

## STATUS SUMMARY REPORT # 3

August 21<sup>th</sup>, 2014

### **Minnkota Power Cooperative, Inc. 250 mile 345 kV line from Center to Grand Forks, North Dakota (PSC Case No. PU-09-670)**

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Permit Compliance Review

NDPUC Contract No.: PU-668-12

Reporting Period: August 16<sup>th</sup>, 2013 – August 21<sup>th</sup>, 2014

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#### **General:**

Houston Engineering, Inc. (HEI) and MBN Engineering (MBN) are under contract with the North Dakota Public Services Commission (NDPSC) to complete permit compliance review and inspection of construction activities, as part of the Minnkota Power Cooperative, Center to Grand Forks 345 kV transmission line project (PU-09-670). The following is a summary of the work completed to date and the anticipated timeframe for the completion of the permit compliance review. Two environmental compliance site visits have been completed, and the engineering / construction compliance site visits are underway. This field inspection report is for the second environmental compliance site visit, which occurred on July 22-25, 2014.

#### **Summary of Activities / Items Completed to Date:**

Two site visits have been completed since the previous Status Report. The focus of these site visits were to assess environmental and siting compliance, as well as engineering and construction compliance inspections.

#### **Environmental / Siting:**

There were 806 poles inspected including poles 1-790, and 805-821. The environmental compliance inspections targeted poles that were constructed in or within the vicinity of the exclusion, avoidance and selection criteria outlined within the permit. During the compliance site visits, the following resources that were within and around the constructed poles were located to assure compliance: T & E critical habitat, historical resources, homes/family farms and ranches, rivers/streams/drainage ways and floodplains, wetlands, United States Fish and Wildlife easement areas, recreational areas and trails, and tree clearing areas and agriculture. In addition, Extraordinary Events, as described within the construction weekly reports, were also targeted to identify and observe notable incidents within the construction corridor. The following summarizes the observations:

#### **T & E Critical Habitat**

The Missouri River crossing is critical habitat for the federally listed Piping Plover. As identified within the construction progress reports, the poles adjacent to the Missouri River were constructed in and around the fall of 2013 and the winter of 2014, which is outside of the Piping Plover breeding season (mid-April through August), per the permit. Wire shields were observed in the span of the Missouri River (**Photo 1**). Pole construction within these critical habitats has been found to be compliant with the permit.

## Historical Resources

GIS data received from the ND State Historical Preservation Office was used to identify areas of known historic or archaeological significance and pinpoint the poles which may encroach on these sites for field review. Poles that were placed in or within 500 feet of the areas identified as potentially significant sites were identified and spatially located with a handheld GPS on site to verify the pole location. These located pole points were then compared to the permitted pole location shapefile to verify they were placed as specified in the Permit. Two (2) poles were identified to be located within 500 feet of potentially known historic or archaeological sites, and each of these poles were constructed in the location outlined in the permit (see **Photo 2**).

## Houses/Family Farms and Ranches

GIS residential structure location point data from Minnkota was utilized to identify poles which may be placed within the 500 foot buffer of a residence, school or place of business (identified as an Avoidance Area within the permit). Using GIS, we identified all poles that were placed in or within 550 feet (to allow for a margin of error) of residences, schools or places of business. In the field, these poles were geo-located utilizing a handheld GPS unit to verify the constructed location. These located pole points were then compared to the permitted pole location shapefile to verify they were placed as specified in the permit. Fourteen (14) poles were identified within the 550 foot buffer. These poles were found to be constructed in the location outlined in the permit and are compliant.

One land owner discussed with us during the site visit that his field access road was damaged and was expecting further restoration activities. This was in and around the area of pole 552.

## Rivers/Streams/Drainage ways

GIS location data was received from Minnkota and utilized to identify poles which may be constructed within a river, stream or drainage way, as outlined within the Selection Criteria of the permit. Twenty-eight (28) poles were observed, and no poles were observed to be constructed directly within rivers/streams or drainage ways and no poles were observed within floodplains. Installations of the Stormwater Pollution Prevention Plan (SWPPP) items were observed, including the placement of silt fences around water resources. Poles were observed adjacent to, but not within the McClusky Canal (220, 221, 352, and 353).

