

**BASIN ELECTRIC
POWER COOPERATIVE**

1717 EAST INTERSTATE AVENUE
BISMARCK, NORTH DAKOTA 58503-0564
PHONE: 701-223-0441
FAX: 701-557-5336

RECEIVED



APR 24 2009

April 24, 2009

PUBLIC SERVICE COMMISSION VIA HAND DELIVERY

Annette Bendish, Counsel
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505

RE: ND PSC Case No. PU-07-169 (Basin Electric Power Cooperative - Belfield to Rhame
230kv Transmission Line)

Dear Ms. Bendish:

This letter serves as notice to the ND PSC that construction will begin on or about April 30, 2009. Basin Electric Power Cooperative also submits the following documentation to the ND PSC:

1. As requested at the Preconstruction Conference held April 2, 2009, copies of the preconstruction meeting minutes and attendee list;
2. In accordance with item 17 of the Findings of Fact, copies of the Western Area Power Administration Environmental Assessment and Finding of No Significant Impact (FONSI);
3. In accordance with item 5 of the Order, transmission line zoning approval from Slope County;
4. In accordance with item 5 of the Order, Special Use Permit for Transmission Line, Transmission Structure Set-back Variance, and zoning approvals associated facilities (substation and microwave tower) from Bowman County;
5. In accordance with item 5 of the Order, Utility Occupancy (crossing permits) from the North Dakota Department of Transportation.

If you have any questions regarding this letter or any of the enclosures, please contact me at 701.557.5495.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin L. Solie'.

Kevin L. Solie
Environmental Analyst

/gmj
Enclosures

32 **PU-07-169** Filed: 4/27/2009 Pages: 207
**Notice of Construction & Response to Find of Fact
17 & Order Provision 5**

Basin Electric Power Cooperative

Memorandum

**Basin Electric Power Cooperative
Belfield to Rhame 230 kV Transmission Line
ND PSC Case No. PU-07-169**

To: ND PSC Case File No. PU-07-169

From: Kevin Solie, Environmental Analyst, Basin Electric Power Cooperative

Subject: Preconstruction Conference Minutes

Date: April 23, 2009

At 8:30 a.m. on April 2, 2009 Basin Electric Power Cooperative (Basin Electric) conducted a preconstruction conference for the Belfield to Rhame 230 kV transmission line project. The purpose of the meeting was to ensure Basin Electric fully understands the conditions set forth in the North Dakota Public Service Commission's (PSC) Order. Mr. Jerry Lein, Staff Engineer, represented the ND PSC at the meeting. A full list of meeting attendees is attached.

Mr. Lein explained each of the twenty conditions of the Order in detail. The Tree and Shrub mitigation specifications were also addressed. Key points emphasized during the meeting are listed below:

- Request that Basin Electric provide a copy of the minutes from the preconstruction meeting to the PSC
- In addition to the conditions of the order, Basin Electric must abide by the conditions of any other permits or approvals, including the Western Area Power Administration Environmental Assessment and Findings of No Significant Impact (FONSI)
- Basin Electric must provide weekly reports detailing construction activities as well as an e-filing that construction will begin. The e-filings should be sent to ndpsc@nd.gov and copied to Mr. Lein at jlein@ndpsc.gov
- Any structure location changes must be approved by the Commission or Commission staff
- A sampling plan may be used to determine the representative types of trees and shrubs that must be replaced at a two to one ratio
- Prior to tree/shrub replacement, Basin Electric must file documentation of the trees and shrubs removed as well as a mitigation plan detailing the proposed number, variety, type, location, and date of replacement plantings for PSC approval
- Basin Electric must conduct follow-up inspections to verify the survival rate of the replacement trees and shrubs

- Mr. Pat Fahn is an alternate contact at the PSC and may be contacted with questions if Mr. Lein is unavailable

Pre-Construction meeting sign-in

Project: Rhame/Belfield T-line

Date: April 2, 2009

	<u>Name</u>	<u>Company</u>	<u>Phone/e-mail</u>
1.	Rick Mucha	BEPC	701-557-5518 rmucha@bepec.com
2.	Mike Murray	BEPC	701-557-5454 mmurray@bepec.com
3.	Shane Vasbinder	BEPC	701-557-5779 Svasbinder@bepec.com
4.	Maria Banhardt	BEPC	701-557-5136 mbanhardt@bepec.com
5.	Duey Marthaller	BEPC	701-557-5658 dmarth@bepec.com
6.	Don Stone	TESSCO	432-638-0442 dstone@tesscousa.com
7.	DAVE WULKE	TESSCO	432-923-1579 dwulke@tesscousa.com
8.	Stephen Hatfield	TESSCO	432-853-0222 shatfield@tesscousa.com
9.	Jerry Lein	ND PSC	701-328-1035 jlein@nd.gov
10.	Kevin Solix	BEPC	701-202-5096 ksolix@bepec.com
11.	Jon Klein	BEPC	jonk@bepec.com 701-557-5384
12.	Rob McAdoo	BEPC	701-355-5657 rmcadoo@bepec.com
13.	HARLAN FORTIN	BEPC	701-390-3363 HFortin@bepec.com
14.	MARK WINN	BEPC	701-880-1387 mwinn@bepec.com
15.	Cory Bauer	BEPC	701-557-5724 cbauer@bepec.com
16.	Al Burgard	BEPC	701-557-5679 aburgard@bepec.com
17.	Shad Erdmann	BEPC	701-425-4325 serdmann@bepec.com
18.	Deborah Levchak	BEPC	701-557-5713 dlevchak@bepec.com
19.			
20.			

BOWMAN COUNTY SHERIFF'S DEPT.



Rory M. Telgen, Sheriff

104 First Street Northwest, Suite 9

Bowman, ND 58623

(701)523-5421

FAX COVER SHEET

TO: Kevin Solis FROM: Rory Telgen
 FAX NUMBER: (701) 255-5144 ORGANIZATION: Basin Electric Power Cooperative
 DATE: 6/18/08 NO. PAGES: 65 (INCLUDING COVER SHEET)
 TELEPHONE: (701) 523-5421

NOTES:

The information contained in this facsimile message could be CONFIDENTIAL. It is intended only for the individual it is addressed to.

If you are not the intended receiver or received this document by mistake, please do not distribute or copy the communication. Instead we would appreciate it if you would notify the Bowman County Sheriff's Dept. by telephone. Thank you for your assistance.

\$25 fee

Date June 2, 2008

COUNTY of BOWMAN
REQUEST FOR VARIANCE

Applicant:

Name: Basin Electric Power Cooperative

Address: 1717 East Interstate Avenue, Bismarck ND 58505-0564

Location of Property: see attached map and plat profile sheets
(Legal Description)

Present Zoning of Property: Agricultural

Present Use of Property: Agricultural

SIGNATURE OF APPLICANT

Therion J. Edie

Reasons for Request for Variation

Please note that the following questions must be answered completely. If additional space is needed, attach extra pages to application.

Before answering read the Notice to Applicants

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone?

