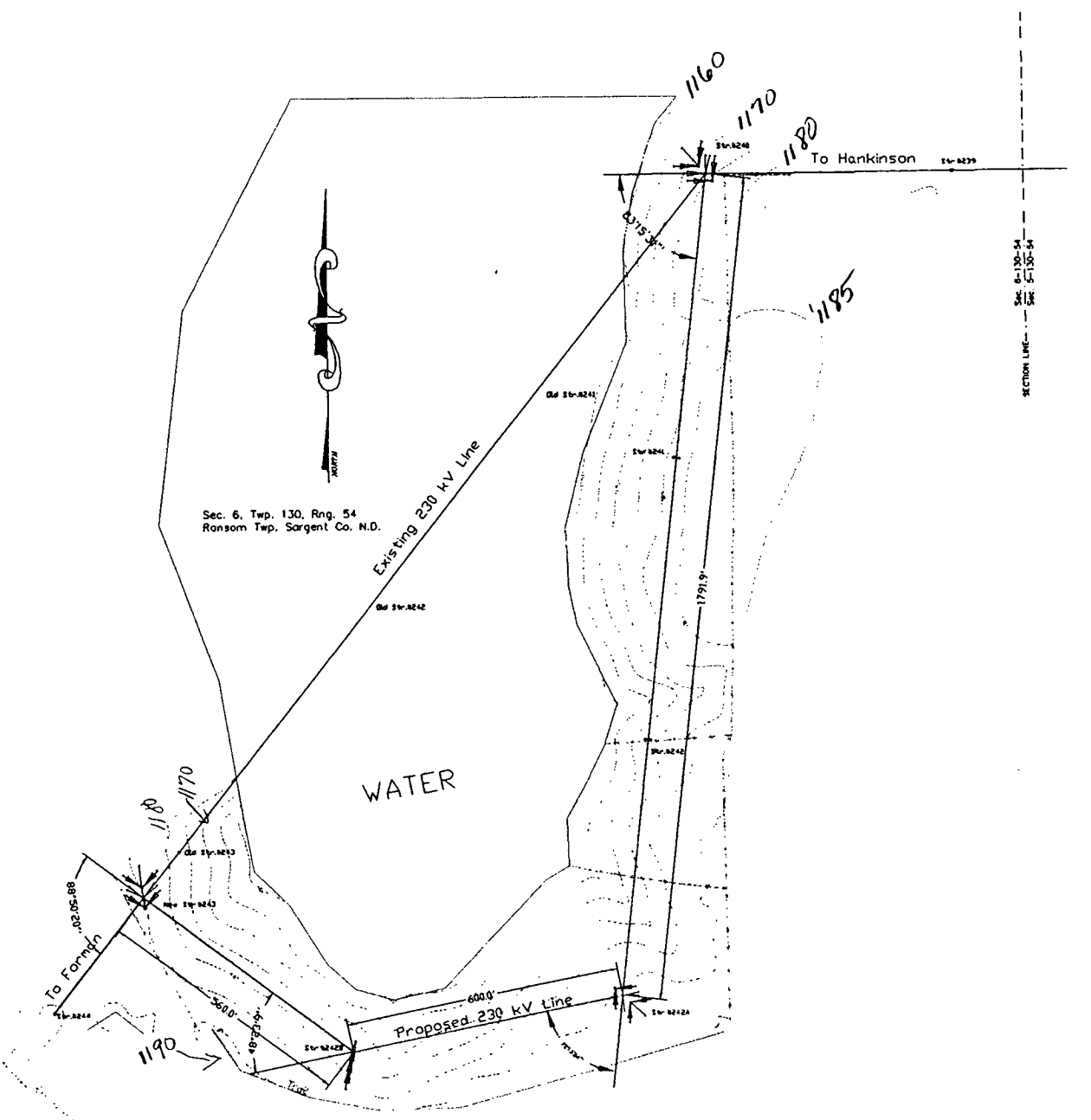
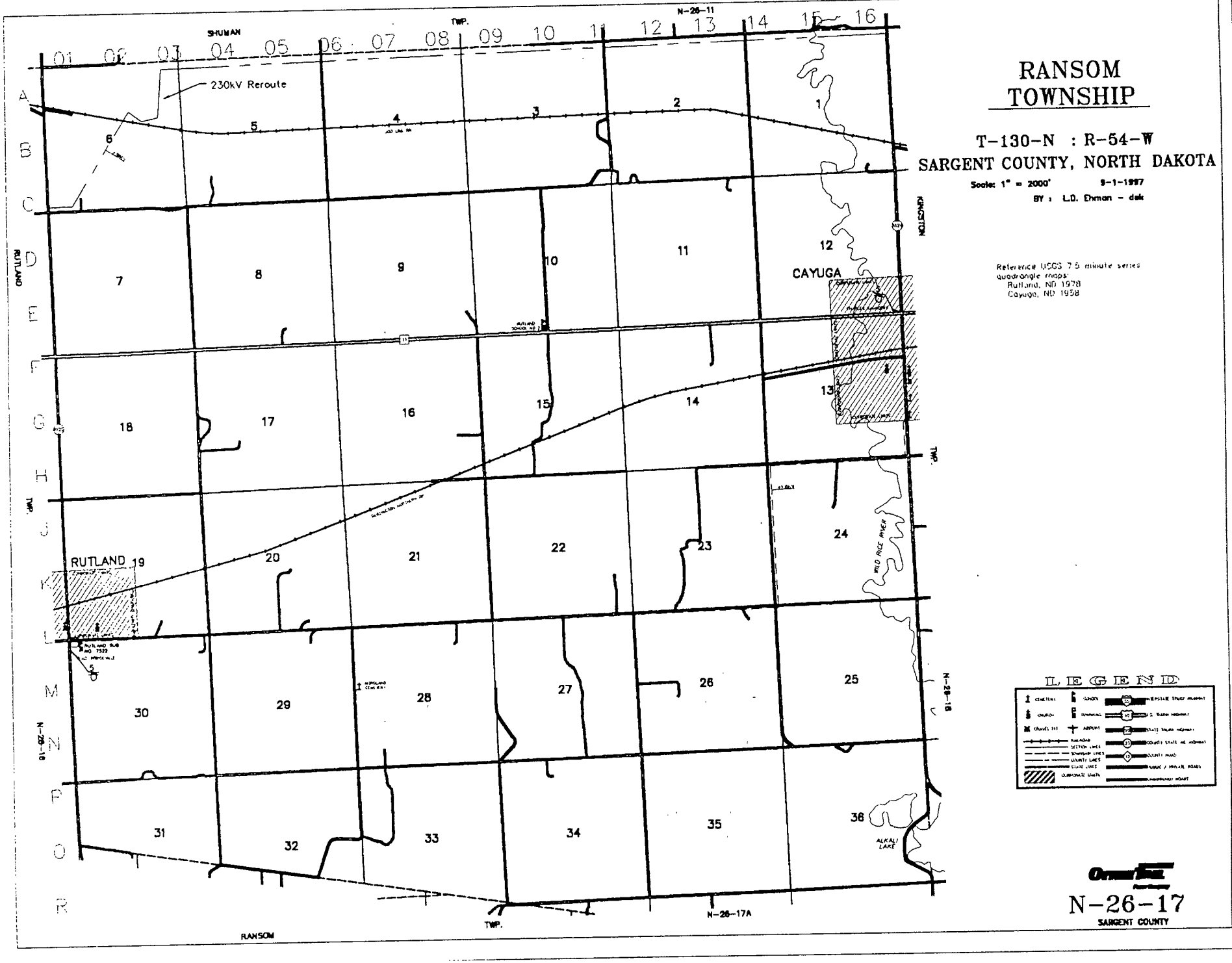
Bismarck, ND 58505

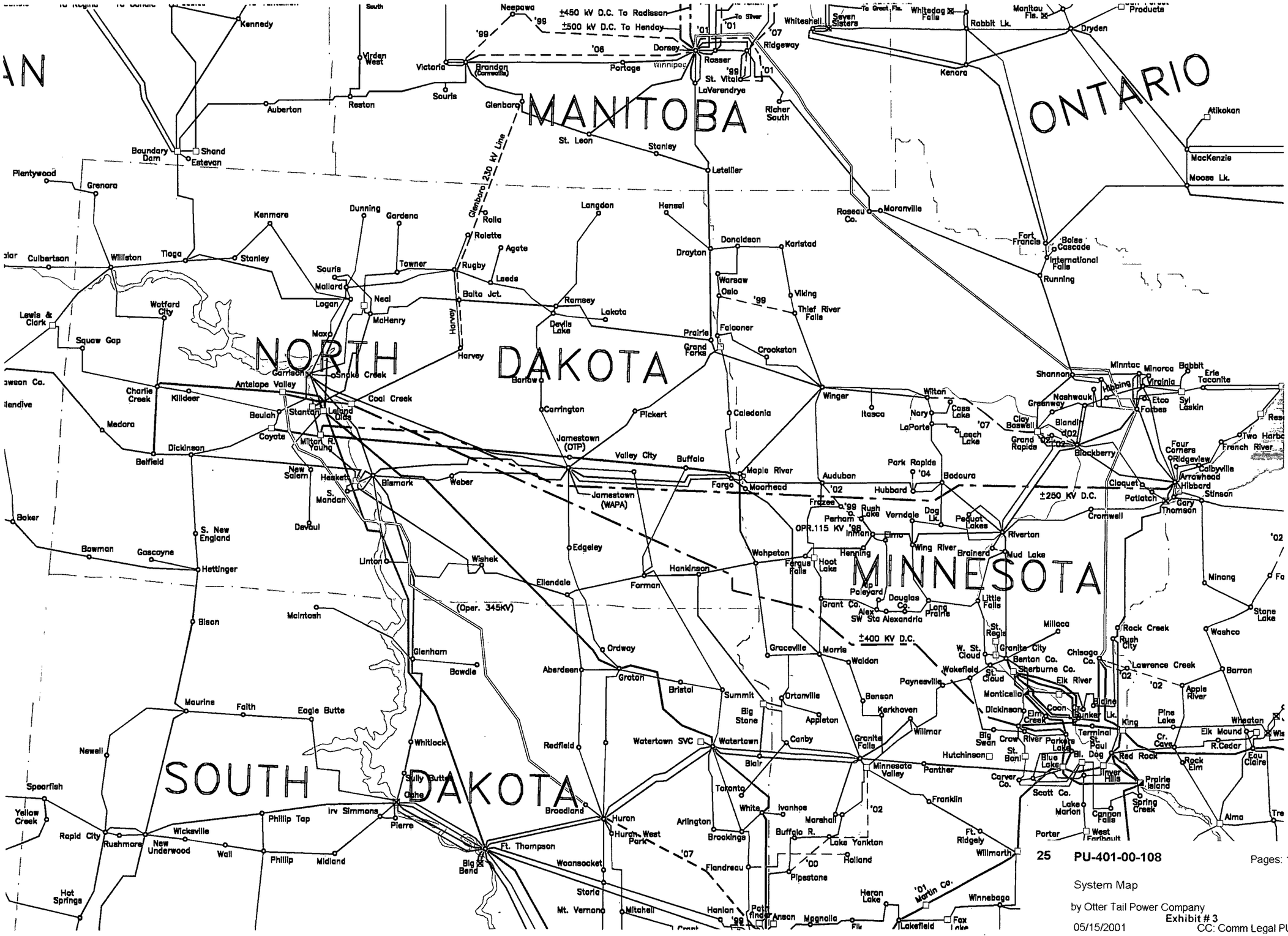
John Bluemle
N.D. Geological Survey
1600 E. Interstate Ave.
Bismarck, ND 58501

Sargent County District Conservationist
Natural Resources Conservation Service
8991 Highway 32
Forman, ND 58032-9702


1160
1170
1180
To Hankinson
1185
Existing 230 kV Line
Sec. 6, Twp. 130, Rng. 54
Ransom Twp. Sargent Co. N.D.
WATER
1791.9'
1170
1180
To Formon
1190
360.0'
600.0'
Proposed 230 kV Line
SECTION LINE


RANSOM
TOWNSHIP
T-130-N : R-54-W
SARGENT COUNTY, NORTH DAKOTA
Scale: 1" = 2000'
9-1-1997
BY : L.D. Ehman - dak
Reference USGS 7.5 minute series quadrangle maps:
Rutland, ND 1978
Cayuga, ND 1958
SHUMAN TWP.
N-26-11
230kV Reroute
RUTLAND
KENSINGTON
CAYUGA
RUTLAND
WILD RICE RIVER
ALKALI LAKE
N-26-18
N-26-17A
RANSOM TWP.
LEGEND
N-26-17
SARGENT COUNTY

OTTER TAIL
Power Company



25 PU-401-00-108 Pages: 1

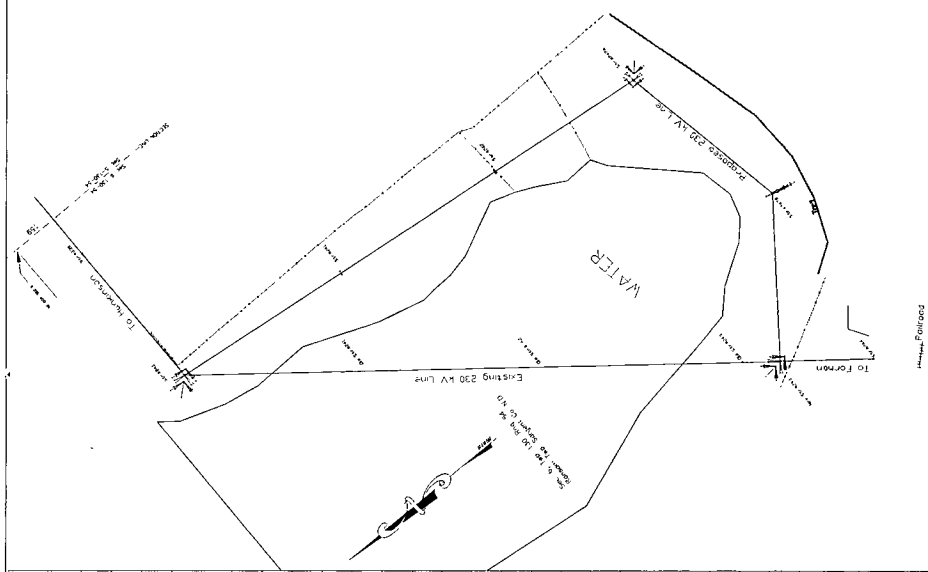
System Map

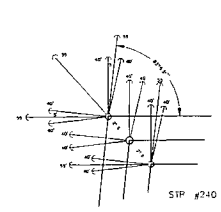
by Otter Tail Power Company

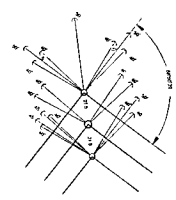
Exhibit # 3

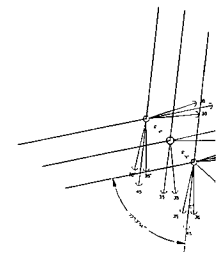
05/15/2001 CC: Comm Legal PUD (3)

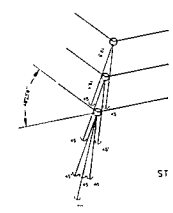
Hearing Exhibit 3
Case No. 401-00-108











24 PU-401-00-108 Pages: 1

Plan & Profile

by Otter Tail Power Company
Exhibit # 2
CC: Comm Legal PUD (3)
05/15/2001

Conductor Type: 12-477 24/7 - ALCOA 1-889 Sagten Cond. Limit Factor
Final Catenary Drawn @ 212°F FINAL
Initial Catenary Cold @ -40°F INITIAL
Ruling Span 600'
Limiting Tension @ 0F 11267 lbs

SCALES: PLAN 1"=200'	HORIZONTAL 1"=200'	PROFILE 1"=20'		
ELECTRONIC FIELD BOOK :	TRANSIT BOOK NO.	LEVEL BOOK NO.		
DRAWN BY DFK	SURVEYED BY RN,DB,KB	CHECKED BY TI	APPROVED BY GW	
DATED 3/16/14	DATED 3-2000	DATED 3/19/00	DATED 3/00	

PROJECT: HANKINSON - FORMAN 230 kV Reroute Str's #240 - #243

OTTER TAIL Power Company

PLAN AND PROFILE

C.A.D. PATH : \sdsk\hanki-2\dwg\ C.A.D. FILE : hanki-2.dwg

TL NO.

FROM STATION 1530+00 TO STATION 1568+00

SHEET NO. 26A OF 33 SHEETS

Hearing Exhibit 2
Case No. 401-00-108

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **12th day of April, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Notice of Rescheduled Hearing

The envelope was addressed as follows:

Bruce Gerhardson
Otter Tail Power Company
215 S Cascade St
Fergus Falls MN 56538-0496
Cert. No. 7000 0520 0022 8654 2234

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sharon Helbling

Subscribed and sworn to before me
this **12th day of April, 2001**.

Notary Public

SEAL

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

23 **PU-401-00-108** Pages: 2

Affidavit of Service by Mail for 4-11-01 Notice
by Public Service Commission

04/11/2001 CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **12th day of April, 2001**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

Notice of Rescheduled Hearing

The envelopes were addressed as follows:

See Attached List

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sharon Helbling

Subscribed and sworn to before me
this **12th day of April, 2001**.

Sandra L. Scott
Notary Public

SEAL

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

Landowners PU-401-00-108

Glenn Urquhart
6304 Vernon Ave
Edina MN 55436

James Lunneborg
13843 90th St SE
Rutland ND 58067

Robert Wyum
13917 91st St SE
Rutland ND 58067-9430

Dean & Carol J Nundahl
9018 138th Ave SE
Rutland ND 58067-9428

Alan & Dorreen M Olstad
13825 91st St SE
Rutland ND 58067-9429

Case No. PU-401-00-108

Senator Joel C Heitkamp
9457 West Ridge Rd
Hankinson ND 58041

Representative Howard Grumbo
201 3rd Ave SW
Lidgerwood ND 58053

Representative Robert Huether
P O Box 679
Lisbon ND 58054-0679

Sherry Hosford
Sargent County Auditor
355 Main St
Forman ND 58032

Karen Anderson
Sargent County Commission
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Forman ND 58023

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Lewis Lubka
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Bernadeen Brutlag
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Will Kaul
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Elk River MN 55330-0800

Roger Branning
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Riverdale ND 58565

Laurie Baranko
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Box 239
Denver CO 80201-0239

Roger Johnson
Department of Agriculture
State Capitol
Bismarck ND 58505

Darell Farland
Department of Human Services
State Capitol
Bismarck ND 58505

J Williams
Dome Pipeline Corporation
Plaza Center 1 #380
Iowa City IA 52240

Economic Development & Finance
1833 E Bismarck Expressway
Bismarck ND 58504

Mark Frederiksen
Economic Insights
416 Center St #365
Washington Grove MD 20880

Tom Reynolds
Electric Power Alert
PO Box 7167
Washington DC 20044-7167

Jim Luptak
Energy Development Impact Office
1707 N 9th St
Bismarck ND 58501

John Hoeven
Governor's Office
State Capitol
Bismarck ND 58505

Jay Casler
INDEPTH DATA INC
211 N Robinson Ave Ste S-1500
Oklahoma City OK 73102-7101

Connie Zimmerman
Inoco Inc
Box 177C Rte 4
Williston ND 58801

KBMW-AM
PO Box 1115
Wahpeton ND 58074-1115

KDAK AM
Box 50
Carrington ND 58421-0050

KFGO
Box 2966
Fargo ND 58102-2966

KHRT AM
PO Box 1210
Minot ND 58702-1210

KMAV-AM
PO Box 36
Mayville ND 58257-0036

KNDK-AM
HCR 5 Box 9
Langdon ND 58249

Cathy Cal an
Geo Resources Inc
PO Box 1505
Williston ND 58801-1505

Historical Society
North Dakota Heritage Center
Bismarck ND 58505

Indian Affairs Commission
State Capitol
Bismarck ND 58505

KBMR AM-KQDY FM
3500 E Rosser Ave
Bismarck ND 58501

KCJB AM-FM & KXMC TV
PO Box 1686
Minot ND 58702-1686

KDLR AM-FM
Box 190
Devils Lake ND 58301-0190

Rick Jensen
KHND Radio
PO Box 6
Harvey ND 58341-0006

KKXL-AM/FM
PO Box 13598
Grand Forks ND 58208-3598

KMOT TV
Box 1120
Minot ND 58702-1120

Terry Hildestad
Knife River Coal Mining Company
1915 N Kaveney Dr
Bismarck ND 58501

KNOX-AM & KRRK-FM
PO Box 13638
Grand Forks ND 58208-3638

KOVC-AM
PO Box 994
Valley City ND 58072-0994

KQDJ-AM
PO Box 1170
Jamestown ND 58402-1170

KQWB-AM/FM Radio
PO Box 9919
Fargo ND 58106-9919

KSJB-AM/KSJZ-FM
PO Box 5180
Jamestown ND 58402-5180

KTHI-TV
PO Box 1878
Fargo ND 58107-1878

KXJB-TV 4
4302 13th Ave S
Fargo ND 58103-3313

KXMB TV
Box 1617
Bismarck ND 58502-1617

KXMC TV
Box 1686
Minot ND 58701-1686

KXPO AM & FM Radio
856 W 12 St
Grafton ND 58237

KZZJ-AM
230 Highway 2 SE
Rugby ND 58368-2446

Mark Bachmeier
Labor Department
State Capitol
Bismarck ND 58505

Bruce Imsdahl
Montana-Dakota Utilities Co.
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Galen Anderson
Nakota Company
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Bismarck ND 58502-1633

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Karin Sinclair
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Scott Speaker
Natural Gas Week
1401 New York Ave NW Ste 500
Washington DC 20005-2150

Gary Puppe
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Bismarck ND 58502-1601

Harlan Fuglesten
ND Association of RECs
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Mandan ND 58554-0727

Marshall Moore
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State Highway Building
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Orville Fossland
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Wayne Stenehjem
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Andrew Anderson
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215 S Cascade Street
Fergus Falls MN 56538-0496

Jay Myster
Otter Tail Power Company
215 S Cascade Street
Fergus Falls MN 56538-0496

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Vienna VA 22182

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State Bd of Voc Education
State Capitol
Bismarck ND 58505

State Health Department
State Capitol
Bismarck ND 58505

Dean Hildand
ND Game & Fish Department
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Bismarck ND 58505

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80 Park Pl
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Doug Prchal
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Dickinson ND 58601-4741

David Sprynczynatyk
State Engineer
ND Water Commission
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Telecommunications Reports
1333 H St NW 11th Fl W Tower
Washington DC 20005

The Bismarck Tribune
Box 1498
Bismarck ND 58502-1498

John Kapsner
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P O Box 2097
Bismarck ND 58502-2097

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240 W Century Ave
Bismarck ND 58501-1494

John Lancaster
U S Park Service
Medora ND 58645

LeRoy Neubauer
Valley City Public Works
254 2nd Ave NE
Valley City ND 58072

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PO Box 12639
Grand Forks ND 58208-2639

John Castleberry
Williston Basin Interstate Pplne Co
P O Box 5601
Bismarck ND 58506-5601

Janell Co
The Forum Capitol Reporter
State Capitol Press Room
Bismarck ND 58505

M Zschomler
U S Fish & Wildlife
3425 Miriam Ave
Bismarck ND 58501-7926

District Chief
U S Geological Survey
821 E Interstate Ave
Bismarck ND 58501

District Engineer
US Army Engineer District Omaha
6014 US Post Office Courthouse
Omaha NE 68102

WDAY AM-FM & TV
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Fargo ND 58108-2466

Raymond Kub
Western Area Power Administration
PO Box 1173
Bismarck ND 58502-1173

Facsimile Cover Sheet

To: Colleen
Company: NDNA
Phone: 223-6397
Fax: 223-8185

From: **Sharon Helbling**
Company ND Public Service Commission
Phone: 701-328-4076
Fax: 701-328-2410

Date: 4-12-01
Pages including this cover page: 2

Hi Colleen,

Here's the map that goes with the Notice of Rescheduled Hearing in Case No. PU-401-00-108 which I just e-mailed you for legal publication.

Call me if you have any questions.

Thank you.

Sharon

22 **PU-401-00-108** Pages: 1

Notice sent to NDNA requesting publication
by Public Service Commission

04/12/2001 CC: Comm Legal PUD (3)

Helbling, Sharon D.
From: Helbling, Sharon D.
Sent: Thursday, April 12, 2001 8:15 AM
To: ndna (E-mail)
Subject: FW: Nptice of Rescheduled Hearing Case No. PU-401-00-108

Sorry Colleen, here's the attachment. I'm losing my mind this morning.


1.doc

-----Original Message-----
From: **Helbling, Sharon D.**
Sent: Thursday, April 12, 2001 7:52 AM
To: ndna (E-mail)
Subject: Nptice of Rescheduled Hearing Case No. PU-401-00-108

Please have the attached Notice of Rescheduled Hearing and Map (I'll fax the map shortly) published as a legal publication in the official Sargent County Newspaper.

In order for us to meet our legal obligations the notice and map must be published twice, the first time by April 25, 2001, and the second time during the week of May 7, 2001. The map must be published as is. If you cannot meet these deadlines or publish the map as is, please let me know.

Send the bill to the Public Service Commission along with a tear sheet for billing purposes.

Call me at 328-4076 if you have any questions.

Thank you.

Sharon Helbling
Public Utilities Division

APPROVED
DATE: 4-11-01
KMF

MOTION

April 11, 2001

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

I move the Commission appoint William Binek as substantive hearing officer and issue a Notice of Rescheduled Hearing in the application of Otter Tail Power Company for waiver of procedures and time schedules and for a corridor certificate and route permit to relocate approximately one-half mile of 230 kV electric transmission line in Sargent County, North Dakota, Case No. PU-401-00-108.

JRL/sdh

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

NOTICE OF RESCHEDULED HEARING

April 11, 2001

On July 31, 2000, Otter Tail Power Company filed a consolidated application for a waiver of procedures and time schedules, a certificate of corridor compatibility, and a route permit for the construction and relocation of approximately one-half mile of 230 kilovolt (kV) electric transmission line around the south and east sides of a semi-permanent wetland in Section 6, T 130 N, R 54 W in Sargent County, North Dakota, as indicated on the attached map. This proposed relocation was constructed under power emergency conditions declared by Otter Tail this past spring.

Otter Tail states that the relocated line is of such length, design, location and purpose that it will produce minimal adverse effects. Otter Tail requests the Commission (1) waive provisions of law that require separate applications, separate notices of hearing, separate hearings, and certain time schedules; and (2) issue a Certificate of Corridor Compatibility and a Route Permit authorizing the project.

On October 25, 2000, the Commission deemed the application complete and issued a Notice of Filing and Notice of Hearing, scheduling a public hearing on the matter for November 29, 2000. That hearing was postponed to a date to be determined due to inclement weather.

A rescheduled public hearing on this matter will be held beginning **May 15, 2001 at 1 p.m. (CDST) in the Sargent County Courthouse**, 2nd Floor Conference Room, 355 Main Street, Forman, North Dakota.

The issues to be considered in this proceeding are:

1. Will the location, construction, and operation of the proposed transmission line produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed transmission line compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed transmission line corridor and route minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

4. Is the proposed transmission line of such length, design, location, or purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived?

5. Does a demonstrable emergency exist which requires immediate construction so that adherence to procedures and time schedules would jeopardize the utility's system?

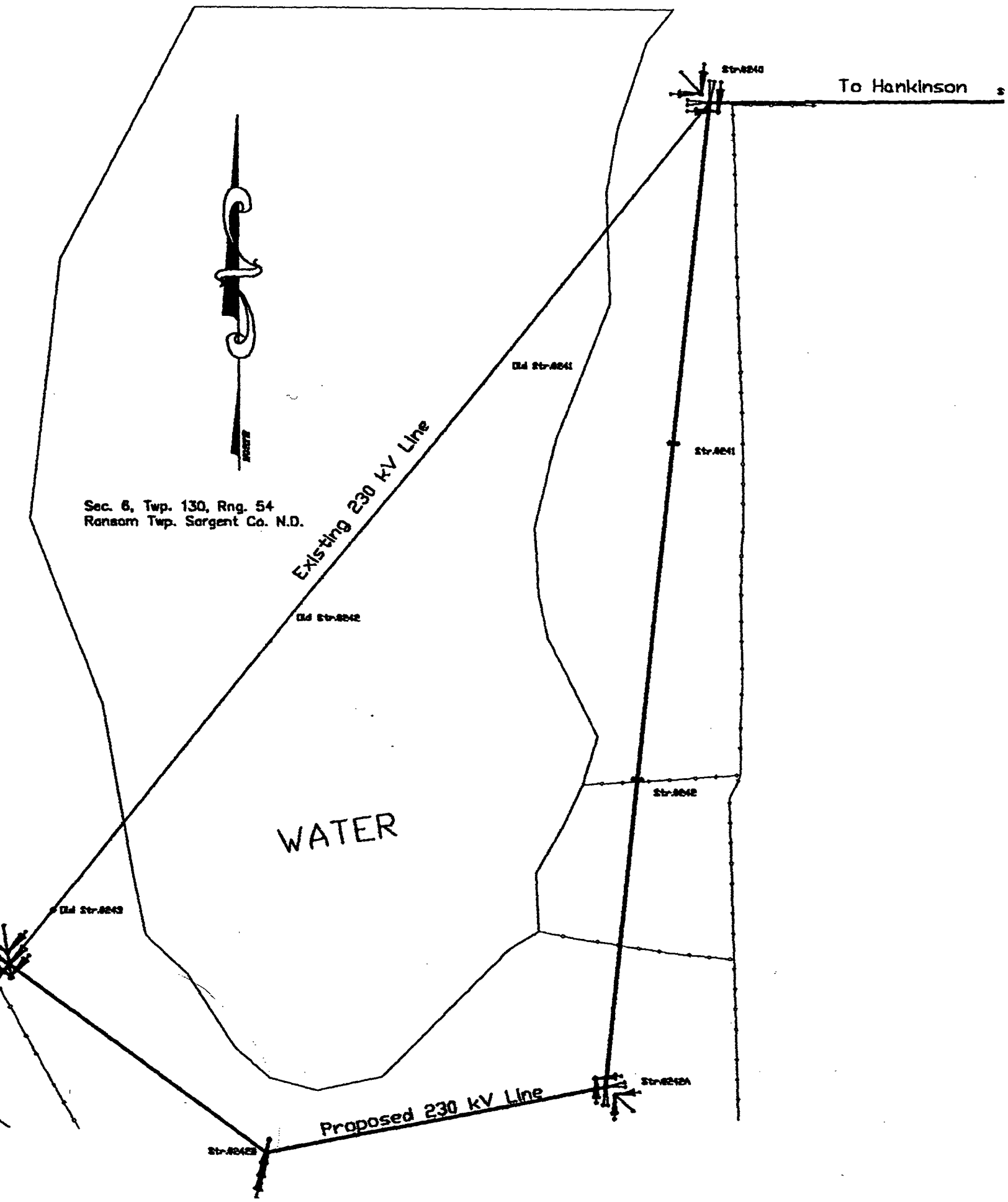
6. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

Anyone wishing to be heard regarding this proceeding will be given an opportunity at the hearing. Anyone wishing to become a party to the proceeding must file a petition to intervene with the Commission under N.D. Admin. Code Section 69-02-02-05.

For more information, contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or braille materials please notify Jon Mielke, Executive Secretary, at least 24 hours prior to the hearing.

PUBLIC SERVICE COMMISSION

Anthony T. Clark	**Susan E. Wefald**	**Leo M. Reinbold**
Commissioner	**President**	**Commissioner**


To Hankinson
Old Str.#641
Str.#641
Existing 230 kV Line
Old Str.#642
Str.#642
WATER
Old Str.#643
Str.#642A
Proposed 230 kV Line
Str.#643
Sec. 6, Twp. 130, Rng. 54
Ransom Twp. Sargent Co. N.D.

Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

December 5, 2000

Todd Guerrero
Otter Tail Power Company
215 S Cascade Street
Fergus Falls, MN 56538-0496

RE: PU-401-00-108
Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Dear Mr. Guerrero:

We have been furnished with the Notice of Filing and Notice of Hearing in the above docket. The legal notice was published by the North Dakota Advertising Service, Inc.

Enclosed is a copy of the affidavit for your file and the statement from the North Dakota Advertising Service, Inc., in the amount of $250.16 for the cost of the publication. **Please make your payment directly to the North Dakota Advertising Service, Inc.** This is billed under 49-11-13, N.D.C.C.

Sincerely,

Gloria Geiger
Administrative Assistant
701-328-2401

Enclosure
cc: North Dakota Advertising Service, Inc.

19 **PU-401-00-108** Pages: 1

Statement forwarded to Otter Tail Power Co. for payment of publication fee by Public Service Commission

12/05/2000 CC: Comm Legal PUD (3)

NORTH DAKOTA ADVERTISING SERVICE, INC.