## Wetlands and Easement Wetlands

Wetland delineation data was used to identify poles that were constructed within wetlands. US Fish and Wildlife Service easement parcel data was used to identify potential wetland impacts within easement parcels. A total of 198 poles were inspected to determine wetland compliance. Thirty-five (35) poles were placed within wetlands, including 109, 140, 178, 207, 212, 217, 222, 223, 225, 250, 282, 319, 374, 385, 398, 428, 433, 439, 442, 455, 501, 540, 555, 559, 650, 658, 662, 669, 675, 678, 387, 698, 701, 702, 723, and 766. Temporary impacts from construction rutting or bridge material was observed on poles 65 & 68 (see **Photo 3** for example) and will need to be returned to pre-construction condition, as outlined within the permit. Evidence of SWPPP implementation was observed on all construction sites close to and within wetland areas, including the installation of silt

fencing. Other construction matting was observed in other wetlands, however it was obvious that restoration activities were ongoing or had not yet been completed on all sites.

Plant Life

Permanent impacts to plant life, which included tree clearing operations, were observed within several pole areas, including Poles 503, 504, 522, 553, 554, 555, 562, 631, 633, 634, 647, 648, 658 (See **Photo 4** for example).

Agricultural Production

The majority of the observed poles were located within agricultural areas (See **Photo 5**). Cultivation and planting avoidance was observed in areas where poles were actively under construction. Agricultural areas were tilled and planted where construction of the poles had been completed.

Extraordinary Events

One (1) extraordinary event was identified within the weekly construction progress reports. Inspection of this pole did not identify anything that would be out of permit compliance.

**Table 1:** Summary of resources observed, number of poles identified and pole non-compliance with the Permit.

Resource	# of Poles Checked	# of Poles Incompliant
Critical Habitat	4	0
Historical Sites	2	0
Vicinity to Residences, Schools, or Places of Business	14	0
Rivers/Streams/Drainage ways	28	0
Wetlands, woodlands, wooded areas	198	2 (temporary impacts from construction materials and rutting)
Plant Life	13	1 (landowner discussions, see text above)
Agriculture lands	Throughout	0
Extraordinary Events	1	0

Local Permit Compliance:

- Sheridan County Conditional Use Permit  
No conditions were identified within the Conditional use Permit for Sheridan County. Pole construction is in compliance of the Conditional Use Permit.

**Future Activities for the next reporting period:**

MBN Engineering will submit their progress report to discuss and summarize their engineering / construction compliance site visits, which have taken place August 4-6, 2014. One additional site visit by MBN is expected soon. HEI will prepare one final Construction Inspection Report that will include the data obtained during the compliance inspections, identification of any issues that were noted and resolution of such, and a conclusion whether the transmission is in compliance with the ND PSC Route Permit Number 144.

Photo



Photo 1: Pole 69 on the west side of the Missouri River. Shield markers have been installed, and can be seen in this photo.

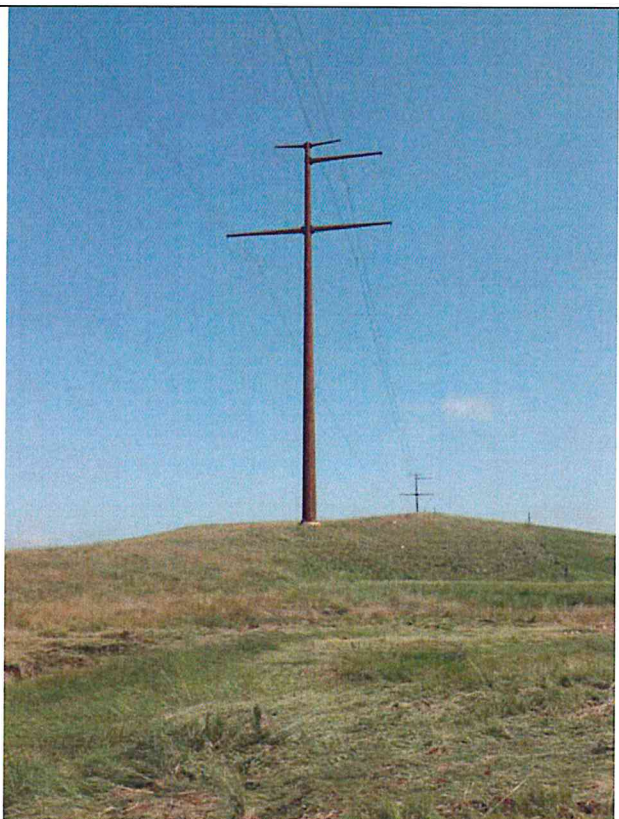


Photo 2: Pole 119, showing avoidance of an archaeological / historic site. Posting of archaeological / historic site can be faintly observed in the foreground.



