

**BASIN ELECTRIC
POWER COOPERATIVE**

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



November 26, 2014

Darrell Nitschke
Executive Director
North Dakota Public Service Commission
600 East Boulevard; Dept. 408
Bismarck, ND 58505-0480



Re: Basin Electric Power Cooperative
Williston to Tioga 230 kV Transmission Project
Case No. PU-07-671
Structure relocation Request

Dear Mr. Nitschke:

In Case PU-07-671, the North Dakota Public Service Commission approved a certificate of Corridor Comparability and Route Permit for Basin Electric Power Cooperative's (**Basin Electric**) Williston-Tioga 230 kV Project. The Project was completed in 2010. Paragraph 16 of the Certification Relating to Order Provisions - Electric Transmission Line Siting requires Basin Electric to seek approval from the Commission for any structure location changes.

The North Dakota Department of Transportation (**NDDOT**) is developing a roadway project in Williams County that is referred to as the Williston By-pass Project No. SOIA-7-085(096)192 PCN 20461 US 85 - Williston NW Permanent Truck Reliever Route Phase 3.

The existing two lane roadway is being expanded into a four lane roadway to divert truck traffic from U.S. Highway 2 and U.S. Highway 85 from the City of Williston. Basin Electric has one 230 kV single pole structure (No. 66) that NDDOT requested to be relocated due to the expanding roadway. Basin Electric has been granted permission from the NDDOT to keep the relocated structure within the NDDOT's new ROW.

Further, in accordance with North Dakota Century Code 49-22-03 3(a)(3), please find enclosed a notarized certification that the above described work Basin Electric will be doing will not affect any known exclusion or avoidance area, as those terms are defined in N.D.A.C. 69-06-08-02(1) and (2), and that Basin Electric will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued.

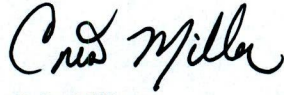
For your convenience, in addition to the attached Certificate, I have also enclosed a location map and the North Dakota State Historical Society's Concurrence for avoidance of known cultural features within the immediate area.

110 **PU-07-671** Filed: 12/1/2014 Pages: 11
Structure location change request

Darrell Nitschke
November 26, 2014
Page 2

For inquiries regarding this request, please contact me at (701) 557-5635 or by e-mail at cmiller@bepc.com.

Sincerely,

A handwritten signature in cursive script that reads "Cris Miller".

Cris Miller
Senior Environmental Project Specialist

cm/ds
enclosures

cc: Casey Jacobson



**STATE
HISTORICAL
SOCIETY**
OF NORTH DAKOTA

Jack Dalrymple
Governor of North Dakota

**North Dakota
State Historical Board**

Calvin Grinnell
New Town - President

A. Ruric Todd III
*Jamestown - Vice
President*

Margaret Puetz
Bismarck - Secretary

Albert I. Berger
Grand Forks

Gereld Gerntholz
Valley City

Diane K. Larson
Bismarck

Chester E. Nelson, Jr.
Bismarck

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Mark Zimmerman
*Director
Parks and Recreation
Department*

Grant Levi
*Director
Department of
Transportation*

Claudia J. Berg
Director

*Accredited by the
American Alliance
of Museums since 1986*

November 25, 2014

Mr. David W. Kluth
Regional Preservation Officer
Western Area Power Administration
Upper Great Plains Region
200 4th Street SW
Huron, South Dakota 57350-2474

**NDSHPO REF.: 09-0305a WAPA Basin Electric Williston to Tioga 230 kV
Transmission Line, Line 296 Structure 66 Relocation (296-066, New Pole
Location)**

Dear Dave:

We have received and reviewed project correspondence and documentation for:
**09-0305a WAPA Basin Electric Williston to Tioga 230 kV Transmission Line,
Line 296 Structure 66 Relocation (296-066, New Pole Location)** and find it
acceptable.