1435 Interstate Loop • Bismarck, ND 58501-4058 • PHONE (701) 223-6397 • FAX 223-8185

INVOICE

Date: 11/27/2000 Page: 1

To:

JON H. MIELKE
PUBLIC SERVICE COMMISSION
STATE CAPITOL
BISMARCK ND 58505

P. O. #: PU-401-00-108

Client: Public Service Commission Order: 00111PP2

Newspaper	Date	Inches	Rate	Amount
Milnor The Teller	Otter Tail	11/03/2000 88.00 SPR2	0.57	50.16
Milnor The Teller	Map - Otte	11/03/2000 40.00 SPR1	5.00	200.00
		*** ADVERTISING TOTAL		250.16
		*** TOTAL DUE		250.16

18 **PU-401-00-108** Pages: 2

Affidavit of Publication

by North Dakota Advertising Service, Inc.

12/04/2000 CC: Comm Legal PUD (3)

This invoice is due and payable upon receipt. Unpaid items over 30 days from invoice date are subject to a finance charge. The finance charge is computed by a periodic rate of 1 3/4 percent per month (or a minimum charge of 50 cents for balances of under $50), which is an annual percentage rate of 21 percent. Total unpaid balance may be paid at any time.

Please pay from this invoice – No statement will be sent. Return duplicate with remittance to North Dakota Advertising Service, Inc.

Affidavit of Publication

RECEIVED
DEC - 4 2000

State of North Dakota)
)
County of Burleigh)

Laurie Thiel, being duly sworn, state as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of:
Otter Tail Notice, 1 time(s)
as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: Laurie Thiel

Subscribed and sworn to before me this 10th day of November A.D. 2000

Laurie Schaffer

LAURIE SCHAFFER
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires DEC. 1, 2005

LAURIE SCHAFFER NOTARY PUBLIC STATE OF NORTH DAKOTA

18 PU-401-00-108 Pages: 2

Affidavit of Publication

by North Dakota Advertising Service, Inc.

12/04/2000 CC: Comm Legal PUD (3)

Case Number
PU-401-00-108
Action of Ad
Notice of Filing and Notice of Hearing
October 25, 2000
Name of Newspaper (in bold)
Ashley
Beach
Bismarck
Bottineau
Bowbells
Bowman
Cando
Carrington
Carson
Cavalier
Center
Cooperstown
Crosby
Devils Lake
Dickinson
Elgin
Ellendale
Fargo
Finley
Garrison
Grafton
Grand Forks
Harvey
Hazen
Hettinger
Jamestown
Killdeer
Lakota
Lamoure
Landon
Linton
Lisben
Mandan
Mayville
McClusky
Medora
Milnor
Minnewaukan
Minot
Mohall
Napolean

New England
New Rockford
Rolla
Rugby
Stanley
Steele
Towner
Valley City
Wahpeton
Watford City
Williston

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **26th day of October, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Notice of Hearing

The envelope was addressed as follows:

Todd Guerrero
Otter Tail Power Company
215 S Cascade St
Fergus Falls MN 56538-0496
Cert. No. 7099 3400 0014 4513 7368

Sharon Helbling further deposes and says that on the **26th day of October, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Bruce Gerhardson
Otter Tail Power Company
P O Box 697
Fergus Falls MN 56538-0697

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sharon Helbling

Subscribed and sworn to before me
this **26th day of October, 2000**

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

Sandra L Scott
Notary Public

SEAL

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **26th day of October, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

Notice of Hearing

The envelopes were addressed as follows:

See Attached List

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sharon Helbling

Subscribed and sworn to before me
this **26th day of October, 2000**.

Sandra L. Scott
Notary Public

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

SEAL

Case No. PU-401-00-108

Senator Joel C Heitkamp
16543 94 ½ St SE
Hankinson ND 58041-9538

Senator Jerome Kelsh
P O Box 27
Fullerton ND 58441-0027

Representative Michael D Brandenburg
8044 County Rd 34
Edgeley ND 58433-9761

Representative Howard Grumbo
P O Box 435
Lidgerwood ND 58053-0435

Lysle Coleman
Sargent County Commission
Box 177
Forman ND 58032

Sherry Hosford
Sargent County Auditor
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heegf@gfherald.infi.net
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E Grand Forks ND 56721-1016

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Lewis Lubka
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Tim Seck
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Palm Springs CA 92264

Myer Shark
2277 Gene Autry Trail Unit C
Palm Springs CA 92264

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Elk River MN 55330-0800

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Riverdale ND 58565

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Dickinson ND 58602-1095

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Bismarck ND 58505

Darell Farland
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Wahpeton ND 58074-1115

KDAK AM
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Carrington ND 58421-0050

KFGO
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Fargo ND 58102-2966

KHRT AM
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Minot ND 58702-1210

KMAV-AM
PO Box 36
Mayville ND 58257-0036

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Williston ND 58801-1505

Historical Society
North Dakota Heritage Center
Bismarck ND 58505

Indian Affairs Commission
State Capitol
Bismarck ND 58505

KBMR AM-KQDY FM
3500 E Rosser Ave
Bismarck ND 58501

KCJB AM-FM & KXMC TV
PO Box 1686
Minot ND 58702-1686

KDLR AM-FM
Box 190
Devils Lake ND 58301-0190

Rick Jensen
KHND Radio
PO Box 6
Harvey ND 58341-0006

KKXL-AM/FM
PO Box 13598
Grand Forks ND 58208-3598

KMOT TV
Box 1120
Minot ND 58702-1120

Jan Copeland
KN Energy Inc
PO Box 281304
Lakewood CO 80228-8304

KNDK-AM
HCR 5 Box 9
Langdon ND 58249

Terry Hildestad
Knife River Coal Mining Company
1915 N Kaveney Dr
Bismarck ND 58501

KNOX-AM & KRRK-FM
PO Box 13638
Grand Forks ND 58208-3638

KOVC-AM
PO Box 994
Valley City ND 58072-0994

KQDJ-AM
PO Box 1170
Jamestown ND 58402-1170

KQWB-AM/FM Radio
PO Box 9919
Fargo ND 58106-9919

KSJB-AM/KSJZ-FM
PO Box 1840
Jamestown ND 58402-1840

KTHI-TV
PO Box 1878
Fargo ND 58107-1878

KXJB-TV 4
PO Box 10399
Fargo ND 58106-0399

KXMB TV
Box 1617
Bismarck ND 58502-1617

KXMC TV
Box 1686
Minot ND 58701-1686

KXPO AM & FM Radio
856 W 12 St
Grafton ND 58237

KZZJ-AM
230 Highway 2 SE
Rugby ND 58368-2446

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Galen Anderson
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Golden CO 80401

Scott Speaker
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Washington DC 20005-2150

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Mandan ND 58554-0727

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Heidi Heitkamp
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Vienna VA 22182

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Regulatory Services Division
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Alexandria VA 22314

Mel Olson
State Bd of Voc Education
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Bismarck ND 58505

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Bismarck ND 58505

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Washington DC 20005

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The Forum Capitol Reporter
State Capitol Press Room
Bismarck ND 58505

M Zschomler
U S Fish & Wildlife
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Bismarck ND 58501-7926

District Chief
U S Geological Survey
821 E Interstate Ave
Bismarck ND 58501

District Engineer
US Army Engineer District Omaha
6014 US Post Office Courthouse
Omaha NE 68102

WDAY AM-FM & TV
PO Box 2466
Fargo ND 58108-2466

Raymond Kub
Western Area Power Administration
PO Box 1173
Bismarck ND 58502-1173

PU-401-00-108

Copies To:

State Library (8 copies)

Historical Society

Associated Press

Helbling, Sharon D.

From: Helbling, Sharon D.
Sent: Thursday, October 26, 2000 8:52 AM
To: 'ndna'
Subject: Otter Tail Power Company Notice of Filing and Notice of Hearing. Case No. PU-401-00-108

Please have the attached Notice of Filing and Notice of Hearing and Map published in the next issue of the official Sargent County newspaper. Could you also print this Notice and Map(I will fax the map to you) as a "News Item Only" article.

The notice and map must be published by November 9th in order for us to meet our legal obligations, and again during the week of November 20th. The map must be published as is. If you cannot meet these requirements, please call me at 701-328-4076.

Please direct the bill to the Public Service Commission, along with a tear sheet for billing purposes. If you have any questions, give me a call.

Thank you.

Sharon Helbling
Public Utilities Division

alert.txt

15 **PU-401-00-108** Pages: 1

Notice of Hearing e-mailed to NDNA
requesting publication
by Public Service Commission

1

10/26/2000 CC: Comm Legal PUD (3)

APPROVED
DATE: 10-25-00
KMF

MOTION

October 25, 2000

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

I move the Commission assess a filing fee of $5,000, deem the application complete and issue a Notice of Filing and Notice of Hearing, scheduling a public hearing to begin at 1 p.m. in the Sargent County Courthouse on November 29, 2000 regarding the application of Otter Tail Power Company for waiver of procedures and time schedules and for a corridor certificate and route permit to relocate approximately one-half mile of 230 kV electric transmission line in Sargent County, North Dakota, Case No. PU-401-00-108.

JRL/sdh

14 **PU-401-00-108** Pages: 1

Motion assessing filing fee & Hearing set for 11-29-00
by Public Service Commission

10/25/2000 CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

NOTICE OF FILING AND NOTICE OF HEARING

October 25, 2000

On July 31, 2000, Otter Tail Power Company filed a consolidated application for a waiver of procedures and time schedules, a certificate of corridor compatibility, and a route permit for the construction and relocation of approximately one-half mile of 230 kilovolt (kV) electric transmission line around the south and east sides of a semi-permanent wetland in Section 6, T 130 N, R 54 W in Sargent County, North Dakota, as indicated on the attached map. This proposed relocation was constructed under power emergency conditions declared by Otter Tail this past spring.

Otter Tail states that the relocated line is of such length, design, location and purpose that it will produce minimal adverse effects. Otter Tail requests the Commission (1) waive provisions of law that require separate applications, separate notices of hearing, separate hearings, and certain time schedules; and (2) issue a Certificate of Corridor Compatibility and a Route Permit authorizing construction of the proposed project.

The Commission finds the application complete.

A public Hearing on this matter will be held beginning **November 29, 2000 at 1 p.m. (CST) in the Sargent County Courthouse**, Commissioner's Room, 355 Main Street, Forman, North Dakota.

The issues to be considered in this proceeding are:

1. Will the location, construction, and operation of the proposed transmission line produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed transmission line compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed transmission line corridor and route minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

4. Is the proposed transmission line of such length, design, location, or purpose that it will produce minimal adverse effects so that procedures and time schedules may be waived?

5. Does a demonstrable emergency exist which requires immediate construction so that adherence to procedures and time schedules would jeopardize the utility's system?

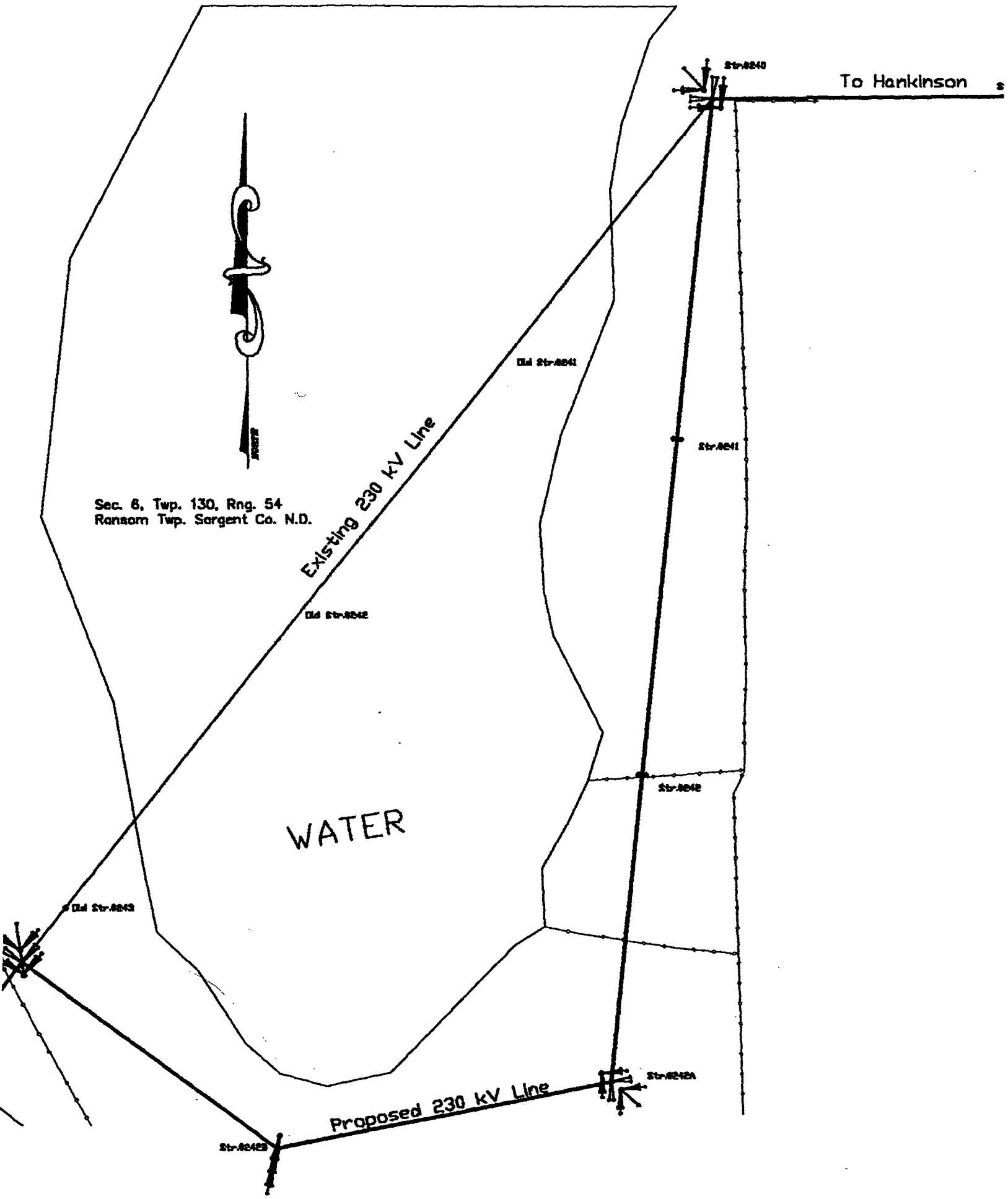
6. Is it appropriate for the Commission to waive any procedures and time schedules as requested in the application?

Anyone wishing to be heard regarding this proceeding will be given an opportunity at the hearing. Anyone wishing to become a party to the proceeding must file a petition to intervene with the Commission under N.D. Admin. Code Section 69-02-02-05.

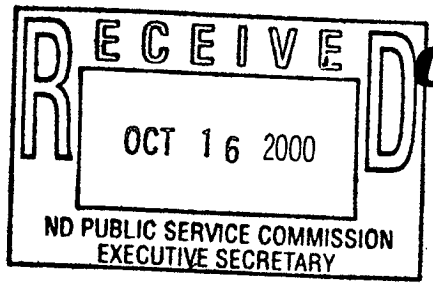
For more information, contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or braille materials please notify Jon Mielke, Executive Secretary, at least 24 hours prior to the hearing.

PUBLIC SERVICE COMMISSION

Susan E. Wefald	"ABSENT"	Leo M. Reinbold
Susan E. Wefald	**Bruce Hagen**	**Leo M. Reinbold**
Commissioner	**President**	**Commissioner**


To Hankinson
Old Str.6241
Existing 230 kV Line
Sec. 6, Twp. 130, Rng. 54
Ransom Twp. Sargent Co. N.D.
WATER
Old Str.6242
Old Str.6243
Proposed 230 kV Line

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)



OTTER TAIL
Power Company

October 16, 2000

Mr. Jon H. Mielke
Executive Secretary
North Dakota Public Service Commission
State Capitol – 600 E. Boulevard
Bismarck, ND 58505-0480

VIA FAXCIMILE (one copy) AND EXPRESS MAIL

Re: In the Matter Of Otter Tail Power Company's Application for a Waiver of Procedures and Time Schedules and Consolidated Application for a Certificate of Corridor Compatibility and Route Permit – Sargent County Reroute; Case No. PU-401-00-108

Dear Mr. Mielke:

Pursuant to the request of Mr. Jerry Lien, Public Utility Analyst, please find enclosed an original and ten (10) copies of a Supplement and Amendment to Otter Tail Power Company's Consolidated Application for Waiver of Procedures and Time Schedules and for a Certificate of Corridor Compatibility and Route Permit.

Should you have any questions with respect to this filing, please contact me at (218) 739-8353.

Very truly yours,

Bruce Gerhardson
Associate General Counsel

Enclosures

12 PU-401-00-108 Pages: 1

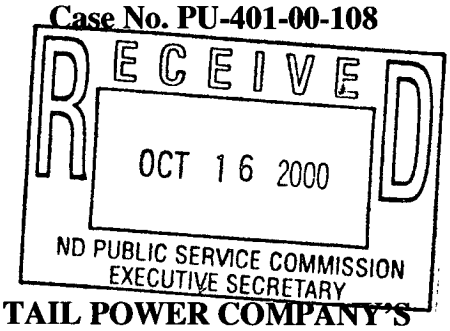
Letter re filing

by Otter Tail Power Company
10/16/2000 CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA
FOR THE PUBLIC SERVICE COMMISSION

In the Matter of Otter Tail Power Company's Application for a Waiver of Procedures and Time Schedules and for a Certificate of Corridor Compatibility and Route Permit: SARGENT COUNTY REROUTE

Case No. PU-401-00-108



SUPPLEMENT AND AMENDMENT TO OTTER TAIL POWER COMPANY'S CONSOLIDATED APPLICATION FOR A WAIVER OF PROCEDURES AND TIME SCHEDULES AND FOR A CERTIFICATE OF CORRIDOR COMPATIBILITY AND ROUTE PERMIT

On July 27, 2000, Otter Tail Power Company ("Otter Tail") filed a Consolidated Application for Waiver of Procedures and Time Schedules and for a Certificate of Corridor Compatibility and Route Permit ("Application"). Thereafter, on August 7, 2000, Commission Staff requested additional information and an amendment to request waiver of the inclusion of mylar maps. This Supplement and Amendment is being filed to satisfy this request. The following addresses each of the requests of Staff in the order addressed in their August 7, 2000 request.

1. Otter Tail hereby amends its Application to include a request that the Commission waive the requirement that mylar maps be included with the Application. Exhibits 4 and 9 of the Application were included to depict the location of the reroute, including newly placed structures, and the location of required criteria. These maps are intended as a substitute for mylar maps.

2. The names and addresses of all landowners within the proposed corridor are as listed below. Also indicated below is whether each landowner's property is located along the proposed route or otherwise impacted by construction.

   a. James and Ione Lunneborg
   13843-90th St. S.E.
   Rutland, ND 58067-9417

   Own SW1/4 of Sec. 31-131-54 (Shuman Twp.)
   Not along reroute or otherwise impacted.

Hearing Exhibit 1a
Case No. 401-00-108

11 PU-401-00-108 Pages: 3

Supplement & Amendment to App for Waiver of Procedures & Time Schedules by Otter Tail Power Company
Exhibit # 1(a)
10/16/2000 CC: Comm Legal PUD (3)

b. Glen Urquhart
5100 Eden Ave.
Edina, MN 55436

Owns SE 1/4 of Section 31-131-54 (Shuman Twp.) and NE ¼ of Section 6-130-54 (Ransom Twp.)
SE ¼ of 31-131-54 is not along reroute or otherwise impacted, but NE ¼ of Section 6-130-54 is along reroute.

c. Robert Wyum
13917-91st St. S.E.
Rutland, N.D. 58067-9430

Owns SW 1/4 of Section 32-131-54 (Shuman Twp.) and W1/2 of Section 5-130-54 (Ransom Twp.)
Not along reroute or otherwise impacted.

d. Dean and Carol J. Nundahl
9018-138th Ave. S.E.
Rutland, N.D. 58067-9428

Own NW ¼ of Section 6-130-54 (Ransom Twp.)
Not along reroute or otherwise impacted.

e. Alan and Dorreen M. Olstad
13825-91st St. S.E.
Rutland, ND 58067-9429

Own S ½ of Section 6-130-54 (Ransom Twp.)
Not along reroute or otherwise impacted.

3. Nancy Dietz of BlueStem Inc. met with the North Dakota Game and Fish Department on or about March 20, 2000. At that time she hand delivered correspondence to them describing the reroute. Steve Dyke, Conservation Supervisor for the Game and Fish Department indicated that moving the line out of the water to the reroute location was beneficial in that it would reduce waterfowl collisions. He did not recommend the use of diverters. Pam Dryer of BlueStem, Inc. concluded that there is no indication that the reroute is in the line of a normal staging area or migration path and that diverters would not be necessary.

4. The original structures were originally erected without use of footings. Rather, the wood-pole structures were erected by placing poles in holes that had been augured in the ground. Then native soils were used as back-fill. There are some broken sections of the original structures still underwater.

The lower portions of four poles (two poles for each of two original structures in the water) remain, and it is believed that approximately 5-6 feet of each of these poles is below ground and 5-6 feet is above ground. Otter Tail believes that this water will recede in the future and requests that they be allowed to remove them after that time, when they can be accessed by appropriate equipment.

5. Permits required:

   a. U.S. Fish and Wildlife Service. The property affected by the reroute is under easement by the Service. A representative of Otter Tail met with Jack Lalor of the Service about permit requirements. They determined that a permit was not required.

   b. U.S. Department of Agriculture. The property affected by the reroute is under a CRP contract. A permit was not required.

   c. There were no other permits required.

6. OTP does not have any specific agency letters with determinations that Section 404 and special use or right-of-way permits are not needed. However, Bluestem, Inc. and Otter Tail representatives have been in contact with agencies and have assessed the need for permits of all kinds. In each instance it has been determined that no other agency permits are required (see also the discussion above).

7. A representative of Otter Tail contacted the ASCS office in Sargent County. That office had determined that vegetation was returning and attempting to reseed would likely cause greater harm than leaving the vegetation to return on its own. With this information Otter Tail concluded that reseeding is complete unless problems arise in the future.

8. A copy of the design specification for construction showing the final location of the rerouted transmission line as built was provided as Exhibit 4 of the Application. Otter Tail also will be prepared to offer as an exhibit at the hearing, for illustrative purposes, "Plan and Profile" drawings to further illustrate design characteristics of the reroute.

Respectfully Submitted,

Bruce Gerhardson
Associate General Counsel-Utility
OTTER TAIL POWER COMPANY

Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

August 7, 2000

Bruce Gerhardson
Attorney for Otter Tail Power Company
Svingen, Athens, Russel, Hagstrom & Haugrud PLLP
P. O. Box 697
Fergus Falls, MN 56538

Re: Case No. PU-401-00-108, Otter Tail Power Company Sargent County Reroute.

Dear Mr. Gerhardson:

I have completed an initial review of Otter Tail's consolidated application for a waiver of provedures and time schedules, corridor certificate and route permit in this case. I found that additional information is necessary before I can recommend to the Commission that the application be deemed complete:

1. The application guidelines call for inclusion of mylar maps. I did not find them or a request for a waiver in the filing.

2. Name and address of all landowners within the proposed corridor with indication whether their land was along the proposed route or otherwise impacted by construction.

3. On page 12 of the route permit application it states that Otter Tail will consult ND Game and Fish and other agencies regarding bird collision mitigation requirements. Who has been consulted and what measures, if any, were implemented?

4. How are abandoned structure footings being disposed of and are these methods agreeable to the landowner? Please include a discussion of footings and structures currently in water and any permits that will be necessary for removing them.

5. A list of any permits required and the status of obtaining them.

6. Agency letters or other documentation regarding specific determinations that Section 404 and special use or right-of-way permits are not needed.

7. Has Otter Tail consulted with the National Resources Conservation Service or other local authority regarding reseeding mixture recommendations or approvals for CRP and other land? Has reseeding been completed?

8. Please provide a copy of the design specifications for construction showing the final location of the rerouted transmission line as built.

If you have any questions, please contact me at 701 328-1035. Thank you.

Sincerely,

Jerry Lein
Public Utility Analyst

Svingen Athens Russell Hagstrom Haugrud PLLP

Attorneys & Counselors at Law

July 27, 2000

Mr. Jon H. Mielke
Executive Secretary
North Dakota Public Service Commission
State Capitol – 600 E. Boulevard
Bismarck, ND 58505-0480

Re: In the Matter of Otter Tail Power Company's Application for a Waiver of Procedures and Time Schedules and Consolidated Application for a Certificate of Corridor Compatibility and Route Permit – Sargent County Reroute

Pursuant to Section 49-22-08 of the North Dakota Century Code, the Energy Conversion and Transmission Facility Siting Act, and Rules promulgated thereunder, enclosed for filing please find:

1. An original and ten (10) copies of an Application of Otter Tail Power Company for a Waiver of Procedures and Time Schedules and Consolidated Applications for a Certificate of Corridor Compatibility and Route Permit, with exhibits.

2. A $5,000 filing fee. At the time of this filing, no filing fee has been assessed. However, it is Otter Tail's understanding that a fee of $5,000 will be assessed under the Act.

Should you have any questions with respect to this filing, please contact me at (218) 736-5456.

Very Truly Yours,

Bruce Gerhardson
Attorney for Otter Tail
Power Company

Enclosures

9 **PU-401-00-108** Pages: 1
07/31/2000
Otter Tail Power Company
Letter re filing & $5,000 filing fee

CC: Comm Legal PUD (3)

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Fergus Falls, MN
56538-0697

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fax: 218-739-5331
email: fflaw@prtel.com

Battle Lake Office
218-864-8161

Dalton Office
218-589-8734

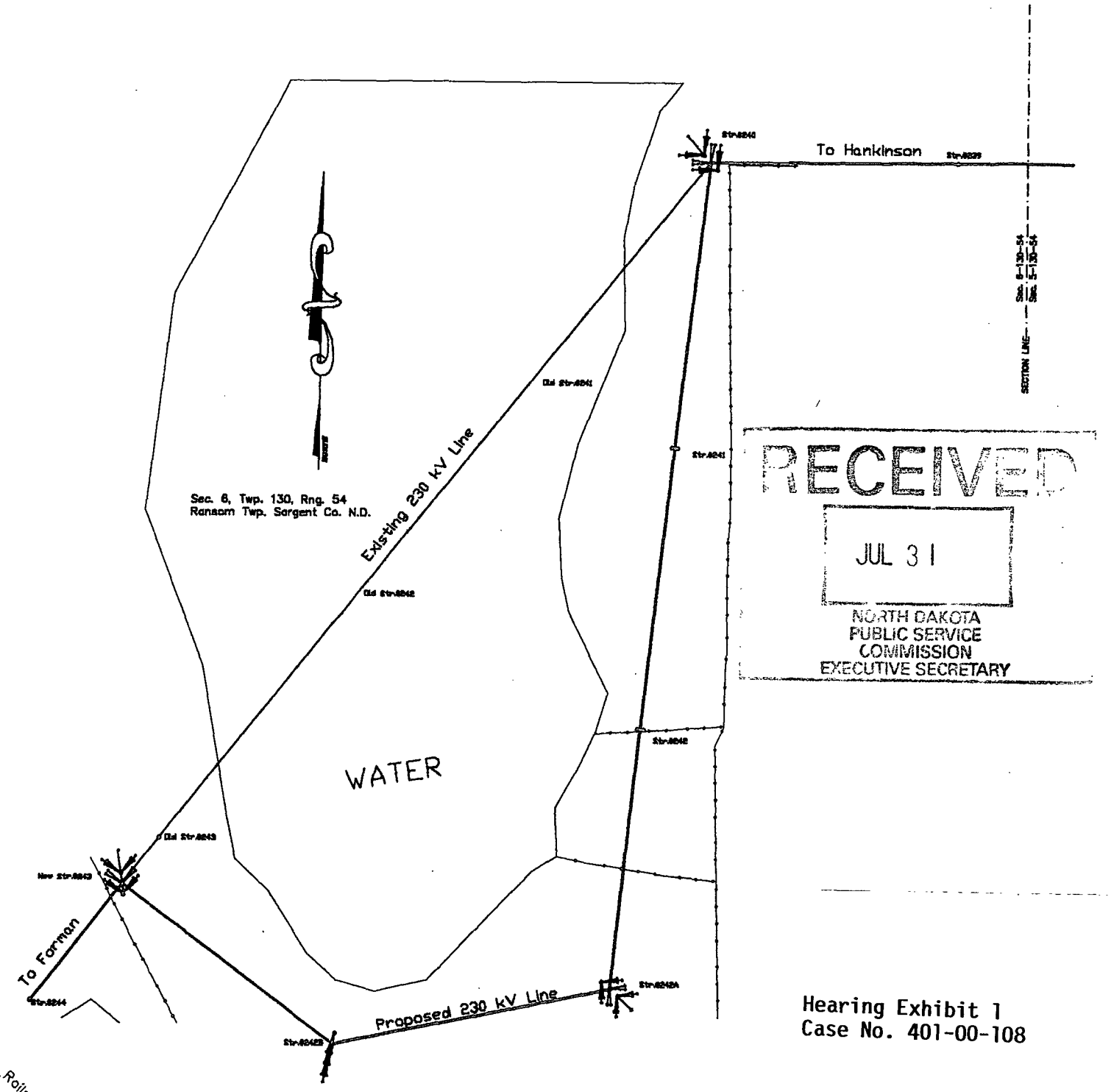
Underwood Office
218-826-7388

R. Kristian Svingen ☆◊
Robert L. Russell ‡
Dennis W.Hagstrom ☆☆
Allen Haugrud
Bruce G. Gerhardson ◊
J.J. Cline

Thomas C. Athens
of Counsel
†☆◊

◊ Also admitted to practice in ND † Civil Trial Specialist Certified by the Minnesota State Bar Association ☆ Qualified ADR Neutral Civil Mediation/Arbitration
‡ Real Property Law Specialist Certified by the Minnesota State Bar Association ☆☆ Qualified ADR Neutral Civil& Family Mediation/Arbitration

Application to North Dakota Public Service Commission for a Waiver of Procedures and Time Schedules and Consolidated Applications for a Certificate of Corridor Compatibility and Route Permit



Hearing Exhibit 1
Case No. 401-00-108

for Siting of a 1/2 mile [illegible] 8
Sargent County, ND

Otter Tail Power Comp[illegible]

OTTER TAIL
Power Company

PU-401-00-108 Pages: 94

App for a Waiver of Proc & Time Sched &
App for Cert of Corridor & Route Permit
by Otter Tail Power Company
Exhibit # 1
07/31/2000 CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA
FOR THE PUBLIC SERVICE COMMISSION

Case No. _____

In the Matter of Otter Tail Power Company's Application for a Waiver of Procedures and Time Schedules and for Certificate of Corridor Compatibility and Route Permit: SARGENT COUNTY REROUTE

CONSOLIDATED APPLICATION OF OTTER TAIL POWER COMPANY FOR A WAIVER OF PROCEDURES AND TIME SCHEDULES AND FOR CERTIFICATE OF CORRIDOR COMPATIBILITY AND ROUTE PERMIT

Otter Tail Power Company, a Minnesota Corporation ("Otter Tail"), whose office address is 215 South Cascade Street, Fergus Falls, Minnesota 56538-0496, pursuant to the Energy Conversion and Transmission Facility Siting Act, codified at North Dakota Century Code Chapter 49-22 ("Act"), hereby submits this Consolidated Application for a Waiver of Procedures and Time Schedules and for Certificate of Corridor Compatibility and Route Permit. By this Application, Otter Tail requests that the North Dakota Public Service Commission ("Commission") waive the following requirements:

1. Pursuant to N.D.C.C. § 49-22-13(2), and N.D.A.C. § 69-06-01-02(3) the applicant requests that the Commission not hold a public hearing on this waiver request, but publish a notice of opportunity for hearing as provided therein.

2. Applicant requests that the Commission waive the requirement for a hearing on the application for a Corridor Certificate and shorten the three-month period specified in N.D.C.C. § 49-22-08(5).

3. Applicant requests that the Commission waive the requirement for a hearing on the application for a Route Permit and shorten the six-month period specified in N.D.C.C. § 49-22-08.1(5).

4. Applicant requests that the Commission waive the requirements of N.D.C.C. § 49-22-08 and N.D.C.C. § 49-22-08.1 insofar as these sections may require the filing of separate applications for a Corridor Certificate and a Route Permit and insofar as they require the publication of notices of filing of applications.

5. Applicant requests that the Commission waive the requirement of public hearings and application as set forth in N.D.C.C. § 40-22-13(1) and N.D.A.C. § 69-06-01-02(2).

The Commission's Application Guidelines for Waiver of Procedures and Time Schedules requires a description of the facility, the need for the facility, the cost of the facility, and separate justification for each provision of the Act for which the applicant is requesting a waiver, together with evidence that the project will produce minimal adverse effects. As demonstrated in this Application and as summarized below, Otter Tail's request for a Waiver of Procedures and Time Schedules and the issuance of a Corridor Certificate and Route Permit is justified as the proposed transmission facility is of such design, location, and purpose that it will produce minimal adverse effects.

DESCRIPTION

The rerouted facility carries 230 Kilovolt (kV), three-phase, alternating current, electrical energy at an operating capacity of about 200,000 Kilovolt-amperes (kVA). The reroute is part of the 230 kV transmission facility running between Hankinson and Forman, North Dakota. The Hankinson-Forman 230 kV transmission line serves as a backbone component to the region's transmission grid, and its outage raised serious reliability issues for North Dakota. The purpose of the reroute was to reestablish service of this line and to improve reliability for customers of Otter Tail and the region generally.