Photo 3: Adjacent to pole 68, showing rutting from recently removed construction matting within a wetland. This area will require further restoration.

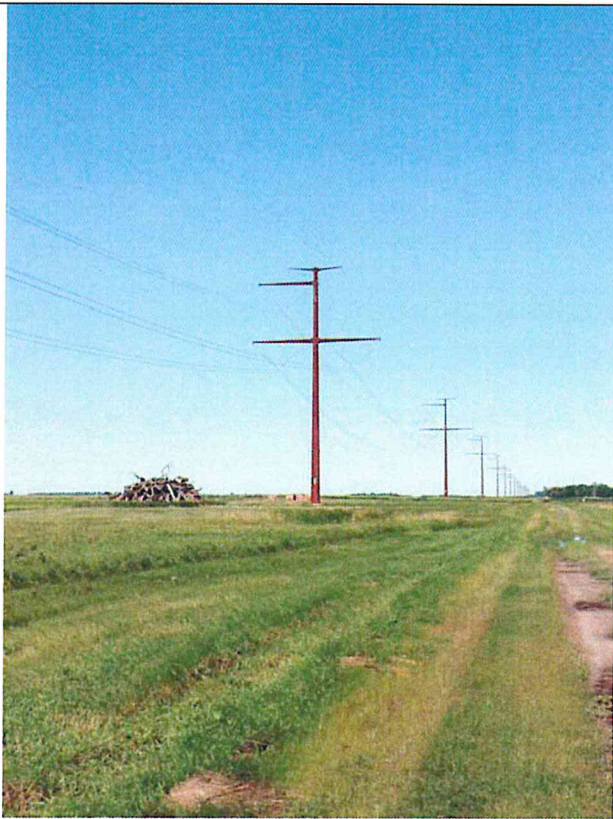


Photo 4: Pole 552, showing tree clearing areas and remnant debris.

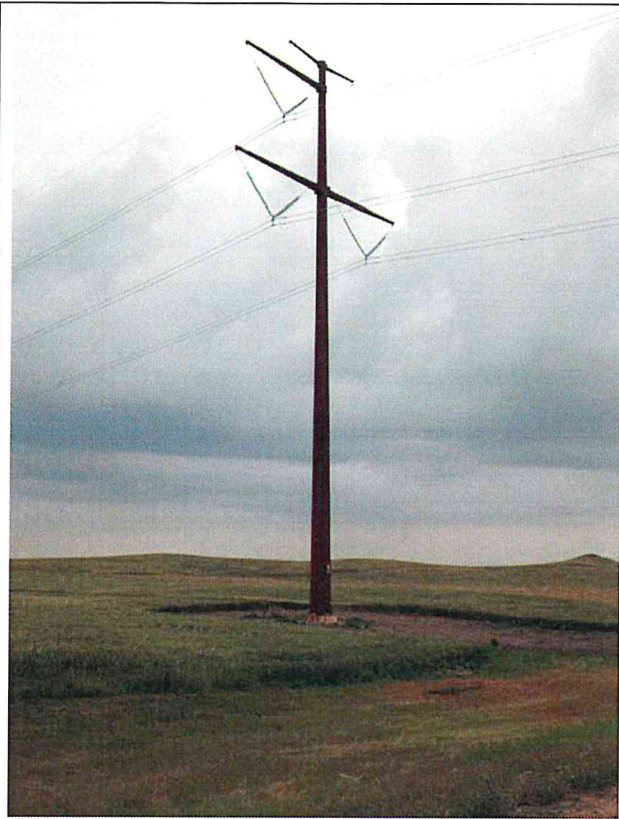


Photo 5: Typical photo of a pole constructed in agriculture land. Pole 86.