Too narrow _____	Elevation _____	Soil _____
Too small _____	Slope _____	Subsurface _____
Too shallow _____	Shape _____	Other <u>ROW setback</u> (specify)

2. Describe the items checked, giving dimensions where appropriate. ordinance requires 100' setback from edge of County road Right-of-Way for transmission line structures

3. How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance? transmission line structures are sited at 62.5' from edge of ROW to minimize impact to farming operations

4. Are the conditions on your property the result of man-made changes (such as the relocation of a road or highway)? no, if so, describe

5. Which of the following types of modifications will allow you a reasonable use of your land?

Change in setback requirement <u>X</u>	Change in lot coverage requirement _____
Change in yard restriction _____	Change in height requirement _____
Change in area requirement _____	

6. State the variation requested, give distances where appropriate.

Request variance of 100' setback from edge of ROW to 62.5'
for six transmission line structures (see attached maps)

7. Are the conditions of hardship for which you request a variation true only of your property? Yes If not, how many other properties are similarly affected? _____

For Use by PLANNING AND ZONING COMMISSION

Date filed: _____

Date set for hearing: June 17, 2008 7:PM zoning 7:45PM Com.

Date notice published in newspaper: June 6th & 13th

Date the adjacent property owners notified: By Newspaper

Fee \$ 25.00 Paid 6/3/08

The board shall base its findings on evidence presented in the application, comments received from adjacent property owners and the following conditions before it may approve a request for a variance:

- a) The particular surroundings or the topographic condition of the property would result in undue hardship.
- b) The variance request is not based on a desire for economic or other gains.
- c) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
- d) The variance shall not be detrimental to the public welfare or injurious to other properties in the area.
- e) The variance shall not be contrary to the interest and purpose of this ordinance.

In light of the evidence presented at the hearing on this case and in conformity with the requirements of the Zoning Ordinance, a variance is:

_____ denied
X granted

VARIANCE ALSO ON T132R102
TOWNSHIP ROAD: Sec. 29432, 30431

X granted subject to the following requirements:

FOR ANY REASON STRUCTURES HAVE TO BE MOVED FOR
ROAD CONSTRUCTION. POLES WILL BE MOVED AT BASIN ELECTRIC
POWER COOPERTIVE'S EXPENSE OR SUBSEQUENT OWNERS.

June 17, 2008
Date

[Signature]
PRESIDENT, PLANNING AND ZONING COMMISSION

June 17, 2008
Date

[Signature]
CHAIRMAN, BOWMAN COUNTY COMMISSION

#15 plus \$5 for each additional mile

BOWMAN COUNTY PLANNING AND ZONING COMMISSION

Bowman County Courthouse
Bowman, North Dakota 58623

APPLICATION FOR SPECIAL USE PERMIT
BURIED CABLE - overhead lines

APPLICANT: Basin Electric Power Cooperative
name
1717 East Interstate Avenue, Bismarck ND 58503
address

CONTRACTOR: TBD
name
address

TYPE OF PROJECT: Overhead transmission line

SEE THE ATTACHED MAP, SURVEY OR AERIAL PHOTOGRAPH OF THE LINE ROUTE.

SPECIFY POTENTIAL PROBLEMS _____

CABLE ORIGIN Belfield, ND

CABLE DESTINATION Rhame, ND

CABLE SPECIFICATIONS AND USE 230 KV electrical transmission

MINIMUM BURIAL DEPTH N/A

ROAD CROSSING METHODS: BORE TRENCH N/A

CROSSING OF COUNTY ROADS: Minimum depth of 6 feet. A minimum of 4 feet from the shoulder of the roadway to the beginning of the boring.

RECLAMATION AND REVEGETATION PLANS: Comply with NEPA (Federal) requirements and NDSC reclamation requirements. See attached mitigation measures.

SEE THE ATTACHED LIST OF SURFACE OWNERS OF AFFECTED LANDS.

SEE THE ATTACHED EASEMENTS OR WAIVERS OF SAID OWNERS (if required).

PLANNED PROJECT DATES: Construction to begin Fall 2008 ;
to end Fall 2009

DESCRIPTION OF LANDS INVOLVED Agricultural - cultivated fields and pasture land

DATE SUBMITTED 6/2/2008 APPLICANT Basin Electric

FEE PAID DATE [Signature] BY: Kevin L. Solie

TITLE: Environmental Analyst

PERMIT APPROVED DATE 6/18/08

ZONING DIRECTOR [Signature]

#15 plus \$5 for each
additional mile

BOWMAN COUNTY PLANNING AND ZONING COMMISSION

Bowman County Courthouse
Bowman, North Dakota 58623

APPLICATION FOR SPECIAL USE PERMIT
BURIED CABLE - overhead lines

APPLICANT: Basin Electric Power Cooperative
name

1717 East Interstate Avenue, Bismarck 58503
address

CONTRACTOR: TBD
name

address

TYPE OF PROJECT: overhead transmission line

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SPECIFY POTENTIAL PROBLEMS _____

CABLE ORIGIN Belfield, ND

CABLE DESTINATION Rhame, ND

CABLE SPECIFICATIONS AND USE 230 KV electrical transmission

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to end Fall 2009

DESCRIPTION OF LANDS INVOLVED Agricultural - cultivated fields and pasture land

DATE SUBMITTED 6/2/2008 APPLICANT Basin Electric

FEE PAID DATE [Signature] BY: Kevin L. Solie

TITLE: Environmental Analyst

PERMIT APPROVED DATE 6/18/08

ZONING DIRECTOR [Signature]

BOWMAN COUNTY PLANNING AND ZONING COMMISSION

APPLICATION FOR ZONING PERMIT

Permit No. _____

Date _____

Applicant: (Owner of Property)

Name: Basin Electric Power Cooperative Phone No.: _____
Address: 1717 East Interstate Ave Bismarck ND 58503-0564
STREET/P.O. BOX CITY STATE ZIP

Contractor:
Name: TBD Phone No.: _____
Address: _____
STREET/P.O. BOX CITY STATE ZIP

2. Location of Property (Attach Separate Sheet if Necessary)
Lot(s) SW/4 SE/4 Block _____ Addition _____ City _____
Quarter SW/4 SE/4 Section 15 Range 104 Township 131 (If Applicable)
Other Legal Description _____

3. PROPERTY IS LOCATED IN Ag. ZONED DISTRICT
(Ag. Resid. Comm, Etc)

Proposed Use (Check One)
Residential _____ Number of Housing Units _____
Commercial _____ Type of Business _____
Mobile Home _____ Personal M. Home _____ Park No. Units _____
Industrial X Type of Industry Electric Coop.
Other _____ Specify _____

If Permit is to move or expand, describe work (Attach Sheet if Necessary)

If Permit is to build a structure or fence complete the following:

MAIN STRUCTURE ACCESSORY STRUCTURE
Type TOWER Type building
Construction steel lattice Construction Earth from Aggregate Gravel
Length _____ Length 24'
Width _____ Width 13'
Height 190' Height 12'
No. Stories _____

4. Proposed Starting Date of Construction FALL 2008
Completion Date Summer 2009
Estimated Value of Proposed Work: \$ \$160,000

5. IS PROJECT WITHIN A FLOOD HAZARD AREA? YES _____ NO X

6. Lot Requirements:
Lot (s) _____ Size: _____ Length _____ FT Width _____ FT Total Area _____
A sketch showing the location and relationship of all existing and proposed buildings or structures may be required.

