

Antelope Valley Station to Neset Transmission Line
Basin Electric Power Cooperative
ND PSC Case No. PU-11-696
Keitu Project #569-213

Post-Construction Inspection Report

June 2020



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Basin Electric Power Cooperative
Antelope Valley Station to Naset Transmission Line
(Williams County, ND)
Prepared by Keitu Engineers & Consultants, Inc.

Executive Summary

The State of North Dakota, acting through its North Dakota Public Service Commission (NDPSC), Division of Public Utilities, has contracted Keitu Engineers & Consultants, Inc. (Keitu) to perform consulting services for post-construction siting inspections. This report addresses the Orders established by the NDPSC and issues established in File No. PU-11-696. The Antelope Valley Station to Naset Transmission Line Project (Project) is located in Williams, McKenzie, Dunn and Mercer Counties, ND. The Transmission line is owned and operated by Basin Electric Power Cooperative (Basin Electric). Construction for the Project began in April 2014, was completed in November 2017, and revegetation activities were still being completed in Summer 2018. The purpose of the construction inspection was to ensure the Project was constructed in compliance with the siting laws, rules, and the applicable PSC Order for the Project. Prior to the construction inspection, Keitu reviewed all Project documents to identify any and all aspects requiring site verification.

The site was visually inspected on June 8, 2020 by Keitu staff. Overall, the project was very well-maintained and in good condition. It appeared to be constructed as planned with numerous efforts to minimize impacts. However, there were non-critical issues that may need to be resolved for the Project to be considered in full compliance. Keitu recommends that the PSC request the following from the company: a report of Tree & Shrub replacement survival monitoring for 3 years to fulfill Order Provision #20. The PSC will need to decide whether this recommendation is necessary to fulfill Project obligations. Keitu expects that the follow-up action taken by Basin Electric to address these particular issues can be corroborated in writing.

Introduction

The construction of the Antelope Valley Station to Naset Transmission Line Project (Project) was completed in December 2015. The Project is operated by Basin Electric Power Cooperative (Basin Electric). This Project is approximately 200 miles of predominately 345-kV transmission line originating from the Antelope Valley Station, located near Beulah, North Dakota, and terminating at the Naset 230-kV Substation located near Tioga, North Dakota. The 345-kV transmission line will also interconnect with the existing Charlie Creek Substation, located near Grassy Butte and Western Area Power Administration's Williston Substation. Two new substations will be required as a part of this project. The Judson 345-kV Substation will be located near Williston and a 345-kV substation will be located near the current Naset 230-kV Substation. This Project will serve the area in northwest North Dakota. The Project is under the jurisdiction of the North Dakota Public Service Commission (PSC), which issued its Findings of Fact, Conclusions of Law, and Order on Case No. PU-11-696 on April 23, 2014, granting a Certificate of Corridor Compatibility No. 152 and Route Permit No. 164 for the Project.

Purpose and Scope of Inspection

The North Dakota Energy Conversion and Transmission Facility Act (North Dakota Century Code Chapter 49-22) authorizes the Public Service Commission to determine that the location, construction, and operation of jurisdictional energy conversion and transmission facilities will produce minimal adverse effects on the environment and welfare of the citizens of North Dakota. Construction inspections ensure the Project is constructed in compliance with siting laws, rules, and the applicable Commission Findings of Fact, Conclusions of Law, and Order (Order).

The North Dakota PSC retained Keitu Engineers & Consultants, Inc. (Keitu) to complete a post-construction inspection of the Project. The inspection process included a review of the Application for Corridor Compatibility and Route Permit, Order, and other applicable documents to determine Project-specific siting and construction requirements; a site visit and inspection of facilities; documentation of compliance; and a report summarizing findings. This report includes, but is not limited to, site visit observations, documentation of compliance deficiencies, and a summary of issues that should be addressed for the Project to be considered complete and in full compliance.

Methods

Keitu reviewed North Dakota siting laws and rules, the Application for Certificate of Corridor Compatibility and Route Permit (Application), and the Order for the Project to identify what Project-specific documentation was required for compliance. Keitu then reviewed Project documents in the PSC Online Case Search to identify those siting laws, rules, and Application and Order assertions that already had written verification, those that still required documentation, and those that required physical site verification.