NEED

On March 8, 2000, a wind and ice storm swept across North Dakota causing a one-half mile portion of Otter Tail's Hankinson-Forman 230 kV transmission line to topple and render the line out of service. When the transmission line had been constructed in 1960, the structures along this one-half mile stretch had been located on dry land near the shore of a wetland. Since that time, the water levels of this particular wetland have risen to an extent that the structures along this portion of the facility were located in the water.

After the March 8 outage, it was imperative that the line was reenergized as soon as practicably possible. In evaluating all possible options, sound utility practice required rerouting the section out of the wetland and onto higher ground. The reroute required moving approximately 1,700 feet of line approximately 600 feet to the east. Although the reroute required the use of slightly more conductor than crossing the wetland directly, the reroute was the best and least-cost option because reconstruction of the line in its original route would have been an invitation for disaster.

COST

The cost of the proposed facility was approximately $70,000.

Enclosed is a check for the filing fee, as is anticipated to be assessed, payable to the Commission in the amount of $5,000.

JUSTIFICATION FOR WAIVERS

On March 9, 2000, Otter Tail informed Commission Staff by telephone of the emergency situation and is need to respond immediately to the emergency. On March 14, 2000, Otter Tail filed an Application for emergency authority to relocate the line. Otter Tail did not file a Letter of Intent for this project, as it is believed that none is required under the Act for an emergency reroute such as this. If the Commission determines that a Letter of Intent is required under these circumstances, Otter Tail requests that the March 14, 2000 filing be deemed an adequate substitute for a Letter of Intent. This Consolidated Application is now filed in order to request approval of the relocated route as contemplated by N.D.C.C. Section 49-22-07.

Because the reroute remains in such close proximity to the original route, it appears that the evaluation of corridor information separately from route information is not necessary. The original line was constructed prior to enactment of the Act, so a corridor for that facility had not previously been established. However, the reroute was sited within such close proximity to the original facility that if it appears the reroute would have been entirely within the original corridor, had one been established for the original facility. Because Otter Tail had really no option to reroute the facility out of this area, evaluation of corridor and route information is most practically presented together. Also, because this Consolidated Application is filed after a route has been established, it would be impractical and unnecessary to delay an evaluation of the route. For these reasons, Otter Tail has requested filing a single Consolidated Application and waiver of timelines rather than filing separate Route and Corridor applications.

Otter Tail also requests waivers of hearings on this Consolidated Application because of the minimal effects of this reroute. As stated above, the reroute affects only one landowner, and the reroute is in close proximity to the original route. The Application also demonstrates that the reroute will have very minimal adverse effects. The Act provides that the Commission may waive procedures and timelines where an applicant has demonstrated that a proposed facility will have minimal adverse effects. Otter Tail's Application and exhibits provide a thorough evaluation of this short reroute, and that evaluation demonstrates that the reroute will have minimal adverse effects.

General Filing Information

Pursuant to § 69-02-02-04 of the Commission's Rules of Practice and Procedure, Otter Tail offers the following:

A. Name, Address, and Telephone Number of Utility

Otter Tail Power Company
215 South Cascade Street
P.O. Box 496
Fergus Falls, MN 56538-0496

B. Name, Address, and Telephone Number of Utility Attorney.

Bruce Gerhardson
Svingen, Athens, Russell,
Hagstrom, Haugrud & Karkela, PLLP
125 South Mill Street
P.O. Box 697
Fergus Falls, Minnesota 56538-0697

C. Date of Filing.

This matter is being filed July 27, 2000 by mail.

D. Authority Controlling the Filing.

The matter is being filed under N.D.C.C. Chapter 49-22.

E. Title of Utility Employee Responsible for Filing.

Brian Malchert
Director, Transmission and Maintenance
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Respectfully Submitted,

OTTER TAIL POWER COMPANY

By: _____

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ATTORNEY FOR APPLICANT

Dated: 7/27/00

APPLICATION FOR CERTIFICATE OF CORRIDOR COMPATIBILITY

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I. INTRODUCTION

This is an Application for a Certificate of Corridor Compatibility by Otter Tail Power Company ("Otter Tail"). Although separate and apart from, it is to be reviewed in conjunction with Otter Tail's Route Permit Application. In these Applications, Otter Tail seeks after-the-fact siting approval for approximately one-half mile of the 230,000 Volt (230 kV) transmission line running between Forman and Hankinson, North Dakota. The one-half mile reroute is located in Sargent County, approximately six miles east of Forman. (See Exhibits 1 & 2). The construction of this reroute was necessary as an emergency measure after ice and wind had caused two existing structures to fall, resulting in system failure.

The impacts from the rerouted facility have been and will continue to be minimal as demonstrated throughout this Application and the Route Permit Application.

II. ANALYSIS ACCORDING TO PSC GUIDELINES

This Application follows the format set forth in the North Dakota Public Service Commission Application Guidelines For A Certificate of Corridor Compatibility ("PSC Guidelines"), promulgated pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act, N.D.C.C. Chapter 49-22.

SECTION A. DESCRIPTION OF FACILITY

1. Type

Describe the type of transmission facility addressed in this application. The description shall include the purpose of the facility and the technology to be employed.

The rerouted transmission facility is a 230,000 volt (230 kV), three-phase, alternating current, electric transmission line, approximately one-half mile long (hereinafter referred to as "the facility"). The conductors and shield wires are supported above ground by wood poles, as further described throughout this Application.

The reroute and construction was completed as an emergency measure because ice and wind had caused two existing structures to fall. High water in a large semi-permanent wetland put these structures under about 25 feet of water. Strong winds on March 8, 2000 caused the structures to twist and topple. (See Exhibit 3). When Otter Tail originally installed these structures in 1960 they were located on dry ground.

The previously existing conductors, shield wires, and wood structures will be removed from service and salvaged. The salvage of the replaced line will occur when safe conditions will permit. Otter Tail will continue to monitor the previously existing line and dispose of wooden poles as the area dries.

2. **Product**

Describe the type, source, and final destination of the product to be transmitted by the proposed facility.

The facility carries 230 kV, three-phase, alternating current, electrical energy. It has a maximum capacity of approximately 400,000 Kilovolt-amperes (kVA) and an operating level of approximately 200,000 kVA. The reroute will maintain transmission capabilities between Forman and Hankinson, North Dakota.

3. **Size and Design**

a. Provide a description of the size and design of the ELECTRICAL facility including, but not limited to, the following:

(1) Width of right of way;
(2) Estimated span lengths;
(3) Anticipated type of structure;
(4) Approximate length of facility;
(5) Voltage; and
(6) The requirement for and general location of any new associated facilities.

The line and structures were designed as shown in Exhibit 4. The original structure number 243 (tangent structure) was removed and replaced with an angle structure. Two new angle structures were added (new structure numbers 242A and 242B) on the uplands along the south side of the wetland. The two inundated and failed tangent structures (number 242 and 241) were replaced with new tangent structures on the uplands along the east side of the wetland. Angle structure number 240 was also replaced.

(1) Width of right of way

A right of way of 120 feet wide (60 feet on either side of the center line) was acquired throughout the length of the facility. An additional temporary work space, staging and lay down area was necessary during construction.

(2) Estimated span lengths

The pole spacing on the basic tangent structure is 20 feet. The average span length is 590 feet. The conductor ground clearance varies depending on terrain. A minimum ground clearance of 26.2 feet was maintained over cultivated or range lands (at a conductor temperature of 212 degrees Fahrenheit; at lower conductor temperatures, the ground clearance will be greater).

(3) Anticipated type of structures

The basic tangent structure is a wood-pole, H-frame structure as illustrated in Exhibit 5a. The wood poles range in length from 55 to 70 feet, and constructed of Douglas fir. They have been pressure-treated with chromated-copper arsenate or pentachlorophenol in accordance with American Wood Preservers Association (AWPA) requirements.

Each structure has been braced by one or two X-braces, and cross-arms have been used to support the insulators and conductors. The X-braces and cross-arms are also made from Douglas fir. The cross-arms that support the insulators and conductors have a cross section of approximately 5 x 7.5 inches, and a length of 40 feet.

Angle structures consist of three poles and the guys and anchors as required by engineered specifications. (See Exhibit 5b). The pole spacing for these angle structures varies and can range from 20 to 30 feet. Guy wires are made of high-strength steel strands, and the overall diameter of the guy wires are 3/8 or 7/16 inches. Guy leads range in length from 50 to 90 feet. Screw anchors for the guy leads were screwed into the ground by machine.

The conductors that transport the electrical energy are constructed of aluminum strands with a core of steel strands for greater tensile strength. The trade designation for the conductors is 954 MCM ACSR 54/7. This designation indicates that the conductors are aluminum conductors, steel reinforced with 54 aluminum strands and a core of seven steel strands. The shield wires or lightning protection wires are constructed of extra-high strength steel strands, and the overall diameter of the shield wires is 3/8 inch. The insulators are porcelain.

(4) Approximate length of the facility

The rerouted facility is approximately one-half mile in length and is built around the south and east sides of the semi-permanent wetland that caused the flooding problems.

(5) Voltage

The facility carries 230 kV, three-phase, alternating current, electrical energy at a maximum capacity of approximately 400,000 Kilovolt-amperes (kVA). It operates at approximately 200,000 kVA.

(6) The requirement for and general location of any new associated facilities

There was no requirement for new associated facilities.

4. Time Schedule

The time schedule for the facility is shown below:

MAJOR EVENTS SCHEDULE

Easement acquisition	March 2000
Complete line design	March 2000
Vegetation clearing	March 2000
Staking structures	March 2000
Complete surveying	March 2000
Construction start date	March 20, 2000
Construction Complete	March 28, 2000
In service date	March 29, 2000
Certificate of Corridor Compatibility Application	July 2000
Route Permit Application	July 2000
Route Permit (obtained from PSC)	September 2000
Retirement of facility	Unknown

SECTION B. SPECIAL STUDIES

Provide a copy of any evaluative studies or assessments of the environmental impact of the proposed facility submitted to any federal, regional, state, or local agency.

Otter Tail conducted several studies prior to and concurrent with the facility construction (as is explained more fully in the Application for a Route Permit). The general study process included, but was not limited to: (1) archeological and ecological evaluations, (2) agency consultations, and (3) collection and evaluation of criteria data. The methods used to conduct these studies are described below. The results of the studies are included in appropriate sections of this Application.

1. Selection and General Evaluation of Study Area

In its general evaluation and selection of the reroute, Otter Tail chose a study area in the location of the downed line. Otter Tail then examined among other things: topography, location of existing transmission structures and lines, location of railroads, location of wetlands, land ownership, and economics. Further evaluation of the factors addressed in N.D.C.C. § 49-22-09 are set forth in Section D.1., below.

2. Historic and Archeological Site Evaluation

Otter Tail met with the North Dakota Historical Society on March 20, 2000 to discuss any concerns that agency may have about the reroute selected. An on-the-ground field study was also conducted on March 22, 2000 at the time of construction initiation. The review included a search of the State Historical Society files for known locations of historic and cultural resources and studies that have been performed within the corridor (i.e., Class I inventory). A report of this Class I inventory and on-the-ground field survey was submitted to the State Historical Society for review, along with detailed maps of the corridor. The Historical Society notified Otter Tail that no archeological nor historic properties were affected by the facility. The final report of the survey is provided in Exhibit 6.

3. Agency Consultation

North Dakota Administrative Code § 69-06-01-05 lists 21 state agencies that are entitled to notice of Otter Tail's action. Three natural resources agencies were hand-delivered letters on March 20, 2000: the North Dakota Game and Fish Department, the North Dakota Parks and Recreation Department, and the U.S. Fish and Wildlife Service. Letters were sent on April 3, 2000 to the remaining state agencies to notify them of the transmission line reroute project and to provide the location of the corridor. A copy of the letters sent and the responses received are provided as Exhibit 7.

Specific information about the corridor and reroute was requested from two state agencies:

N.D. Game and Fish Department – location of state wildlife lands; habitat for or occurrences of rare or unique wildlife species.

N.D. Parks and Recreation Department – state and local park interests; potential habitat for and occurrences of state rare plant species; nature preserves or registry sites.

The U.S. Fish and Wildlife Service was also contacted to request information on federal wildlife areas and federal threatened and endangered species. The U.S. Department of Agriculture's Sargent County office was also contacted for comment.

The comments and information received from the above agencies have been incorporated into this corridor application and are referenced where applicable.

4. Collection and Evaluation of Criteria Data

North Dakota Administrative Code § 69-06-08-02 sets forth certain transmission facility corridor and route criteria an applicant must present. They include exclusion, avoidance, selection, and policy criteria. Exclusion and avoidance criteria encompass specific land designations (such as parks and historic sites), human dwellings, water developments, and habitat for state or federal threatened and rare species. Selection criteria relate to the effects from construction on agriculture, noise, and other general environmental conditions. Policy criteria relate to the applicant's policies regarding health, safety, labor relations, and coordination with other interests.

Otter Tail gathered data from several sources to identify the locations of exclusion and avoidance areas, and to determine the potential impact of its facility on selection criteria. Specific sources of data include:

U.S. Fish and Wildlife Service's National Wetland Inventory maps.

The U.S. Fish and Wildlife Service and the N.D. Parks and Recreation Department provided information on possible occurrences of federal threatened and endangered species and state rare species.

An on-the-ground survey of extractive resources, occupied residences, habitat cover types, including woodlands and wetlands, was conducted on March 30, 2000.

Locations of federal and state wildlife areas and local parks were obtained from the appropriate agencies.

SECTION C. NEED FOR THE FACILITY

1. An analysis of the need for the proposed facility based on present and projected demand for the product or products to be produced by the proposed facility, including the most recent system studies supporting the analysis of the need.

Otter Tail rerouted a segment of transmission line to its new location for one critical reason: flooding. The line segment that was replaced is because of the rising waters of a semi-permanent wetland and a line failure. Otter Tail believed the most prudent, safe, and economical measure they could take was to move the line out of the standing water.

2. **A description of any feasible alternative methods of serving the need.**

No other feasible alternatives were considered due to the emergency situation. The rerouted segment of line was required to keep the system in operation.

3. **A statement justifying any deviations from the most recent Ten-Year Plan which the proposed facility may present.**

The facility addresses an emergency not contemplated in the most recent Ten-Year Plan.

SECTION D. LOCATION

This section includes the justification for selecting the corridor. It describes the general environment and factors that are important from an environmental and human health standpoint. General impacts and mitigation measures are also covered, as are the PSC's Corridor Application Criteria. Policies affecting the manner in which Otter Tail addresses environmental, human safety, and economic issues are also discussed.

1. **Selection of Study Area and Proposed Corridor**
Select a study area, which includes the proposed corridor, of sufficient width to enable the Commission to evaluate the factors addressed in N.D.C.C. § 49-22-09.

This section describes how Otter Tail chose the corridor. A general description of the environment in Sargent County is provided in Exhibit 8.

Otter Tail used some general criteria to select a corridor within the study area: topography, location of existing transmission facilities, location of railroads, location of wetlands, and land ownership.

Topography – Lower elevations were avoided due to the potential for the water within the semi-permanent lake to continue to rise. A minimum of ten feet in elevation above the current water levels was determined to be sufficient.

Location of existing transmission facilities – Because the reroute needed to connect to existing facilities, selection of a corridor and route were constrained by the need to connect to the end-points of those existing facilities. The route between those two points, and hence the corridor surrounding any proposed route, had to be safe and reliable, straight and short as possible, economical, and minimizing to environmental and human population impacts. (Exhibit 4).

Location of Railroads – The Soo Line Railroad is located in the corridor. The corridor needed to be wide enough to allow for a route that would avoid impacts to the railroad. (See Exhibit 2).

Wetlands – Because of the potential difficulties associated with erecting transmission facilities within wetlands, locations with high densities of wetlands were avoided within the corridor. Otter Tail preferred to exclude as many wetlands from the reroute as possible.

Land ownership – The corridor avoids lands within the study area owned by the federal government, and lands operated as state wildlife areas.

2. **Criteria Maps**
Identify and map the criteria that led to the proposed corridor location within the study area.

All criteria that can be mapped are provided in Exhibit 9. The map includes the location of the corridor (and reroute), and the following:

General overview map, showing location of corridor and reroute

Avoidance areas – Occupied residences

Selection areas –Wetlands and woodlands

Selection areas – Wetland easements of U.S. Fish and Wildlife Service

Additional criteria cannot be mapped but are described throughout the next section of the Application.

3. **Description of Criteria in the Proposed Corridor**
Discuss the relative value of each criteria and how the proposed corridor location was selected giving consideration to all criteria.

The Public Service Commission has established criteria that guide and govern the siting of transmission line corridors and routes. N.D.A.C. § 69-06-08-02. These criteria are divided into four general areas: exclusion areas, avoidance areas, selection criteria, and policy criteria.

In accordance with North Dakota Rules Section 69-06-08-02, the proposed corridor and route has been situated after careful consideration of the facility's impact on humans and the environment. In general terms, because north central North Dakota is largely rural with an agricultural economic base, the application criteria which address rural and agricultural issues require the greatest quantity of analysis in the Application. Therefore, the subsections that address the facility's impact on agriculture, wildlife and rural living require a greater quantity of

analysis than some other subsections. However, the fact that they require more quantity of analysis does not mean that they held a higher qualitative value for Otter Tail in its siting decisions. All criteria were given weight in selection of the proposed corridor and route.

The corridor was also selected based on the factors identified in Section II.D.1., and consideration was given to the efficiencies created by placing the line along a route as straight and short as possible. Criteria listed by the Public Service Commission as exclusion, avoidance, selection and policy were then used to select the most appropriate route within the corridor.

a. **Exclusion Areas**

The following geographical areas shall be excluded in the consideration of a route for a transmission facility. A buffer zone of a reasonable width to protect the integrity of the area shall be included. Natural screening may be considered in determining the width of the buffer zone. (N.D.A.C. § 69-06-08-02)

(1) Designated or registered national: parks, memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas.

None of these areas are found in the corridor (or reroute).

(2) Designated or registered state: parks; historic sites; monuments; historical markers; archaeological sites; and nature preserves.

None of these areas are found in the corridor (or reroute).

(3) County parks and recreational areas; municipal parks; parks owned or administered by other governmental subdivisions.

None of these areas are found in the corridor (or reroute).

(4) Areas critical to the life stages of threatened or endangered animal or plant species.

None of these areas are found in the corridor (or reroute).

(5) Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.

None of these areas are found in the corridor (or reroute).

b. Avoidance Areas

The following geographical areas shall not be considered in the routing of a transmission facility unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an avoidance area should be designated for a facility the commission may consider, among other things, the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternative routes. Economic considerations alone shall not justify approval of these areas. A buffer zone of a reasonable width to protect the integrity of the area shall be included unless a distance is specified in the criteria. Natural screening may be considered in determining the width of the buffer zone. (N.D.A.C. § 69-06-08-02).

(1) Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.

None of these areas are found in the corridor (or reroute).

(2) Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands.

None of these areas are found in the corridor (or reroute).

(3) Historical resources which are not specifically designated as exclusion or avoidance areas.

A Class III inventory was conducted along and near the reroute on March 22, 2000. The survey focused on an area that included the transmission line reroute and 150 foot buffer area, plus the access route into the site. Prior to commencement of field work, the North Dakota Historical Society was contacted, and a files search was completed. No prehistoric sites, isolated sites or historic sites were found during the Class III inventory.
The final report of this inventory is provided as part of Exhibit 6.

(4) Areas which are geologically unstable.

No areas in the corridor meet this criterion.

(5) Within five hundred feet of a farmhouse, rural residence, or place of business. This criterion shall not apply to a water pipeline transmission facility. (See Exhibit 9).

There are 2 rural residences within the corridor. The reroute does not come within 500 feet of any structure being used for a business, farmhouse or rural residence.

(6) Reservoirs and municipal water supplies.

None of these areas are found in the corridor (or reroute).

(7) Water sources for organized rural water districts.

None of these areas are found in the corridor (or reroute).

(8) Irrigated land.

No irrigation permits are found in the corridor (or reroute)..

(9) Areas of recreational significance which are not designated as exclusion areas.

None exist within the corridor (or reroute).

c. **Selection Criteria**

A corridor or route shall be designated only when it is demonstrated to the commission by the applicant that any significant adverse effects which will result from the location, construction, and maintenance of the facility as they relate to the following, will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum. (N.D.A.C. § 69-06-08-02).

(1) The impact upon agriculture:

(a) Agricultural production.

During construction, agricultural production within the corridor was not directly affected because of the time of year when construction occurred. A staging location was placed on a previously disturbed area, and therefore the

affect upon agricultural production in this staging area was minimal. Following construction any disturbed areas, either in the right of way or in the staging area, will be restored as close as practicable to their original condition.

The degree of impact to any particular area was dependant upon the extent of construction activities and soil conditions of the particular area. Normal construction only temporarily affected native rangeland vegetation along the route. Where rangeland and CRP land was disturbed and doesn't regrow naturally, Otter Tail will replant the area with a grass seed mixture comparable to the existing conditions.

Now, following construction, agricultural production is unrestricted throughout the bulk of the right of way. Placement of structures for the facility displaced very small areas of pasture land and future cropland (currently CRP), and farmers may experience some inconvenience because machinery will need to maneuver around structures. Production and harvesting machinery will otherwise be able to operate without hindrance under the facility.

Occasionally, maintenance of the line will require additional construction-type activities along the route. Landowners will be compensated through an easement payment for any potential loss of land and crop production.

Livestock production was not affected by construction of the facility, as the land is not presently used for that purpose. If the land is used for livestock production in the future, construction crews will work with landowners to ensure that fenced pastureland will remain secure for cattle during line maintenance activities. Otherwise during operation of the line, cattle will be free to graze below the facility, and virtually all land will be available for grazing along the reroute.

(b) Family farms and ranches.

The main impact to family farms and ranches is the temporary and minimal disturbance to pastureland and cropland (currently CRP) as noted above.

(c) Land which the owner can demonstrate has soil, topography, drainage, and an available water supply that cause the land to be economically suitable for irrigation.

Otter Tail is not aware of any land that is planned for irrigation, and Otter Tail did discuss irrigation plans with the landowner when discussing easement arrangements.

(d) Surface drainage patterns and ground water flow patterns.

The surface drainage and ground water flow patterns within the corridor were not affected along the reroute, and there was no effect upon spring run-off drainage patterns. Existing field approaches were used to access construction sites, and no new field approaches were required. The erection of structures affected land contours so minimally that there is no effect on drainage.

(2) The impact upon:

(a) Noise sensitive land uses.

Construction created very temporary sound disturbances. Because of the rural location of the reroute corridor, construction created only a temporary and minimal impact near those few residences located nearby. The corridor includes 2 occupied rural residences, and the reroute avoided each of these by more than 500 feet.

At a distance of 50 feet, construction noise only occasionally exceeded 80 dB (during operation of augers, tampers and impact wrenches). By comparison, a busy street has a typical noise level of about 80 dB, and agricultural machinery often operates at higher levels. When construction machines were not operated, noise levels were well under 80 dB. In order to minimize noise impacts, all construction equipment was equipped with a recommended muffler in good working order, and construction activities near homes and places of business were limited to normal working hours (as recommended by the North Dakota Department of Health – April 10,2000 letter, Exhibit 7a).

Following construction, sound from the facility will be minimal and is the result of corona effects. Corona effects occur when air molecules near conducting wire are ionized due to changes in the electric field intensity at the conductor surface, producing audible noise, radio noise, small amounts of ozone, and corona-related energy loss. Corona-generated audible noise from transmission lines and substations is generally described as a crackling or hissing noise. This noise is most noticeable when conductors are wet (as a result of precipitation). During dry weather, noise is barely perceptible, creating only a sporadic crackling sound.

(b) The visual effect on the adjacent area.

The facility will be visible to landowners who live near the facility. The structures are H-frame design, constructed of wood poles, intended to, among other things, minimize visual impacts.

(c) Extractive and storage resources.

There are no extractive or storage resources found in the corridor (or reroute).

(d) Wetlands, woodlands, and wooded areas. (See Exhibit 9).

There are 160 acres of wetlands within the corridor and none within the route right-of-way. The U.S. Fish and Wildlife Service has an interest in some of these areas. Permits and mitigation will not be required by the Service and the U.S. Army Corps of Engineers because wetlands were not impacted. Otter Tail coordinated with the agencies to determine specific locations for structures within these sensitive areas (see April 4, 2000 letter from U.S. Department of Interior, Fish and Wildlife Service, Exhibit 7b). Otter Tail did not place structures in any wetland.

All of the wetlands along the route are protected by permanent easement by the U.S. Fish and Wildlife Service (all of Section 6, T.130 N., R.54 W.). These easements prohibit draining, burning, and filling of the wetland. Otter Tail met with the Service concurrent with construction of the facility in order to avoid any potential wetland impacts and to discuss easement requirements.

There are 6 acres of woodlands and shelterbelts within the corridor and no wooded areas were affected by the reroute.

(e) Radio and television reception, and other communication or electronic control facilities.

There are no communication towers or associated facilities found in the corridor (or reroute).

(f) Human health and safety.

The North Dakota Department of Health reviewed the facility project and concluded "environmental impacts from the construction will be minor and can be controlled by proper construction methods." (April 10, 2000 letter – Exhibit 7a). Otter Tail employed proper construction methods to ensure the project resulted in minimal impacts to human health and safety.

Human health and safety was Otter Tail's paramount concern during construction and operation of the facility. Appropriate standards were met for construction and installation, and all applicable safety procedures will be

followed after installation. The facility was designed and constructed to meet or exceed the standards of the National Electrical Safety Code.

Safety precautions were taken during construction and line installation. Conductors were installed by establishing stringing setup areas within the right-of-way along the reroute. Conductors were installed between setup areas using a "controlled tension method," which ensures that the cable comes off the reel at a constant tension without backlashes. Conductor stringing operations also required brief access to each structure to secure the conductor wires to the insulators or shield wire clamps once final line sag was established.

Stringing equipment generally consists of wire pullers, tensioners, conductor reels, shield wire reels, and sheave blocks. Stringing operations consist of pulling lightweight cables or ropes through the stringing sheaves located at every structure site. This cable or rope was used to pull the conductors through the sheaves under sufficient tension to keep the conductor from coming into contact with the ground.

Regular maintenance and inspections will be performed during the life of the facility to ensure its continued integrity. Periodic inspections will be performed by ground personnel on snowmobile or ATV, or by aerial means. Inspections will be limited to the right-of-way limits. If problems are found during inspection, repairs will be assigned to construction crews. If damages to crops are incurred during repairs, reimbursement will be made, consistent with the terms of the easement.

The facility will generate electromagnetic field (EMF) once energized. The effect of EMF exposure on human health has been a matter of public concern over the past few years. The National Institute of Environmental Health Sciences (NIEHS) issued its final report on June 15, 1999, following six years of intensive research. It concluded that the scientific evidence that extra low frequency EMF exposures pose any health risk is weak. The NIEHS was the lead government agency in directing and carrying out a Congressionally mandated research program on EMF. The EMF levels of the facility are explained below.

The EMF level is related to the power carried by the line, the configuration and sag of the conductors, span length, and location of measurement relative to the line. EMF levels are inversely proportional to the distance from the conductors.

For example, operating at 200,000 kVA (the normal operating level of the facility) at a point 3.5 feet above ground at mid-span of an 800 foot span with a

conductor height of 27 feet and 70 foot poles, the annual maximum level of EMF will measure approximately 128 mG (milliGauss). At a point 3.5 feet above ground at the base of one of the structures, the annual maximum EMF level will measure approximately 70 mG. At a point 100 feet in a transverse direction from the line at a point 3.5 feet above ground at mid-span, the annual maximum EMF will measure approximately 11 mG. At 500 feet in a transverse direction from the line, the annual maximum EMF will measure approximately 0.07 mG.

The EMF levels stated in the above example are expected annual maximums. The minimum level would be about 30 percent of the annual peak, and an annual time-weighted average would be about 45 percent of the annual maximum. The maximum electromagnetic field levels are likely to occur during late afternoon and early evening hours, on either the warmest or coolest days during the year, when the demand for electricity is greatest. Under certain abnormal transmission switching arrangements, the EMF levels could exceed the values given above; e.g., when another transmission line is down due to a storm. These switching arrangements are typically short term.

Otter Tail continues to closely monitor this issue and will respond to any changes as the circumstances require.

(g) Animal health and safety.

Livestock impacts were avoided as discussed in Section D.3.c.1. above. Wildlife impacts are discussed in section III.B. of the Route Permit Application.

(h) Plant life.

Impacts of the facility on agricultural plant life were minimal as discussed above, and landowners were compensated for any losses. Native prairie disturbed by construction will be reseeded with a native grass mixture

d. <u>Policy Criteria</u>
The following have been adopted by the commission to give preference to an applicant that will maximize benefits that result from the adoption of the policies and practices, N.D.A.C. § 69-06-08-02.

Because Otter Tail has taken the Commission's policy criteria into consideration, and because the facility adopts and reinforces these policy considerations and maximizes the benefits resulting from the adoption of these policies, this Application should be given preference.

(1) Location and design.

Otter Tail has numerous policies that guide the location and design of electric transmission lines. (Examples are provided at Exhibit 10). These policies include minimizing and mitigating environmental impacts, following the National Electrical Safety Code requirements and policies, designing the system to efficiently transfer electricity, ensuring worker and public health and safety, and constructing facilities to most effectively and efficiently meet its delivery obligations.

(2) Training and utilization of available labor in this state for the general and specialized skills required.

Otter Tail personnel who constructed and will maintain the facility are members of the International Brotherhood of Electrical Workers.

(3) Economies of construction and operation.

Otter Tail has designed and will operate the facility as economically efficient as possible. As a public utility subject to regulation by this Commission, Otter Tail exercises prudent utility practice in every capital project in which it participates. This means that Otter Tail evaluates all feasible alternatives and selects the project that is least costly, and one that most minimizes impacts to the social, economic, and natural environment.

(4) Use of citizen coordinating committees.

No citizen coordinating committees were used for the corridor or reroute.

(5) A commitment of a portion of the transmitted product for use in this state.

The reroute was required to keep the Hankinson-to-Forman 230 kV transmission line in service. This line is an important part of the transmission grid from which Otter Tail's and other utilities' North Dakota customers are served.

(6) Labor relations.

Labor relations were not affected.

(7) The coordination of facilities.

By its very nature, the facility created efficient coordination with existing facilities.

(8) Monitoring of impacts.

The impacts of the construction and operation of the facility are discussed in section D.3.c., above. Otter Tail will monitor revegetation success for three years following construction along the reroute. Otter Tail also monitored dust and noise during construction. Any concerns raised by agencies, landowners, or the Public Service Commission will be addressed immediately. Impacts to wetlands and woodlands were avoided. Monitoring will be conducted by the relevant agencies in some instances, as required by law and regulation. In those instances where agency monitoring is not required, Otter Tail will monitor any impacts created by the facility.

(9) Utilization of existing and proposed rights-of-way and corridors.

Otter Tail's reroute left the existing right of way and returned to it as soon as practical. The reroute replaced the existing transmission facility, which had failed due to ice and wind actions.

(10) Other existing or proposed transmission facilities.

Coordination of the facility with existing and transmission facilities is discussed above.

e. **Summary of Criteria in Proposed Corridor and Route**

Criteria	Acres or Number within Corridor[a]	Acres or Number within Route[b]	% of Corridor occupied by Criteria	% of Route occupied by Criteri
Exclusion: County Parks	0	0	0.00	0.00
Exclusion: Habitat for Threatened, Rare species	0	0	0.00	0.00
Avoidance: Federal Waterfowl Production Areas	0	0	0.00	0.00
Avoidance: State Wildlife Management Areas	0	0	0.00	0.00
Avoidance: Irrigated land	0	0	0.00	0.00
Avoidance: Reservoirs		0	0.00	0.00
Avoidance: Occupied residences	2 rural residences	0	NA[c]	NA
Avoidance: Other historic resources	0	0	NA	NA
Selection: Extractive resources	0	0	NA	NA
Selection: Wetlands	160 acres	0 acres	19.6	0
Selection: Woodlands	6 acres	0 acres	0.01	0.00
Selection: Communication Towers	0	0	NA	NA

[a] Corridor size is estimated at 815 acres

[b] Route size is estimated at 8 acres

[c] NA = not applicable

f. Design and Construction Limitations

Because it is difficult to design and construct transmission facilities in wetlands, the semi-permanent wetland within the corridor dictated the reroute preference in the corridor. Similarly because design and construction options are limited around trees, they were avoided. One railroad line was also avoided. Exclusion areas, avoidance areas and selection criteria were also taken into consideration in the design.

g. Economic Considerations

Otter Tail has strived and will continue to strive to minimize any economic damage this facility might create. Landowners were compensated for land within the right of way along the reroute. The reroute was chosen in as straight and short a line as possible with consideration given to exclusion areas, avoidance areas, and other selected areas. Obviously, when the length of the line is increased, the project costs also increase.

4. General Mitigative Measures to Minimize Adverse Impacts

Discuss the general mitigative measures that will be taken to minimize adverse impacts which result from a route location in the proposed corridor.

Otter Tail avoided potential impacts to sensitive resources, which includes exclusion, avoidance and selection criteria. Specific impacts that may have been caused by the facility and mitigation for those impacts are described in section II.B.6. of the Route Permit Application.