7. I CERTIFY THAT THE INFORMATION HEREIN AND ATTACHED HERETO, TO MY BEST BELIEF AND KNOWLEDGE, IS TRUE AND CORRECT, AND THAT I WILL ADHERE TO THE SETBACK REQUIREMENTS AND THAT THE ZONING PERMIT CARD WILL BE POSTED AT THE CONSTRUCTION UNTIL THE PROJECT IS COMPLETED. (Failure to comply is a Class B Misdemeanor)
JULY 11, 2008 DATE [Signature] SIGNATURE OF APPLICANT OR CONTRACTOR

8. REQUIRED SETBACKS: Total Area Required: _____ FT
FRONT SETBACK _____ FT SIDE YARD _____ FT REAR YARD _____ FT

paid w/ substitution (PLANNING AND ZONING DIRECTORS USE ONLY)
9. Permit Fee \$ 75.00 PAID [Signature]

Action Taken: APPROVED [Signature] DISAPPROVED _____
7/25/08 DATE [Signature] PLANNING & ZONING DIRECTOR

1.511064 #50 fee

BOWMAN COUNTY PLANNING AND ZONING COMMISSION
APPLICATION FOR ZONING PERMIT

Permit No. _____
Date 6/18/08

1. Applicant: (Owner of Property)
Name: Basin Electric Power Corporation Phone No.: 701.355.5495
Address: 1717 East Lake
STREET/P.O. BOX CITY STATE ZIP

Contractor:
Name: TBD Phone No.: _____
Address: _____
STREET/P.O. BOX CITY STATE ZIP

2. Location of Property (Attach Separate Sheet if Necessary)
Lot(s) _____ Block _____ Addition _____ City _____
Quarter E 1/2 SE 1/4 Section 15 Range 104 Township 131 (If Applicable)
Other Legal Description _____

3. PROPERTY IS LOCATED IN Agricultural ZONED DISTRICT
(Ag, Resid, Comm, Etc)

Proposed Use (Check One)
Residential _____ Number of Housing Units _____
Commercial _____ Type of Business _____
Mobile Home _____ Personal M. Home _____ Park No. Units _____
Industrial X Type of Industry Electric Power
Other _____ Specify _____

If Permit is to move or expand, describe work (Attach Sheet if Necessary)

If Permit is to build a structure or fence complete the following:

MAIN STRUCTURE
Type Electrical Substation
Construction _____
Length _____
Width _____
Height _____
No. Stories _____
ACCESSORY STRUCTURE
Type Control building
Construction pre-eng. needed steel building
Length 60'
Width 30'
Height _____
} see attached drawing.

4. Proposed Starting Date of Construction Fall 2008
Completion Date Fall 2009
Estimated Value of Proposed Work: \$ 8,000,000

5. IS PROJECT WITHIN A FLOOD HAZARD AREA? YES _____ NO X

6. Lot Requirements:
Lot (s) _____ Size: _____ Length _____ FT Width _____ FT Total Area _____
A sketch showing the location and relationship of all existing and proposed buildings or structures may be required.

7. I CERTIFY THAT THE INFORMATION HEREIN AND ATTACHED HERETO, TO MY BEST BELIEF AND KNOWLEDGE, IS TRUE AND CORRECT, AND THAT I WILL ADHERE TO THE SETBACK REQUIREMENTS AND THAT THE ZONING PERMIT CARD WILL BE POSTED AT THE CONSTRUCTION UNTIL THE PROJECT IS COMPLETED. (Failure to comply is a Class B Misdemeanor)
June 2, 2008 DATE
[Signature] SIGNATURE OF APPLICANT OR CONTRACTOR

8. REQUIRED SETBACKS: Total Area Required: _____ FT
FRONT SETBACK 100 FT min. SIDE YARD _____ FT REAR YARD _____ FT

(PLANNING AND ZONING DIRECTORS USE ONLY)

9. Permit Fee \$ 50.00 PAID X
Action Taken: APPROVED X DISAPPROVED _____
6/18/08 DATE
[Signature] PLANNING & ZONING DIRECTOR

July 1, 2008

Regular Meeting , *Slope County Commission*

The meeting was called to order at 10:15 A.M. by Chairman Brooks with Commissioners Teske and Sonsalla present.

Commissioner Teske presented a motion to approve the minutes as presented. The motion was seconded by Commissioner Sonsalla and passed with all in favor.

Ilene Pfau, Southwest Community Service, met with the Commissioners to request funding in the 2009 budget. A motion was presented by Commissioner Teske to budget \$1350 for Southwest Community Service in 2009. Commissioner Sonsalla seconded the motion which passed with all in favor.

Discussion was held on a letter received from the Sunrise Youth Bureau requesting funding in the 2009 budget. Commissioner Teske presented a motion to budget \$1000 for Sunrise Youth Bureau in 2009. The motion was seconded by Commissioner Sonsalla and passed with all in favor.

The meeting was recessed for lunch at 12 P.M. and reconvened at 1:10 P.M. with all Commissioners present.

Jerry Heiser, Butler Equipment, met with the Commissioners to discuss the 140M motor grader that the road crew demoed in June.

Kevin Solie, Basin Electric, met with the Commissioners to discuss the Right of Way Zoning for the transmission line that will be built in Slope County. Commissioner Teske presented a motion that the transmission poles be setback 115 feet from the centerline of all County and Township roads for this project. The motion was seconded by Commissioner Sonsalla and passed with all voting in favor.

Richard Frederick, Slope County Emergency Manager, met with the Commissioners to discuss the State Radio hearing. Since the hearing, the director has been terminated and replaced with an interim director. Also discussed was the Burn Ban in Slope County. The Commissioners decided to leave the ban as is for now.

Dale Powell, Slope County Road Foreman, met with the Commissioners to discuss the work the road crew has been doing. Also discussed was having the County gravel piles checked for erionite.

Stacey Miller, Slope County Treasurer, informed the Commissioners that the County has received \$26,664 in PILT money. Commissioner Sonsalla presented a motion to deposit the money in the General Fund. The motion was seconded by Commissioner Teske and passed with all in favor.

A motion presented by Commissioner Sonsalla to approve payment of the following vouchers subject to all withholding taxes was seconded by Commissioner Teske and passed with all in favor:

As there was no further business, Commissioner Sonsalla presented a motion to adjourn. The motion was seconded by Commissioner Teske and passed with all in favor.

UTILITY OCCUPANCY APPLICATION AND PERMIT

North Dakota Department of Transportation, Design Division
SFN 7995 (Rev. 06-2008)

Document No. 07110/51843 (FOR STATE USE ONLY) Permit No. _____

APPLICANT INFORMATION

Owner of Facility Basin Electric Power Cooperative		City Bismarck	State ND	Zip Code 58503
Mailing Address 1717 East Interstate Avenue				Telephone Number 701.355.5495
Owner's Agent Kevin Solie, Basin Electric	City Bismarck	State ND	Zip Code 58503-0564	Telephone Number 701.355.5495
Owner's Contractor TBD	City	State	Telephone Number	

LOCATION NO. 1 (FOR STATE USE ONLY) Begin Ref. Point 28.8714 End Ref. Point 28.8714

Highway No. US 12 Along or Across Lanes of traffic 2 4

Direction N S E W Begin 679 feet from reference marker MP 29

Direction N S E W End _____ feet from reference marker _____

N S E W from city of _____ or _____ miles from junction highway _____

TYPE OF FACILITY (Complete appropriate spaces only.)

Description of Proposed Facility
Steel single pole overhead transmission line

Size of Facility <u>230 kV</u>	Number of Cables <u>3 conductors, 1 optical ground wire</u>	Length of Down Guys <u>N/A</u>
Pipeline Pressure	Size of Casing	Length of Casing
Location of Pole(s) <u>see attached plan and profile sheet</u>	Location of Appurtenances	Location - Others

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right of way shall be subject to the North Dakota Department of Transportation's (NDDOT's) "A Policy for Accommodation of Utilities on State Highway Right of Way", current edition, and the following terms and conditions, attached hereto and made a part hereof.