Shelby Johnson, Staff Engineer, of Keitu visited the Project area on June 8, 2020. The site was visually inspected along portions of the transmission line route by accessing as many points as

feasible where road access was available. The inspection began at the Neset Substation in Section 20 of Township 157N, Range 94W in Williams County and followed the line West, South and East to where the transmission line ended at the Antelope Valley Station in Section 23 of Township 145N, Range 88W in Williams County.

Orders

The following section includes discussion of a list of components of the Project that were asserted in the Application and Order which could be documented during the post-construction inspection to verify compliance with siting laws, rules and the Order for the Project, via either written documentation or physical site verification. Included are detailed findings and observations from Keitu personnel involved in the post-construction inspection for the Project.

1. That Basin Electric's Application for a Waiver of Procedures and Timelines be granted.

Notice of Filing and Notice of Hearing was issued on July 30, 2013 (Docket #11) for the application of Basin Electric Power Cooperative, Inc. for a waiver of procedures and time schedules, a corridor certificate and a route permit to authorize construction of approximately 200 miles of 345 kV electric transmission line originating from the Antelope Valley Station and terminating at the Neset 230 kV Substation located near Tioga, North Dakota, for its proposed Antelope Valley Station to Neset Transmission Line Project, Case No. PU-11-696.

Order #1 is complete.

2. That a Certificate of Corridor Compatibility for the proposed transmission facility be issued to Basin Electric, designating a corridor for the Project as described in Basin Electric's Applications and as presented at the hearing.

On April 23, 2014, the Commission designated a transmission facility corridor for Basin Electric Power Cooperative for the construction of approximately 200 miles of predominately 345-kV transmission line originating from the Antelope Valley Station, located near Beulah, North Dakota, and terminating at the Neset 230-kV Substation located near Tioga, North Dakota. The certificate was issued in accordance with the Order of the Commission dated April 23, 2014 in Case No. PU-11-696 and is subject to the conditions and limitations noted in the order.

Order #2 is complete.

3. That a Route Permit for the proposed transmission facility be issued to Basin Electric granting authority to construct the Project as described in the Applications and presented at the hearing.

On April 23, 2014, the Commission designated a transmission facility route for Basin Electric Power Cooperative for the construction of approximately 200 miles of predominately 345-kV transmission line originating from the Antelope Valley Station, located near Beulah, North

Dakota, and terminating at the Neset 230-kV Substation located near Tioga, North Dakota. The certificate was issued in accordance with the Order of the Commission dated April 23, 2014 in Case No. PU-11-696 and is subject to the conditions and limitations noted in the order.

Order #3 is complete.

4. **That the August 26, 2013 Certification Relating to Order Provisions – Transmission Facility Siting, with accompanying Tree and Shrub Mitigation Specifications, be incorporated by reference and attached to the Order issued by the Commission, except that Basin Electric may clear cut the entire width of the right-of-way through windbreaks, shelterbelts, and all other wooded areas.**

A Tree and Shrub Mitigation Plan was attached to the PSC Order.

Order #4 is complete.

Order Provisions - Transmission Facility Siting

1. **Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission will be subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.**

On April 23, 2014 the Commission designated a transmission facility route for Basin Electric Power Cooperative for the construction of approximately 200 miles of predominately 345-kV transmission line originating from the Antelope Valley Station, located near Beulah, North Dakota, and terminating at the Neset 230-kV Substation in Williams, McKenzie, Dunn, and Mercer Counties, North Dakota. The certificate (Docket #82) was issued in accordance with the Order of the Commission dated April 23, 2014 in Case No. PU-11-696 and is subject to the conditions and limitations noted in the order. No issues of blatant non-compliance with this order and conditions and criteria set forth in the applicable laws and rules have been found during the post-construction inspection.

Order Provision #1 is complete.

2. **Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission’s order.**

A preconstruction meeting was held to ensure Basin Electric understand the conditions set forth in the Order.

The preconstruction conference (Docket #95) was held on August 4, 2014. In attendance was Jerry Lein, representing the North Dakota Public Service Commission, as well as representatives from Basin Electric Power Cooperative, Keitu Engineers & Consultants, and Great Southwestern Construction, Inc.

The conference included a review of the order provisions in detail. The status of cultural studies, specifically within the KMB, was also addressed. General discussions on the requirement to submit required permits to ND PSC prior to construction were had.

Order Provision #2 is complete.

3. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the transmission facility including all city, township, and county zoning regulations.