5. Qualifications of People Involved in the Corridor Study

List the qualifications of the people in the various disciplines that contributed to the corridor location study.

Name	Educational and Professional Experience	Project Responsibility
Brian Malchert	Otter Tail Power Company Director of Transmission and Maintenance; Registered PE: North Dakota, Minnesota & South Dakota; B.S.E. Electrical Engineering	Project Oversight, Planning

Todd Guerrero	Otter Tail Power Company Associate General Counsel B.A., St. John's University J.D., William Mitchell Law School	Legal
Bruce Gerhardson	Partner - Svingen, Athens, Russell, Hagstrom, Haugrud & Karkela P.L.L.P. B.A., St. Olaf College J.D., University of Minnesota Law School	Legal
Gary Welharticky	Otter Tail Power Company Supervisor Transmission Lines B.S.E., North Dakota State University	Engineering and Construction
Robert Krava	Mgr. Land Management Dept. B.S. Degree, 12 years Prof. Exp. SRWA Professional Designation	Right-of-Way and Properties Coordinator
Pam Dryer	President of BlueStem Incorporated B.S. and M.S. Zoology, NDSU 18 years professional experience	Environmental Coordinator
Nancy Dietz	Dietz Consulting B.S. Biology, St. Cloud State Univ. M.S. Wildlife Biology, SDSU 10 years professional experience	Environmental Specialist
Byron Olson	Powers Elevation Company, Inc. M.S. Archeology, University of Arizona. Permitted by North Dakota State Historical Society.	Archeologist

APPLICATION FOR ROUTE PERMIT

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I. INTRODUCTION

This is an Application for a Route Permit by Otter Tail Power Company ("Otter Tail"). Although separate and apart from, it is to be reviewed in conjunction with Otter Tail's Certificate of Corridor Compatibility Application. In these Applications Otter Tail seeks after-the-fact siting approval for an emergency 230,000 Volt (230 kV) transmission line reroute near Forman, North Dakota. Because the two Applications have been consolidated for filing, and in order to avoid redundancies, many sections of the Route Permit Application refer back to the Corridor Certificate Application for analysis.

II. ANALYSIS ACCORDING TO PSC GUIDELINES

This Application follows the format set forth in the North Dakota Public Service Commission Application Guidelines for a Route Permit ("PSC Guidelines"), promulgated pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act, N.D.C.C. Chapter 49-22.

SECTION A. DESCRIPTION OF THE TRANSMISSION FACILITY

1. **Type**

   See Section II.A.1. of the Certificate of Corridor Compatibility Application.

2. **Product**

   See Section II.A.2. of the Certificate of Corridor Compatibility Application.

3. **Size and Design**

   See Section II.A.3. of the Certificate of Corridor Compatibility Application.

4. **Time Schedule**

   See Section II.A.4. of the Certificate of Corridor Compatibility Application.

5. **Right-of-Way Preparation, Construction, and Reclamation Procedures**
   (This section is not specifically called for in the PSC Guidelines, but it is included to provide additional relevant information as contemplated under the Energy Conversion and Transmission Facility Siting Act, N.D.C.C. § 49-22-08.1, Subd. e.)

The reroute passes through agricultural land and range land. Because there are very few obstructions within the reroute, minimal right-of-way preparations were necessary. In those few areas where there was some growth of brush, right-of-way clearing included cutting and removal. Where practicable, low-growing vegetation was not removed if future growth would not interfere with the operation or maintenance of the line. Herbaceous and smaller woody plants were not disturbed, except for those that were

crushed unavoidably during structure installation. No threatened or endangered species habitat or otherwise sensitive vegetation was disturbed.

Some structure locations required soil analysis. Soil borings were taken for the purpose of determining the soil properties for engineering analysis. These borings were taken by an experienced geotechnical testing laboratory using a 2-inch outside diameter split barrel sampler.

The structures were designed for installation at existing grades. Therefore, structure sites were not graded or leveled.

After the right-of-way was prepared, structures were framed and erected at the structure site. Each structure site needed to be accessed several times. This access included construction crews and equipment, such as digger/derrick trucks to auger holes for the structures, a crane for structure setting, and crew vehicles and bucket trucks for wire stringing and clipping operations.

Each structure was erected by augering a hole approximately 10 to 15 feet deep and 3 feet in diameter for each pole. The wooden structures were then set and the holes backfilled with crushed rock.

Most of the construction activity was limited to the immediate area of each structure. Relatively little ground disturbance, other than shaft excavation, was necessary at the structure sites. The total disturbed area in the vicinity of each structure was confined to an area within approximately a 60-foot radius of the structure center.

In addition to the right-of-way along the reroute, a temporary construction easement was obtained from a neighboring landowner for the duration of construction. This construction easement was limited to an additional staging and laydown area required outside of the transmission line right-of-way.

After the structures were erected, conductors were installed by establishing stringing setup areas within the right-of-way. Conductors were installed using a "controlled tension method," which ensures that the cable comes off the reel at a constant tension without backlashes. Conductor stringing operations also required brief access to each structure to secure the conductor wire to the insulators or to shield wire clamps once final sag was established.

Stringing equipment generally consisted of wire pullers, tensioners, conductor reels, shield wire reels, and sheave blocks. Stringing operations consisted of pulling lightweight cables or ropes through the stringing sheaves located at every structure site. This cable or rope was used to pull the conductors through the sheaves under sufficient tension to keep the conductor from coming into contact with the ground.

Debris associated with the transmission line construction included construction materials such as packaging material, insulator crates, conductor reels, and wrappings. This debris also included excess excavated soil and removed vegetation. Materials with salvage value, including conductor reels, unused conductor and hardware, poles, and other materials, were removed from the site for reuse. Excess soil and vegetation was distributed along the transmission right-of-way, but was not placed in wetlands or other aquatic resources. Solid waste was temporarily stored within the right-of-way or within the temporary construction easement, and then transported to appropriate disposal facilities. Debris was disposed of in accordance with federal, state, and local regulations.

Disturbed areas were restored to their original condition to the maximum extent practicable. Post-construction reclamation activities generally included the following:

- Cleaning up all construction sites, including removing and disposing of debris.
- Removing all temporary facilities, including access trails, and staging and laydown areas.
- Employing appropriate erosion control measures.
- Reseeding disturbed areas (due to construction activities) with vegetation like that which was removed and restoring the areas to their original condition to the extent possible.

6. Easement Acquisition

(This section is not specifically called for in the PSC Guidelines, but it is included to provide additional relevant information as contemplated under the Energy Conversion and Transmission Facility Siting Act, N.D.C.C. § 49-22-08.1, Subd. f.)

Only one parcel of land was affected by the reroute. Otter Tail compensated the landowner based on the strip area of land actually encumbered and also for facilities (structures and down guys) placed in the encumbered strip, consistent with N.D.C.C. § 49-22-16.2.

SECTION B. LOCATION

This section explains the considerations which contributed to Otter Tail's selection of the reroute. It describes the justification for Otter Tail's location of the reroute within the corridor. Otter Tail's environmental policies are discussed in Section II.B.1. The factors set forth in N.D.C.C. § 49-22-09 are examined in Section II.B.2., and environmental and human health criteria are discussed and analyzed in Section II.B.4. Specific impacts of the facility and mitigation of those impacts are provided in Section II.B.5. and Section II.B.6.

1. **Otter Tail Power Company Policies**

Discuss the utility's policies and commitments to limit the environmental impact of its facilities, including copies of board resolutions and management directives.

Otter Tail has many policies designed to minimize and mitigate environmental impacts of its facilities. Other Otter Tail policies ensure adherence to the National Electric Safety Code, efficient transfer of electricity, worker and public health and safety, and economical construction facilities to minimize rate increases to its customers. Relevant Otter Tail policies are discussed throughout this Application and examples are provided in Exhibit 10.

2. **Factors Listed in N.D.C.C. § 49-22-09**

Discuss the factors listed in § 49-22-09, N.D.C.C. to aid the Commission's evaluation of the proposed route.

The Energy Conversion and Transmission Facility Siting Act (N.D.C.C. § 49-22-09) lists 11 factors designed to aid the Commission in its evaluation and designation of corridors and routes. This section discusses the actions Otter Tail has taken or will take to address these factors. Specific information is also provided in later sections that describes the location and consideration of exclusion and avoidance areas, impacts to the environment, and mitigative measures.

a. Available research and investigations relating to the effects of the location, construction, and operation of the proposed facility on public health and welfare, natural resources, and the environment.

Research and investigations relating to the effects of the location, construction and operation of the facility are referenced throughout this Application and the Certificate of Corridor Compatibility Application.

b. The effects of new energy conversion and transmission technologies and systems designed to minimize adverse environmental effects.

Otter Tail follows the standards of the National Electric Safety Code (NESC). These state-of-the-art design standards help minimize adverse effects to the environment and ensure the safety and health of the public, as well as the employees and contractors who construct, operate and maintain the facilities. Otter Tail also follows safety policies which are even more stringent than the NESC. These policies further minimize environmental impacts, and ensure the safety of both the public and Otter Tail employees.

Otter Tail also has followed its policy that requires Otter Tail to practice and promote environmental stewardship. (See Exhibit 10). Otter Tail's policies were developed and are constantly revised to incorporate the most recent scientific and technological information available for electric transmission facilities.

c. The potential for beneficial uses of waste energy from a proposed energy conversion facility.

This factor is not applicable to this transmission facility project.

d. Adverse direct and indirect environmental effects which cannot be avoided should the proposed site or route be designated.

There were unavoidable direct and indirect effects to agricultural lands along the route. They are described more fully in Section II.D.3.c.1.a. of the Certificate of Corridor Compatibility Application.

e. Alternatives to the proposed site, corridor, or route which are developed during the hearing process and which minimize adverse effects.

Otter Tail considered an alternative of building up existing structures so they remained out of the water, but this would have been more costly and environmentally damaging than rerouting the line around the semi-permanent wetland.

f. Irreversible and irretrievable commitments of natural resources should the proposed site, corridor, or route be designated.

There were no irreversible or irretrievable commitments of natural resources created by the siting of the facility, corridor, or reroute.

g. The direct and indirect economic impacts of the proposed facility.

The proposed facility provided direct and indirect positive economic impacts within the State of North Dakota. Users of Otter Tail power would have been indirectly affected, by potential loss of power. With quick action by Otter Tail, however, this loss was avoided.

Local businesses likely experienced temporary positive impacts from construction activities along the reroute. Construction materials and supplies for the facility were purchased from local suppliers whenever feasible.

The landowner affected by the reroute may have experienced minor temporary negative impacts due to short-term decrease in forage production on native pasture land. The landowner was compensated for losses through easement payments.

h. Existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route.

Otter Tail is not aware of any existing plans for other development in the vicinity of the reroute and corridor.

i. The effect of the proposed site or route on existing scenic areas, historic sites and structures, and paleontological or archaeological sites.

No sites located near or within the reroute are currently considered eligible for the National Historic Registry. (See also the analysis in Section II.D.3.b.(3) of the Corridor Certificate Application).

j. The effect of the proposed site or route on areas which are unique because of biological wealth or because they are habitats for rare and endangered species.

There will be no effect on areas that are unique or provide habitat for rare or endangered species. (See analysis in Section II.D.3.a.(4) & (5) of the Corridor Certificate Application).

k. Problems raised by federal agencies, other state agencies, and local entities.

Federal and state agencies raised very few issues for consideration in their responses to Otter Tail's requests for comments (see Exhibit 7). Those issues have been addressed throughout this Application and the Corridor Certificate Application.

3. Criteria Maps

Identify and map the criteria that led to the proposed route location within the designated corridor.

See Section II.D.2. of the Certificate of Corridor Compatibility Application and Exhibit 9.

4. Description of PSC Criteria Found Along the Proposed Route

Discuss in detail the relative value of each criteria and how the location, construction, and operation of the facility will affect each criteria.

See Section II.D.3. of the Certificate of Corridor Compatibility Application.

5. Evaluation of Criteria Found Along the Proposed Route

The criteria to be evaluated shall include at a minimum all of the following which are within the designated corridor:

a. Exclusion areas;
b. Avoidance areas;
c. Selection criteria;

d. Policy criteria;
e. Design and construction limitations; and
f. Economic considerations.

a. Exclusion Areas

See Section II.D.3.a. of the Certificate of Corridor Compatibility Application and Exhibit 9.

b. Avoidance Areas

See Section II.D.3.b. of the Certificate of Corridor Compatibility Application and Exhibit 9.

c. Selection Criteria

See Section II.D.3.c. of the Certificate of Corridor Compatibility Application and Exhibit 9.

d. Policy Criteria

See Section II.D.3.d. of the Certificate of Corridor Compatibility Application.

e. Summary of Criteria in Proposed Corridor and Route

See Section II.D.3.e. of the Certificate of Corridor Compatibility Application.

6. Environmental Impacts and Mitigation
Discuss the mitigative measures that will be taken to minimize adverse impacts which result from the location, construction, and operation of the facility.

This section summarizes potential environmental impacts of the facility, especially those that are not covered in the above listed criteria, and details mitigation measures.

a. Physical Environment

(1) Topography and Geology

Topography and geology were not affected along the reroute.

(2) Mineable Resources

There are no active sand or gravel pits along the reroute. No other minable resources are known to exist along the reroute.

(3) Water Resources

The North Dakota Department of Health investigated the potential environmental impacts from the facility and concluded that any impacts would be minor and can be controlled by proper construction methods. (See Exhibit 7a). Otter Tail followed all construction guidelines and recommendations of the Department of Health. This included the use of mesh or burlap to hold soil during construction; establishing vegetative cover on disturbed or newly constructed areas; and following safe storage and handling procedures to prevent contamination of water from fuel spillage, lubricants, and chemicals.

Impacts to rural water districts were avoided by placing structures away from all rural water lines.

(4) Soils

Again, Otter Tail followed the recommendation of the North Dakota Department of Health to control the minor impact construction may have had upon soil resources. (See Exhibit 7a & 7c). To minimize the amount of soil compaction during construction, access trails were kept to the minimum necessary for construction equipment. Where soils were exposed, Otter Tail employed appropriate erosion control measures. Practices included placement of sediment barriers downstream of construction and revegetation as soon as possible after construction.

(5) Atmospheric Conditions

There were two potential atmospheric impacts from the facility construction: (1) excess dust from construction, and (2) noise. Dust levels were monitored during the construction process, and if excess dust was noted, water was sprayed to suppress it. Also, ensuring that heavy equipment had proper muffling systems minimized noise during construction. Construction near farm residences was limited to normal working hours to minimize impact on residents.

b. Biological Environment

(1) Vegetation

Construction affected two types of vegetation: (1) native rangeland and (2) conservation set aside land. In a few areas, right-of-way clearing consisted of the removal of brush within the right-of-way. Where practicable, low-growing vegetation was left uncleared if its future growth would not interfere with the operation or maintenance of the line. In some areas there will be limited use of herbicides to remove or control the growth of vegetation. Herbaceous and smaller woody plants were not disturbed, except for those that were crushed unavoidably during structure installation. There was no machine clearing of vegetation within 50 feet of any

stream, and ground cover near streams was not disturbed. Areas that were disturbed to the point that vegetation was removed were reseeded using similar vegetation that was removed, to the extent possible.

(2) Fish and Wildlife

In order to examine potential fish and wildlife impacts of the facility, representatives of Otter Tail obtained comments from and met with the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department. (See Exhibits 7b & 7d).

There are two main potential impacts to fish and wildlife: (1) displacement of habitat by structure placement, and (2) migratory and resident bird collision of or electrocution with the power line. An examination of these impacts and Otter Tail's proposed mitigation plans are outlined below.

Habitat Loss

Habitat displacement caused by construction of structures for grassland-type habitats were short-term only. Once the structures are in place, grassland habitat should naturally regrow, and where it does not, Otter Tail will replant the area with cover compatible with soils and existing land use.

Electrocution

Electrocution of birds by power lines is a concern mostly for raptor species, such as golden eagles and red-tailed hawks. Birds are electrocuted when they come in contact with more than one conductor wire at once. This can occur on smaller distribution lines that have short distances between conductors (Olendorff et al. 1981 and Avian Power Line Interaction Committee 1996). The proposed facility has sufficient distance between conductors (about 15 to 20 feet) to make electrocution very unlikely.

Bird Collisions

Bird collision is a concern mostly for large, heavy bodied, flocking birds that make daily flight between adjacent habitats for roosting and feeding, and those with nocturnal feeding flights. Therefore, migratory waterfowl (e.g., tundra swans, snow geese, Canada geese, and dabbling ducks) and large waterbirds (e.g., sandhill cranes, pelicans, and gulls) have the greatest risk for collision, specifically where the proposed facility crosses large bodies of water and wetlands. (Avian Power Line Interaction Committee 1994).

Several measures may be used to prevent bird collisions. Different marking devices have been tested and used on wire to make them more visible. These

include orange spheres, swinging plates, spiral vibration dampers, and bird flight diverters (Avian Power Line Committee 1994). Otter Tail will discuss the need for these facilities with the North Dakota Game and Fish and other appropriate wildlife officials, and will abide by conditions imposed by these agencies.

(3) Rare and Endangered Species

There were no impacts to threatened, endangered or rare species within the corridor or reroute.

c. Cultural Environment

(1) Land Use

The facility will have both short-term and long-term impacts to agricultural land use. (See discussion in Section II.D.3c.(1) of the Corridor Certificate Application). Short-term impacts occured during construction. With the proper construction and reclamation methods mentioned above for conservation set aside land and rangeland, most land use will return to normal. Long-term impacts, if any, will be minimal and are likely only to affect future crop land. The landowner affected by the reroute was compensated for these losses.

(2) Agriculture

Because agriculture is the dominant land use in the area, it will be important to monitor any potential impacts. The facility should not affect long-term productivity of the soil. The original contours were maintained to keep existing drainage patterns intact. (See also the discussion in Section II.D.3.c (1) of the Corridor Certificate Application.)

(3) Community Services

The impact to community services were a result of construction activity and influx of contractor employees. Otter Tail personnel and contractors were utilized for all construction activities. The communities near the reroute had sufficient services to handle the influx of workers.

(4) Transportation

The facility did not cross any federal, state, county or township roads. The construction, placement, or maintenance of the rerouted transmission line did not affect transportation.

(5) Population and Economy

Otter Tail employees and contractors designed, constructed, and will maintain the facility. For construction of the reroute, all workers were either Otter Tail employees or contract employees. No additional permanent jobs were created by this action. The construction activities provided a seasonal influx of additional dollars into the communities of Oakes and Forman during the construction phase, and materials were purchased from local vendors where feasible.

(6) Archaeological and Historical Sites

No historic or archeological and historic sites or isolates were found, so there were no impacts to these resources.

REFERENCES

Avian Power Line Interaction Committee (APLIC). 1994. Mitigating Bird Collisions with Power Lines: The State of the Art in 1994. Edison Electric Institute. Washington, D.C. 78 pp. + appendices

Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices of Raptor Protection on Power Lines: The State of the Art in 1996. Edison Electric Institute/Raptor Research Foundation, Washington, D.C. 125pp. + Appendices.

Olendorff, R.R., A.D. Miller, and R.N. Lehman. 1981. Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1981. Raptor Research Report No. 4. Raptor Research Foundation, Inc., Dept. of Veterinary Biology, Univ. of Minnesota, St. Paul, MN. 111 pp.

Exhibits

Table of Contents

Exhibit	
1	Map of Original Route
2	Map of Route Showing Re-route
3	Photos of Downed Structures
4	Line Design Schematic
5a	H-Frame Structure
5b	Example of Angle Structure
6	Archeological Report
7a-7g	Agency Letters
8	General Description of Environment
9	Criteria Map
10	OTP Policies
11	Field Evaluation

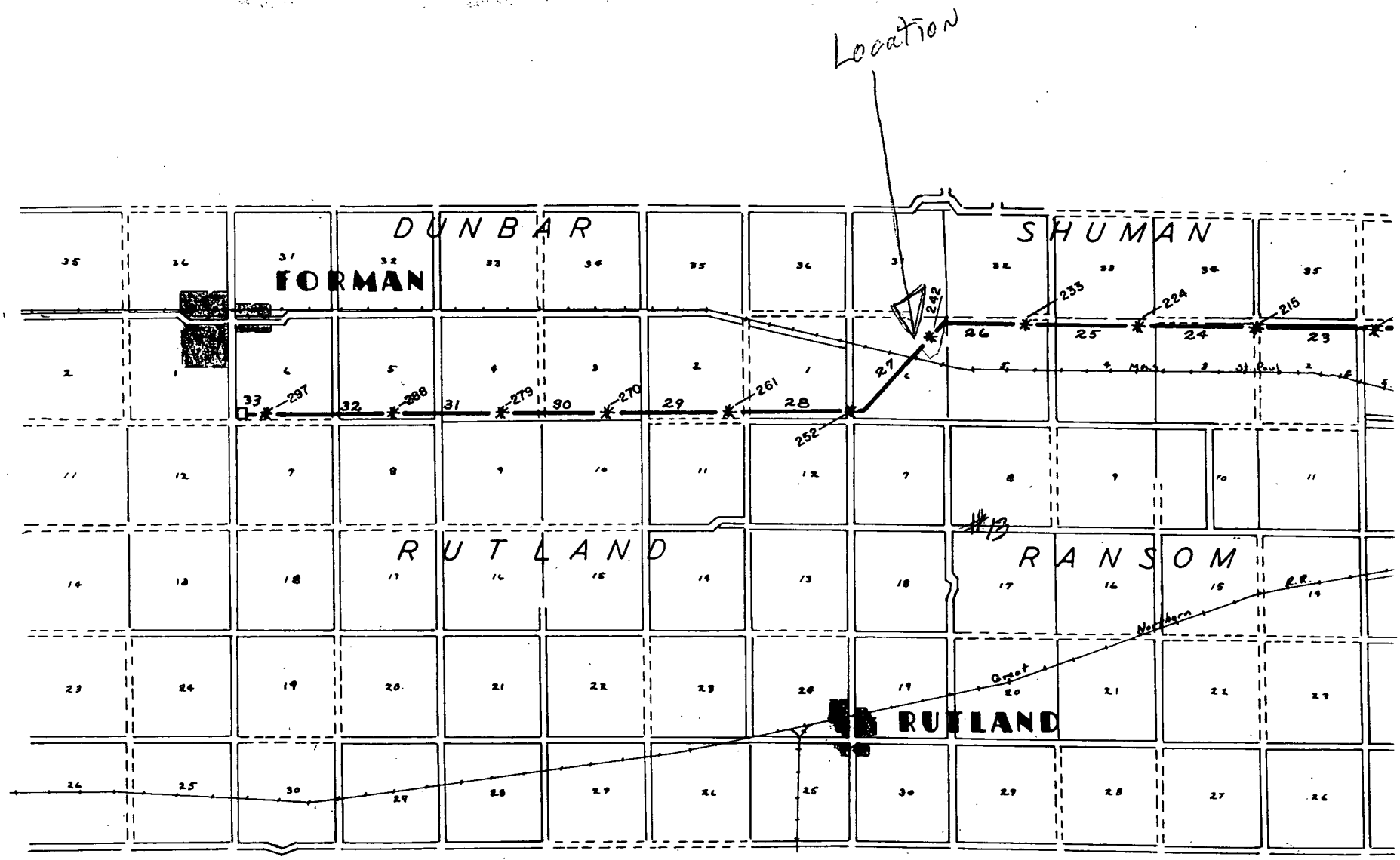


EXHIBIT
1
Original
Facility

EXHIBIT

tabbies

2

Facility w/
Re-rate

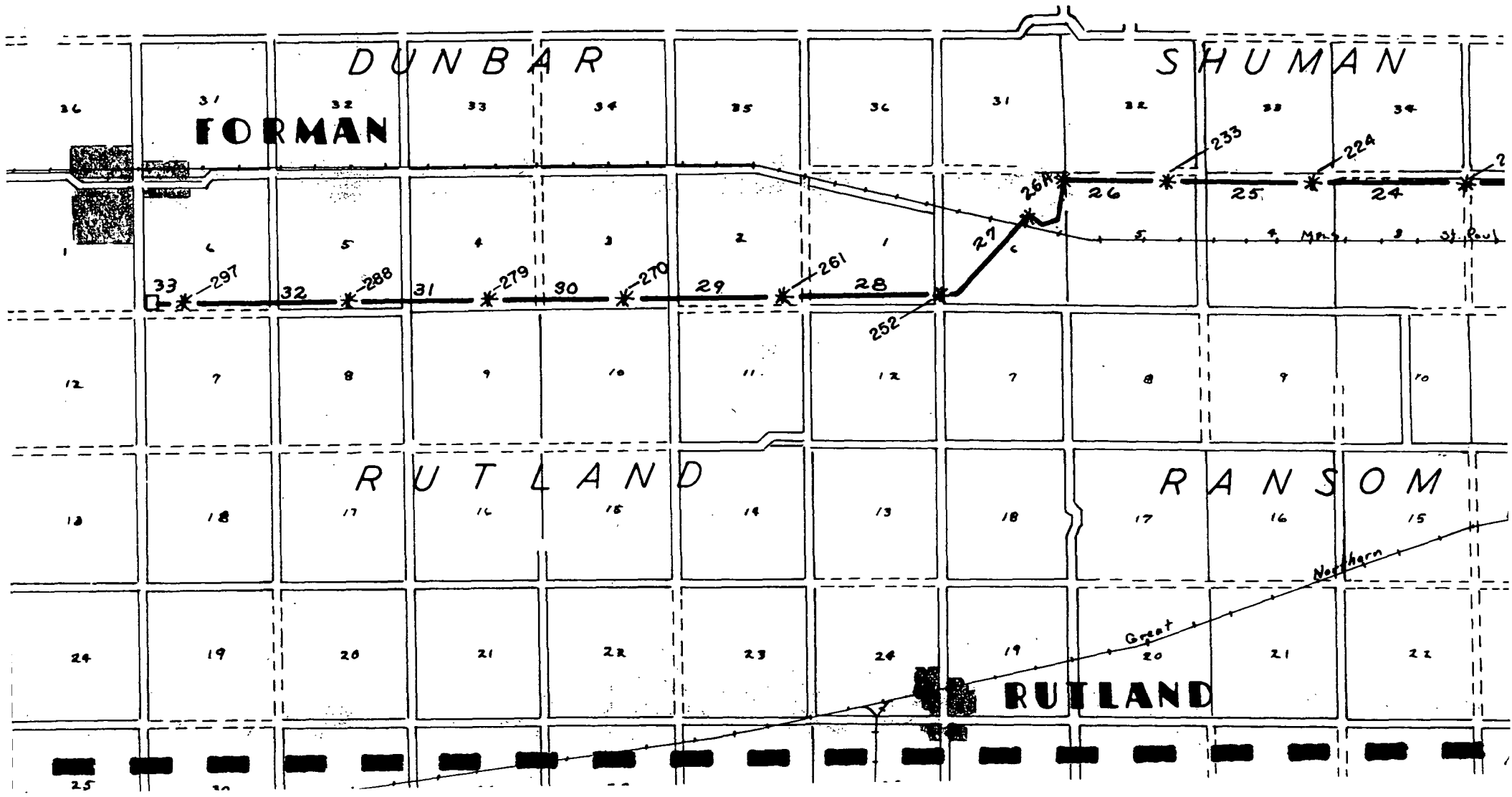
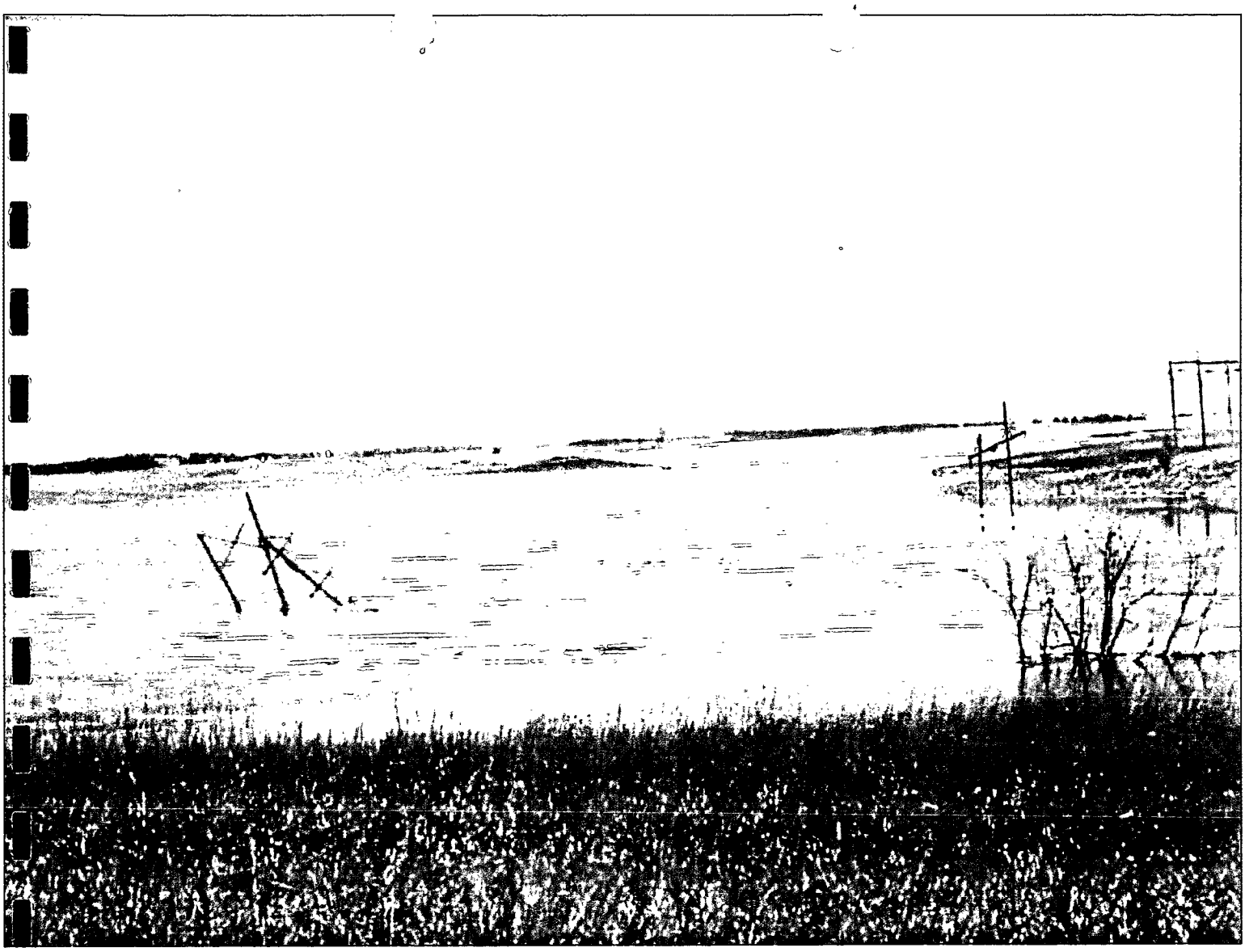