- (A) Installation/maintenance of said facilities shall be done in a manner satisfactory to the NDDOT district engineer,
- (B) Owner shall notify the NDDOT district engineer forty-eight (48) hours prior to installing, maintaining, relocating, or removing said facilities. All disturbed areas shall be restored to their original condition in a manner satisfactory to the NDDOT district engineer.
- (C) The owner shall be required to wear an ANSI 107 Class II height visibility garment while within the highway right-of-way as per the requirements of 23 CFR 634.
- (D) The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
- (E) Owner shall repair or replace highway structures and appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation and maintenance of said facilities on highway right of way.
- (F) Owner shall promptly remove said facilities from highway right of way, or shall relocate or adjust said facilities, at its sole cost and expense when requested to do so by NDDOT.
- (G) NDDOT specifically reserves the right to revoke, or change the terms and conditions of, this Permit with or without cause and upon notice to the Owner.
- (H) The installation shall be completed on or before December 31, 20 10

July 16, 2008
DATE

Kevin Solie
OWNER'S SIGNATURE

The Owner is hereby granted permission to install and maintain the facilities applied for, as shown on the plans attached hereto and made a part hereof. Approved by NDDOT this 31st day of July, 20 08.

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

Lawrence Gungl
DISTRICT ENGINEER (TYPE OR PRINT)

Lawrence Gungl
SIGNATURE

LOCATION NO. 2 (FOR STATE USE ONLY) Begin Ref. Point 22.3129 End Ref. Point 22.3129

Highway No. <u>US 85</u>	<input type="checkbox"/> Along or <input checked="" type="checkbox"/> Across	Lanes of traffic <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 4
Direction <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	Begin <u>1652</u> feet from reference marker <u>MP 22</u>	
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	End _____ feet from reference marker _____	
<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from city of _____	or _____ miles from junction highway _____	

LOCATION NO. 3 (FOR STATE USE ONLY) Begin Ref. Point 21.4790 End Ref. Point 21.4790

Highway No. <u>ND 67</u>	<input type="checkbox"/> Along or <input checked="" type="checkbox"/> Across	Lanes of traffic <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 4
Direction <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	Begin <u>2529</u> feet from reference marker <u>MP 21</u>	
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	End _____ feet from reference marker _____	
<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from city of _____	or _____ miles from junction highway _____	

LOCATION NO. 4 (FOR STATE USE ONLY) Begin Ref. Point 7.9134 End Ref. Point 7.9134

Highway No. <u>ND 21</u>	<input type="checkbox"/> Along or <input checked="" type="checkbox"/> Across	Lanes of traffic <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 4
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W	Begin <u>457</u> feet from reference marker <u>MP 8</u>	
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	End _____ feet from reference marker _____	
<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from city of _____	or _____ miles from junction highway _____	

LOCATION NO. _____ (FOR STATE USE ONLY) Begin Ref. Point _____ End Ref. Point _____

Highway No. _____	<input type="checkbox"/> Along or <input type="checkbox"/> Across	Lanes of traffic <input type="checkbox"/> 2 <input type="checkbox"/> 4
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	Begin _____ feet from reference marker _____	
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	End _____ feet from reference marker _____	
<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from city of _____	or _____ miles from junction highway _____	

LOCATION NO. _____ (FOR STATE USE ONLY) Begin Ref. Point _____ End Ref. Point _____

Highway No. _____	<input type="checkbox"/> Along or <input type="checkbox"/> Across	Lanes of traffic <input type="checkbox"/> 2 <input type="checkbox"/> 4
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	Begin _____ feet from reference marker _____	
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	End _____ feet from reference marker _____	
<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from city of _____	or _____ miles from junction highway _____	

LOCATION NO. _____ (FOR STATE USE ONLY) Begin Ref. Point _____ End Ref. Point _____

Highway No. _____	<input type="checkbox"/> Along or <input type="checkbox"/> Across	Lanes of traffic <input type="checkbox"/> 2 <input type="checkbox"/> 4
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	Begin _____ feet from reference marker _____	
Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	End _____ feet from reference marker _____	
<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from city of _____	or _____ miles from junction highway _____	

INTERSTATE HIGHWAYS - Applicant's description of the proposed method of ingress and egress to and from interstate right of way, as attached to the plan.

Conditions for Overhead Electric Along, Across, or Along and Across Primary and Secondary Highways

NOTICE: The Recipient must comply with ALL applicable Federal, State and local laws, rules, regulations, codes, ordinances, etc., including, but not limited to North Dakota Century Code, Chapter 49-23. (ONE-CALL EXCAVATION NOTICE SYSTEM)

1. **INSTALLATION AND MAINTENANCE:** Installation and maintenance of said facilities on highway right of way shall conform to the following provisions:
2. Within thirty (30) days after construction, maintenance, relocation, or removal of said facilities, any right of way scars shall be removed and disturbed areas restored to original condition. Existing topsoil shall be removed prior to excavation and stockpiled until all disturbed areas are restored to original grade. The stockpiled topsoil shall be evenly and smoothly replaced over the areas disturbed by the trenches or pits.
3. Vehicles and other work equipment used to install or maintain said facilities within highway right of way shall, where possible, use established access points, service roads, driveways and approaches to enter or leave the outer portion of the right of way for the performance of necessary work operations. Such vehicles and work equipment shall not be parked on the through-traffic lanes or shoulders of the highway during installation or maintenance of said facilities.
4. Protection to the free and safe flow of the highway traffic shall be as required in accordance with the "Manual on Uniform Traffic Control Devices", current edition.
5. The Recipient will notify the District Engineer of the Department of Transportation forty-eight (48) hours prior to beginning this installation. Immediately following the final clean up of the area, the Recipient shall again notify the District Engineer of the Department of Transportation.
6. The Department of Transportation may not be the total fee owner and does not warrant the title to the highway right of way covered by the terms of this permit. The Recipient shall be responsible for reviewing the public records to determine ownerships and any encumbrances to the title of the properties covered by the terms of this permit.
7. The minimum vertical clearance above ground of said facilities within highway right of way, and the lateral clearance from highway bridges, shall conform to provisions of the latest edition of the National Electrical Safety Code.
8. If installation of said facilities across the highway necessitates temporary interruption of the flow of highway traffic, work operations shall be confined to daylight hours and flagpersons shall be provided to stop traffic on each approach to the work site. Interruption of the flow of highway traffic may not exceed five (5) minutes except by special permission from the Department of Transportation or the State Highway Patrol.
9. Reflectorized guy guards shall be installed on all down guys located within highway right of way.

By

Risk Management Appendix

Permits and Licenses with Private Individuals, Companies, Corporations, Etc. (referred to as Recipient):

Recipient agrees to defend, indemnify, and hold harmless the state of North Dakota, its agencies, officers and employees (State), from and against claims based on the vicarious liability of the State or its agents, but not against claims based on the State's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Recipient to the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary. Recipient also agrees to defend, indemnify, and hold the State harmless for all costs, expenses and attorneys' fees incurred if the State prevails in an action against the Recipient in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Recipient shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability insurance** – minimum limits of liability required are **\$250,000 per person and \$1,000,000 per occurrence.**
- 2) **Workers compensation insurance** meeting all statutory limits.
- 3) The State of North Dakota and its agencies, officers, and employees (State) shall be endorsed as an **additional** insured on the commercial general liability and automobile liability policies.
- 4) Said endorsements shall contain a **"Waiver of Subrogation"** in favor of the state of North Dakota.
- 5) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

Recipient shall furnish a certificate of insurance evidencing the requirements in 1, 3, and 4 above to the undersigned State representative prior to commencement of this agreement.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time. If Recipient's insurance will expire prior to the term of this agreement, Recipient shall renew the above requirements and furnish a certificate of insurance evidencing the renewal to the undersigned State representative prior to the expiration of the insurance. Any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08.