State and Federal agencies are entitled to notice of Basin Electric's Siting Application. According to the agency coordination in the Application (Docket #5), correspondence occurred with US Army Corps of Engineers, ND Department of Health, ND Game & Fish Department, ND State Historic Preservation Office, ND Parks & Recreation Department, US Fish and Wildlife Department, Little Missouri Scenic River Commission, National Park Service, ND Department of Trust Lands, ND Transmission Authority, U.S. Department of Agriculture Rural Utilities Service (USDA-RUS), U.S. Forest Service, and the Western Area Power Administration. The application had copies of the responses from these agencies.

The following agencies provided written scoping comments:

The USFWS, expressed an interest in whooping cranes, bird electrocution, bald and golden eagle nests, and wetlands. The USFWS comments were in response to a letter sent to them regarding the Antelope Valley to Naset Project Area. Basin Electric performed additional studies and analysis before selecting a proposed route. The general study process included, but was not limited to: (1) selection and general evaluation of the study area, (2) a Class I Archeological/Cultural records search, (3) agency consultations, (4) collection and evaluation of criteria data, (5) Class III pedestrian survey, and (6) Wetland Surveys. Bird collisions are not a factor during construction but can be a problem with transmission lines. The substations were not a factor in the bird collision issue. Basin Electric addressed the US Fish and Wildlife issues. The USFWS also recommended construction in or near wetlands be deferred until after July 15 as not to disrupt waterfowl or other wildlife during nesting season. Basin Electric started construction in April, 2014 and avoided impacts to wetlands by placing transmission line structures outside wetland areas.

The NDDOH believed that the environmental impacts from the proposed construction would be minor and could be controlled with proper construction methods. With respect to construction, they commented that all necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective matter. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that

construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours. The NDDOH also stated that all projects will be designed and implemented to restrict the losses or disturbances of soil, vegetation cover, and pollutants (chemical or biological) from a site and gave minimum requirements to avoid environmental degradation.

Temporary noise impacts resulted from construction activities, most likely consisting of annoyances such as equipment back-up warning devices and diesel engine operations. Temporary construction noise was limited to no more than a few days at any particular location and was mitigated by scheduling work to daylight hours, particularly near sensitive receptors.

The U.S. Department of the Interior and National Park Service voiced concerns about the "Alternative D" route proposed in the potential corridors section of the permit Application, because the macro-corridor would encompass a portion of the North Unit of Theodore Roosevelt National Park. Concerns about maintaining designated "wilderness" areas as corridors for animal migration and human enjoyment, free of service roads and infrastructure. They expressed a preference for macro-corridor B, lying the farthest east away from the park boundary. They also urged avoidance of the Lewis and Clark National Historic Trail located within and proximate to the area under consideration for the project.

The U.S. Environmental Protection Agency issued comments regarding the Projects' Environmental Impact Statement (EIS). USEPA recommended that the EIS consider other alternatives based on the following criteria: paralleling existing linear features such as transmission lines and roads, using corridors designated by federal land management agencies and identified in local planning documents to contain linear facilities and, avoiding wilderness areas, critical habitat and irrigated farm land. They also recommend the Rural Utilities Service consider water resources, wetland and riparian areas, environmental justice, fish, wildlife, and vegetation. Noxious weeds and invasive plants, air quality, and greenhouse gas emissions and climate change.

Other agencies had an opportunity to mandate any requirements to be followed by their agency but did not respond. None of the agencies had any objection to the Basin Electric Project.

Order Provision #3 is complete.

4. Company understands and agrees that it 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 facility that requires said license or permit.

Basin Electric had complied in obtaining all necessary permits regarding the construction of the transmission facility. The ND PSC granted Basin Electric a Certificate of Corridor Compatibility No. 152 and a Route Permit No. 164 on April 23, 2014.

Order Provision #4 is complete.

5. **Company agrees to inform the Commission and the Commission’s third-party construction inspector of its intent to start construction on the transmission facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission’s third-party construction inspector updated on construction activities on a weekly basis.**

A preconstruction conference was held on August 4, 2014 with representatives of the PSC and Basin Electric. Construction reports were submitted for the Project throughout its construction.

In Keitu’s opinion, Order Provision #5 is complete.

6. **Company understands and agrees that any Certificate of Corridor Compatibility or Route Permit issued by the Commission is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission’s order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.**

Basin Electric has complied with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies to date. The Commission has not suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate.