EXHIBIT
3
tabbies



Structure

242 - 241 240

3pole

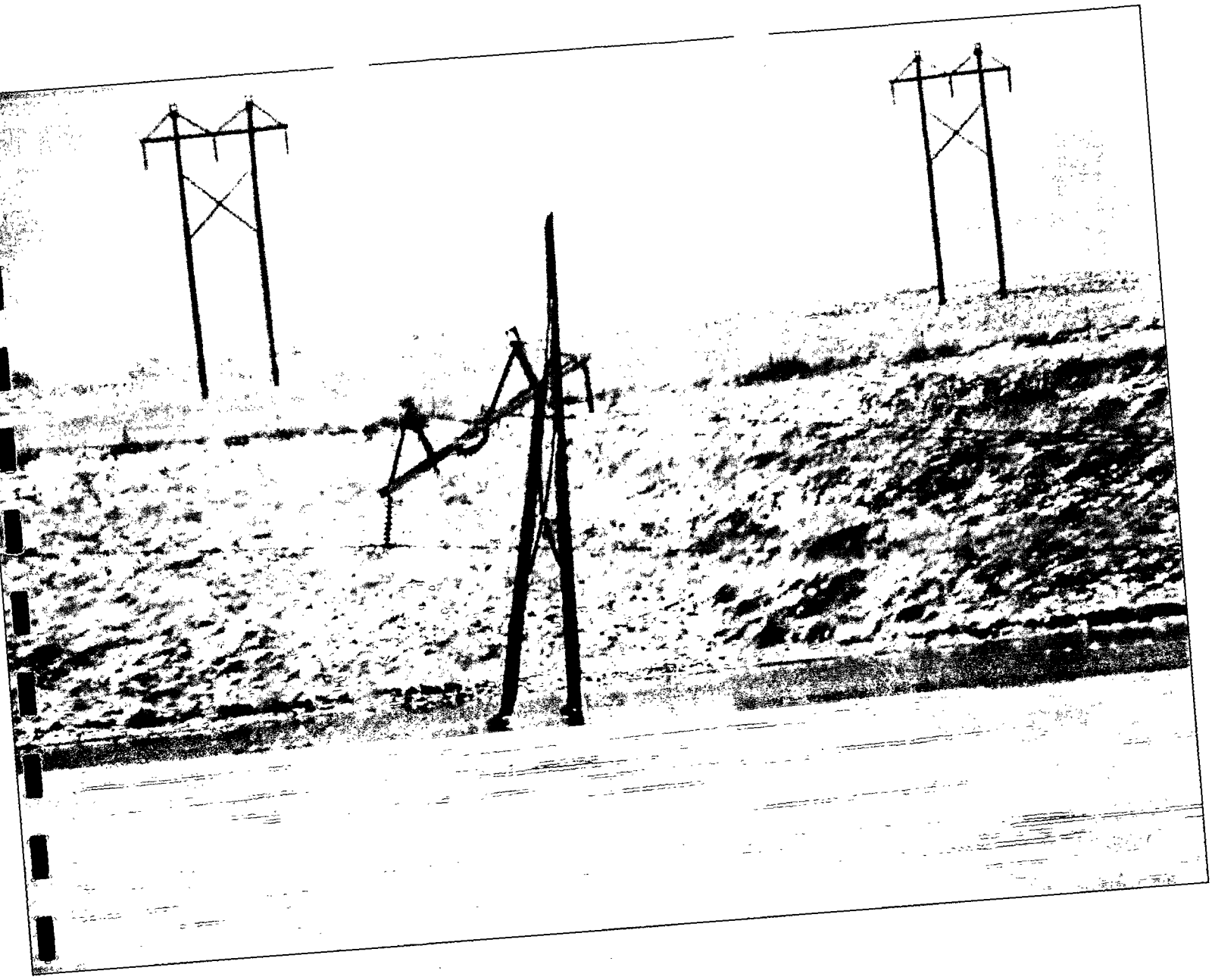
Looking NW

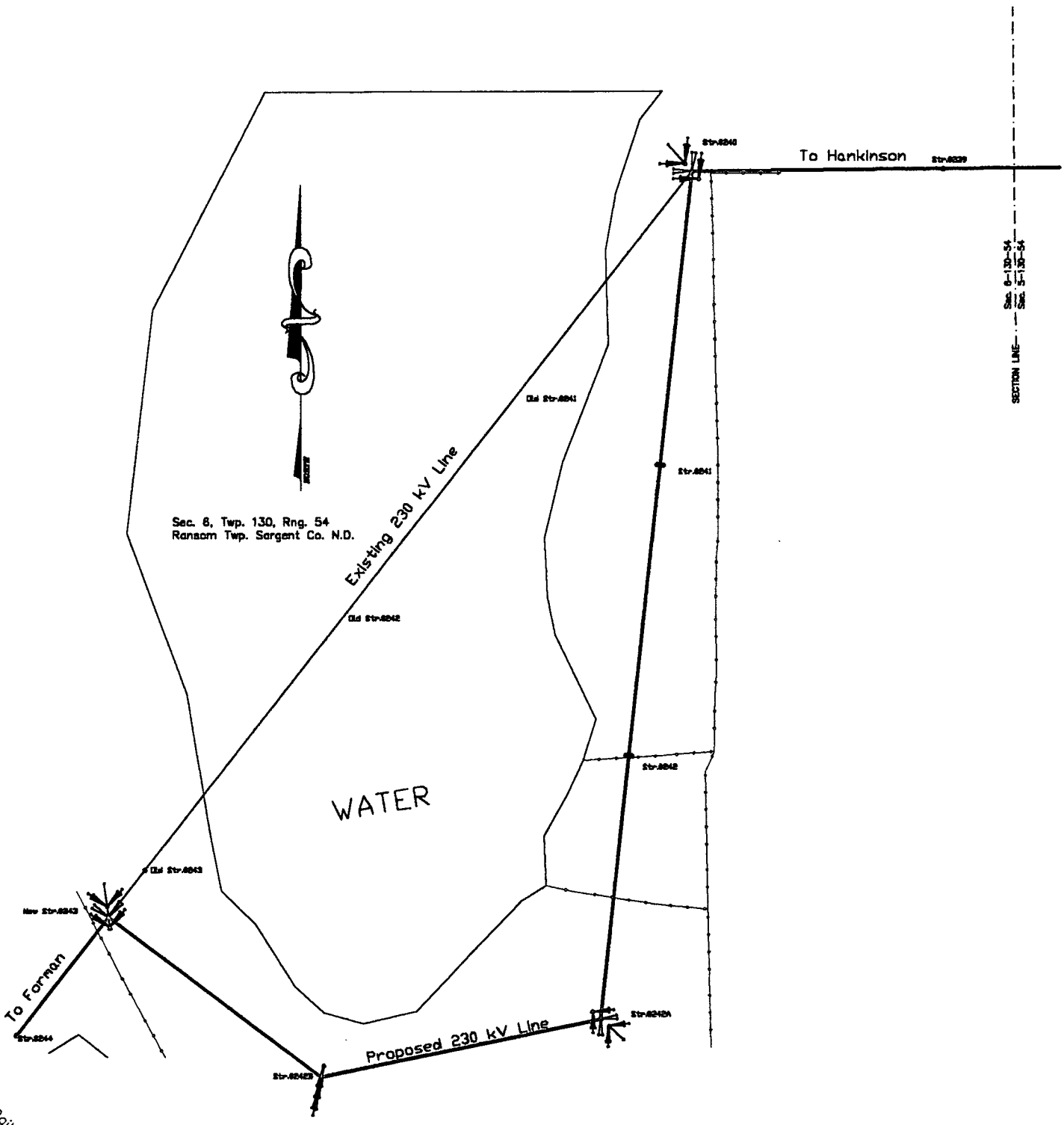
Structure

242 241 240

Looking

NE

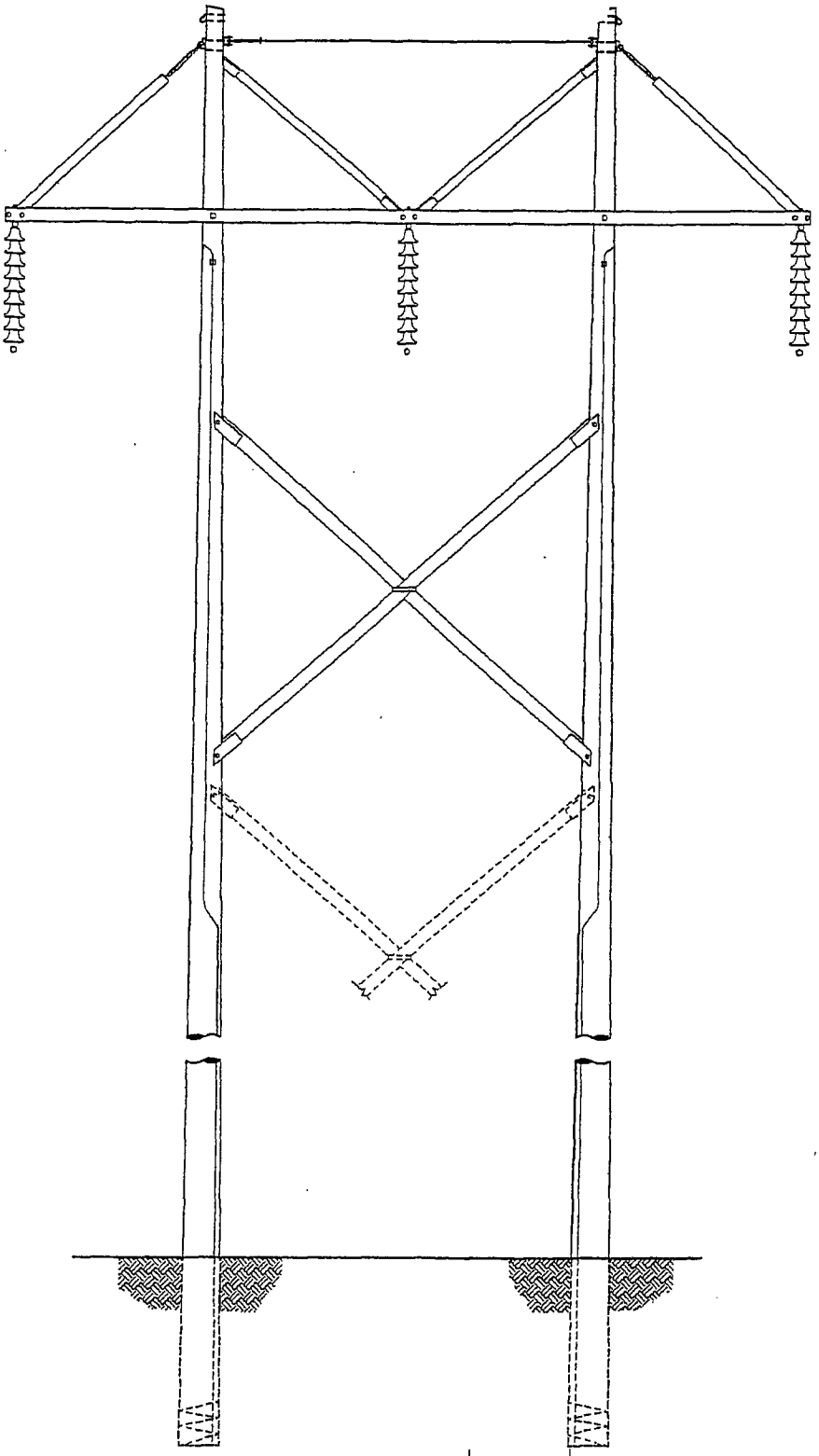




EXHIBIT

4

tabbies



DATE	REVISION	BY

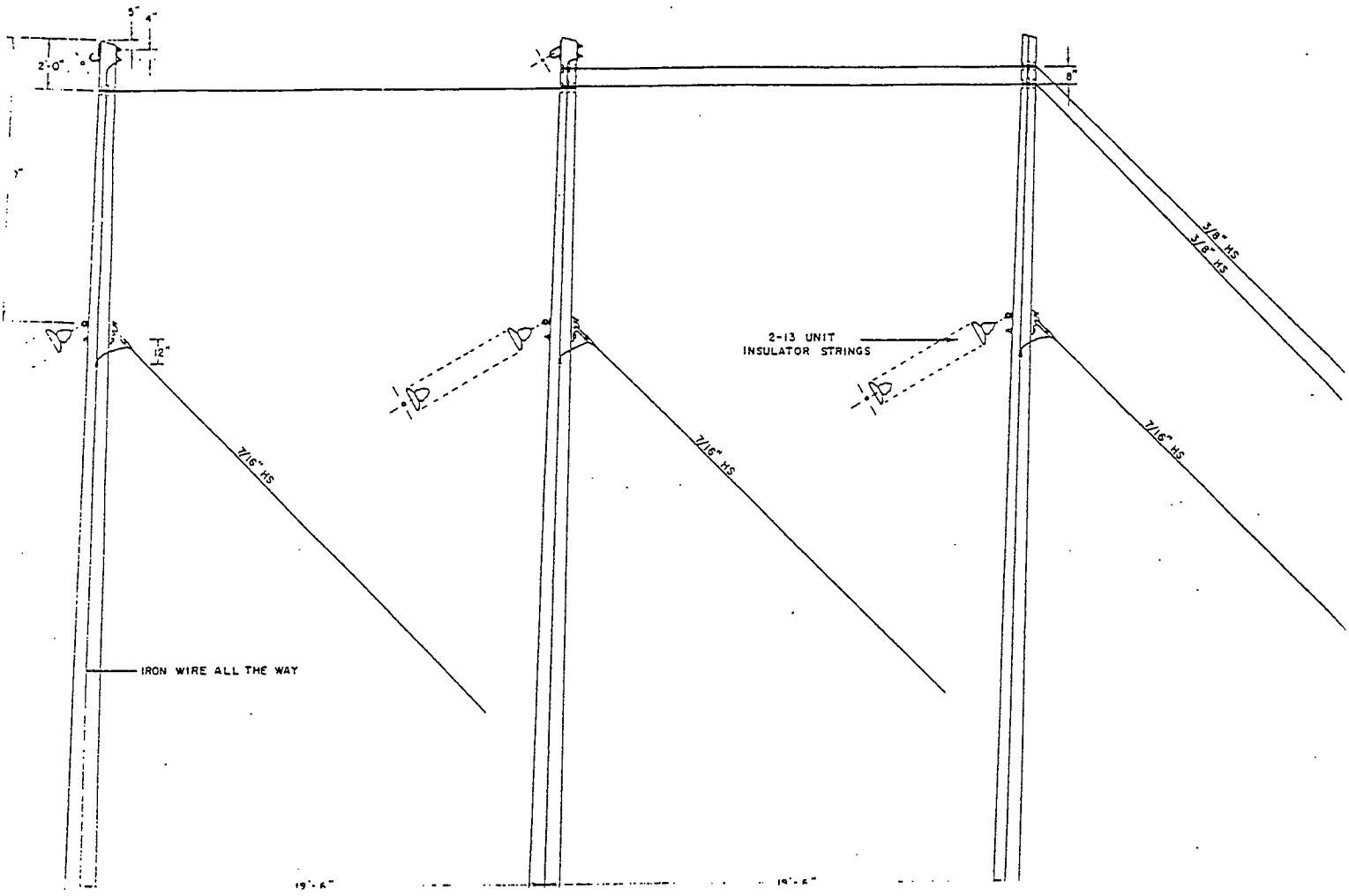
HARVEY – RUGBY
230kV TRANSMISSION
TYPICAL TANGENT STR.

OTTER TAIL Power Company

PATH: DISTENG\CONSTSTD

SCALE: NONE	DATE: 03/06/00	DWG NO: 230KV-TYP
DR: D.E.K.	APR: R.Johnson	

EXHIBIT
5a



EXAMPLE OF ANGLE STRUCTURE

EXHIBIT

5b

Cultural Resource Management Report

Otter Tail Power Company
Emergency Powerline Replacement Near Forman, ND
Cultural Resources Inventory Report

Written by:

Byron Olson, M.A.
Principal Investigator

Prepared for:

Blue Stem, Inc.
P. O. Box 49
Ashland, WI 54806

POWERS ELEVATION CO., INC.

P.O. Box 440889
Aurora, CO 80044-0889
(303) 321-2217
(303) 321-2218 - Fax

Date:
March 23, 2000

Archaeology Department

EXHIBIT
6

Otter Tail Power Company
Emergency Powerline Replacement Near Forman, ND
Cultural Resources Inventory Report

Abstract: Powers Elevation Co., Inc conducted a Class III cultural resources inventory for Blue Stem, Inc. on a 2140-foot-long emergency powerline replacement on Otter Tail Power Company's 230 kV transmission line in the NE¼ of Section 6, T130N, R54W, Sargent County, North Dakota. Other than a field clearance rock pile with some historic refuse no cultural resources were located during the inventory. The rock pile is of no significance and was not recorded as a site. We recommend that the proposed project be allowed to proceed as planned.

Introduction: An H-tower along Otter Tail Power Company's 230 kV transmission line was sheared off by ice expansion where it crossed a slough in the NE¼ of Section 6, T130N, R54W, Sargent County (Figure 1). The North Dakota Public Service Commission granted Otter Tail emergency permission to reroute the powerline around the slough but specified that a cultural resources inventory be conducted retroactively as part of the environmental permitting of the project. Powers Elevation Co., Inc. was subcontracted by Blue Stem, Inc. to conduct the required Class III cultural resources inventory. This report presents the results of that investigation.

Description of the Undertaking: Otter Tail Power Company is in the process of rerouting their 230 kV powerline around a slough in the NE¼ of Section 6, T130N, R54W. Four new H-towers are being erected around the south and east sides of the slough. The completed line will be about 2180-feet-long and will connect to an existing transmission line at its northeast and southwest ends. Construction impacts consist of holes drilled for the H-towers and, more significantly, impacts from vehicles working along the line. The latter have compacted the ground surface, knocked down existing grass cover, and created some ruts along a 75-foot-wide corridor (Figures 2 and 3). The total surface area affected is about 3.7 acres.

Environment: The terrain surrounding the project area is relatively flat with maximum local relief on the order of 20 feet (Figure 1). The surface is dotted with numerous closed depressions, some forming marshes and others small kettle lakes. The terrain is the product of Pleistocene glaciation. Soils are developed from ground morain sediments and contain occasional rocks left by advancing glaciers. Most of the area is cultivated but the actual project area is grassed (Figures 2 and 3). According to the local farmer who is renting the land, this area was never broken and retains native vegetation. It appears to have been invaded by some non-native grasses. It is now used for cattle grazing. The USGS map shows the slough in the NE¼ of Section 6 as a marsh and normally this is probably the case but on the date of the inventory it was completely water-filled. Some isolated trees, now flooded out, mark the normal marsh line.

Files Search: A files search was conducted at the offices of the State Historical Society of North Dakota on March 21, 2000, for Section 6, T130N, R54W, Sargent County. Previous inventories are limited to a 1990 report by S. Deaver and M. Bergstrom titled "Arsenic Ground Water Cultural Resources Survey in Richland, Sargent, and Ranspom Counties, North Dakota."

Previously recorded cultural resources are limited to a single site lead, 32SAX14, for the Perry townsite, post office, and Soo Line station located in the N½SW¼ of Section 6. Site 32SAX14 is beyond the bounds of the Otter Tail project.

Fieldwork: Fieldwork was conducted on March 22, 2000, by Byron Olson of Powers Elevation Co., Inc. Construction was in progress during the inventory and actual project impacts could clearly be identified. The most extensive of these was a vehicle-impacted corridor which was roughly 75-feet wide. This was used as the project centerline. Three transects were walked, one along the corridor and two roughly 10 m to either side. The effective search area was about 150-feet-wide and included all tower locations..

Barren surface visibility along the vehicle-impacted corridor was about 30 percent but dropped to near zero percent away from the corridor. Back dirt piles from the holes drilled for the H-towers were examined and the character of the subsurface sediments could be estimated from these piles. There was no snow cover.

Results: A field clearance rock pile was located during the inventory. A small amount of historic cultural material had been discarded on the east side of the rock pile. This refuse consisted of four green beer(?) bottles, worn teeth from a cultivator, a timing chain, and rusted, screw top cans of the type currently used for hydraulic fluid. All of this material is less than fifty years old. The rock pile and associated refuse is of no significance and was not recorded as a site. It was left undisturbed during construction.

Management Recommendations: As no cultural resources potentially eligible for the National Register are affected by the project, we recommend that the project be allowed to proceed as planned.

Byron Olson March 23, 2000

Byron Olson
Principal Investigator

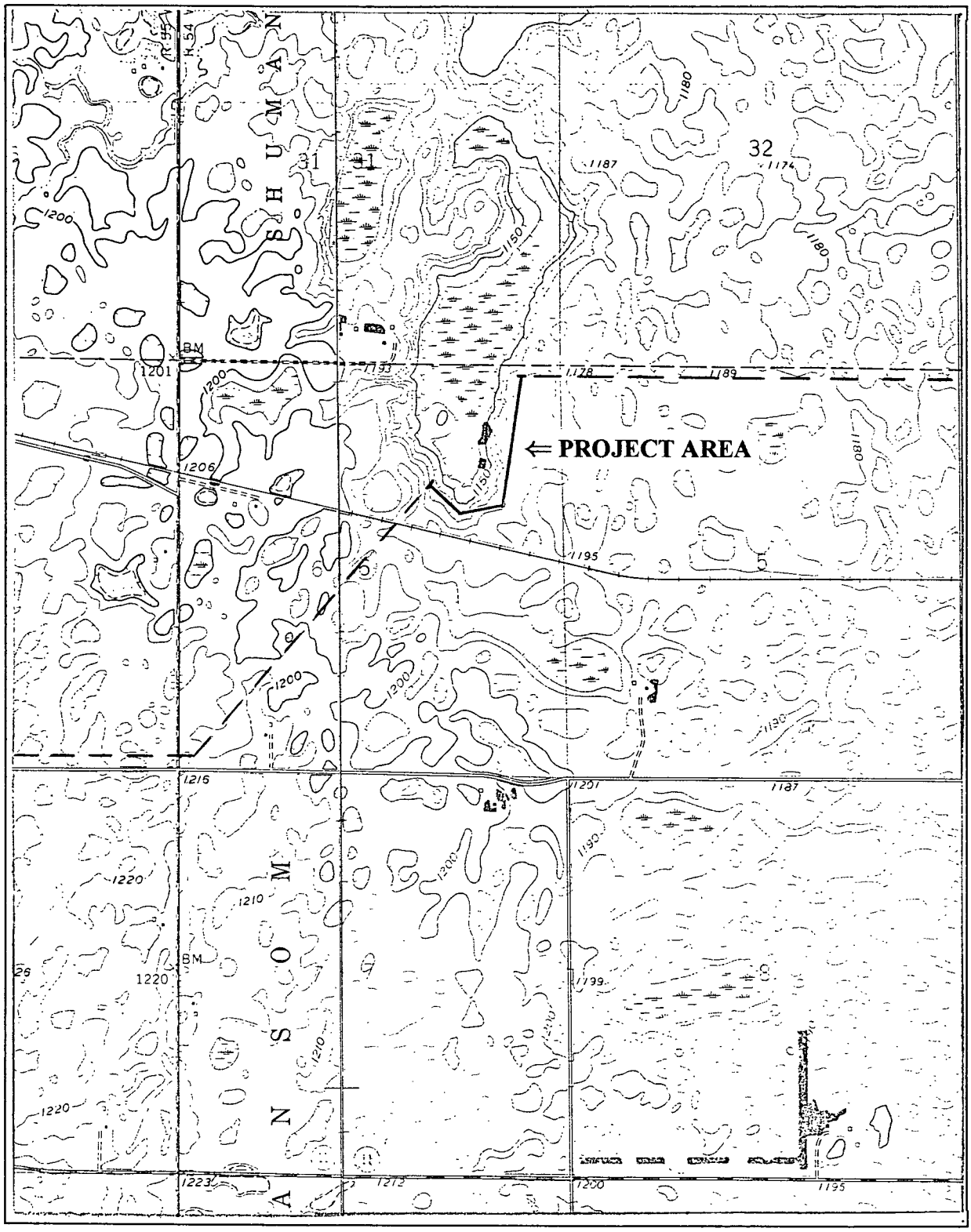


Figure 1. Topographic location of the project in the NE¼ of Section 6, T130N, R54W. The base map is photocopied from the USGS 7.5' Rutland and Cayuga quadrangles. The contour interval is 10 feet.

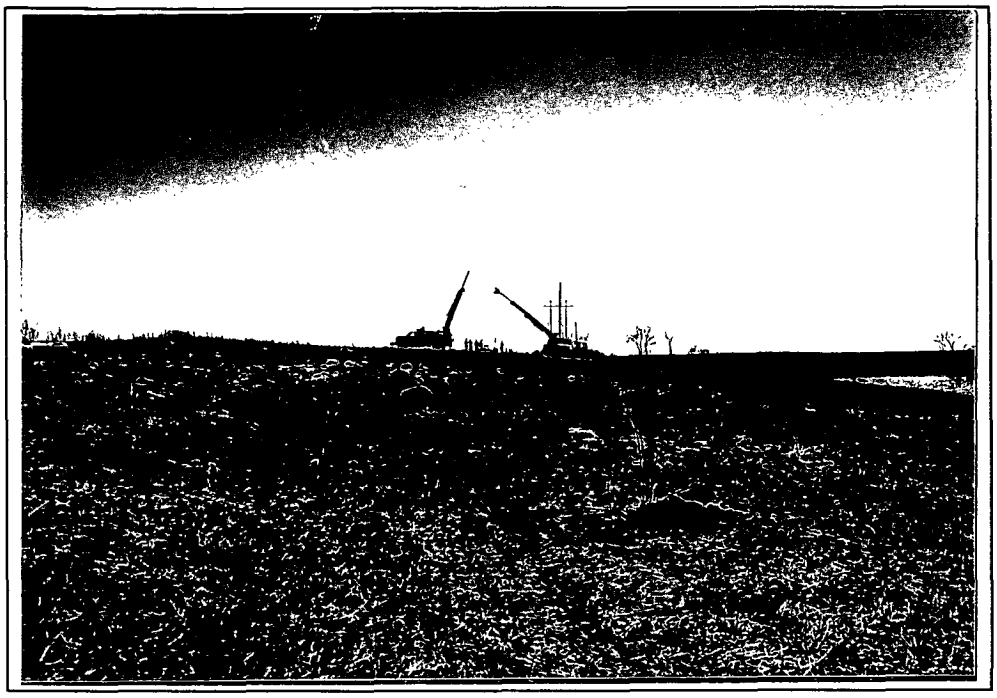


Figure 2. Inventory photograph looking south along the project corridor.

Figure 3. Inventory photograph looking east-northeast along the project corridor.

NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section

Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

April 10, 2000

Pam Dryer
Blue Stem, Inc.
P.O. Box 49
Ashland, WI 54806

Re: 230 kV Transmission Line Reroute & Reconstruction Project
Sec 6, T 130N, R 54W, Sargent County

Dear Ms. Dryer:

This department has reviewed the information concerning the above-referenced project submitted under date of April 3, 2000, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.

2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on the receiving water. This includes minimal disturbance of banks and stream beds to prevent excess siltation, and the replacement and revegetation of the disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. If the project will disturb more than five acres of soil, a stormwater permit may need to be obtained before construction begins.

3. Attached are requirements for minimizing or preventing any environmental degradation to a waterway as a result of construction activities at a site.

4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

EXHIBIT
7a

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

Francis J. Schwindt, Chief
Environmental Health Section

FJS:cc
Attach.

NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section

Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

June 1996

Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

APR 4 2000

Ms. Pam Dryer
Bluestem Incorporated
P.O. Box 49
Ashland, Wisconsin 54806

Re: Transmission Line Reroute and Reconstruction
Rutland, North Dakota

Dear Ms. Dryer:

In response to your March 20, 2000, letter, the Fish and Wildlife Service (Service) has reviewed the referenced project and offers the following comments.

Service Property Interests

The Service has the following wetland easement adjacent to the proposed project:

T. 130 N., R. 54 W., Section 6

The Service requires that all practical actions be taken to avoid impacts to wetlands under its jurisdiction during project construction. Although permits for activities are generally not required on these lands if facilities are placed in existing rights-of-way, special use or right-of-way permits will be necessary for any construction activity on Service property interests where wetlands are impacted. Please contact Mr. Al Lund at the Fish and Wildlife Service Wetland Acquisition Office, 3425 Miriam Avenue, Bismarck, ND 58501 (701-250-4415) to determine permit requirements.

Wetlands

The Service recommends that poles used for overhead lines and other construction be sited to avoid placement of fill in wetlands. We also recommend deferring the timing of construction to late summer (after July 15) or fall to minimize disruption of waterfowl or other wildlife during the nesting season and to avoid high water conditions. A Corps of Engineers' permit may be required if you propose to place fill in wetlands. If you have not already done so, I suggest you contact Mr. Jim Winters, Regulatory Office, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504 (701-255-0015), to determine permit requirements.

EXHIBIT
7b

The project crosses through areas of concentrated wetland typical of the prairie pothole region. These wetlands attract large numbers of birds during fall and spring migrations. To increase power line visibility and reduce bird fatalities resulting from collisions with power lines, the Service recommends where power lines cross or run adjacent to large wetlands that the lines be modified according to "Mitigating Bird Collisions With Power Lines: The State of the Art in 1994." This publication can be obtained by calling Edison Electric Institute (800-334-5453) and requesting item #06-94-33.

Threatened and Endangered Species

A list of federally threatened and endangered species that may be present within the proposed project's area of influence is enclosed. This list fulfills requirements of the Service under Section 7 of the Endangered Species Act.

If a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the proposed action "may affect" listed species. If the Federal agency determines the action "may affect" a listed species, then the responsible Federal agency shall request formal section 7 consultation with this office. If the evaluation shows a "no effect" situation on the listed species, further consultation is not required. At this time, I am not aware that any species frequent the project area.

Other Issues

The Service, with support from the Rural Utilities Services, recommends that new or updated overhead power lines be constructed with the current guidelines for preventing raptor electrocutions. The Service has updated the current guidelines to include: "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996." This publication can be purchased by writing Jim Fitzpatrick, Treasurer, Carpenter Nature Center, 12805 St. Croix Trail South, Hastings, Minnesota 55033 or call 651-437-4359.

Thank you for the opportunity to provide comments. If additional information is required, please contact Karen Kreil at 701-250-4481.

Sincerely,

Karen Kreil

for Allyn J. Sapa
Field Supervisor
North Dakota Field Office

Enclosure

cc: Project Leader, Tewaukon NWR
COE, Regulatory Office, Bismarck
Director, ND Game & Fish Dept., Bismarck
(Attn: M. McKenna)

FEDERAL THREATENED SPECIES FOUND IN

SARGENT COUNTY, NORTH DAKOTA

THREATENED SPECIES

Birds

Bald eagle (Haliaeetus leucocephalus): Migrates spring and fall statewide but primarily along the major river courses. It concentrates along the Missouri River during winter and is known to nest in the floodplain forest.

North Dakota State Water Commission

900 EAST BOULEVARD • BISMARCK, ND 58505-0850 • 701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696

April 19, 2000

Pam Dryer
PO Box 49
Ashland, WI 54806

Dear Pam:

This letter is written in response to your request for environmental review involving the Otter Tail Power Company reroute and reconstruction of a downed 230 kV transmission line near Rutland, ND.

The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- The project is not located in an identified floodplain.

- The US Corps of Engineers should be contacted concerning 404 permit requirements.

- Bench marks should be retained if possible. Our records indicate no bench marks in the vicinity of your project.

- We are also enclosing a copy of a portion of the latest county ground water basic data map. This may or may not pertain to your area of concern. If wells are located in your project area, please contact the Water Appropriation Division of the State Water Commission. Additional information concerning the location of wells can be obtained from the ND State Water Commission web site at: http://www.swc.state.nd.us/

- All waste material associated with this project must be disposed of properly and not placed in wetlands or identified floodway areas.

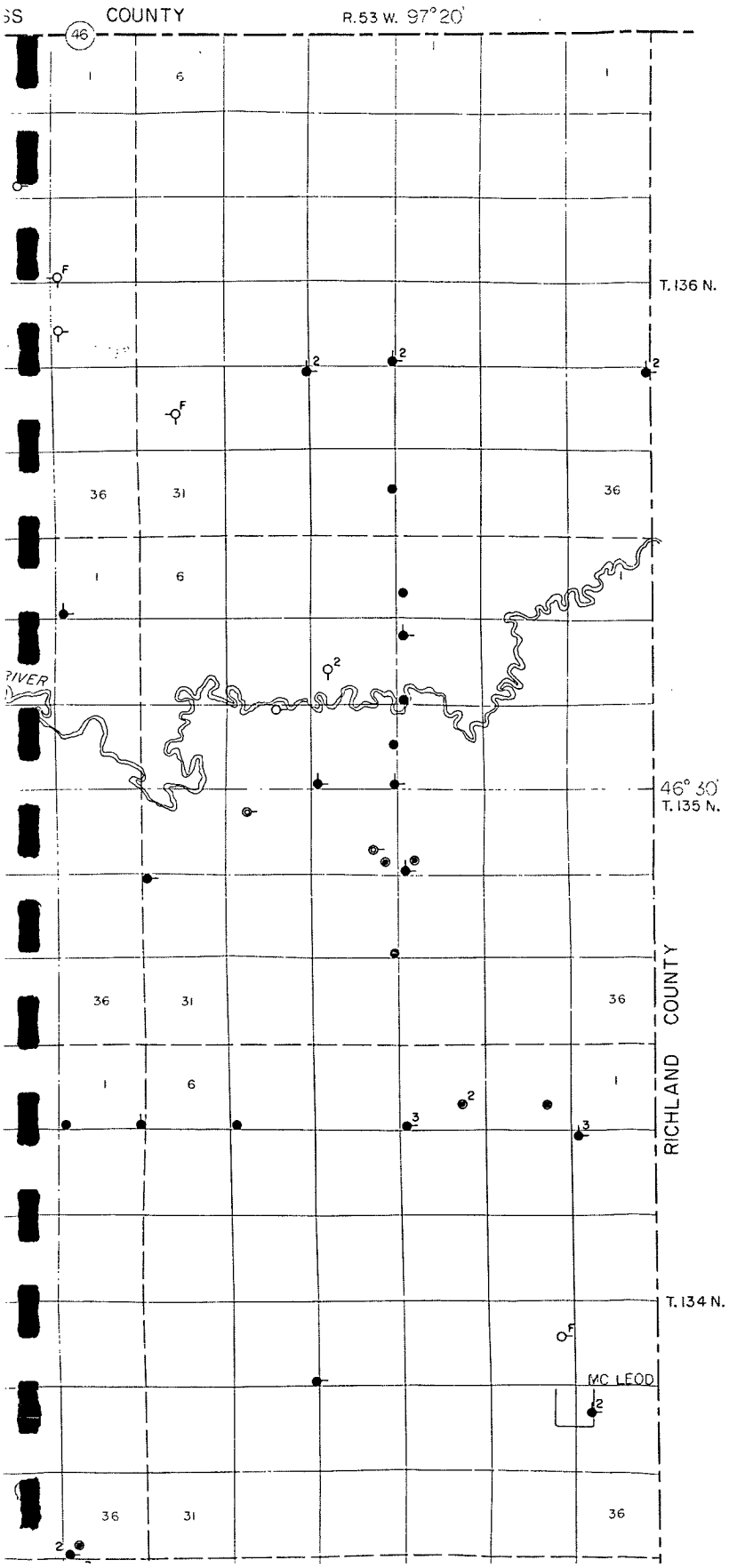
Thank you for providing the opportunity to review project details and to provide our comments.