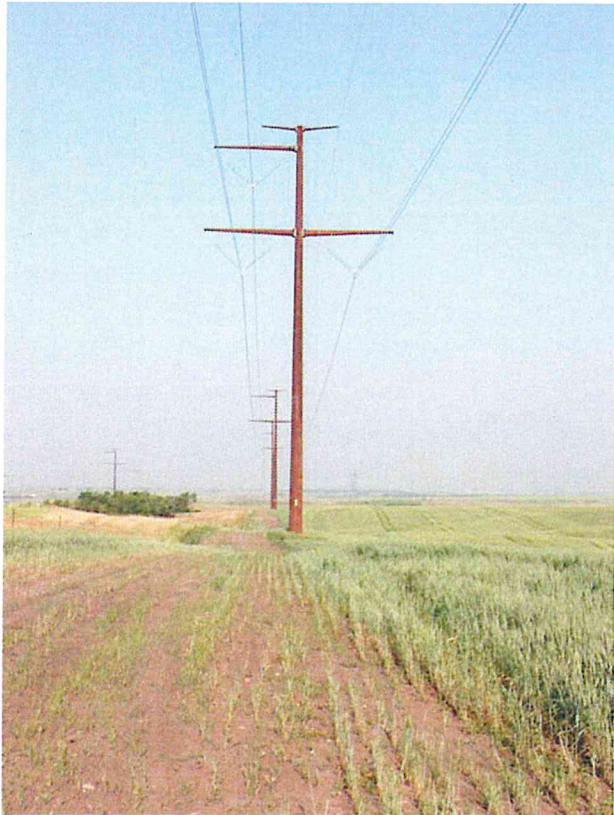


Photo 6: Pole 8, showing avoidance of a Wildlife Management Area (WMA). The Wilbur Boldt WMA is on the left side of this photograph.



Photo 7: Road restoration activities as observed adjacent to Pole 31.



Photo 8: Several areas were identified as USFWS easement lands, however upon field inspection it was clear that these areas had been removed from easement, as shown in this photo of poles 186-188.

## Field Data

Pole Name	Sort Name	Orbital habitat for T&E	Unique/rare plant and animal species	Wildlife Management Area (WMA)	Archaeological Resources	Residence, school, business	Water sources (McClusky Canal)	National Scenic Trail, Historical Trail, McClusky Canal	Floodplain	Wetlands, woodlands, wooded areas	Avian health and safety	Plant Life	NOTES
1	0001								Compliant				Not in floodplain.
2	0002												
3	0003												
4	0004												
5	0005												
6	0006			Compliant									Outside of wma
7	0007			Compliant									Outside of wma
8	0008			Compliant									Outside of wma
9	0009					Compliant							GPS'd pole location
10	0010												
11	0011												
12	0012												
13	0013												
14	0014												
15	0015												
16	0016												
17	0017									Compliant			Not in wetland.
18	0018												
19	0019												
20	0020												
21	0021												
22	0022												
23	0023												State trust
24	0024												
25	0025									Compliant			Not in wetland
26	0026												
27	0027												Good archeological site observed outside of pole location
28	0028												
29	0029												
30	0030												
31	0031												
32	0032												Road repair occurring.
33	0033												
34	0034												
35	0035												
36	0036					Compliant							
37	0037												GPS'd; compliant with vicinity to home
38	0038												
39	0039												
40	0040												
41	0041												
42	0042												
43	0043												
44	0044												
45	0045												
46	0046												
47	0047												
48	0048												
49	0049												
50	0050												
51	0051									Compliant			Not in wetland.
52	0052												
53	0053												
54	0054												
55	0055												
56	0056												
57	0057												
58	0058												
59	0059												
60	0060								Compliant	Compliant			Not in wetland
61	0061												Outside of floodplain
62	0062												
63	0063												
64	0064								Compliant				Not in wetland.
65	0065												Restoration needed in wetland from construction mats. INCOMPLIANT
66	0066					Compliant							GPS'd; compliant with vicinity to home
67	0067											Compliant	Pole in wetland, rutting from max removal observed, restoration needed. INCOMPLIANT
68	0068	Compliant	Compliant						Compliant				Constructed in ag, shield wires observed. Pole constructed outside of Piping Plover nesting
69	0069	Compliant	Compliant						N/A	Compliant	Compliant		