Order Provision #6 is complete.

7. **Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission’s order issuing a Certificate of Corridor Compatibility or Route Permit, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.**

Basin Electric has complied with providing the PSC with required records.

In Keitu’s opinion, Order Provision #7 is complete.

8. **Company agrees to construct and operate the transmission facility in the manner described in Company’s application, in any late filed exhibits, and supplemental materials (Application). To the extent there are any conflicts or inconsistencies between Company’s Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.**

Basin Electric constructed the transmission line in accordance with the application and NESC standards. The proposed Plan & Profile Drawings for the Project matched as built drawings with the exception of the changes approved by Commission staff during the construction phase of the project. Based on transmission drawings, plan and profile drawings, and site inspection the transmission line was constructed as proposed to the Commission.

Order Provision #8 is complete.

9. Company agrees to report promptly to the Commission the presence in the permit area of any critical habitat of threatened species, endangered species, bald eagles, or golden eagles of which Company becomes aware and which were not previously reported to the Commission.

During construction the power lines are not energized, therefore, electrocution of birds is not an issue. Electrocution of birds by power lines is a concern mostly for raptor species, such as bald and golden eagles and red-tailed hawks. Birds are electrocuted when they come in contact with more than one conductor wire at once. This can occur on smaller lines that have short distances between conductors (Olendorff et al., 1981, and Avian Power Line Interaction Committee, 1996). The proposed facility has sufficient distance between conductors to make electrocution very unlikely once they are energized.

Impacts from construction included the displacement of wildlife near the project site and direct mortality of some individuals. Larger or more mobile wildlife, such as birds and large mammals, likely left the project area during construction and relocated to similar habitats nearby. Some smaller, less mobile wildlife, such as small mammals, reptiles, and amphibians could have been crushed by construction equipment or trapped in construction areas. These effects, however, would be minimal and wildlife could return to the adjacent, undisturbed habitats after construction is completed.

No report of any critical habitat of threatened or endangered species, or of bald or golden eagle's notification to the Commission was found in Case File No. PU-11-696.

Order Provision #9 is complete.

10. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.

Order Provision #10 has been followed to date.

11. Company 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 and a report of such examination is filed with the Commission and the State Historical Society and clearance to proceed is given by the Commission.

A Class I files and records search, Class II reconnaissance, and also a Class III pedestrian survey of the entire proposed route for archeological and cultural resources was done by Metcalf Archeological Consultants, Inc. (Metcalf). The North Dakota Historic Preservation Office (ND SHPO) was also engaged in the evaluation of cultural resources within the Project ROW, specifically in the Killdeer Battlefield Historical historic site.

ND SHPO requested in a letter dated September, 3 2013 that the proposed substation be constructed outside of the "Core" area of Killdeer Mountain Battlefield state historic site, that a

geophysical study of the Project's 150 foot wide right of way be performed, that archeological testing at proposed structure locations be performed, and that a visual assessment of Project from Medicine Hole and Battlefield Monument be conducted. Basin Electric complied with all of these requests, the results of which were submitted to the PSC (Docket #75).

No cultural resource, paleontological site, archeological site, historical site, or grave site was discovered during construction. This is based on review of weekly construction progress reports and verification that no correspondence was identified in the Commission's file.

Order Provision #11 is complete.

12. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.

Order Provision #12 is complete.

13. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to construction of the transmission facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.

Existing roads and trails were to be left in a comparable or better condition than what existed before construction.

During the site visit on June 8, 2020, no access roads to transmission line poles were noted. No existing roads were noted to be in unfavorable condition.

Order Provision #13 is complete.

14. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures approved by the Commission are taken.

Based on review of the progress reports, construction was suspended or delayed when weather conditions were such that construction should not occur.

Order Provision #14 was followed.

15. Company understands and agrees that all topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas where cuts will be made, must be stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must also be stripped of topsoil. After backfilling is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing

topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.

There was no topsoil inspection completed for this project so Keitu cannot confirm this order was followed. However, according to construction inspections completed by Keitu Staff, soil created from drilling the foundations (a mix of tops soil, subsoil, and concrete) was hauled off site and disposed of properly. Many local contractors and farmers accepted the soil to be used for fill material on their projects and properties.

Vegetation growth along the Project observed during the post-construction inspection suggests topsoil damage or removal surrounding the foundation drilling sites was minimal.

In Keitu’s opinion, Order Provision #15 is complete.