Sincerely,

Linda Weispfenning
Water Resource Planner

LW:dd/1721

EXHIBIT
7c



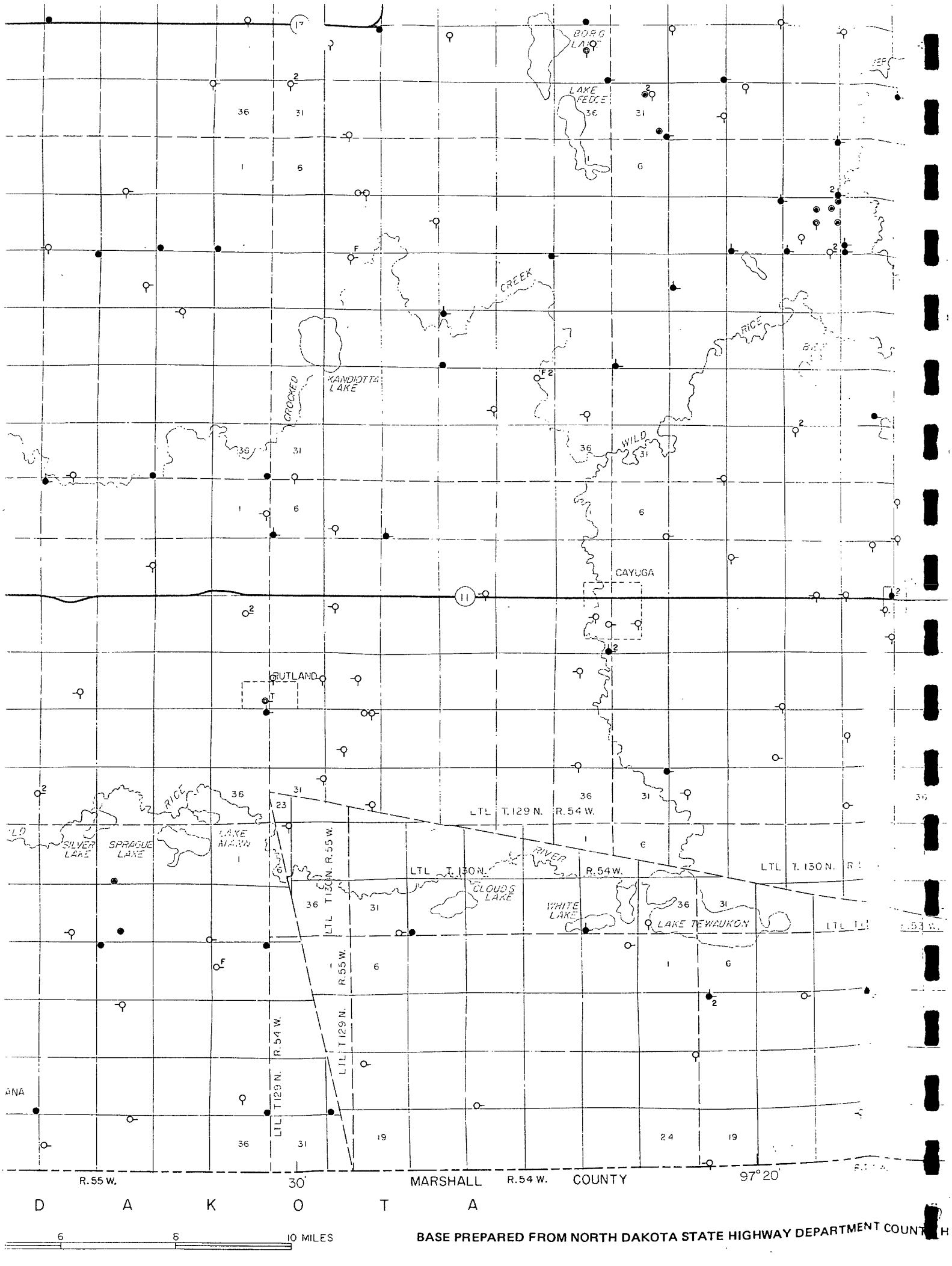
Well Sites

EXPLANATION

- ● Test hole, log in table 3
- ○ Domestic or stock well
- ◉ Commercial test hole
- ◎ Public supply, industrial, or irrigation well

MODIFICATIONS USED WITH ABOVE SYMBOLS

- ○- Specific conductance in table 1
- ○ Water-level measurements in table 2
- ○ Log in table 3
- ○- Chemical analysis in table 4
- ○ T indicates trace constituents; chemical analysis in table 5
- ○ F indicates flowing well
- ○^{2} More than one well at this location



BASE PREPARED FROM NORTH DAKOTA STATE HIGHWAY DEPARTMENT COUNTY MAP

"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

April 4, 2000

Ms. Pam Dryer
Bluestem, Incorporated
P.O. Box 49
Ashland, WI 54806

Dear Ms. Dryer:

RE: Otter Tail Power Company 230 kV Transmission Line Reroute
Sargent County, North Dakota

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. We ask that all disturbed areas be seeded with native grass species, and that structure footings not be placed in wetlands. Bird Flight Diverters and raptor protection modifications should be employed as necessary to avoid avian impacts. We recommend "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994" as a guide in determining whether action is necessary and the options available.

Sincerely,

Michael G. McKenna
Chief
Conservation & Communication Division

js

EXHIBIT
7d

North Dakota Parks & Recreation Department

1835 Bismarck Expressway, Bismarck, ND 58504
Phone: (701) 328-5357 Fax: (701) 328-5363 E-Mail: parkrec@pioneer.state.nd.us
Visit us on the Web: http://www.state.nd.us/ndparks

Edward T. Schafer, Governor

Douglass A. Prchal, Director

—

Field Manager
Brad Pozarnsky
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4054

—

Cross Ranch
1403 River Road
Center, ND 58530
Ph. (701) 794-3731
• Little Missouri-Killdeer

Devils Lake
152 S. Duncan Dr.
Devils Lake, ND 58301
Ph. (701) 766-4015
• Black Tiger Bay
• Grahams Island
• Shelvers Grove

Ft. Abraham Lincoln
4480 Fort Lincoln Road
Mandan, ND 58554
Ph. (701) 663-9571
• Sully Creek-Medora

Ft. Ransom
5981 Walt Hjelle Parkway
Ft. Ransom, ND 58033
Ph. (701) 973-4331
• Beaver Lake-Wishek
Ph. (701) 452-2752

Ft. Stevenson
1252A 41st Ave. NW
Garrison, ND 58540
Ph. (701) 337-5576

Icelandic
13571 Hwy. 5
Cavalier, ND 58220
Ph. (701) 265-4561

Lake Metigoshe
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4651

Lake Sakakawea
Box 732
Riverdale, ND 58565
Ph. (701) 487-3315

Lewis & Clark
4904 119th Rd. NW
Epping, ND 58843
Ph. (701) 859-3071

Turtle River
3084 Park Ave.
Arvilla, ND 58214
Ph. (701) 594-4445
• Elmwood-Grafton

March 21, 2000

Pam Dryer
BlueStem Incorporated
P.O. Box 49
Ashland, WI 54806

Re: Emergency reroute and reconstruction of a downed 230 kV transmission line

Dear Ms. Dryer:

The North Dakota Parks and Recreation Department has reviewed the above referenced emergency project granted to Otter Tail Power Company to re-route and reconstruct a 230 kV transmission line located in Section 6, Township 130N, Range 54W, Sargent County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and natural communities). The proposed project as defined does not affect state park lands that we manage, or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage Inventory Database has limited rare species information from the project area. However, that does not mean the area is clear of rare, threatened, sensitive or otherwise unique plant and animal species. Due to this lack of information we cannot give an accurate assessment of potential impacts the project may have on rare species and their habitats.

Regarding any reclamation efforts, we recommend that any impacted areas by revegetated with species native to the project area.

Thank you for the opportunity to comment on this project. Please contact Kathy Duttenhefner of our staff if additional information is needed.

Sincerely,

Jesse Hanson

Jesse Hanson, Coordinator
Parks & Natural Resource Planning Division

R.USNDNHI*756

EXHIBIT
7 e

North Dakota Department of Transportation

608 East Boulevard Avenue • Bismarck, ND 58505-0700

Edward T. Schafer, Governor
Tom D. Freier, Director

Information: (701) 328-2500
FAX Mail: (701) 328-4545
TTY: (701) 328-4156
Website: http://www.state.nd.us/dot/

April 12, 2000

Ms. Pam Dryer
BlueStem, Incorporated
P.O. Box 49
Ashland, WI 54806

OTTER TAIL POWER COMPANY EMERGENCY REROUTE NORTH OF RUTLAND, ND

The North Dakota Department of Transportation has no comments regarding the rerouting of this 230kv transmission line. Our records will be changed wherever necessary within our mapping system.

Thank you for providing us with this information.

TOM D FREIER, DIRECTOR

01/jn/jam

EXHIBIT
7f

COMMISSIONER OF AGRICULTURE
ROGER JOHNSON

PHONE (701) 328-2231
(800) 242-7535
FAX (701) 328-4567

600 East Boulevard, Dept. 602
6th Floor, State Capitol
Bismarck, ND 58505-0020

April 25, 2000

Pam Dryer
BlueStem Incorporated
P.O. Box 49
Ashland, WI 54806

Dear Ms. Dryer:

Thank you for contacting the North Dakota Department of Agriculture regarding Otter Tail Power Company's reroute of a 230-kV transmission line in Sargent County. You asked for "any comments, information, or suggestions...relative to your agency's concerns."

Under North Dakota Century Code Chapter 49-22-14, the North Dakota Public Service Commission may appoint one or more advisory committees to assist in evaluating sites or corridors for designation. The Commission's appointment to the advisory committee shall include "at least one representative from the state department of agriculture." I have not been appointed by the Commission to an advisory committee to address this situation. Consequently, the department has no "authority" in this particular case.

Nonetheless, after reviewing your letter and attached map, it appears that the current transmission line and proposed reroute may cross land that is used for agriculture purposes.

I recommend that Otter Tail Power Company dispose of the transmission line materials in the following manner:

1. Complete removal of the transmission line materials at the landowners' request.
2. Complete removal of the inundated transmission line materials within a reasonable amount of time at the landowners' request.
3. Burial of transmission line materials according to a depth agreed upon by the Company and the landowner.
4. If burial of transmission line materials results in future problems for the landowners, the Company should work with landowners to resolve the situation.

EXHIBIT
7g

I encourage Otter Tail Power Company to work very closely with landowners in the transmission line rerouting process.

If you have any further questions or comments, please contact Ken Junkert of my staff at 701-328-4764 or 1-800-242-7435.

Sincerely,

Roger Johnson
Commissioner of Agriculture

RJ:kj

Enclosure

CC: Commissioner Bruce Hagen
Commissioner Leo M. Reinbold
Commissioner Susan E. Wefald
Jerry Lein, Public Service Commission

DESCRIPTION OF THE ENVIRONMENT

1. PHYSICAL ENVIRONMENT

The physical environment of the corridor is described using six major topics: topography, geology, mineable resources, water resources, soils, and atmospheric conditions.

a. Topography and Geology

The topography of Sargent County is mainly due to glacial depositions. A majority of the county lies in a glacial till plain. The glaciated plains consist of undulating to rolling glacial sediment with numerous potholes and generally poorly integrated drainage. This area has relief of 5 to 40 feet locally, and averages about 15 feet of relief (Bluemle 1979).

Sargent County's modern landscape was formed by advance and retreat of glaciation during the Wisconsin Stage of the Pleistocene. The county is underlain by a mantle of rocks from the Precambrian through the Quaternary ages. Beneath the glacial drift, the uppermost bedrock surface is the Carlile formation (Bluemle 1979).

b. Mineable Resources

Two exploratory wells have been drilled in Sargent County for petroleum resources. No production was found from these wells and there is little evidence of petroleum resources. One test hole was drilled in Sargent County for uranium bearing minerals; however, no noteworthy occurrences of uranium-rich minerals were identified. Sand and gravel resources are found in variety of situations in the county; however, none of great importance are found near the project area (Bluemle 1979).

c. Water Resources

A majority of Sargent County is in the Drift Prairie region of the Central Lowland Province, and the remaining 10 percent is in the Lake Agassiz Plain. The Drift Prairie is characterized by undulating to rolling plains of low topographic relief, except in glacial moraine areas in the southwest and southeast portions of Sargent County. The Lake Agassiz Plain is nearly flat in most places and is found in the northeast corner of the county. The project area is located in the Drift Prairie region (Bluemle 1979).

The extreme western part of Sargent County is drained via the Bear Creek to James River, which is part of the Missouri River system. The southern and eastern part of Sargent County is drained by the Wild Rice River into the Sheyenne River which is part of the Red River of the North system.

The Spritwood aquifer system, underlies the project area, and is the largest buried glacial aquifer in the county. This aquifer consists of lenticular deposits of sand and

gravel imbedded with clay and silt. The sand and gravel deposits range in thickness of 1 to 124 feet with a mean thickness of 50 feet. Wells located in the thicker and courser sand and gravel lenses generally yield 500 to 1,000 gallons per minute. In the vicinity of Forman, where the sand lenses are thinner and have more clay content, well yields generally are less than 500 gallons per minute (Armstrong 1982).

The ground water from the Spritwood aquifer has primarily sodium or sodium-calcium sulfate type. The salinity hazard for irrigation puposes is low to medium, with a high to very high sodium hazard. The city of Forman obtains it water supply from the Spritwood aquifer (Armstrong 1982).

Groundwater recharge is derived from precipitation and melting snow that infiltrate through the overlying glacial drift. Water level fluctuations in the Spritwood aquifer are small, and yearly fluctuations are generally less than 3 feet (Armstrong 1982).

d. Soils

The soil association within the transmission line corridor is the Forman-Aastad Association. This association is well drained and moderately well drained, nearly level and undulating soils in loamy glacial till (U.S. Soil Conservation Service 1964).

There is no prime farmland along the proposed route or within the corridor (U.S. Soil Conservation Service 1964).

e. Atmospheric Conditions

Sargent County is in a region with quite warm summers and with very cold temperatures in winter. The mean annual temperature is 42.3 degrees F at Forman. The average winter temperature is 7.6 degrees F in January. The lowest temperature on record is -45 degrees below zero F. The average summer temperature is 70.1 degrees F in July. The highest recorded temperature is 110 degrees F. The total annual precipitation averages about 20 inches, of which about 70 percent usually falls in April through August. The average seasonal snowfall is about 30 inches (U.S. Soil Conservation Service 1964 and Armstrong 1982).

2. BIOLOGICAL ENVIRONMENT

a. Introduction

The project is located in the glacial till plain region of Sargent County, which is unique biologically because of the high density of wetlands. The predominant habitats are wetlands with majority of the uplands converted to cropland. Some pasture land and conservation set aside cropland is located in the project corridor and along the reroute.

b. Vegetation

Native plant communities are mixed-grass prairie, low prairie, and wetlands. The corridor includes pasture land that has both native and introduced species. Some of the area affected is native grassland. Grasses include western wheatgrass (*Pascopyrum smithii*), smooth brome (*Bromus inermis*), Kentucky bluegrass (*Poa pratensis*), blue grama (*Bouteloua gracilis*), and little bluestem (*Andropogon scoparius*) (Stewart and Kantrud 1971).

Predominant vegetation of prairies include low prairie communities of Kentucky bluegrass, slender wheatgrass (*Agropyron caninum*), Canada anemone (*Anemone canadensis*), wild licorice (*Glycyrrhiza lepidota*), tall goldenrod (*Solidago altissima*), perennial ragweed (*Ambrosia psilostachya*), and big bluestem (*Andropogon gerardii*) (Stewart and Kantrud 1971); and mixed grass prairie communities would include western wheatgrass, prairie junegrass, needle-and-thread (*Stipa viridula*), and little bluestem (Stewart 1975).

Typical prairie pothole wetlands in the region and corridor are temporary, seasonal or semi-permanent ponds. Those that are seasonal or temporary in nature are often cropped or hayed when they are dry, and when they are found in pastures are likely grazed annually. In extremely dry years, even the semi-permanent wetlands may be cropped. Typical temporary wetland or wet meadow species include fowl bluegrass (*Poa palustris*), sedges (*Carex sp.*), foxtail barley (*Hordeum jubatum*), prairie cordgrass (*Spartina pectinata*), northern reed grass (*Calamagrostis stricta*), and baltic rush (*Juncus balticus*) (Stewart and Kantrud 1971). Typical seasonal and semi-permanent wetland vegetation includes smartweed (*Polygonum sp.*), cattail (*Typha sp.*), sedges (*Carex sp.*), and bulrushes (*Scirpus sp.*). Vegetation of wetlands varies with water conditions. When precipitation fills the basins, they will support vegetation that is more typical of semipermanent or permanent wetlands. When the basins are dry, typical wet meadow species will dominate. Small temporary and seasonal wetlands are located near the reroute and within the corridor.

The project is located in the vicinity of several large and normally shallow wetlands. These wetlands are usually only several inches to several feet deep.

Native woodlands are most commonly found along the bottom lands of the Wild Rice River. Common native trees are American elm (*Ulmus americana*), green ash (*Fraxinus pennsylvanica*), box elder (*Acer negundo*), cottonwood (*Populus deltoides*), bur oak (*Quercus macrocarpa*), and basswood (*Tilia americana*) (U.S. Soil Conservation Service 1964).

A large majority the mixed grass prairie vegetation has been converted to cropland in this region and within the corridor. However, the cropland along the reroute is currently used as conservation set aside land. Therefore, the entire reroute has vegetative cover, at this time. The remaining tracts of mixed grass prairie are typically used for pasture land or hayland.

The North Dakota Parks and Recreation Department maintains a list of rare plant species and natural communities of North Dakota. No rare plant species were provided by the Heritage Program for the corridor and vicinity; however, the database has limited information from the project area (letter from North Dakota Parks and Recreation Department, Exhibit 7e). Based on the field evaluation (Exhibit 11), no rare plant species or natural communities are found within the corridor.

c. Fish and Wildlife

Wildlife communities in the project area are dependent on available habitat. This would have historically been mixed grass prairie, scattered acres of native woodlands, wetlands, and lake basins. However, today the primary habitats near the project area are cropland, wetlands, and shelterbelt woodlands. The diversity of habitats remaining provides a moderate diversity and abundance of fish wildlife species. The primary species of mammals that inhabit the area today are white-tailed deer, raccoon, mink, muskrat, striped skunk, cottontail rabbit, and red fox. Birds can include red-tailed hawk, great horned owl, common crow, pheasant, gray partridge, horned lark, mourning dove, American robin, western meadowlark, lark bunting, killdeer, yellow and red-winged blackbirds, sora rail, great blue heron, yellow rail, yellow warbler, least flycatcher, savannah sparrow, clay-colored sparrow, song sparrow, chestnut-collared longspur, warbling vireo and several species of waterfowl (U.S. Soil Conservation Service 1964 and Stewart 1975). Freshwater wetlands attract their own unique diversity of birds such as sedge and marsh wrens, sora, American coot, pied-billed grebe, cattle egret, and a variety of waterfowl (Stewart 1975). These wetlands are also important for migratory shorebirds, as well as other migratory water birds in the spring and fall. Amphibians and reptiles include tiger salamander, great plains toad, chorus frog, leopard frog, snapping turtle, painted turtle, garter snake, red-bellied snake, western hog nosed snake, and smooth green snake (Wheeler and Wheeler 1966).

Wetland dependent wildlife will change as water levels fluctuate. For example, wet meadow habitat that support yellow rails and LeConte's sparrow will be eliminated with increasing water levels and will become abundant in drier years.

There are no fishery resources in the project area, and fishery resources are limited in Sargent County.

d. Rare and Endangered Species

The U.S. Fish and Wildlife Service maintains a list of federally threatened and endangered species. One threatened species could potentially occur in Sargent County (See letter from the U.S. Fish and Wildlife Service, Exhibit 7b). The Bald eagle (*Haliaeetus leucocephalus*) migrates through North Dakota in the spring and fall, mostly along major river courses. It concentrates on the Missouri River during the winter. From 1985 to 1995, only one pair had nested on the Missouri River. Recently, the number of

nesting pairs has increased along the Missouri River, to eight pairs (C. Grondahl, North Dakota Game and Fish Department, personal communication).

The North Dakota Parks and Recreation Department maintains a list of animal and plant species that are rare to North Dakota. The North Dakota Natural Heritage Program did not note any rare or unique habitats for plants or animals along or near the reroute; however, the database has limited information from the project area (see North Dakota Parks and Recreation Department letter in Exhibit 7e). Based on the field evaluation (Exhibit 11), no rare habitats for animals are found within the corridor.

3. CULTURAL ENVIRONMENT

a. Land Use

The primary land uses in and around the corridor is agriculture. The land use within the reroute and corridor is predominantly cropland; however, scattered tracts of pasture land and conservation set aside (e.g., Conservation Reserve Program (CRP)) lands occur. In Sargent County the land within the corridor is zoned as agricultural.

b. Agriculture

About 77 percent of Sargent County is cropland. Twenty percent is wetland or native grassland or pasture (J. Murack, Sargent County Farm Services Agency, personal communication). Agriculture is the primary industry for Sargent County.

In 1998, Sargent County had 96,000 acres planted to small grain type crops, 197,800 acres planted to row crops and 15,500 acres for forage crops. In January 1999, there were 32,000 head of cattle, 15,000 hogs and pigs, 1,500 head of milk cows, and 500 sheep (North Dakota Agricultural Statistics Service 1999). In April 2000, 37,696 acres were enrolled in the Conservation Reserve Program in Sargent County (J. Murack, Sargent County Farm Services Agency, personal communication).

There is irrigation crop production in Sargent County. In 1998, irrigation crop production included 4,100 acres of corn for grain (514,300 bu.) (North Dakota Agricultural Statistics Service 1999).

c. Community Services

The community of Forman is about six miles west of the reroute project. The construction activity lasted eight days. Therefore, the construction had minimal impact on this community.

Forman is the Sargent County seat. It has a kindergarten through twelfth grade public school, post office, and about 40 miscellaneous small businesses such as a service stations, auto body shops, grocery store, hardware store, manufacturing, bars, pharmacy,

golf course, beauticians, grain elevator, bars, and attorney, accountant, and funeral professional services. The community is supported by the city police department, volunteer fire department, Sargent County sheriff's department, and county ambulance service. Community medical services include a clinic, chiropractor, dentist, optometrist, and nursing home. Hospitals are located in Oakes and Lisbon about 25 miles from Forman (E. Anderson, Sargent County Deputy Auditor, personal communication).

d. Transportation

State Highway #11 and #32 are the main highways to serve the Forman area. The Soo Line Railroad travels through Forman and serves the area for freight and grain shipments. This railroad line is located within the project corridor.

e. Population and Economy

Population information is available for Sargent County and its communities. The county and communities in Sargent County are declining due to the reduction of farms and the migration of rural populations to large urban centers. The estimated population of Sargent County was 4,457 in 1998, which is down from 4,549 in 1990. The population of Forman was estimated at 566 in 1998, which is down from 586 in 1990 (North Dakota Census Data Center 1999).

The per capita income for Sargent County in 1997 was $23,112 (K. Olson, North Dakota Census Data Center, personal communication); the average for North Dakota in 1998 was $21,708 (North Dakota Census Data Center 2000). The February 2000 employment for Sargent County was 2,269 persons (Job Service North Dakota 2000).

The average wage rates for North Dakota in 1996-1997 are shown in Table 3. According to the Job Service North Dakota, the unemployment rate for Sargent County in February 2000 was 2.1 percent (Job Service North Dakota 2000).

Table 1. North Dakota Wage Rates, 1996-1997

Position	Average Wage ($)
Automobile Mechanic	11.68
Clerk - Bookkeeping, Accounting, or Auditing	8.90
Clerk, Stock (Sales Floor)	6.40
Construction Trade Workers	12.91
Construction Worker	10.34
Cook, Short Order	6.32
Operator - Grader, Bulldozer & Scraper	14.61

Position	Average Wage ($)
Janitor	7.57
Maintenance Machinery Mechanic	16.29
Secretary	8.86
Truck Driver, Heavy	13.14
Truck Driver, Light	9.21
Operator - Industrial Tractor-Trailer	10.57
Waiter/Waitress	5.51
Welder, Combination	12.50

Source: Job Service North Dakota 1999

e. Archaeological and Historical Sites

A class III survey for cultural resources was conducted along and near the reroute on March 22, 2000 by Bryon Olson of Powers Elevation Co., Inc. The survey focused on an area that included the transmission line reroute and 150 foot buffer area, plus the access route into the site. Prior to this field evaluation, a files search was completed. No prehistoric sites or isolates and no historic sites were located during the class III survey by Powers Elevation (Exhibit 6).

4. REFERENCES

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RUTLAND QUAD ANGLE
NORTH DAKOTA–SARGENT CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

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EXHIBIT
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Otter Tail's Transmission Line Reroute
CRITERIA MAP

- REROUTED TRANSMISSION LINE
- CORRIDOR
- EXISTING 230 kV LINE
- USFWS WETLAND CONSERVATION EASEMENT TRACT
- RURAL RESIDENCE
- WOODED AREA
- WETLAND

Rutland and Cayuga Quadrangle
Scale 1 inch = 2,000 feet

Environmental

Otter Tail Power Company will comply with all environmental laws. If no law exists or if the law does not protect the environment, the company will set and adhere to stringent standards of its own.

When employees are involved with processes that affect the environment, they must perform their jobs especially conscientiously. Examples include measuring, recording, or reporting discharges and emissions to the environment, or handling hazardous wastes. Each employee must comply with environmental regulations and permits and maintain Otter Tail Power Company standards.

Each employee has a role to play in protecting the environment. If an employee becomes aware of any violation of environmental law, or any action that may appear to conceal such a violation, such employee should immediately report the matter to his or her supervisor, the Legal Department, the Manager of the Environmental Department, or the Internal Audit Department.

Otter Tail Power Company
Code of Conduct
May 1999

The Basic SAFETY Policy in Otter Tail Power Company

Is based on the premise that the safety of its employees is of primary importance.

Is furthered by a comprehensive safety program encompassing the following principles and practices:

1) Employing capable personnel.
2) Training personnel to become better workers.
3) Providing good working conditions and necessary protective equipment.
4) Inspecting and upgrading equipment, protective equipment and work methods on a continuing and studied basis.
5) Investigating accidents to determine causes and methods of prevention.
6) Developing and observing of specific safety rules.

Is to make SAFETY a commitment in every job, and awareness in every employee and reality in every sense.

John MacFarlane
President and CEO

FIELD EVALUATION OF BIOLOGICAL AND ENVIRONMENTAL CONDITIONS

OTTER TAIL POWER COMPANY TRANSMISSION LINE REROUTE SARGENT COUNTY NORTH DAKOTA

Prepared by

Nancy J. Dietz
6731 NorthStar Acres Road
Bismarck, ND 58501

Prepared for

Otter Tail Power Company
215 S. Cascade
P.O. Box 496
Fergus Falls, MN 56538-0496

and

BlueStem Incorporated
P.O. Box 49
Ashland, WI 54806

April 25, 2000

INTRODUCTION

Otter Tail Power Company (Otter Tail) has rerouted approximately one-half mile of a 230 kV transmission line in Sargent County, North Dakota. Ice movement caused by strong winds during early March 2000 destroyed two structures. These two destroyed structures are currently located in 25 feet of water, which in normal precipitation years is a semi-permanent wetland. Otter Tail obtained permission from the North Dakota Public Service Commission to immediately repair the downed line under the emergency authority provided in the North Dakota Transmission Facility Siting Act. Otter Tail is required to obtain an after-the-fact permit from the North Dakota Public Service Commission. BlueStem Incorporated (BlueStem) is assisting with completing the required environmental work to obtain this permit. BlueStem contracted the biological aspects to Nancy Dietz, a consulting biologist, and this report provides detailed information about her field investigations on March 28, 2000.

Nancy Dietz, consulting biologist, conducted this field investigation. She inspected the proposed corridor and reroute on foot, noting vegetation and wildlife; confirming the presence or absence of wetlands according to the National Wetlands Inventory maps; noting whether potential habitat for or occurrences of rare, threatened or endangered species exist; and identifying other general environmental conditions such as farmland, woodlands, and other land uses. At the time of the field inspection, the ground was snow free, and pasque flowers were beginning to bloom. The most intensive ground inspection occurred along and adjacent to the rerouted transmission line. Map 1 shows the area surveyed.

RESULTS

General Description of Transmission Line Corridor

The proposed corridor and reroute is located in east-central Sargent County. The downed portion of the existing transmission line traversed a water body that under normal water conditions is a semi-permanent wetland.

The corridor and reroute are located a dead-ice moraine region of Sargent County, which has gently rolling to hilly topography, well drained soils, and numerous ponds and lakes. Land use is predominantly cropland with farmsteads, and contains some conservation set aside land (e.g., Conservation Reserve Program (CRP) and Wetland Reserve Program (WRP)), and pasture land. The soils along the reroute are subject to water erosion hazards due to the strongly rolling topography.

Vegetation

Today, a majority of the corridor is cropland. Pasture land and conservation set aside lands are found in the more rolling topography of the project area. Generally, small grain cropland is found on the flatter topography. Little native plant diversity remains, and areas where native upland communities do exist, these are generally used for grazing or haying purposes.

The native plant communities of the region are eastern mixed-grass prairie, wetlands, and permanent lakes. The corridor has a diversity of native wetland communities such as temporary, seasonal, semi-permanent, and permanent wetlands; however, a majority of the upland and low native prairie communities have been converted to cropland. Few native wooded and shrub communities are found, but when they do occur they are usually along the perimeter of wetlands, along shallow draws, and along the railroad right-of-way. Several mature shelterbelt plantings exist within the corridor.

Typical native grasses of the soils found along the reroute are little bluestem (*Andropogon scoparius*), prairie dropseed (*Sporobolus heterolepis*), green needlegrass (*Stipa viridula*), side-oats grama (*Bouteloua curtipendula*), prairie cordgrass (*Spartina pectinata*), plains muhly (*Muhlenbergia cuspidate*), western wheatgrass (*Pascopyrum smithii*), needle-and-thread (*Stipa comata*), blue grama (*Bouteloua gracilis*), big bluestem (*Andropogon gerardii*), and switchgrass (*Panicum virgatum*) (U.S. Soil Conservation Service 1964). The composition of grasses will change based on land use and grazing regimes. Upland mixed-grass prairie is found along the east and west sides of the large semi-permanent wetland within the project area. The species noted in this area are little

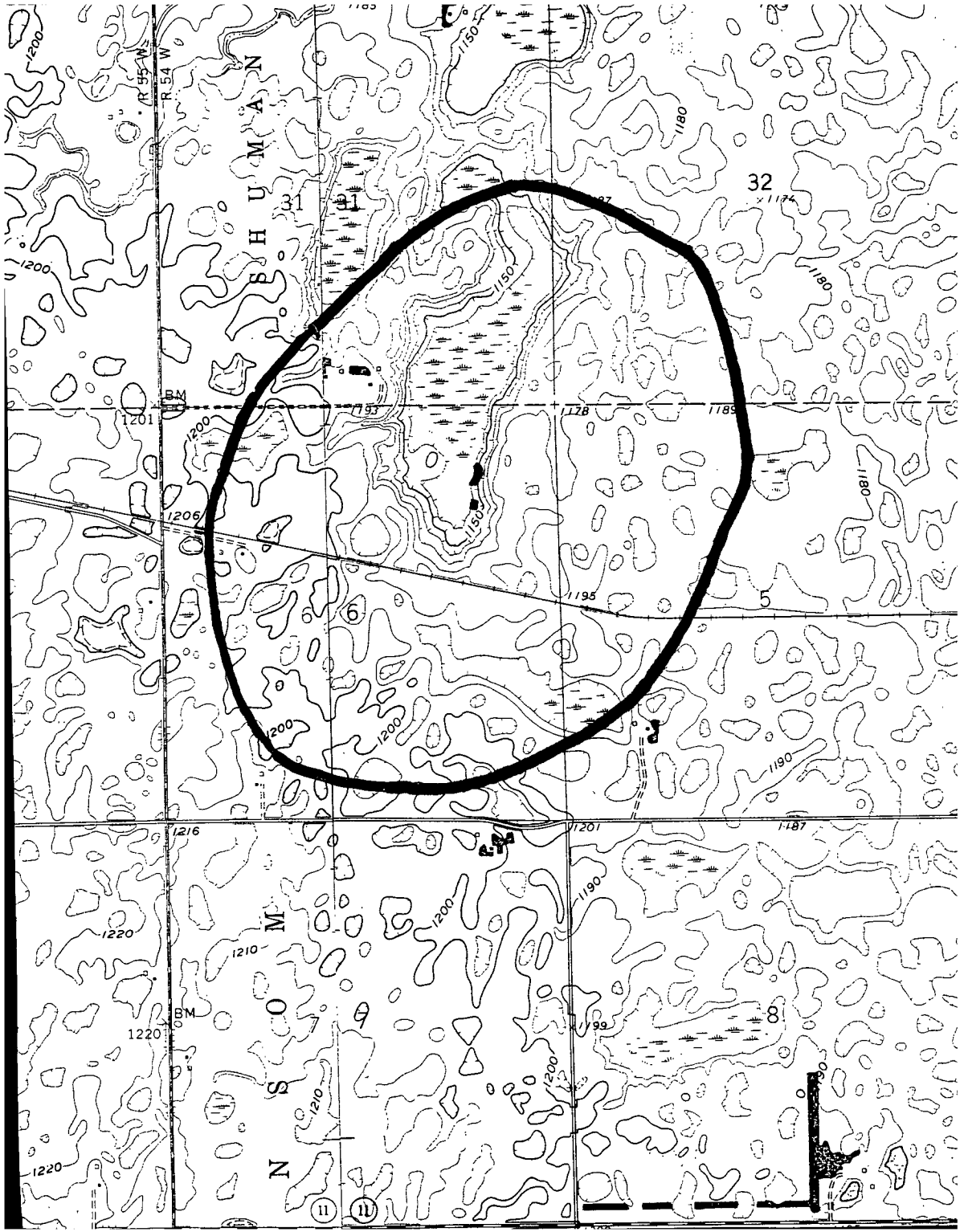
bluestem, western wheatgrass, blue grama, side-oats grama, needle grasses (*Stipa sp.*), big bluestem, smooth brome (*Bromus inermus*), and Kentucky bluegrass (*Poa pratensis*). The native forbs found are prairie coneflower (*Ratibida columnifera*), black-eyed susan (*Rudbeckia serotina*), purple coneflower (*Echinacea spp.*), goldenrods (*Solidago sp.*), curly-top gumweed (*Grindelia squarrosa*), and silver sage (*Artemisia sp.*). Native shrubs such as prairie rose (*Rosa spp.*) and buckbrush (*Symphoricarpos occidentalis*) were also present.