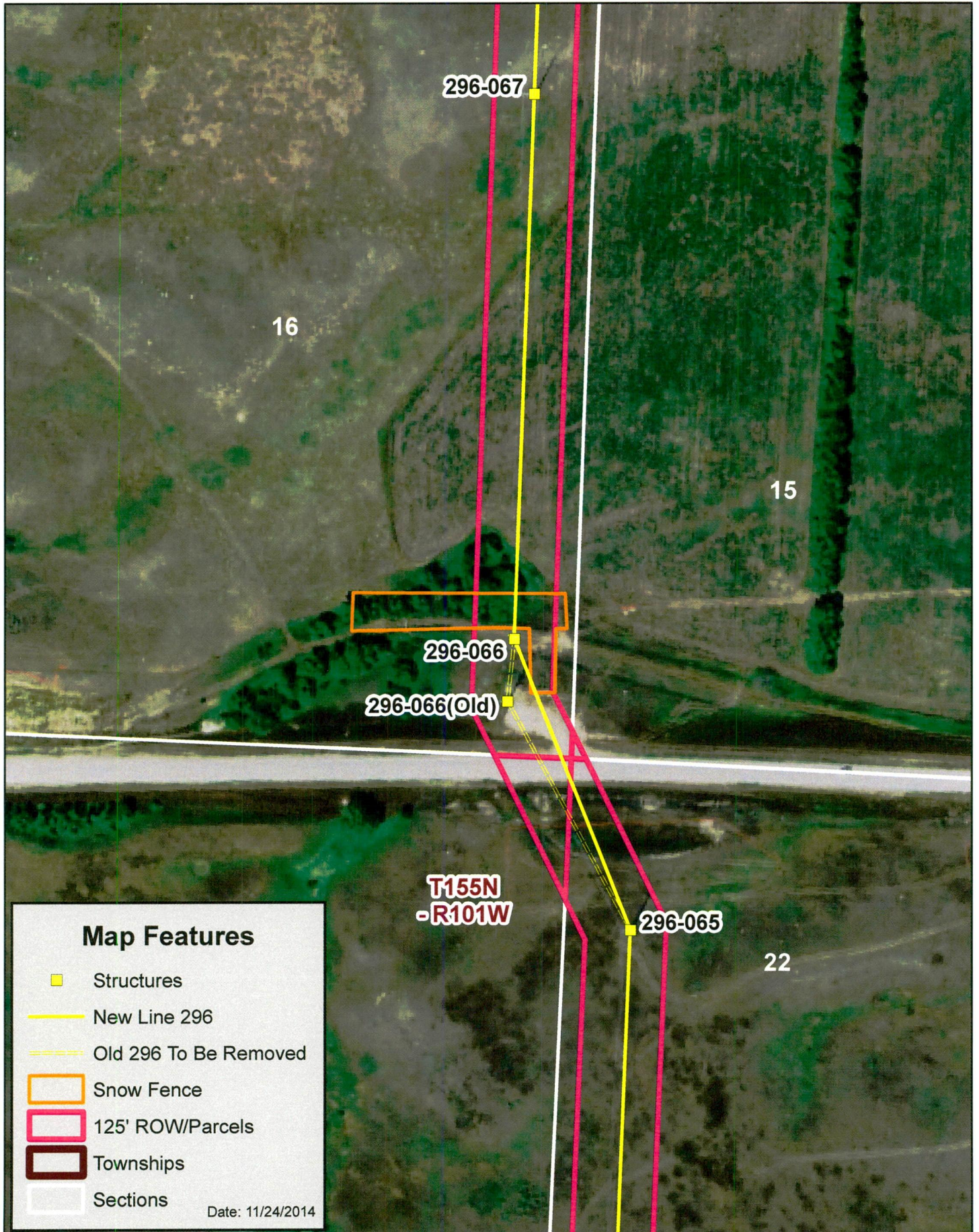
Thank you for the opportunity to review the project. If you have questions please
contact either Paul Picha at (701) 328-3574 or Susan Quinnell at (701) 328-3576.

Sincerely,

Claudia J. Berg
State Historic Preservation Officer (North Dakota)
and
Director, State Historical Society of North Dakota

c: Cris Miller, Basin Electric (pdf copy)
c: Damita Engel, Metcalf Archaeological Consultants (pdf copy)
c: Jeani L. Borchert, NDDOT (pdf copy)

Line 296 Structure 66 Relocation



**BASIN ELECTRIC
POWER COOPERATIVE**

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



October 9, 2009

RECEIVED

OCT 13 2009

Illona A. Jeffcoat-Sacco, Director
Public Utilities Division
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

PUBLIC SERVICE COMMISSION

Re: Basin Electric Power Cooperative
230 kV Transmission Line/Williams & Mountrail Co.
Siting Application
Case No. PU-07-671

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing are the Certification Relating to Order Provisions – Electric Transmission Line Siting and Tree and Shrub Mitigation Specifications.

If you have any questions, please feel free to contact me at cjacobson@bepc.com or (701) 557-5413.

Sincerely,

Casey Jacobson
Attorney

cjj/ds
enclosure

18 **PU-07-671** Filed: 10/13/2009 Pages: 6
Executed Certification Relating to Order Provisions

Basin Electric Power Cooperative

Casey Jacobson, Atty

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Coop. Inc.
230 kV Transmission Line/Williams & Mountrail Co.
Siting Application

Case No. PU-07-671

**CERTIFICATION RELATING TO ORDER PROVISIONS - ELECTRIC
TRANSMISSION LINE SITING**

I am Duey Marthaller, a representative of Basin Electric Power Cooperative, Inc. (Basin) with authority to bind Basin to requirements to be set forth by the Commission in its Order and I certify the following:

1. Basin understands and agrees that the Certificate of Corridor Compatibility and the Route Permit will be issued by the Commission subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code, and that Basin will be responsible for compliance with the Order in this Case and the conditions and criteria set forth in the applicable law and rules.
2. Basin agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Basin representative, its construction supervisor, and a representative of Commission Staff, to ensure that Basin fully understands the conditions set forth in the Commission's Order in this Case.
3. Basin agrees to 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 prior to construction activity associated with the transmission line that requires said license or permit.
4. Basin agrees to inform the Commission of its intent to start construction on the transmission line prior to the commencement of construction, and once construction has started, that it shall keep the Commission updated on construction activities on a weekly basis.
5. Basin agrees to construct and operate the transmission line in the manner described in its application, in any late filed exhibits and supplemental materials, and in accordance with all applicable safety requirements.
6. Basin agrees to promptly report to the Commission the presence in the permit area of any critical habitat of threatened species, endangered species, bald eagles, or

golden eagles that Basin becomes aware of and which were not previously reported to the Commission.

7. Basin understands that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office for approval prior to the start of any fieldwork and construction activity.
8. Basin understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, a report of such examination is filed with the Commission, and clearance to proceed is given by the Commission.
9. Basin understands and agrees that all pre-existing township and county 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, unless authorized by the township or county.
10. Basin understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken.
11. Basin understands and agrees that reclamation and clean up along the right-of-way must be continuous and coordinated with construction.
12. Basin understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
13. Basin understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission line.
14. Attached is a document titled Tree and Mitigation Specifications. Basin agrees to comply with these specifications.
15. Basin agrees to work with landowners and residents to mitigate any increase in television and residential radio interference that results from the route of the transmission line.
16. Basin understands and agrees that it must obtain approval from the Commission prior to any changes in the facility route or structure locations.

17. Basin agrees to provide the Commission with a copy of the facility alignment drawings with alignment data showing the facility as built (hardcopy and electronic versions), and an electronic version of the as-built facility that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction.

18. Basin understands and agrees that the authorizations granted by the corridor certificate and route permit are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

Dated this 7 day of October, 2009.

BASIN ELECTRIC POWER COOPERATIVE, INC.

By: Drew Marshall

Its: Manager Civil Engineering

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Basin Electric Power Coop. Inc.
230 kV Transmission Line/Williams & Mountrail Co.
Siting Application**

Case No. PU-07-671

Tree and Shrub Mitigation Specifications

Inventory

1. Trees and shrubs anticipated to be cleared, including those that are considered invasive species or noxious weeds (e.g., *Caragana arborescens*, *Elaeagnus angustifolia*, *Rhamnus cathartica*, *Tamarix chinensis*, *T. parviflora*, *T. ramosissima*, *Ulmus pumila*), shall be inventoried before cutting. The inventory shall record the location, number, and species of trees and shrubs.
2. In windbreaks, shelterbelts, and other planted areas, trees or shrubs anticipated to be cleared, regardless of size, shall be inventoried for replacement.
3. In native growth areas, trees anticipated to be cleared that are 1-inch diameter at breast height (dbh) or greater shall be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way shall be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs shall be cut flush with the surface of the ground, taking care to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil shall be preserved and replaced after construction. Shrubs shall be allowed to regenerate naturally where native topsoil is preserved and replaced. Where native topsoil is not preserved and replaced, shrubs anticipated to be cleared shall be inventoried for replacement.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by sampling method that will properly represent the woody vegetation population. A sampling plan developed by the company, filed with the North Dakota Public Service Commission (Commission), and approved prior to the start of construction shall define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots shall be extrapolated to the total acreage of the wooded area to be cleared to determine the species and quantity of trees and shrubs to be replaced.

Clearing for Construction

7. Trees and shrubs shall be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The width of clear cuts through windbreaks, shelterbelts and all other wooded areas shall be limited to 50 feet or less unless otherwise approved by the Commission.

9. If the area of trees or shrubs actually cleared differs from the area inventoried, the difference in number of trees and shrubs to be replaced shall be noted on the inventory.

Replacement

10. Prior to replacement, documentation identifying the number and variety of trees removed as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings shall be filed with the Commission for approval.

11. Tree replacement shall be on a 2 to 1 basis with 2-year-old saplings. Shrub replacement shall be on a 2 to 1 basis with stem cuttings.

12. Trees and shrubs shall be replaced by the same species or similar species, except in the case of invasive species or noxious weeds, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

13. Landowners shall be given the option of having replacement trees/shrubs planted off the right-of-way on the landowner's property or waiving that requirement in writing and allowing those replacement trees or shrubs to be planted at alternative locations.

14. At the conclusion of the project, documentation identifying the actual number, variety, type, location, and date of the replacement plantings shall be filed with the Commission.

15. Tree and shrub replacements shall be inspected once a year for three years, on about the anniversary of the plantings, and, on or shortly before October 1 of each year, a report shall be submitted to the Commission documenting the condition of replacement planting and any woodlands work completed. If after three years from the anniversary of the plantings the survival rate is less than 75%, the Commission may order additional planting(s).