16. Company understands and agrees that reclamation, fertilization and reseeding is to be done by according to the Natural Resource Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

Construction activities disturbed soils and vegetation to an extent that would require some reseeding following completion of operations. The ground was re-graded to the approximate original contour and re-vegetated (rangeland) or tilled (cropland) when the work was completed. Soils were smoothed to the natural contours of the surrounding areas. Reseeding with native perennial species compatible with the surrounding vegetation occurred. If surface disturbance did not significantly impact nearby vegetation, plants regenerated or sprouted from onsite existing propagates.

Order Provision #16 is complete.

17. Company understands and agrees that its obligation for reclamation and maintenance of the right-of-way will continue throughout the life of the transmission facility.

Regular maintenance and inspections are performed during the life of the facility to ensure its continued integrity. Inspections are limited to the right-of-way. When problems are found, repairs will be scheduled. If damages to crops occurred during maintenance and repairs, reimbursement is be made to the landowner, consistent with the terms of the easement. The collection substation is graveled and fenced. Basin Electric conducts substation inspections and service orders are established if maintenance is required.

Based on a post construction inspection, Basin Electric has performed reclamation and maintenance of the right-of way has continued since the facilities have been energized.

Order Provision #17 has been followed to date.

18. Company understands and agrees that its obligation for reclamation and maintenance of the transmission facility, associated facilities, and roadways will continue throughout the life of the transmission facility.

Order Provision #18 has been followed to date.

19. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.

According to the Tree and Shrub Replacement Plan, all trees and shrubs to be cleared must be inventoried and include the location, number, and species of trees or shrubs to be removed. In native growth areas outside the permanent right-of-way, shrubs were to be cut flush with the surface of the ground with care taken to leave the naturally occurring seed bank and root stock intact. If soil disturbance is necessary, the native topsoil must be preserved and replaced after construction. Shrubs must 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 must be inventoried for replacement.

In native growth areas, trees and shrubs may be inventoried by actual count or by an approved sampling method developed by the Company and approved by the PSC prior to the start of construction.

Prior to tree and shrub replacement, documentation identifying the number and variety of trees removed, as well as a mitigation plan for the proposed number, variety, type, location and date of replacement plantings must be filed with the PSC for approval. Two, 2-year old saplings must be planted for every one tree removed. Two shrubs (stem cuttings) must be planted for every one shrub removed. Except in the case of invasive or noxious species, trees and shrubs must be replaced by the same species or similar species, suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service. Invasive or noxious species must be replaced by similar non-invasive or non-noxious species suitable for North Dakota growing conditions as recommended by the North Dakota Forest Service.

Landowners must be given the option of having replacement trees and shrubs planted on the landowner's property, either on or off the right-of-way. The landowner must also be given the opportunity to waive those options in writing in order to have replacement trees and shrubs planted off the landowner's property.

At the conclusion of the project, documentation identifying the actual number, variety, type, location, and date of the replacement plantings must be filed with the PSC. Tree and shrub replacements must be inspected annually, in September, for three years. The first annual inspection must be at least one year from the anniversary date of the original plantings. A report of each annual inspection must be submitted to the PSC by October 1 of each year, documenting the condition of plantings and any woodlands work completed as of September of each year. If after the third annual report, the survival rate is less than 75%, the PSC may order additional plantings.

During the June 8, 2020 inspection, no recent tree or shrub plantings were noted. A detailed tree and shrub mitigation plan update was filed with the PSC on February 21, 2018 (Docket #334), indicated a total of 21,655 tree and shrub plantings, some pending PSC approval, and 1,941 remaining planting obligations to landowners. However, records of the tree and shrub inventory and annual inspection reports for the newly planted trees could not be found.

Basin Electric would have to submit documentation of these plantings, as well as annual reports for the newly planted trees and shrubs to fulfill Order Provision #19.

20. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the transmission system.

According to the Application, mitigation measures also would be implemented to reduce potential television and radio interference caused by transmission line operations. Care would be taken to avoid damage to conductors and ensure that conductor hardware is properly installed and secure to reduce the possibility of corona effect. Mitigation measures to address television and radio interference would be addressed on an as-needed basis; those associated with reducing potential corona effect would be part of transmission line construction.

No record of television or residential radio interference was found in the Commission's file.

Order Provision #20 is complete.