The conservation set aside acres are dominated by smooth brome, wheatgrass (*Agropyron spp.*), sweet clover (*Melilotus spp.*), and alfalfa (*Medicago sativa*). Forbs noted included goldenrods, prairie rose, and native sunflowers.

The seasonal and semi-permanent wetlands are dominated by rushes (*Scripus sp.*), cattail (*Typha sp.*), willow (*Salix sp.*), prairie cordgrass, and other water tolerant grasses. The temporary wetlands and temporary zones are dominated by prairie cordgrass, sedges (*Juncus spp.* and *Carex spp.*), foxtail barley (*Hordeum jubatum*), aster (*Aster sp.*), mint (*Mentha sp.*), smartweed (*Polygonum sp.*), and sow thistle (*Sonchus arvensis*).

Native wooded areas are dominated by green ash (*Fraxinus pennsylvanica*), cottonwood (*Populus deltoides*), box elder (*Acer negundo*), black willow (*Salix nigra*) and peachleaf willow (*Salix spp.*). Native shrub communities are dominated by chokecherry (*Prunus virginiana*). Mature shelterbelts are commonly comprised of chinese elm (*Ulmus pumila*), green ash, cottonwood, spruce (*Picea sp.*), juniper (*Juniperus spp.*), pine (*Pinus sp.*), lilac (*Syringa vulgaris*), and Siberian pea-shrub (*Caragana arborescens*).

Disturbance to vegetation at the reroute site is minimal. Vegetation has been removed where towers were installed. Large equipment along the access route has tramped and crushed existing vegetation, and denuded vegetation and caused ruts in some areas. Majority of the revegetation will occur naturally.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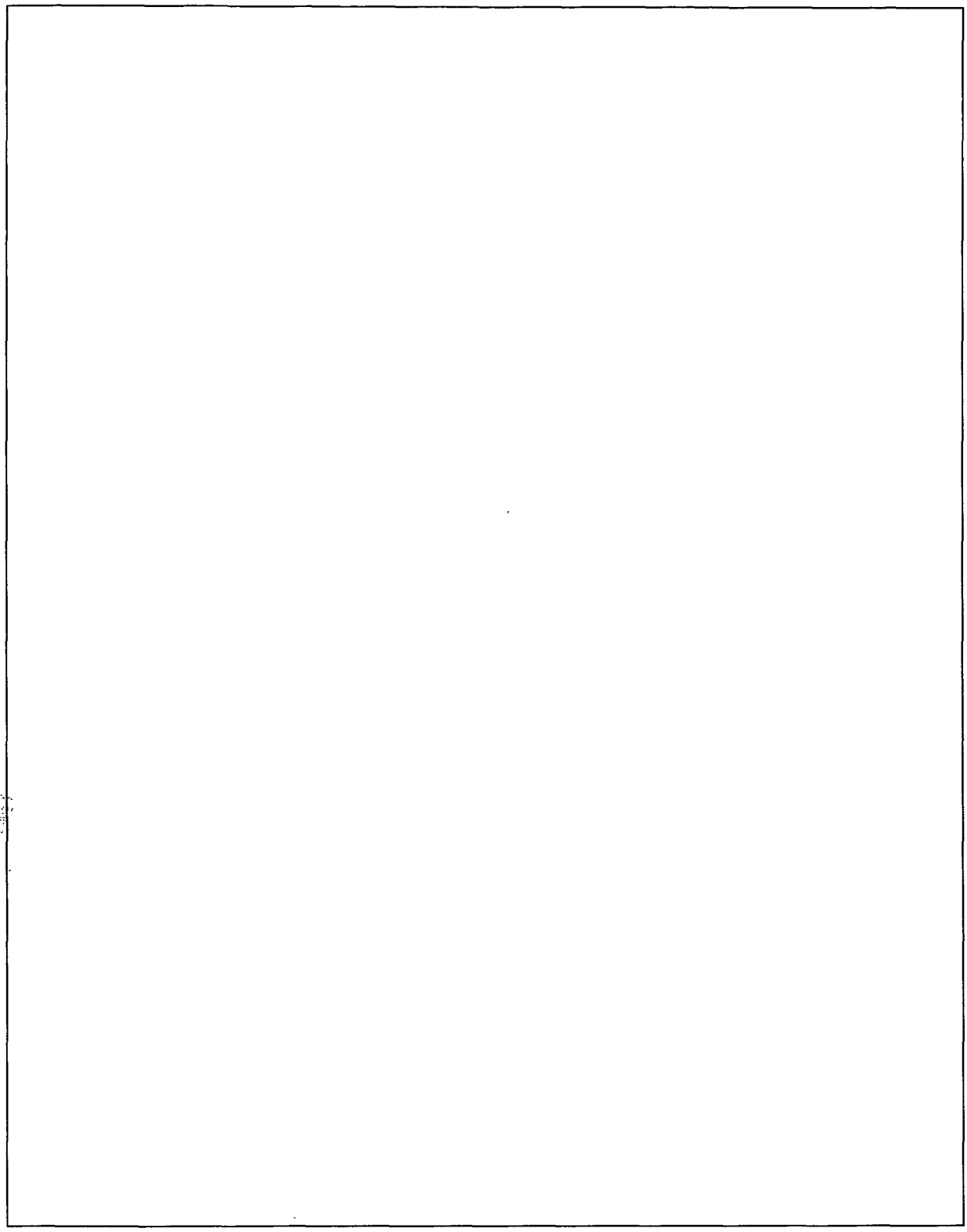


Map 1. Area surveyed in Sections 31 and 32, T.131 N., R.54 W. and Sections 5 and 6, T.130 N., R.54 W., Sargent County, North Dakota.

Wetlands

Numerous wetlands are found within the proposed corridor. The semi-permanent wetland that the original transmission line route crossed is flooded beyond its average depth. And, little emergent vegetation was present in the wetland, as would be expected under the present water conditions. Only scattered, narrow pockets of emergent vegetation were present, and consisted primarily of cattails and bulrushes. Several mature trees were inundated by the wetland and only the tops of these mature trees are visible.

The corridor also has typical prairie pothole wetlands, which are temporary, seasonal or semi-permanent ponds. Those that are seasonal or temporary in nature are often cropped or hayed when they are dry. In extremely dry years, even the semi-permanent wetlands may be cropped. Typical wetland vegetation includes smartweed, cattail, sedges, and bulrushes.

Wetlands delineated on National Wetland Inventory (NWI) maps were field checked to confirm their presence or absence and their classification. Wetlands that are near or along the reroute are noted on the Criteria Map (Exhibit 9).

The transmission line reroute did not place any structures within wetlands, nor did it span any wetlands. Otter Tail avoided impacting wetlands.

The U.S. Fish and Wildlife Service (FWS) has a wetland conservation easement on all of Section 6, T.130 N., R.54 W. the location of the reroute. Since the transmission line reroute did not impact any wetlands within the easement, a special permit would not be required.

Rare, threatened and endangered species

Plants

The North Dakota Natural Heritage Program of the North Dakota Parks and Recreation Department did not list any rare plants for the corridor or surrounding areas (see Exhibit

7e). There is no potential habitat for the western prairie fringed orchid (*Platanthera praeclara*) in Sargent County, which is the only plant listed as federally threatened in North Dakota.

Animals

A list of potential threatened or endangered animal species was obtained from the U.S. Fish and Wildlife Service (Table 1). One threatened animal species could be found in the transmission line corridor.

Table 1. Federally threatened or endangered animal species potentially found in Sargent County, North Dakota (see U.S. Fish and Wildlife Service letter, Exhibit 7b).

Bald eagle (*Haliaeetus leucocephalus*) - This species migrates through North Dakota in the spring and fall, mostly along major river courses. From 1985 to 1995, only one pair has nested on the Missouri River. Recently, the number of nesting pairs has increased along the Missouri River, to eight pairs (C. Grondahl, personal communication, ND Game and Fish Department).

The threatened bald eagle would be found only incidentally as migrants in the corridor. Habitat for this migrant is found in or near the corridor. The greatest impact to this species would be possible electrocution from power lines. According to guidelines provided by the Raptor Research Foundation (Avian Power Line Interaction Committee 1996 and Olendorff et al. 1981), smaller distributions lines cause most raptor electrocutions because the space between conductor lines is inadequate for large birds of prey to pass through. Higher voltage transmission lines pose little electrocution hazard because wire separation is adequate.

I conclude that there were no adverse impacts to threatened or endangered animal species or rare plant species.

Woodlands

There are few native wooded areas along the reroute and corridor. These native woodlands exist primarily along the perimeter of wetlands. These native trees are: cottonwood, peachleaf willow, box elder, and green ash. Small pockets of shrubs are also located within the railroad right-of-way. Also, mature shelterbelt plantings are also located within the corridor. The composition of these shelterbelt plantings are described in the vegetation section above. The rerouted transmission line did not remove any trees. The criteria map shows the location of wooded areas within the corridor.

Native grassland

Native grasslands are described in the vegetation section above. Mixed-grass prairie is present along the reroute. This area is grazed, at least periodically.

The transmission line reroute had little impact on these habitats. Structures were augured into dry ground and disturbance was minimal. There is no need to mitigate for impacts to native prairie. The native prairie area was not used for construction equipment storage. A single access trail did traverse the native prairie.

The transmission line reroute did impact native and planted grasslands during construction. The greatest impact occurred from heavy equipment crossing the access route to the construction site. If revegetation does not take place in a timely manner, the areas impacted could begin to erode and create gullies. I recommend that Otter Tail monitor revegetation progress during the next two growing season. If revegetation remains slow, Otter Tail should consider assisting the landowner with seeding grass species compatible with the surrounding rangeland and soil type.

Other

A small, unoccupied stick nest is located in tree found on the perimeter of a wetland approximately one-quarter mile east of the reroute. This nest had no observed activity and did not appear to have any new sticks placed within the nest. This nest was likely used during a previous breeding and nesting season by either a crow or small raptor.

No other environmental features of significance beyond those mentioned above were noted during the field investigation.

SUMMARY

The transmission line reroute and access trail crossed cropland, conservation set aside land (e.g., Conservation Reserve Program), and native prairie grassland. Impacts to wetlands and woodlands were avoided. Impacts to native grasslands and Conservation Reserve Program (CRP) lands are minimal. However, because the soils at the reroute site are very well drained and susceptible to water erosion, it is important to provide revegetation as quickly as possible. Revegetation should be monitored and if it does not occur within one year, Square Butte should replant grasses that reflect the existing grass composition on impacted areas. Impacts to native grasslands are minimal, and I recommend that no mitigation is necessary.

There will be no impacts to rare, threatened or endangered animal or plant species.

LITERATURE CITED

Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996. Edison Electric Institute/Raptor Research Foundation, Washington, D.C. 125pp. +appendices.

Grondahl, C., Natural Resource and Nongame Biologist, N.D. Game and Fish Department, Bismarck, North Dakota; personal communication, March 1999.

Olendorff, R.R., A.D. Miller, and R.N. Lehman. 1981. Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1981. Raptor Research Report No. 4. Raptor Research Foundation, Inc., Dept. of Veterinary Biology, Univ. of Minnesota, St. Paul, MN. 111 pp.

U.S. Soil Conservation Service. 1964. Soil Survey of Sargent County, North Dakota. U.S. Department of Agriculture. 97 pp. + maps.

Public Service Co mission
Receipt of Payment

Receipt# 3999

Received: 7/31/2000 Check# 443516 for $5,000.00

Subject: Siting Application Fee **Docket # PU-401-00-108**

Otter Tail Power Company
215 South Cascade Street
Fergus Falls MN 56537

Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: msmail.sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

March 16, 2000

Todd Guerrero
Otter Tail Power Company
215 South Cascade St
Fergus Falls MN 56538-0496

Dear Mr. Guerrero:

On March 16, 2000, the Commission denied Otter Tail Power Company's request for waivers of further applications for a corridor certificate and route permit in its Sargent County 230 kV reroute, Case No. PU-401-99-108.

A copy of the Commission's motion is enclosed.

Sincerely,

Sharon Helbling
Public Utilities Division

sdh

7 **PU-401-00-108** Pages. 1
03/16/2000
Public Service Commission
Letter re request for waiver denied

CC: Comm Legal PUD (3)

MOTION

APPROVED:
DATE: 3-16-00
KMF

March 16, 2000

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

I move the Commission deny Otter Tail Power Company's March 14, 2000 request for waivers of further applications for a corridor certificate and route permit in Otter Tail Power Company's Sargent County 230 kV Reroute, Case No. PU-401-00-108. I further move that a decision on other waivers requested by Otter Tail in its March 14, 2000 filing be deferred as premature.

JRL/sdh

000108-2.doc

6 **PU-401-00-108** Pages: 1
03/16/2000
Public Service Commission
Motion denying request for waivers

CC: Comm Legal PUD (3)

Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: msmail.sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

March 16, 2000

Todd Guerrero
Otter Tail Power Company
215 South Cascade St
Fergus Falls MN 56538-0496

Dear Mr. Guerrero:

On March 15, 2000, the Commission confirmed that a power emergency exists under N.D.C.C. 49-22-07, for Otter Tail Power Company's Sargent County 230 kV reroute, Case No. PU-401-00-108.

A copy of the Commission's motion is enclosed.

Sincerely,

Sharon Helbling
Public Utilities Division

sdh

5 **PU-401-00-108** Pages: 1
03/16/2000
Public Service Commission
Letter re confirmation of a power emergency

CC: Comm Legal PUD (3)

MOTION

APPROVED:
DATE: 3-15-00
KME

March 15, 2000

Otter Tail Power Company
Sargent County 230 kV Reroute
Siting

Case No. PU-401-00-108

I move the Commission confirm that a power emergency exists under N.D.C.C. 49-22-07, in Otter Tail Power Company's Sargent County 230 kV Reroute, Case No. PU-401-00-108.

JRL/sdh

000108-1.doc

4 **PU-401-00-108** Pages: 1
03/15/2000
Public Service Commission
Motion confirming that a power emergency exists
CC: Comm Legal PUD (3)

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)

VIA FAX AND OVERNIGHT MAIL

OTTER TAIL
Power Company

March 14, 2000

Mr. Jon H. Mielke
Executive Secretary
North Dakota Public Service Commission
State Capitol – 600 E. Boulevard
Bismarck, ND 58505-0480

Re: Application for Emergency Authority and Wavier of Procedures and Time Schedules

Dear Mr. Mielke:

Enclosed for filing please find Otter Tail Power Company's Application for Emergency Transmission Siting Authority and for Waiver of Procedures and Time Schedules under the North Dakota Transmission and Energy Conversion Siting Act, Chapter 49-22. The original, along with ten copies and all Exhibits, is being provided by overnight mail.

We respectfully request that the Commission take this matter up at its regularly scheduled meeting on March 15, 2000.

Should you have any questions, please feel free to call me at 218-739-8350.

Thank you for your consideration.

Very truly yours,

Todd J. Guerrero
Associate General Counsel
TJG:dm

Enclosures

STATE OF NORTH DAKOTA
FOR THE PUBLIC SERVICE COMMISSION

In the Matter of Otter Tail Power Company's Application for Emergency Authority to Relocate Approximately One-half Mile of Transmission Line in Sargent County and for a Waiver of Procedures and Time Schedules

Case No.

APPLICATION OF OTTER TAIL POWER COMPANY FOR EMERGENCY AUTHORITY TO RELOCATE APPROXIMATELY ONE-HALF MILE OF 230 KV TRANSMISSION LINE AND FOR WAIVER OF PROCEDURES AND TIME SCHEDULES

Otter Tail Power Company ("Otter Tail"), a public utility under Title 49 of the North Dakota Century Code ("N.D.C.C.") seeks authority pursuant to N.D.C.C. § 49-22-07 to re-route on an emergency basis an approximately one-half mile section of Otter Tail's Hankinson-Forman 230 kilovolt transmission facility destroyed by storm, and for certain waivers.

I. Background.

On March 8, 2000 a wind and ice storm swept across North Dakota causing a one-half mile section of Otter Tail's Hankinson-Forman 230 kV transmission facility to topple and be rendered out of service. The facility is located in Sargent County, North Dakota.[1] Although the route had originally been sited on dry land some time in the 1950s, it is now engulfed in a small lake with depths of approximately 25 feet. Attached as Exhibits Nos. 1 and 2 are aerial photographs of the area around the toppled section. Exhibit No. 1 was taken in 1996 and Ex. No. 2 in 1999. The photographs show the area's dramatic increase in standing water.

[1] Legally described as follows: Lots One and Two; and the South Half of the Northeast Quarter of Section Six, Township 130 North of Range 54 West.

The storm apparently caused the lake ice to shift, causing one pole structure to completely topple and a second also to be rendered useless. Attached as Exhibit No. 3 are photographs of the destroyed section.

The Hankinson-Forman 230kV line works as a backbone to the region's transmission grid and its outage raises serious reliability issues for North Dakota. It is imperative that the line be re-energized as soon as practically possible. In evaluating all possible options, sound utility practice requires re-routing the section out of the lake and onto higher ground. Attached as Exhibit No. 4 is an illustration of the proposed relocation. The re-route will require moving approximately 1,700 feet of line approximately 600 feet to the east. Although the re-route will require the use of slightly more conductor than crossing the lake directly, the proposed re-route is the best and least cost option because any reconstruction of the line in its present route is simply an invitation for disaster. Having endured the misfortune caused by the rising water, the best course now is to take all reasonable and prudent steps to prevent reoccurrence.

On March 9, 2000 Otter Tail informed Commission Staff by telephone of the emergency situation.

II. Discussion.

Section 49-22-07 of the Siting Act provides that utilities may, after notifying the Commission by telephone, relocate facilities from existing routes in the event of a power emergency. By allowing utilities to respond immediately to emergencies and get the wires back in the air without the necessity or burden of obtaining prior siting approval, the Act recognizes the state's paramount interest in reliable power. Once facilities are relocated and the emergency under control, section 49-22-07 also requires the utility to file a request to approve the relocated route. The Act also provides that the Commission may waive any applicable procedures and time schedules upon finding a "demonstrable emergency exists which requires immediate construction and that adherence to the procedures and

time schedules would jeopardize the utilities system." N.D.C.C. § 49-22-07.2.

Otter Tail is taking all necessary steps to reconstruct and re-route the section destroyed by storm. Parts are being ordered and the exact location for the line is being finalized. Actual construction will consist of two wood pole, H-frame tangent structures along with three angle structures, in design similar to what is presently in place. The landowner, Mr. Glen Urquhart of Edina, Minnesota has already agreed to allow Otter Tail to purchase an easement for the route. Attached as Exhibit No. 5 is an Option to Purchase Easement signed March 13, 2000. No additional right-of-way will be needed. The property is leased by Mr. Urquhart to an area rancher and is used exclusively for ranching/agricultural interests. Otter Tail anticipates that it can have the line routed, constructed and re-energized no later than March 31. The total cost of the relocation will be approximately $70,000.

In this Application, Otter Tail seeks the following:

1. Confirmation that the emergency provision of § 49-22-07 applies in this instance.

2. Waiver of the requirement for any hearing on or necessity of any further application for a Corridor Certificate according to § 49-22-08(5).

3. Waiver of the requirement for a hearing on or necessity of an application for a Route Permit according to N.D.C.C. § 49-22-08.1(5).

4. Waiver of any other applicable procedures or requirements.

Given the importance of this line to electric reliability in North Dakota, Otter Tail is taking all necessary steps to relocate the damaged section and we expect all work to be complete no later than March 31. Once the line is relocated, however, § 49-22-07 seems to require that permanent routing authority be obtained after the fact. Though not entirely clear from the language of statute, § 49-22-07 presumably requires the filing of applications for a Certificate of Corridor Compatibility and a Route Permit, the Act's two primary siting permits. Given the short length of the proposed re-route (approximately one-half mile), it would seem unproductive for Otter Tail to undergo the time

and expense of preparing, and the Commission having to review, separate applications for either a Route Permit and certainly for a Certificate of Corridor Compatibility. As the Commission is aware, corridor compatibility and route permit applications are very resource intensive, calling for an abundance of information that is unlikely to shed any additional insight into whether the proposed re-route location is suitable for such purposes. Accordingly, Otter Tail specifically requests that it not be required to file further applications for a Certificate of Corridor Compatibility or Route Permit. We also request that all procedures, hearings and timelines relating to these applications also be waived.

III. General Filing Information.

Pursuant to § 69-02-02-04 of the Commission's Rules of Practice and Procedure, Otter Tail offers the following:

A. Name, Address, and Telephone Number of Utility.

Otter Tail Power Company
215 South Cascade Street
P. O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8200

B. Name, Address, and Telephone Number of Utility Attorney.

Todd J. Guerrero
Associate General Counsel
Otter Tail Power Company
215 South Cascade Street
P. O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8350

C. Date of Filing.

This matter is being filed on March 14, 2000 by facsimile along with Exhibits No. 4 and 5. An original copy, along with ten copies is being provided by overnight mail. Given its emergency

nature, Otter Tail requests that the matter be taken up at the Commission's next regularly scheduled meeting, or Wednesday, March 15, 2000.

D. Authority Controlling the Filing.

The matter is being filed under N.D.C.C. §§ 49-22-07 and § 49-22-07.2. These provisions do not establish an explicit time deadline for Commission action. Otter Tail requests an expedited and informal proceeding to the extent allowed.

E. Title of Utility Employee Responsible for Filing.

Brian Malchert
Director, Transmission and Maintenance
Otter Tail Power Company
215 South Cascade Street
P. O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8391

IV. Conclusion.

For the foregoing reasons, Otter Tail respectfully requests that the Commission confirm Otter Tail's emergency authority under § 49-22-07 to reroute the damaged section of the Hankinson-Forman 230 kV transmission facility and that it grant all further waivers as requested herein.

Date: March 14, 2000

Respectfully submitted,

OTTER TAIL POWER COMPANY

Todd J. Guerrero
Associate General Counsel
215 South Cascade Street
P.O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8350

HANKINSON – FORMAN 230 KV LINE REROUTE

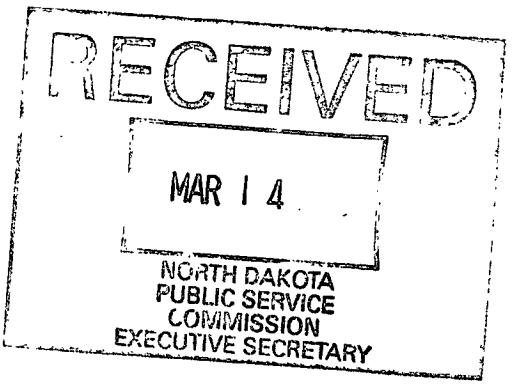
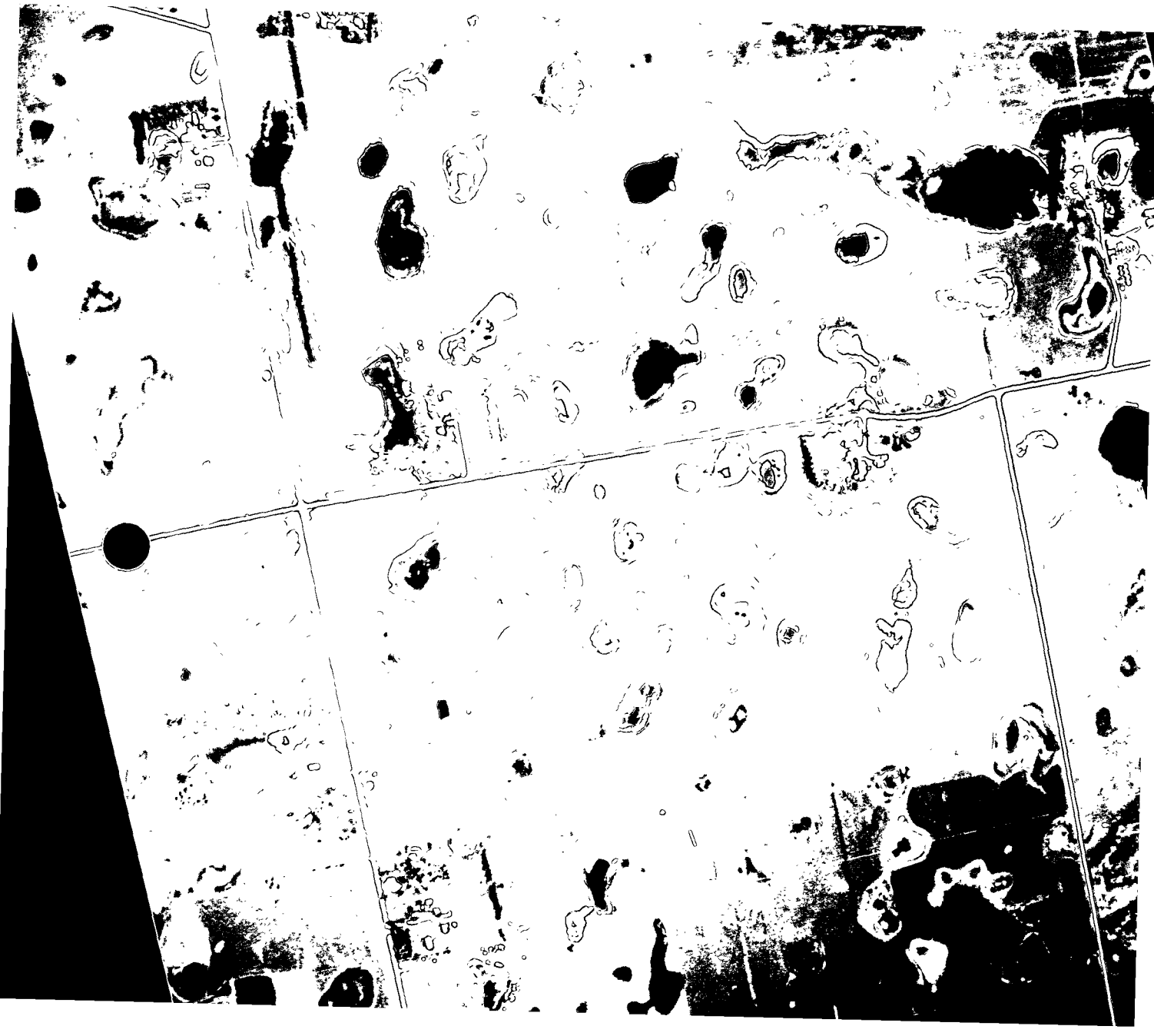