70	0070												
71	0071	Compliant	Compliant										Pole constructed outside of Piping Plover nesting, shield wires observed
72	0072												
73	0073												
74	0074												
75	0075												
76	0076												
77	0077												
78	0078												
79	0079												
80	0080												
81	0081												
82	0082								Compliant				
83	0083												
84	0084												
85	0085												
86	0086												
87	0087												
88	0088												
89	0089												
90	0090												
91	0091												
92	0092												
93	0093												
94	0094												
95	0095												
96	0096												
97	0097												
98	0098												
99	0099												
100	0100												
101	0101												
102	0102												
103	0103												
104	0104												
105	0105												
106	0106												Archaeological site avoided
107	0107												Archaeological site avoided
108	0108												
109	0109									Compliant			In wetland.
110	0110												
111	0111												
112	0112												
113	0113												
114	0114												
115	0115												
116	0116												
117	0117												
118	0118				Compliant					Compliant			Outside of archaeological site, and floodplain.
119	0119												
120	0120												
121	0121												
122	0122												
123	0123												
124	0124												
125	0125												
126	0126												
127	0127												
128	0128												
129	0129												
130	0130												
131	0131								Compliant				Ag only, not in floodplain
132	0132								Compliant	Compliant			Outside of wetland, likely in floodplain
133	0133									Compliant			pasture.
134	0134												135 in wetland
135	0135												GPS'd; compliant with vicinity to home
136	0136				Compliant								
137	0137												
138	0138												
139	0139												
140	0140									Compliant			In wetland.
141	0141												
142	0142												
143	0143									Compliant			Out of wetland
144	0144												
145	0145												
146	0146												
147	0147									Compliant			Outside of wetland.
148	0148									Compliant			Out of wetland / floodplain
149	0149								Compliant	Compliant			
150	0150												
151	0151												
152	0152								Compliant				Not in floodplain
153	0153					Compliant							Compliant with vicinity to home
154	0154												
155	0155												Second pole
156	0156												
157	0157												Construction debris observed
158	0158												
159	0159												
160	0160												
161	0161												Construction debris adjacent to road
162	0162												
163	0163												
164	0164									Compliant			Edge of wetland, not in wetland
165	0165								Compliant				Not in wetland, snow fence present, not silk fence
166	0166												
167	0167												
168	0168												
169	0169								Compliant				Outside of floodplain
170	0170												