21. Company understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the transmission facility.

Gates were installed where fences cross the ROW. Locks were installed at the landowner's request. Gates not in use were closed but not locked unless requested by the landowner.

Initially, Basin Electric sent out a land agent to discuss the proposed project and obtain permission to obtain access to a landowner's property for preliminary surveys of the proposed route and corridor. Once a proposed route is identified, the land agent obtains an easement to construct a facility. After the easement is signed along with other proper paperwork and resources are in place, construction can begin. Part of the proper paperwork and resources are mitigation measures to reduce adverse impact. Once construction is complete, the land agent meets with the landowners to identify any damages or concerns that they may have and for Basin Electric to repair the damages or compensate for these damages to maintain good landowner relationships. Most easement have a damage clause for damage mitigation measures.

General mitigation measures of Basin Electric were part of the Application for the Route Permit. This is also an item that help reduce damage measures.

Based on the fact that no landowner complaint documentation was found in Case File No. PU-11-696, Order Provision #21 is complete.

22. Company understands and agrees that it shall repair or replace all drainage tile broken or damaged drainage tile as a result of construction and operation of the transmission facility.

No record of damaged or replaced drainage tile could be found.

Order Provision #22 is complete.

23. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.

Order Provision #23 is complete.

24. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.

The post construction site visit did not note any waste that was a product of a construction and operation, restoration, and maintenance of the site.

Order Provision #24 is complete.

25. Company understands and agrees that it shall, as soon as practicable upon the completion of the construction of the transmission facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.

The post-construction site visit noted that areas surrounding transmission line structures had been restored to pre-construction status.

Order Provision #25 is complete.

26. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.

Order Provision #26 is complete.

27. Company understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the transmission facility, including injuries to any person, or the death of any threatened or endangered species on the site within five business days of such event.

Two accident incidents resulting in injury to a person (Docket # 264 and Docket #265) were filed with the PSC. No death of any threatened or endangered species were noted in the PSC file of the Project.

Order Provision #27 is complete.

28. Company understands and agrees that it shall advise the Commission of the discovery of a large number of dead birds or bats on the site within five business days of such event.

No records of large numbers of dead birds or bats were noted in the PSC file of the Project.

Order Provision #28 is complete.

29. Company understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by Company.

No records of complaints concerning the transmission facility could be found.

Order Provision #29 is complete.

30. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.

Drawings of the transmission facility were provided to the PSC prior to construction.

Order Provision #30 is complete.

31. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the transmission facility or of any plans to modify the site plan for the transmission facility. Company understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the transmission facility. Approval may be granted after notice and opportunity for hearing.

Basin Electric notified and requested permission from the PSC throughout the course of the Project to make slight adjustments to the installation location of several structures along the Project Route. These adjustments were made at the request of landowners or as necessary engineering adjustments. The PSC issued supplemental orders regarding alterations proposed in each Structure Relocation Request (Docket #153, #195, #232) or Motions to acknowledge BEPC staff approvals of structure relocations (Docket #243, #251, #274, #308).

Order Provision #31 is complete.

32. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission, and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built, and will provide this information within 3 months of the construction. Company also agrees to provide an electronic version of the approved corridor approved by the Commission and the facility design specifications for the construction of the transmission facility showing the location of the transmission facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.

Order Provision #32 is complete.

- 33. Company understands and agrees that the authorizations granted by any Certificate of Corridor Compatibility or Route Permit issued by the Commission for the transmission facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.**

Order Provision #33 is complete.

- 34. Company understands and agrees that in the event Company desires to construct, within any corridor granted by a Certificate of Corridor Compatibility in this proceeding, a transmission facility or energy conversion facility that was not included in Company's application in this proceeding, Company shall apply to the Commission for a Route Permit or Site Certificate for the facility.**

Order Provision #34 has been followed to date.

- 35. Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined and clearance to proceed has been given by the Commission.**

An Incident Reports were filed to the PSC on November 6, 2011 when damage to underground facilities occurred during construction. A subsequent email from Jerry Lein of the PSC (Docket #119) gave clearance to resume construction activities.

Order Provision #35 is complete.

- 36. Company understands and agrees that the corridor certificate and route permit are subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.**

Order Provision #38 has been followed to date.