Exhibit Nos. 1 & 2



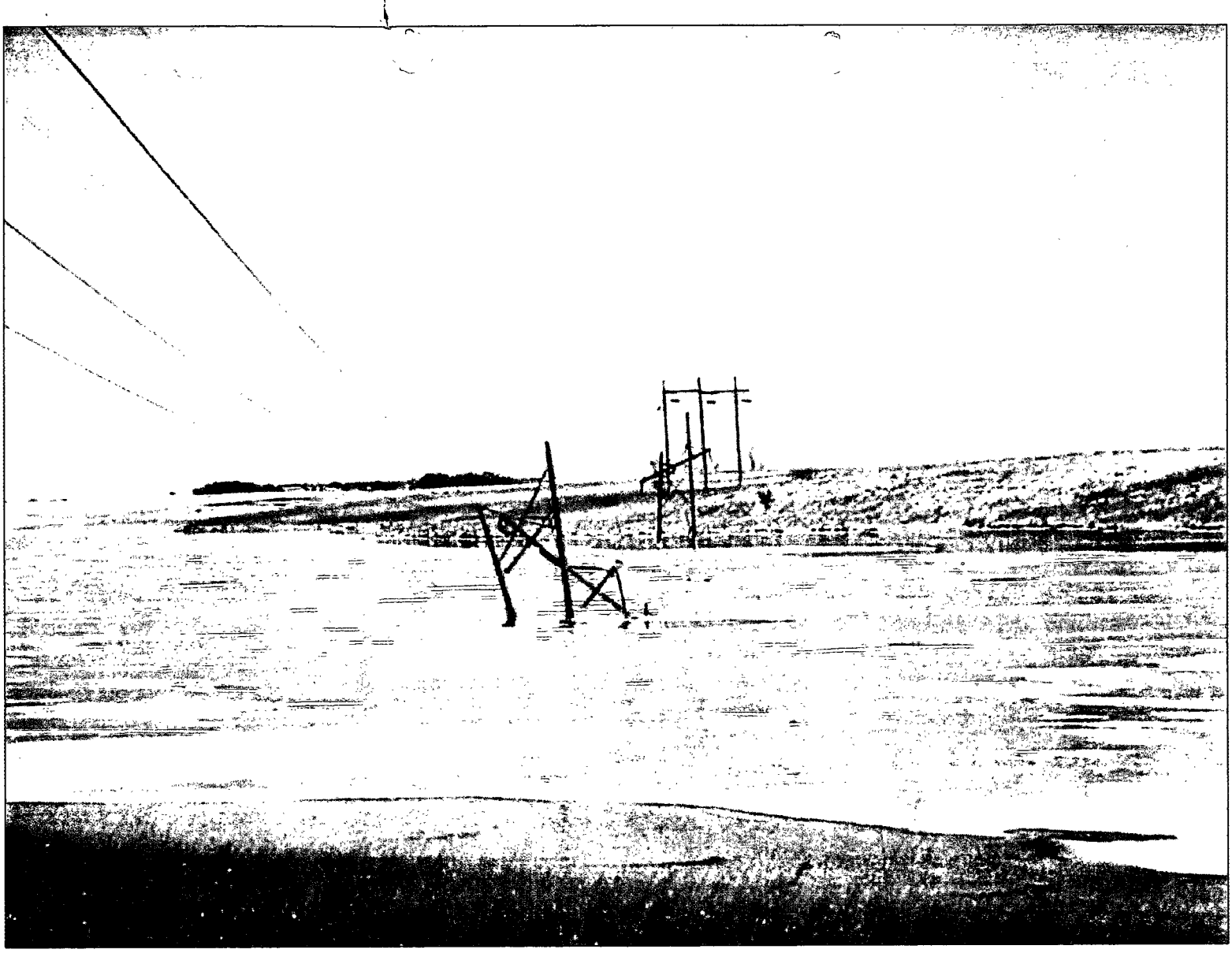
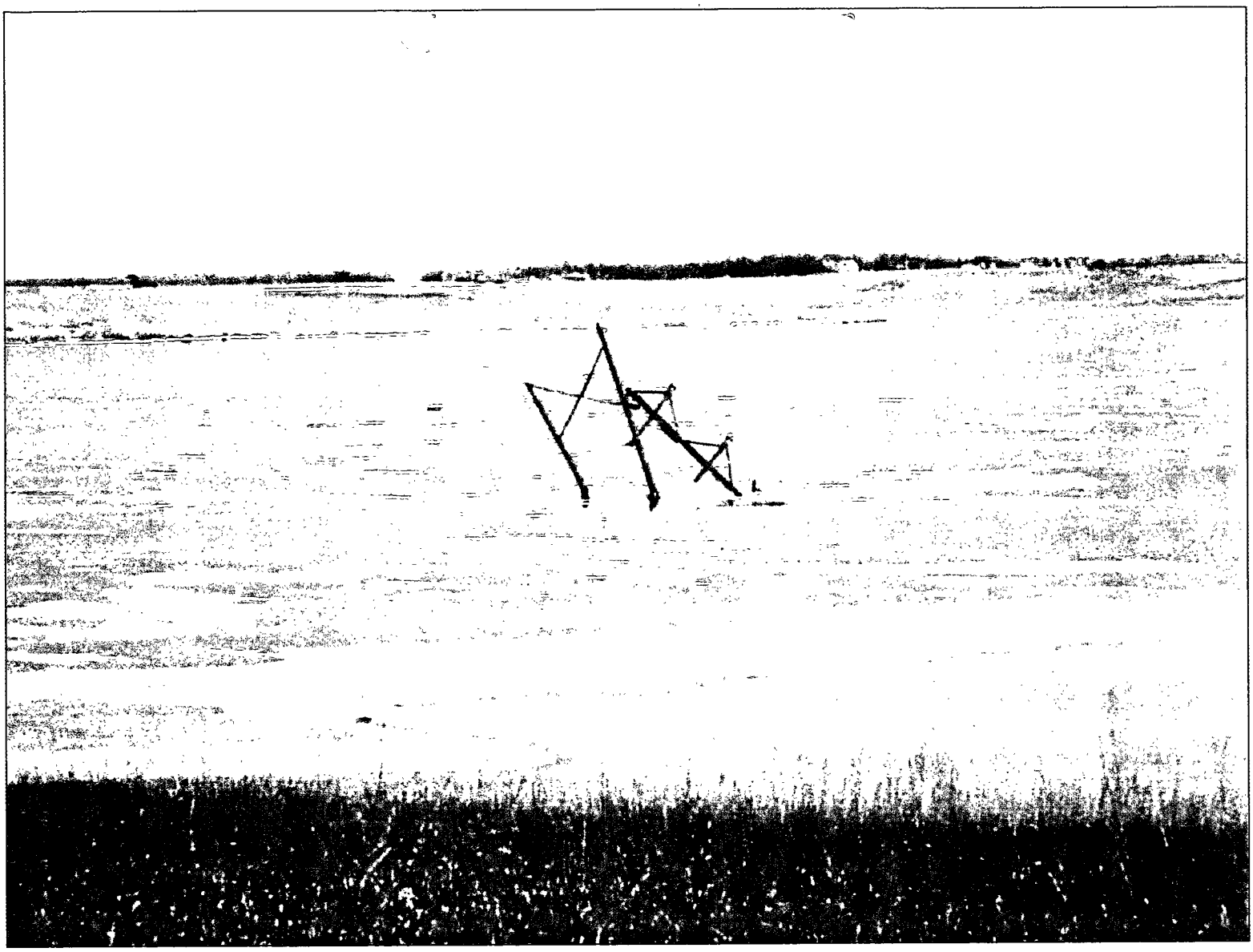
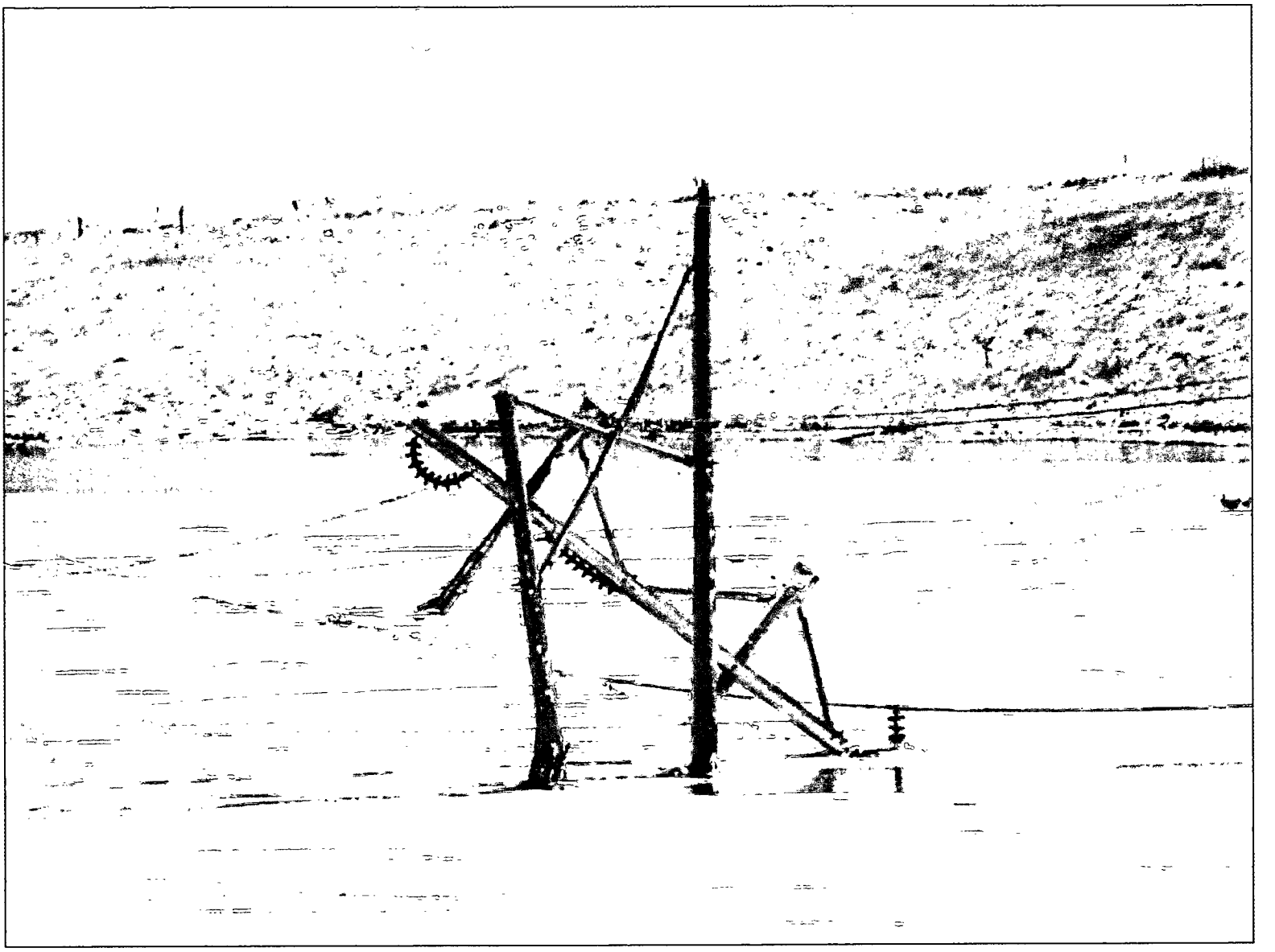
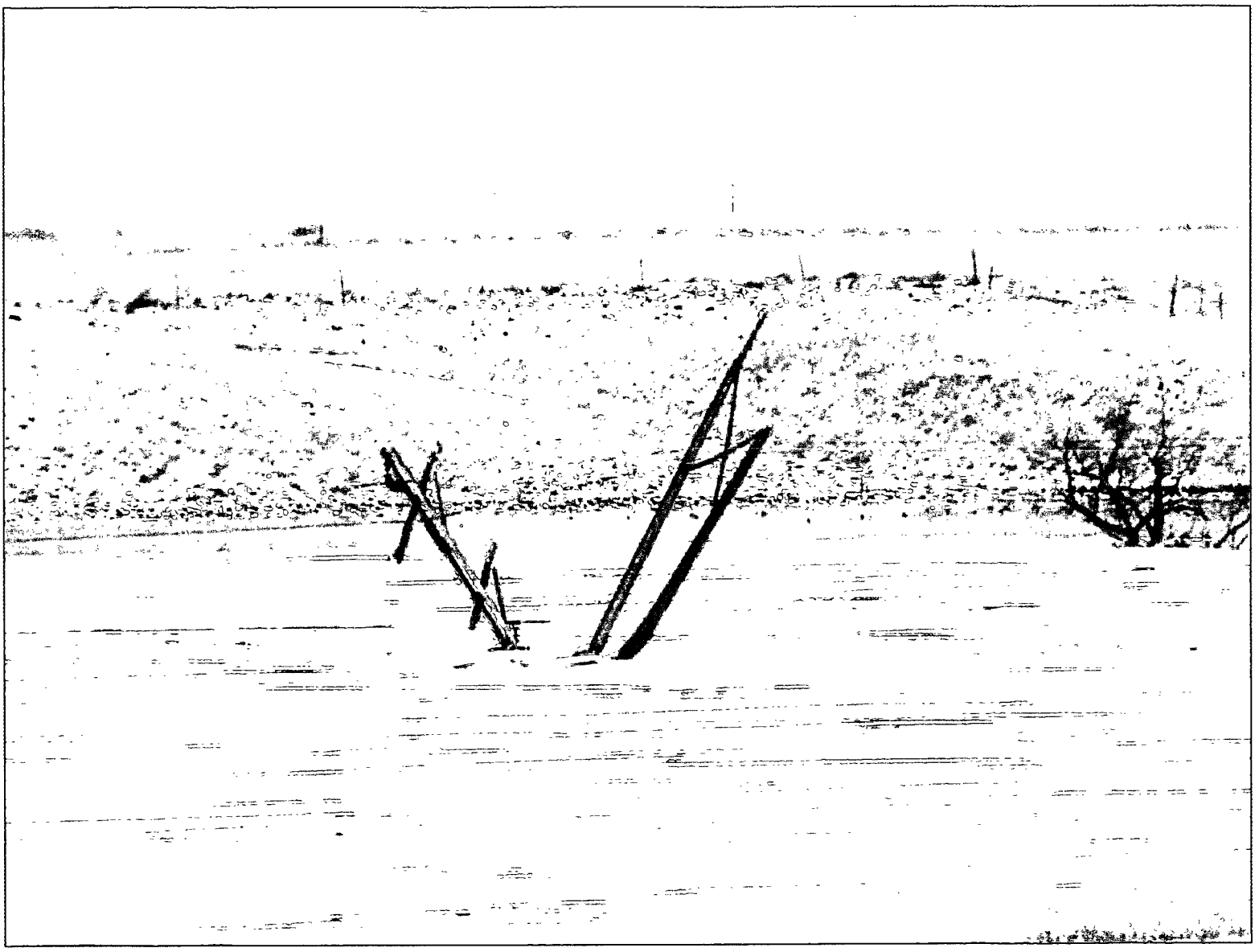
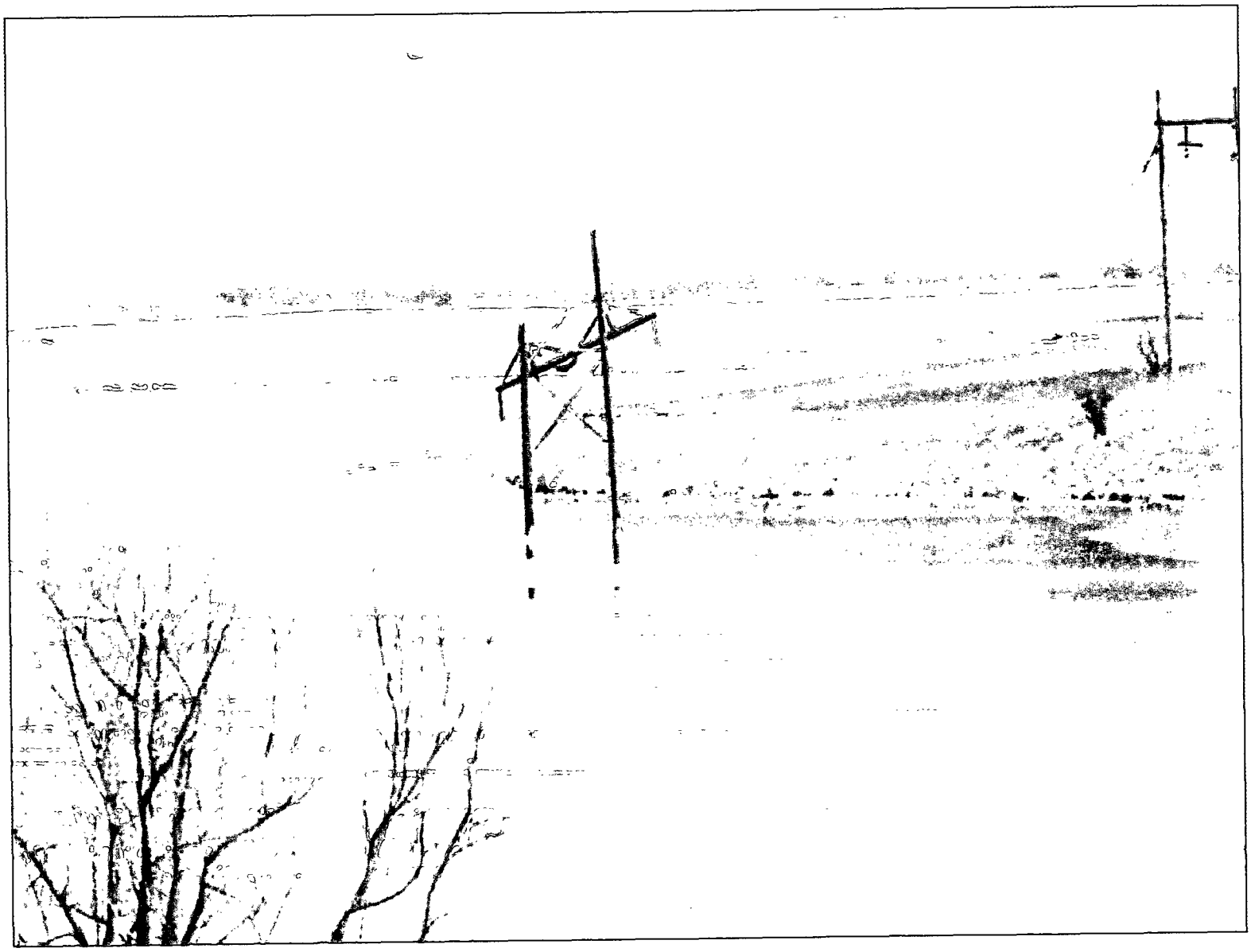


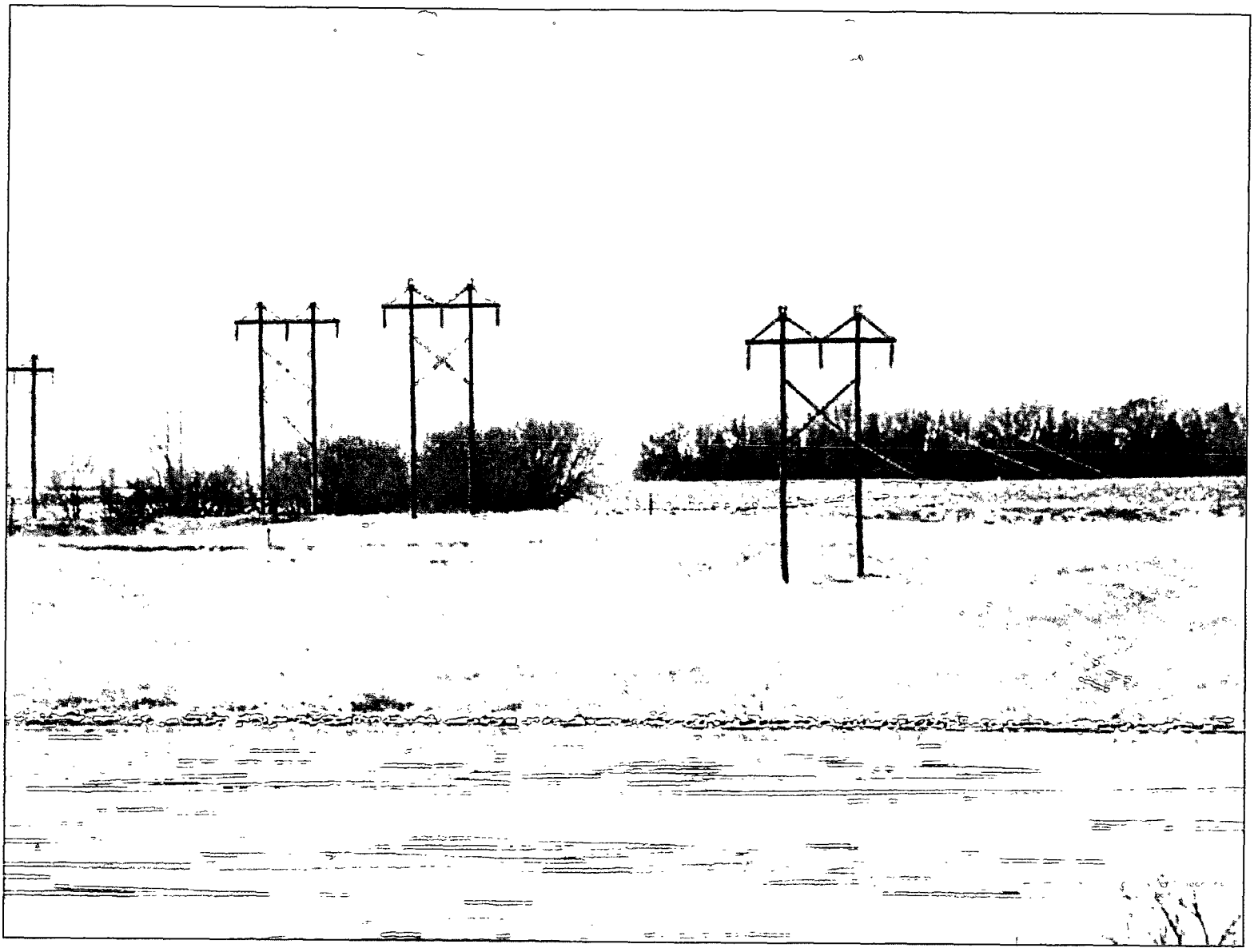
Exhibit No. 3
Page 1 of 11

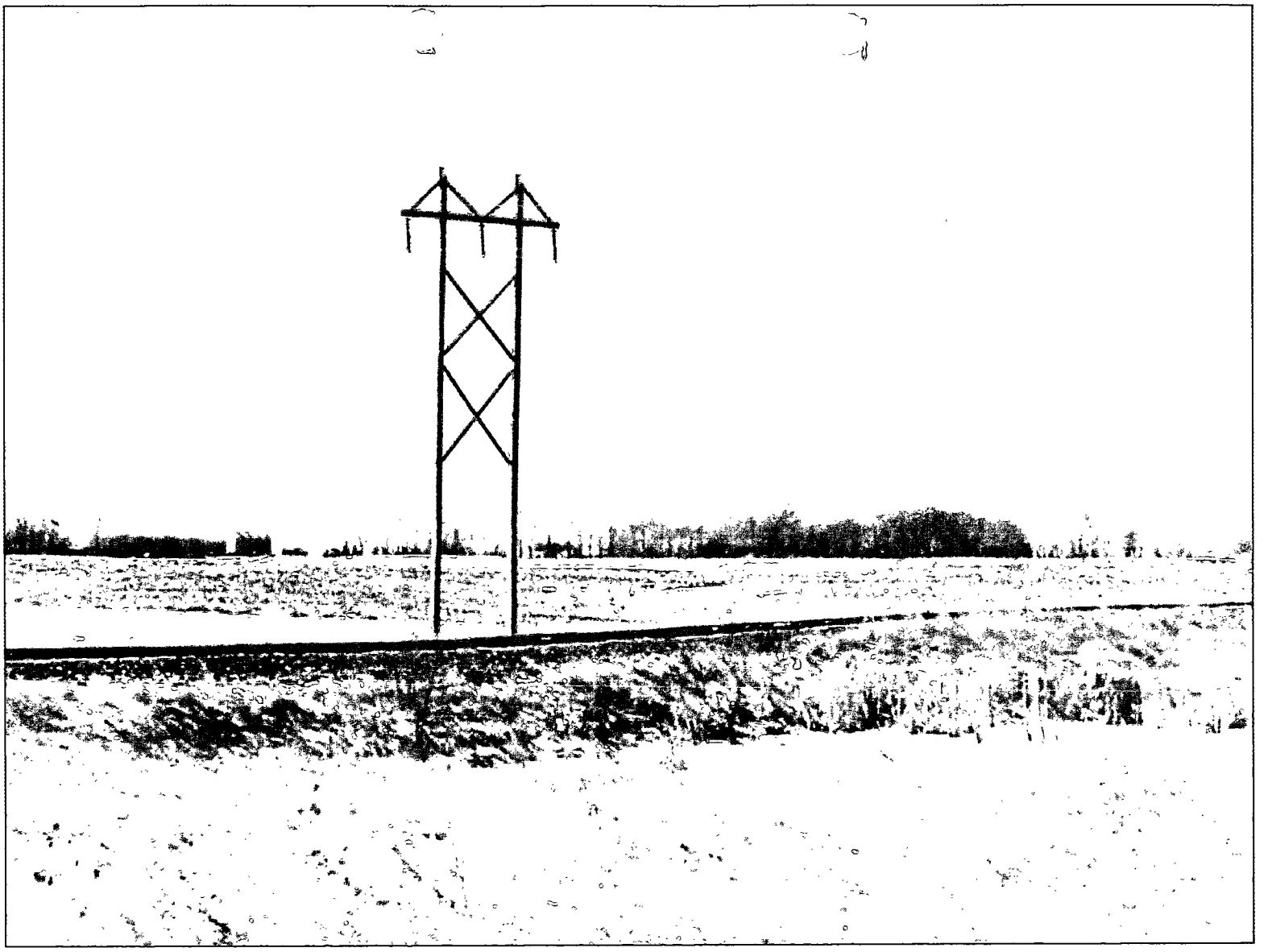


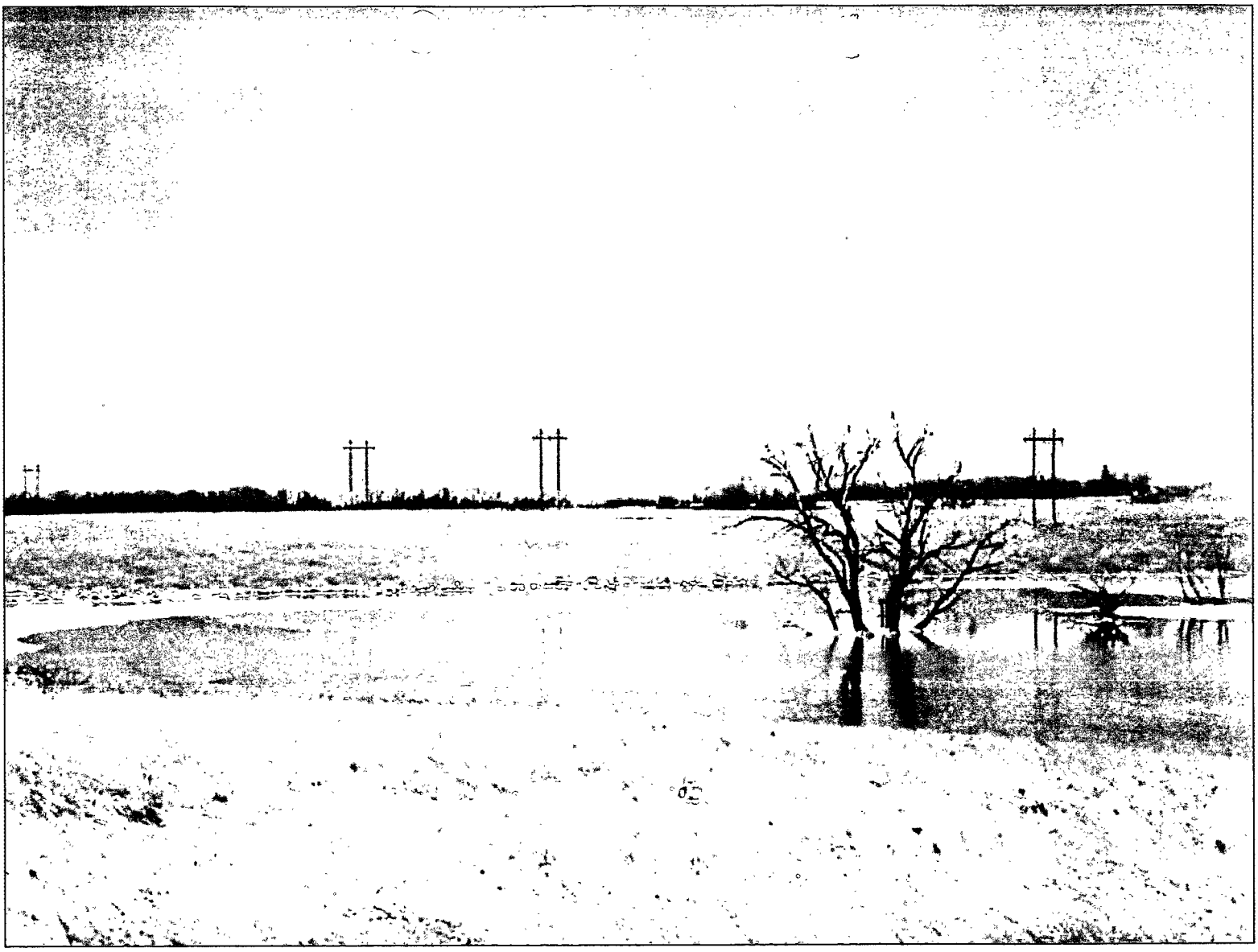












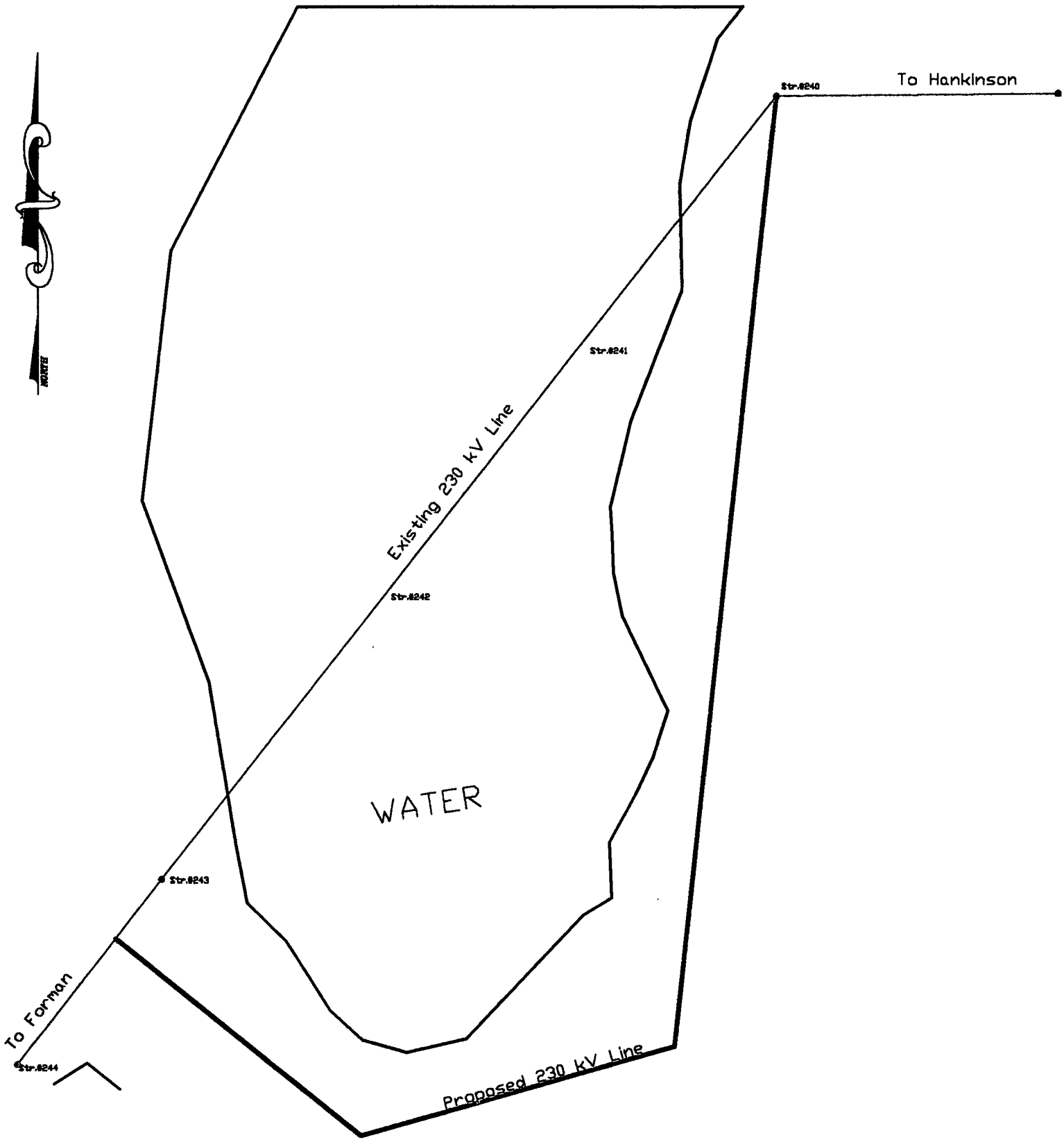

To Hankinson
Str.#240
Str.#241
Existing 230 kV Line
Str.#242
WATER
Str.#243
To Forman
Str.#244
Proposed 230 kV Line

Exhibit No. 4

OPTION TO PURCHASE EASEMENT

Glen Urquhart of **Edina, Minnesota,** herein called "Grantor" does hereby grant to Otter Tail Power Company, Fergus Falls, Minnesota, the sole and exclusive option to purchase an easement for the construction, operation, and maintenance of an electrical switching station and an electric transmission line across the following described property, in **Sargent** County, **North Dakota.**

Northeast 1/4 of Section 6, Township 130, Range 54.

On the following terms and conditions:

1. The price of this option shall be $100.00.
2. The purchase price of the easement shall be $10,708.00. All sums paid for this option shall be applied to said purchase price.
3. The easement to be granted shall be essentially the same form as Exhibit A attached.
4. This option shall terminate on **May 12, 2000.**

IN WITNESS WHEREOF, the Grantor has executed this option this 13th day of March, 2000.

In the presence of:

_____ Glen D Urquhart

Glen Urquhart, Grantor

_____ _____

STATE OF Minnesota)
)SS
COUNTY OF Hennepin)

On this 13th day of March, 2000, before me personally appeared **Glen Urquhart,** known to me to be the person describe din and who executed the foregoing instrument and acknowledge to me that he executed the same as his free act and deed.

RONALD L. STARKEY
Notary Public
Minnesota
My Commission Expires Jan. 31, 2005

Ronald L. Starkey Notary Public
County of _____
State of _____
My Commission Expires _____

Exhibit No. 5

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)

VIA FAX AND MAIL

March 9, 2000

OTTER TAIL
Power Company

Mr. Jon H. Mielke
Executive Secretary
North Dakota Public Service Commission
State Capitol – 600 E. Boulevard
Bismarck, ND 58505-0480

Re: Downed 230 kV Transmission Facility

Dear Mr. Mielke:

We write to inform the Commission that yesterday's ice storm caused a quarter-mile section of Otter Tail's Hankinson-Forman 230 kV transmission line to topple. The line is now out of service. The downed section runs through an uninhabited wetland area. The wetland has a depth that runs to approximately 25 feet.

The Hankinson-Forman 230 kV facility is one of the region's transmission workhorses and its outage presents serious reliability issues. Should another interconnected facility experience a similar fate while this facility remains unenergized, the region could be susceptible to significant blackouts.

Otter Tail intends to take immediately all necessary action to re-energize the line. The best possible approach includes permanently moving, or re-routing, the down section of line approximately 600 feet to the east and onto higher ground. In total, the move would entail rerouting approximately one-half mile of line approximately 600 feet to the east of its present location. Otter Tail believes that, best case, we could have the new section surveyed, constructed, and operating in less than two weeks. Any further delay is likely to jeopardize the Otter Tail system and the transmission system in general.

The Siting Act at Section 49-22-07 provides that where a "power emergency" exists, a utility may relocate a portion of a transmission line from its designated route by providing telephonic notice to the Commission in advance. The purpose of this emergency provision is, of course, to restore the system to normal operating conditions as quickly as possible. While no outages occurred yesterday, the situation nonetheless presents a real emergency.

In addition, Section 49-22-07.2 provides that the Commission may also waive any applicable procedures and time schedules upon a finding that a "demonstrable emergency exists which requires immediate construction and that adherence to the procedures and time schedules would jeopardize the utility's system."

By telephone call this morning to Commission Engineer Mr. Jerry Lien, we apprised the Commission of the situation and discussed generally Otter Tail's options with respect to obtaining the Commission's approval to reroute the downed section.

The purpose of this letter is to notify the Commission that, as soon as feasible, Otter Tail proposes to file an application with the Commission seeking the following:

1. Emergency authority to relocate the downed section of line, as further described in the application, by no later than Wednesday, March 15, 2000, the date of the Commission's next regularly scheduled meeting.

2. Waiver of the public hearing obligation pursuant to N.D.C.C. § 49-22-13(2) and applicable rules

3. Waiver of the requirement for a hearing on or necessity of an application for a Corridor Certificate according to § 49-22-08(5).

4. Waiver of the requirement for a hearing on or necessity of an application for a Route Permit according to N.D.C.C. § 49-22-08.1(5).

5. Waiver of any other applicable procedures or requirements.

In the meantime, should you have any questions, please feel free to call me at 218-739-8350.

Thank you for your consideration.

Very truly yours,

Todd J. Guerrero
Associate General Counsel
TJG:dm

c: President Bruce Hagen (by mail)
Commissioner Leo Reinbold (by mail)
Commissioner Susan Wefald (by mail)
Mr. Jerry Lien

PA-401-00-108

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bruce Gerhardson
Otter Tail Power Company
215 S Cascade St
Fergus Falls Mn 56538-0496

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* | B. Date of Delivery JUL 30

C. Signature
X [signature] ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. A

PS

102595-00-M-0952

HARD COPY OF Tape of 5-15-01 Hearing in Case # PU-401-01-108

DOCKET SEQUENCE NO. _____

EXHIBIT _____

CASE NO. PU-401-01-108

ON FILE IN

STATE ARCHIVES

CONTROL NUMBER: 80051