Plot Name	Sort Name	Critical habitat for T&E	Unique/Rare plant and animal species	Wetlands Management Area (WMA)	Historical / Archeological Resources	Residence, school, business	Water sources (McClusky Canal)	National Scenic Trail, Historical Trail, McClusky Canal	Floodplain	Wetlands, woodlands, wooded areas	Animal health and safety	Plant Life	NOTES
184	0184												Corn, cannot visit, access issues.
185	0185												No easement, cultivated corn
186	0186												No easement, cultivated corn
187	0187												No easement, cultivated corn
188	0188									Compliant			No easement, cultivated corn, not in wetland
189	0189												No easement, cultivated corn
190	0190									Compliant			No easement, cultivated corn, not in wetland.
191	0191												No easement, cultivated corn
192	0192												No easement, cultivated corn
193	0193												No easement, cultivated corn
194	0194									Compliant			Classified easement, cultivated corn, out of wetland
195	0195												Wheat
196	0196												In easement
197	0197									Compliant			Outside of wetland, via fence observed, in easement
198	0198												Likely on easement
199	0199												Likely on easement
200	0200				Compliant								Likely easement
201	0201									Compliant			No easement cultivated, outside of wetland
202	0202												No easement, cultivated corn
203	0203									Compliant			No impact
204	0204												In easement.
205	0205												In easement.
206	0206												In wetland.
207	0207									Compliant			In wetland.
208	0208												In wetland.
209	0209												In wetland.
210	0210												In wetland.
211	0211												Beans, no easement
212	0212									Compliant			In wetland, no easement
213	0213												In wetland, no easement
214	0214												In wetland, no easement
215	0215									Compliant			Outside of wetland
216	0216												Outside of wetland
217	0217									Compliant			In wetland
218	0218												In wetland
219	0219												In wetland
220	0220						Compliant			Compliant			Not in wetland, McClusky Canal and scenic trail outside
221	0221						Compliant						McClusky Canal outside
222	0222									Compliant			In wetland
223	0223									Compliant			In wetland
224	0224												In wetland
225	0225												In wetland
226	0226									Compliant			In wetland
227	0227									Compliant			Not in wetland, wheat, no easement
228	0228												No easement
229	0229												No easement
230	0230												No easement
231	0231												No easement
232	0232												No easement
233	0233												No easement
234	0234												Not easement field
235	0235									Compliant			Not in easement
236	0236												Not in wetland or easement
237	0237												No easement
238	0238									Compliant			Out of wetland
239	0239												Out of wetland
240	0240												wheat, no easement
241	0241												possible easement
242	0242									Compliant			possible easement
243	0243									Compliant			possible easement
244	0244												Out of wetland
245	0245									Compliant			Out of wetland
246	0246												Not in wetland.
247	0247												Not in wetland
248	0248												wheat, no easement
249	0249												wheat, no easement
250	0250												Ag, no easement
251	0251									Compliant			Ag, no easement
252	0252												Ag, no easement
253	0253				compliant								Ag, no easement
254	0254									Compliant			Ag, no easement
255	0255												Ag, no easement
256	0256												Ag, no easement
257	0257												Ag, no easement
258	0258												Ag, no easement
259	0259												Ag, no easement
260	0260												Ag, no easement
261	0261									Compliant	Compliant		In easement
262	0262												In easement, out of wetland
263	0263									Compliant	Compliant		Easement
264	0264												Easement, not in wetland
265	0265												Corn, no easement
266	0266												Easement
267	0267									Compliant	Compliant		Easement
268	0268									Compliant	Compliant		Out of wetland, in easement
269	0269									Compliant	Compliant		Out of wetland, in easement
270	0270												Easement
271	0271												Easement, out of wetland
272	0272												Easement, out of wetland
273	0273												In easement, out of wetland
274	0274												In easement, out of wetland
275	0275									Compliant	Compliant		Out of wetland
276	0276												Out of wetland / floodplain
277	0277												Out of wetland / floodplain
278	0278												Out of wetland
279	0279									Compliant	Compliant		Out of wetland
280	0280												Out of wetland
281	0281									Compliant	Compliant		Out of wetland
282	0282					Compliant							In wetland, easement, GPS vicinity to home
283	0283									Compliant	Compliant		Out of wetland, in easement
284	0284												No easement
285	0285												No easement
286	0286												No easement
287	0287									Compliant	Compliant		Wheat, no easement
288	0288												Out of wetland, no easement
289	0289												Easement
290	0290												Wheat, no easement
291	0291												Easement
292	0292												Easement
293	0293												Easement
294	0294												Wheat, no easement
295	0295												Wheat, no easement
296	0296												In easement
297	0297												In easement
298	0298												In easement
299	0299												In easement
300	0300												In easement
301	0301				compliant								compliant with vicinity to home, in easement
302	0302									Compliant	Compliant		out of wetland
303	0303												Out of wetland, pasture
304	0304												Out of wetland, pasture
305	0305												Out of wetland, pasture
306	0306												Out of wetland, Pasture not in easement
307	0307												Out of wetland, Pasture not in easement
308	0308												Out of wetland, Pasture not in easement
309	0309												Pasture
310	0310												Pasture
311	0311												Pasture
312	0312												Pasture
313	0313												Beans, no easement
314	0314												Truck stuck in field-NEED REMOVAL. No easement, beans
315	0315									Compliant			Beans, no easement
316	0316												outside of wetland, cropped not in easement
317	0317												not in easement, crop
318	0318												not in easement, crop
319	0319									Compliant			Outside of wetland
320	0320												Easement, in wetland
321	0321									Compliant			Easement
322	0322												Easement, out of wetland
323	0323												Easement, out of wetland
324	0324												Easement, out of wetland
325	0325												Out of wetland
326	0326												Wheat, corn debris
327	0327									Compliant			Out of wetland
328	0328												Out of wetland
329	0329												Out of wetland
330	0330												Out of wetland
331	0331												Out of wetland
332	0332												Out of wetland
333	0333												Out of wetland
334	0334												Out of wetland, wheat
335	0335									Compliant			Out of wetland, wheat
336	0336												Wheat
337	0337												Wheat, not in easement
338	0338									Compliant			Not in easement, crops. Out of wetland
339	0339									Compliant			Not in easement, crops. Out of wetland
340	0340												Not in easement, crops
341	0341												Not in easement, crops
342	0												