When a portion of a Contract is sublet, the Recipient shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Recipient and the State as a result of work undertaken by the Subcontractor. In addition, the Recipient shall ensure that any and all parties performing work under the Contract are covered by public liability insurance as outlined above. All Subcontractors performing work under the Contract are required to maintain the same scope of insurance required of the Recipient. The Recipient shall be held responsible for ensuring compliance with those requirements by all Subcontractors.

Recipient's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the State. Any insurance, self-insurance or self-retention maintained by the State shall be excess of the Recipient's insurance and shall not contribute with it. Any deductible amount or other obligations under the policy(ies) shall be the sole responsibility of the Recipient. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The State will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Recipient in excess of the minimum requirements set forth above.

ACORD - CERTIFICATE OF LIABILITY INSURANCE DATE
7/1/2008

PRODUCER Hays Companies IDS Center, Suite 700 80 South 8 th Street Minneapolis, MN 55402	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.																		
PHONE NO. 612-333-3323 FAX NO. 612-373-7270	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">INSURERS AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td style="width: 30%;">INSURER A:</td> <td style="width: 50%;">Old Republic Insurance Co.</td> <td style="width: 20%; text-align: center;">24147</td> </tr> <tr> <td>INSURER B:</td> <td> </td> <td> </td> </tr> <tr> <td>INSURER C:</td> <td> </td> <td> </td> </tr> <tr> <td>INSURER D:</td> <td> </td> <td> </td> </tr> <tr> <td>INSURER E:</td> <td> </td> <td> </td> </tr> </table>	INSURERS AFFORDING COVERAGE		NAIC #	INSURER A:	Old Republic Insurance Co.	24147	INSURER B:			INSURER C:			INSURER D:			INSURER E:		
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INSURER D:																			
INSURER E:																			
INSURED Basin Electric Power Cooperative Attn: John Frank 1717 East Interstate Ave. Bismarck, ND 58501-0564																			

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADDL INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY	MWZY57902	07/01/08	07/01/08	EACH OCCURRENCE	\$2,000,000
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
		<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	10000
						PERSONAL & ADV INJURY	\$2,000,000
						GENERAL AGGREGATE	\$6,000,000
						PRODUCTS-COMP/OP AGG	\$6,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:							
<input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC							
A		AUTOMOBILE LIABILITY	MWTB20209	07/01/08	07/01/08	COMBINED SINGLE LIMIT (Ea Accident)	\$2,000,000
		<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per Person)	
		<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per Accident)	
		<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per Accident)	
		<input type="checkbox"/> HIRED AUTOS					
<input type="checkbox"/> NON-OWNED AUTOS							
GARAGE LIABILITY							
<input type="checkbox"/> ANY AUTO							
EXCESS/UMBRELLA LIABILITY							
<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE							
<input type="checkbox"/> DEDUCTIBLE							
<input type="checkbox"/> RETENTION							
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	OTHER
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?						E.L. EACH ACCIDENT	
If yes, describe under SPECIAL PROVISION BELOW						E.L. DISEASE - EA EMPLOYEE	
OTHER						E.L. DISEASE - POLICY LIMIT	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

The State of North Dakota, its agencies, officers and employees are listed as Additional Insureds. Waiver of Subrogation applies

CERTIFICATE HOLDER NDDOT 608 E Blvd. Ave Bismarck, ND 58505-0700	42. CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED SIGNATURE
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**U.S. DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION
UPPER GREAT PLAINS CUSTOMER SERVICE REGION**

FINDING OF NO SIGNIFICANT IMPACT

**Belfield to Rhame Transmission Line Project
Stark, Slope, and Bowman Counties, North Dakota
DOE/EA-1596**

AGENCY: U.S. Department of Energy (DOE), Western Area Power Administration (Western)

ACTION: Finding of No Significant Impact

SUMMARY: Basin Electric Power Cooperative (Basin) has requested to interconnect their proposed new Belfield to Rhame 230-kilovolt (kV) transmission line and new Rhame Substation (Project) to the Western Area Power Administration's (Western) transmission system at Western's existing Belfield Substation. Under its Open Access Transmission Service Tariff (Tariff), Western is required to respond to Basin's interconnection requests. Western's Tariff conforms to Federal Energy Regulatory Commission's (FERC) Final Orders 888, 888A, 888B, and 888C and provides for new interconnections to Western's transmission system by all eligible entities, consistent with Western requirements and subject to environmental review under the National Environmental Policy Act (NEPA) and other environmental regulations. Western's decision is to approve or disapprove the interconnection of the Project with Western's Belfield Substation. Western's approval of this interconnection would require the execution of an interconnection agreement and minor modifications within Western's existing Belfield Substation to interconnect the new Basin transmission line and Rhame Substation.

In accordance with applicable regulations, Western prepared an environmental assessment (EA) entitled "Belfield to Rhame Transmission Line Project" (DOE/EA-1596). The EA identified and evaluated the potential environmental impacts associated with Western's decision on the interconnection request, and of the transmission line Project. In addition to addressing Western's action, the EA evaluates and compares the environmental impacts of three alternative transmission line routes, alternative sites for the proposed Rhame Substation, a microwave relay facility, and a No Action Alternative. Mitigation measures to minimize any environmental impacts were included directly in the Project proposal alternatives. The EA identifies no potentially significant impacts to environmental resources.

The EA was distributed to interested agencies, tribes, groups, and individuals on September 16, 2008. Comments received and Western's responses to them are provided later in this document.

Based on the information contained in the EA, Western has determined that approval of the interconnection request and Basin's proposed Project does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of

NEPA. Preparation of an environmental impact statement is not required, and Western is issuing this FONSI.

FOR FURTHER INFORMATION CONTACT: Additional information and copies of the EA and this FONSI are available to all interested parties and the public from the following contact:

Mr. Nicholas Stas, Environmental Manager
Western Area Power Administration
Upper Great Plains Regional Office
P.O. Box 35800
Billings, MT
59107-7408
Phone: (406) 247-7399
Fax: (406) 247-7408
Email: stas@wapa.gov

For further information on the DOE NEPA process, contact:

Ms. Carol M. Borgstrom
Director, Office of NEPA Policy and Compliance, GC-20
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
Phone: (202) 586-4600 or (800) 472-2756

SUPPLEMENTARY INFORMATION: This FONSI was prepared in accordance with Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR 1508.13, and the DOE NEPA Implementing Procedures, 10 CFR 1021.322.

The FONSI briefly presents the reasons why Western's proposal to approve an interconnection agreement for the Belfield to Rhame Transmission Line Project, including the described impact mitigation measures outlined in the EA, will not have a significant impact on the human environment. Approval of the interconnection agreement would allow Basin to interconnect their proposed new Belfield to Rhame 230- kV transmission line and new Rhame Substation to Western's transmission system at its existing Belfield Substation. In accordance with the regulations cited above, Western prepared an EA entitled "Belfield to Rhame Transmission Line Project" (DOE/EA-1596), on Western's action and on Basin's Project. The EA identifies and evaluates the potential environmental impacts associated with Western's decision on the interconnection agreement, and of the Project. The EA is incorporated in whole by reference into this FONSI in accordance with 40 CFR 1508.13, which allows a summary discussion in this document.

Prior to making a decision to approve the interconnection of the Belfield to Rhame Project, Western is required to prepare an EA to address NEPA and related environmental

requirements. The EA examines the potential environmental impacts of approving the application for interconnection as well as the No Action Alternative. Under the No Action Alternative, Western would not approve the interconnection request. For purposes of providing a no-project environmental baseline, the No Action Alternative assumes that the proposed Project would not be constructed. The EA also analyzes the potential environmental impacts of constructing, operating, and maintaining the Belfield to Rhame transmission line and Rhame Substation. North Dakota Public Service Commission (NDPSC) has siting and regulatory authority for utility projects in the State; their permitting requirements for the transmission line and new substation were integrated into the EA process, which resulted in the selection of a preferred alternative. The EA evaluates and compares three potential transmission line routes, alternative sites for the proposed Rhame Substation, a microwave relay facility, along with the No Action Alternative.

WESTERN'S ACTION: Western must decide whether to approve or disapprove Basin's interconnection request at Belfield Substation. Under its Tariff, Western must offer access to capacity on its transmission system when capacity is available, and on a non-discriminatory basis. Western also needs to ensure that by offering such capacity, existing transmission system reliability and service is not degraded by new interconnections. Transmission system studies are conducted to determine the effects on power flows in the event interconnection requests are approved.

The applicant's objectives are also considered in Western's decision process. The FERC Orders direct that interconnection requests be approved unless the transmission system would be adversely affected by the interconnection.

PROJECT DESCRIPTION: Basin proposes to construct, own, operate, and maintain a new single-circuit 230-kV Belfield to Rhame transmission line and a new Rhame Substation (the Project) to meet existing and future electric power requirements in southwestern North Dakota. The transmission line would be approximately 75 miles long, and would be located in Stark, Slope, and Bowman counties in southwestern North Dakota. Western's Belfield Substation is located in Stark County, southeast of the City of Belfield. The proposed Rhame Substation would be located in Bowman County, south of the City of Rhame. A new microwave relay facility would be installed on East Rainy Butte, in Slope County. The new transmission line would interconnect with Western's grid at its Belfield Substation. The transmission line would cross privately-owned cultivated and grazing land in a sparsely populated part of southwestern North Dakota, and would occupy a 125-foot right-of-way (ROW).

The proposed transmission system improvements would support Basin's obligation to respond to load growth and provide reliable power to end users. Electrical loads have been increasing in the region, and are largely tied to development of oil and natural gas fields in western North Dakota. Basin has load growth responsibility to its consumers, and must provide additional resources to meet the increased demand and retain the reliability and integrity of its power system. A full and complete project description is included in the EA, which is incorporated into this FONSI by reference.

PUBLIC INVOLVEMENT: The EA contains specific information on notifications to tribes, local, State, and Federal agencies, landowners, and the public. Public scoping meetings were held to discuss the project, determine important issues, obtain local information relevant to the proposed Project, and in general scope and shape the EA analyses. The pre-decisional EA was distributed to interested agencies, tribes, groups, and individuals on September 16, 2008. All correspondence is available at Western's Upper Great Plains Customer Service Regional Office. Several comments were received as a result of the review of the pre-decisional EA as outlined below.

COMMENTS RECEIVED ON THE PREDECISIONAL EA: Western received comments from two agencies and one individual during the agency and public review of the pre-decisional EA. A letter was received from the State Historical Society of North Dakota concurring with Western's determinations of "No Historic Properties Affected" and "No Significant Sites Affected." Another letter was received from the North Dakota Department of Health, stating that "This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods." The letter goes on to address fugitive dust, minimizing disturbance to stream beds and banks, prompt revegetation, spill prevention, storm water discharge permit requirements, and noise abatement as specific concerns. The EA includes best management practices and mitigations that address all of these concerns.

One email response was received from a landowner that included several concerns. These included: potential interference with future oil, gas, and coal leasing and development; the quarter-section alignment across this individual's property and property values; and an objection to the State-required 99-year lease and the included rebuild clause. The proposed transmission line would not negatively affect oil or gas well drilling, as the easement is only 125 feet wide with structures spaced approximately 800 feet apart. Placement of wellheads is not critical as angle drilling is now common practice. If future coal mining is proposed, the transmission lines can be relocated which is the common practice in accommodating mining activities. The mine developer routinely pays for any necessary relocation. The EA covers potential impacts to mineral resources in section 6.2.2.

Basin's engineers and realty specialists worked closely with affected landowners to locate the planned transmission line and, in some cases, spotting individual structure locations. Single-pole structures were selected to minimize impacts to farming operations and, where possible, the alignment followed section, half-section, and quarter section lines. The final location was determined by considering locations of residences and landowner preferences. The respondent acknowledged that her neighbors preferred a mid-section placement, while she would have favored a section line route. Some farmers prefer locating transmission lines along their field margins, while others find it easier to maneuver large equipment around structures if they are located away from the field margins. In either case, with single poles spaced about 800 feet apart the impact on farming operations would be negligible. The routing process attempted to avoid cultivated agricultural land to the extent practicable by favoring routes that crossed pasture or rangeland. The region is devoted to agriculture and avoiding all cultivated land over a 75-mile route was not possible. In some cases the presence of a transmission line can have a negative effect on property values, such as

locations where a line could impact development of property for residential subdivision. Western has no information that would indicate the addition of a transmission line would measurably affect property values in the rural agricultural area this Project is located in. In any case, Basin will reimburse all landowners for full market value for a 125-foot wide easement across their property. Landowners retain full title ownership of their property and the ability to use the easement for farming and grazing purposes. Farmland impacts are addressed in section 6.2.2 of the EA.

Western notes the respondent's objection to the 99-year lease, which the respondent acknowledges is State law. The rebuilding provision in the lease agreement would not extend the term of the lease beyond the mandated 99 years. The reason for the rebuilding clause is to allow Basin to rebuild the transmission line in place should it be damaged or destroyed by a natural or man made disaster. Operation, maintenance, and abandonment of the proposed transmission line are discussed in section 2.7 of the EA.

ALTERNATIVES: DOE's NEPA regulations require that an EA include, at a minimum, the proposed action and the no action alternative (10 CFR 1022.321(c)). Western's action is to respond to Basin's interconnection request. If approved, Western would execute an interconnection agreement with Basin, and would make the modifications inside Belfield Substation necessary for the physical connection of Basin's Belfield to Rhame transmission line. Under the no action alternative, Western would not execute an interconnection agreement with Basin, the new transmission line would not be interconnected, and the new Rhame Substation would not be built. The no action alternative provides a baseline against which the environmental impacts of other alternatives are compared. For Western's action, the difference is the modifications in the Belfield Substation.

In order to identify and analyze the potential environmental impacts of Basin's Project, and compare them to no action, it was assumed that the Project would not be constructed if the interconnection request was not approved. Since Basin has mandated load growth responsibility, Basin cannot ignore load growth and must take action to meet it. However, it is conjectural whether this action would be the same project interconnected elsewhere, a similar project, or an entirely different project. The Project as defined above is the only project that Western was requested to interconnect.

The EA documents several alternative routes and alignments that were considered before the preferred alignment was selected. The NDPSC requires a process that identifies corridors and routes within corridors as part of their transmission line permitting process. The NDPSC has identified exclusion areas and avoidance areas, and has established selection and policy criteria. Since Basin has to secure a permit from the NDPSC for their Project, this process was documented in the EA in Chapter 3 -*Corridor Identification and Route Selection*. Project-specific routing criteria are also presented in this chapter. Chapter 4-*Corridor Description* provides the corridor information required by the State. Chapter 5 - *Transmission Line Routing, Structure Design, and Substation Selection* provides detailed information on the selection of the final alignment and substation location.

The EA incorporates these NDPSC information requirements as they present very detailed

information on Basin's Project, and allow public disclosure of the alternative routes identified and the process followed to determine the proposed alignment. The NDPSC also conducted their own public process on the Project, including public hearings.

ENVIRONMENTAL IMPACTS OF WESTERN'S ACTION: Western's decision to approve the interconnection would result in minor modifications within Western's Belfield Substation. The existing substation area has been previously graded and covered with gravel aggregate and is surrounded by a security fence to prevent unauthorized entry and injury. Vegetation is controlled for operational and safety reasons. Modifications to accommodate the proposed interconnection will have no impacts to environmental resources.

ENVIRONMENTAL IMPACTS OF BASIN'S PROJECT: The EA evaluated the potential for Basin's Project to impact environmental resources found in the Project area. Basin incorporated mitigation measures and best management practices in the description of its proposed Project. The analysis of environmental impacts identified no potential impacts that would be considered significant, and no mitigation measures that should be implemented additional to those already embedded within the Project description. The principal reasons for the lack of significant environmental impact was the avoidance of sensitive resources during siting of the transmission line and Rhame Substation, the ability of transmission lines to span sensitive resources, the minor amount of disturbance at structure locations, and Basin's efforts to work cooperatively with affected landowners. Each landowner had different priorities and concerns. Basin worked very successfully with each landowner to determine how alignments and structure locations could be adjusted to meet their individual needs and preferences to minimize impacts.

JURISDICTIONS, LAND USE, AND AGRICULTURAL PRACTICES: Basin located the proposed transmission line route on pasture and rangeland to the extent practicable to minimize impacts to cultivated land. Section, half-section, and quarter section lines were used when crossing cultivated areas; angled crossings were avoided. Single-pole structures were selected instead of H-frame designs to reduce their obstruction to farming practices and to minimize the area susceptible to invasive weed infestations. Permanent loss of land for the transmission line was less than 0.2 acre. Basin purchased an 80-acre parcel from a willing seller for Rhame Substation, of which 12.5 acres would be developed and the rest leased for agricultural purposes. While the ROW would have temporary impacts during construction, landowners would continue to have access to and use of the land. Environmental impacts were determined to be temporary and not significant.

The transmission line would unavoidably cross some Prime and Unique Farmland and Farmlands of Statewide Importance. Temporary disturbance of Prime and Unique Farmland are estimated to be less than 10 acres, and disturbance to Farmlands of Statewide Importance are estimated to be about 300 acres. These temporary impacts would be for one season, and landowners would be reimbursed for any crop losses. Permanent impacts, or land removed from production, would be less than 0.2 acre for the entire line. About 12.5 acres would be occupied by the developed Rhame Substation, mostly classified as Farmlands of Statewide Importance. These losses are not significant considering the amount of cropland in the region. The small area of borings for structure foundations would not constitute a significant impact to soils. Topsoil would be conserved at the substation location.

PHYSIOLOGY, GEOLOGY, AND MINERALS: About eight structures would need to be placed in the Little Badlands area of steep barren hills. Badlands by definition have steep slopes, high erosion potential, and sparse vegetation. Recovery from construction impacts would be slow in badland areas, but proper design and erosion mitigation would prevent the initiation of active erosion. Increased erosion resulting from construction activities would be mitigated by proper design and best management practices.

Minerals in the Project area include lignite coal, volcanic ash, scoria, sand, and gravel. Existing and planned mining operations were avoided during the transmission line routing process. If mining operations were ever initiated in the area, the ability to relocate a section of line would limit any impact by the transmission line. Scattered oil wells are found in the vicinity of the transmission line route, but none are located nearby. As discussed earlier, future oil development would not be affected by the line.

HYDROLOGY AND DRAINAGE: Drainages and flood prone areas were avoided to the extent practicable during routing. No structures would be placed in floodplains, and drainages and wetlands would be spanned by the transmission line. These areas would also be avoided by construction vehicles during construction. Structures are typically located on higher areas, as shorter structures can be used while still achieving necessary ground clearance. Because of avoidance and erosion control measures on upland construction areas, hydrology and drainage would not be adversely affected.

VEGETATION AND WETLAND RESOURCES: The transmission line would cross predominantly grassland and cropland. During the routing process, grassland and rangeland was favored to minimize the impacts to landowner farming operations. Nearly 92 percent of the land crossed falls into these two categories. Small tracts of shrub/steppe, badlands, riparian and wetlands, and forested land make up the remaining eight percent. Of these, the forested category is nearly all comprised of planted windbreaks, and the riparian and wetland category is largely drainages and wetlands that would be spanned. Grassland would recover quickly from the temporary disturbance caused by construction activities. Best management practices would limit the extent and level of disturbance, and would include tilling compacted soils and reseeded where needed. Impacts to cropland would be temporary and would be restored with the planting of new crops. Trees and shrubs removed during construction would be replaced on a two-for-one basis in cooperation with landowners.

While the calculations show that 10.6 acres of riparian areas and wetlands would be crossed, these areas would be spanned by the transmission line and avoided by construction vehicles. Swales that are cultivated could be crossed by construction vehicles during dry periods. Noxious weeds exist in the Project area. Equipment would be washed before entering the Project area, certified weed-free straw and re-seeding mixtures would be used, and disturbed areas would be monitored following construction for weed infestations. Control of any infestations would be coordinated with appropriate Federal, State, and local agencies and landowners. Significant impacts would not occur to vegetation or wetland resources.

Wildlife and Fisheries: The majority of wildlife species in the Project area would temporarily relocate during construction activities, and return after construction is complete. Some individuals

of ground-dwelling and/or less mobile species could be lost to construction activities, but the losses would be biologically insignificant. The amount of available forage and cover would be temporarily reduced, but would recover quickly naturally, or as a result of mitigation measures outlined in the previous section. Impacts to nesting migratory birds would be mitigated through pre-construction nesting surveys and the establishment of buffers around active nests as necessary. No impacts to fisheries or aquatic species are anticipated. Aquatic habitat was either avoided or spanned.

SPECIAL STATUS SPECIES: Federally-listed species in the Project area include the black-footed ferret, gray wolf, and whooping crane. No prairie dog towns suitable for black-footed ferret habitat would be affected by the Project. The gray wolf (if present) is highly mobile and would avoid human construction activity. The North Dakota Game and Fish Department (NDGFD) considers the gray wolf to be extirpated in the State.

Collision with distribution and transmission lines is the greatest single source of mortality to migrating whooping cranes. The Project area is located at the extreme western edge of the designated whooping crane migration corridor, so the potential for individuals to be present in the Project area is low. Basin will mark the line with bird diverter devices in areas near suitable whooping crane stop-over habitat in concert with the U.S. Fish and Wildlife Service. There is no designated critical habitat in the Project area.

The NDGFD identified 49 animal and 6 plant Species of Conservation Priority that occur in Williams and Montrail counties. Many of these species are found in specialized habitats that were recognized and avoided during routing. Seventeen of the animal species would not be affected or would have little chance of being affected by the Project. While the remaining species could be present, and could be affected by construction, most impacts would be temporary, and no long-term or significant impacts were identified. Assessments for each individual species are provided in sections 6.6.2.2 and 6.6.2.3 of the EA.

ARCHEOLOGICAL AND HISTORIC RESOURCES: A Class I file search was completed for all three corridors. For the preferred alternative, four sites were located within 500 feet of the centerline, and one of those, a historic farm, was within 75 feet. However, the farm structures at this site were at least 500 feet away from the centerline. The other sites were two ranches and a historic scatter/depression/foundation, the latter being recommended as not eligible for the National Register. A Class III pedestrian survey was completed along the proposed transmission line route. The survey identified 11 sites and 8 isolated finds. Four of the sites and all of the isolated finds were prehistoric. All but two of the sites were recommended as not eligible for the National Register by the archaeological consultant. Of the two sites, a prehistoric lithic scatter, was located outside of the area that would be disturbed by construction, and the other, a railroad line, would be spanned by the transmission line. Since they would not be affected by the proposed Project, these two sites were not formally evaluated for eligibility. No sites eligible for the National register would be impacted by the proposed Project.

NATIVE AMERICAN SETTING: No Traditional Cultural Use Areas, sacred sites, or other potentially sensitive areas were identified by Native American tribes with past or present affiliation to the Project area. No impacts to areas considered important by the tribes are anticipated.

PALEONTOLOGICAL RESOURCES: The Project area is located in an area with abundant paleontological, or fossil, resources. Paleontological resources located on State lands are protected under North Dakota's Paleontological Resource Protection Act, while those on private land are not protected. Basin has committed to having a paleontological monitor present during construction on bedrock or areas where rocky substrate is exposed. Given the limited impact of the proposed Project on bedrock or rocky substrate, it is unlikely that construction of the project would affect paleontological resources of State-wide importance. While damage to fossils is a possibility, construction projects are often the cause of significant fossil discoveries. These paleontological resources would otherwise remain undiscovered, and unavailable to the scientific community. No significant impacts to paleontological resources are expected.

TRANSPORTATION: Regional transportation facilities would be used to transport materials and workers to the Project site. The transmission line would cross roads, highways, and a rail line. The line would not interfere with airports in the vicinity. Local traffic would increase during the six- to eight-month construction period, but specific locations would shift as work progressed along the approximately 75-mile long line route. About 70 construction workers would be expected at the peak, and they would be scattered among several work areas. Flat-bed trucks would haul pole sections and other material to staging areas, and to structure sites. The increase in traffic would be locally noticeable, but traffic volumes and population densities are low in the area. There could be a negligible increased risk of traffic accidents, or temporary inconveniences to area residents due to the presence of large trucks and construction equipment on the county roads in the region.

SOCIOECONOMICS: The impact of the proposed Project on socioeconomics would be mixed, and can best be characterized as temporarily beneficial. Construction crews would bring outside dollars into the local economy for goods and services such as fuel, meals, lodging, concrete, seed, aggregate, and machinery repair. Negative impacts to housing, community facilities and services, and population are not expected. Landowners would receive full market value for easements crossing their lands, and would be able to continue using the ROW for crop farming, grazing, and most other uses. A negligible amount of land would be removed from permanent production, and any reduction in productivity should be temporary. Direct crop losses due to construction activities would be compensated for by Basin through crop damage payments. Socioeconomic impacts would be temporary and insignificant.

PUBLIC HEALTH AND SAFETY: Transportation of materials would be in conformance with U.S. Department of Transportation regulations. Road, highway, and railroad crossings would have temporary H-frame safety structures installed to ensure conductors do not sag during installation. Construction crews would operate under applicable National Electric Safety Code and Occupational Safety and Health Administration regulations. While some risk of injury is always present on construction sites, compliance with regulations would hold this risk to a minimum.

Electric shock hazard would be minimized by maintaining proper ground clearances, which would allow the safe operation of farm machinery under the line. Should the line be damaged by severe weather, equipment at the substations would sense a fault and de-energize the line, preventing any shock hazard to maintenance workers or the public. An overhead ground wire will divert lightning

strikes to the ground protecting the transmission line. The Rhame Substation would be fenced to keep out unauthorized people and livestock. Stray and induced currents would be eliminated through proper grounding of metal objects, such as fences. Electric and magnetic fields (EMF) have been studied for over 30 years. Some studies have shown a possible connection between EMF exposure and health, while other studies have not. In general, studies showing any correlation have shown statistical significance just above threshold values, and the statistical significance was not replicated in subsequent studies. Research and debate continue on the subject of EMF, but thus far no deleterious health effects can be tied to transmission line EMF. In any case, EMF levels near a transmission line drop to background levels within 300 feet. No residences are located within 500 feet of the proposed transmission line, and population levels are very low in the Project area. The primary EMF exposure will continue to be occupational, or fields in their own homes from electrical wiring and appliances.

ENVIRONMENTAL JUSTICE: There would be no disproportionately high or adverse health or environmental impacts on minority or low income populations as the result of constructing, operating, and maintaining the proposed Project.

VISUAL RESOURCE SETTING: The proposed transmission line would introduce a linear feature to the rural crop and pastureland area that would be obtrusive to some viewers. Population densities are low, limiting the number of viewers. Basin has worked with landowners to site the line so as to minimize the impacts, including visual impacts. The visual impacts to motorists would be low and short term; impacts are higher to area residents. Impacts are reduced with distance from the line, and the selection of single-pole structures should also lessen visual impacts. The rolling topography will partially hide the line, depending on the observer's location. The addition of the transmission line would result in unavoidable visual impacts, but they are considered to be less than significant.

NOISE: The construction of the proposed Project would generate vehicle noise for the six- to eight-month duration of the construction phase. Operation of the transmission line and substation once completed would not generate appreciable noise. Existing noise levels are established by wind, farm equipment operation, and vehicle traffic. Construction noise would be similar to farm equipment, and would move from structure site to structure site. Noise would be very temporary at any given location as a result. An exception would be the Rhame Substation site, which has one residence about one-half mile away, and another a mile away. These residents would hear construction activities over a longer period of time. Noise impacts would be sporadic and temporary at most locations, and would cease with the completion of the Project.

AIR QUALITY: The Project area is presently in attainment of the National and State Ambient Air Quality Standards. Construction equipment emissions would result in localized and temporary air quality impacts during construction activities. Construction equipment movement and operation would result in airborne dust. Compared with agricultural operations, the impacts to air quality from construction activities would be negligible. No Federal or State air quality standard would be violated by the construction of the proposed Project.

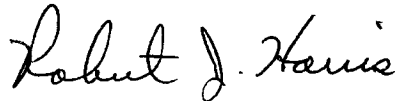
INTENTIONAL DESTRUCTIVE ACTS: Transmission lines and substations can be the target of intentional destructive acts ranging from random vandalism and theft, to sabotage and acts of

terrorism. In this remote area, random vandalism (often damage to insulators from firearms) and theft are the major concerns. Standard security measures, including fencing, would be installed to protect the substation. Vandalism risk should be low due to the predominance of private property and landowner vigilance. Substantial hardships would not result if the line were to be taken out of service due to an intentional destructive act, and the facility should be quickly returned to service.

CUMULATIVE IMPACTS: The rural character of the area is expected to be maintained for the immediate future. The cumulative impact analysis identified only the proposed South Heart Coal, LLC, lignite mine and coal gasification plant, and the construction of a new airport near Bowman. Neither would result in significant cumulative impacts.

DETERMINATION: Based on the information contained in the EA, Western has determined that its action to approve the interconnection request, and Basin's proposed Project, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA. Therefore, considering the impact mitigation measures and best management practices as described in the EA that are to be implemented over the course of the Project, preparation of an environmental impact statement is not required, and Western is issuing this FONSI.

Issued at Billings, Montana, on February 18, 2009.



Robert J. Harris
Regional Manager
Upper Great Plains Region