Conclusions

Overall, the Project appeared to be constructed as designed with minimal impacts to the surrounding natural and human environment. The Project site was in good condition and well maintained. Keitu recommends that the PSC request the following from the company: A report of Tree & Shrub replacement and survival monitoring for 3 years to fulfill Order Provision #20. The PSC will need to decide whether these recommendations are necessary to fulfill Project obligations.

The project has been constructed in compliance with the siting laws and rules and applicable Commission orders with exception of the items noted within the body of the report.

Sincerely,



Jaimee Antognazzi, CSP

Operations Manager

Appendix A: Site Photos

Photo 1 – Neset Substation

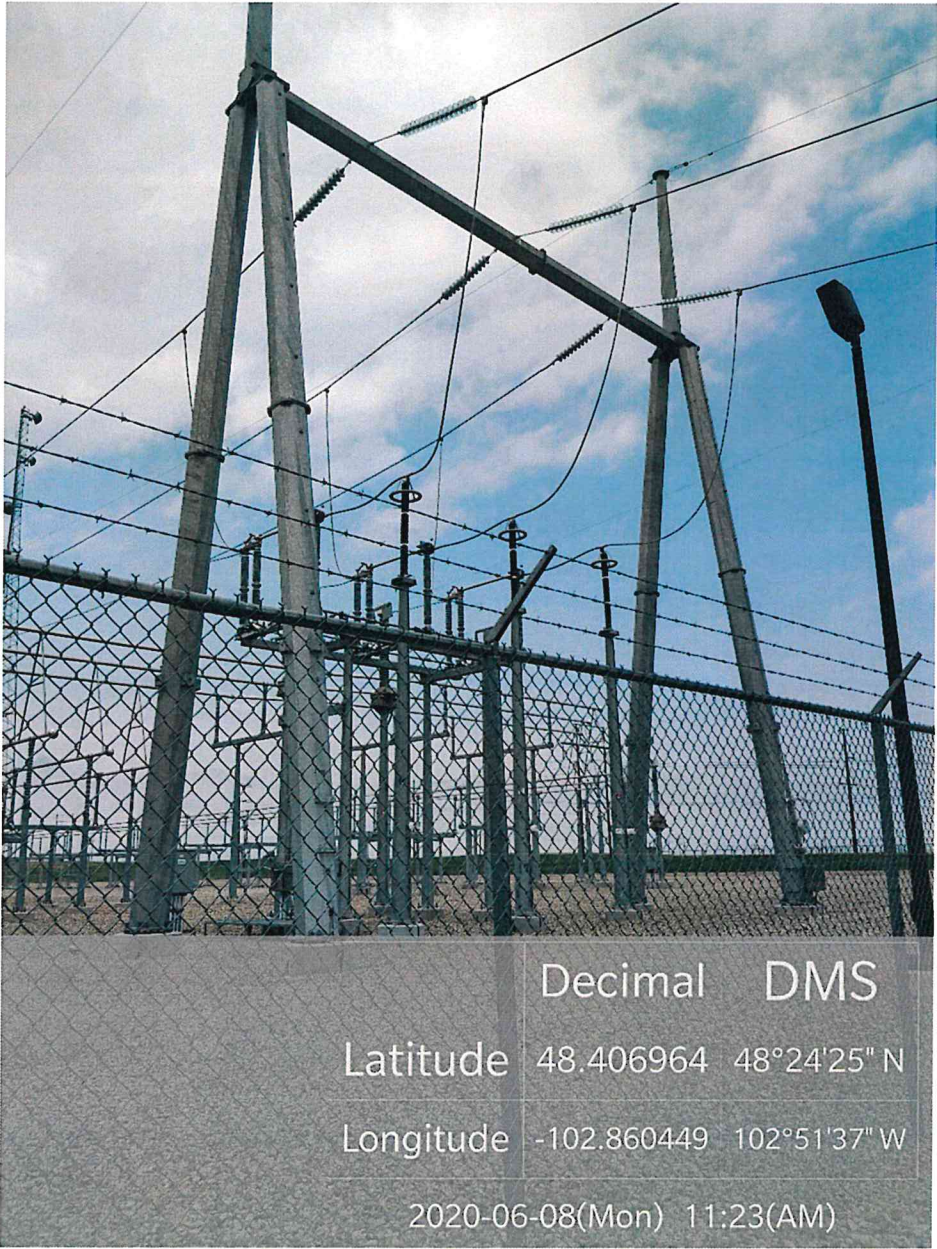


Photo 2 – Judson-Neset Segment in Crop Field

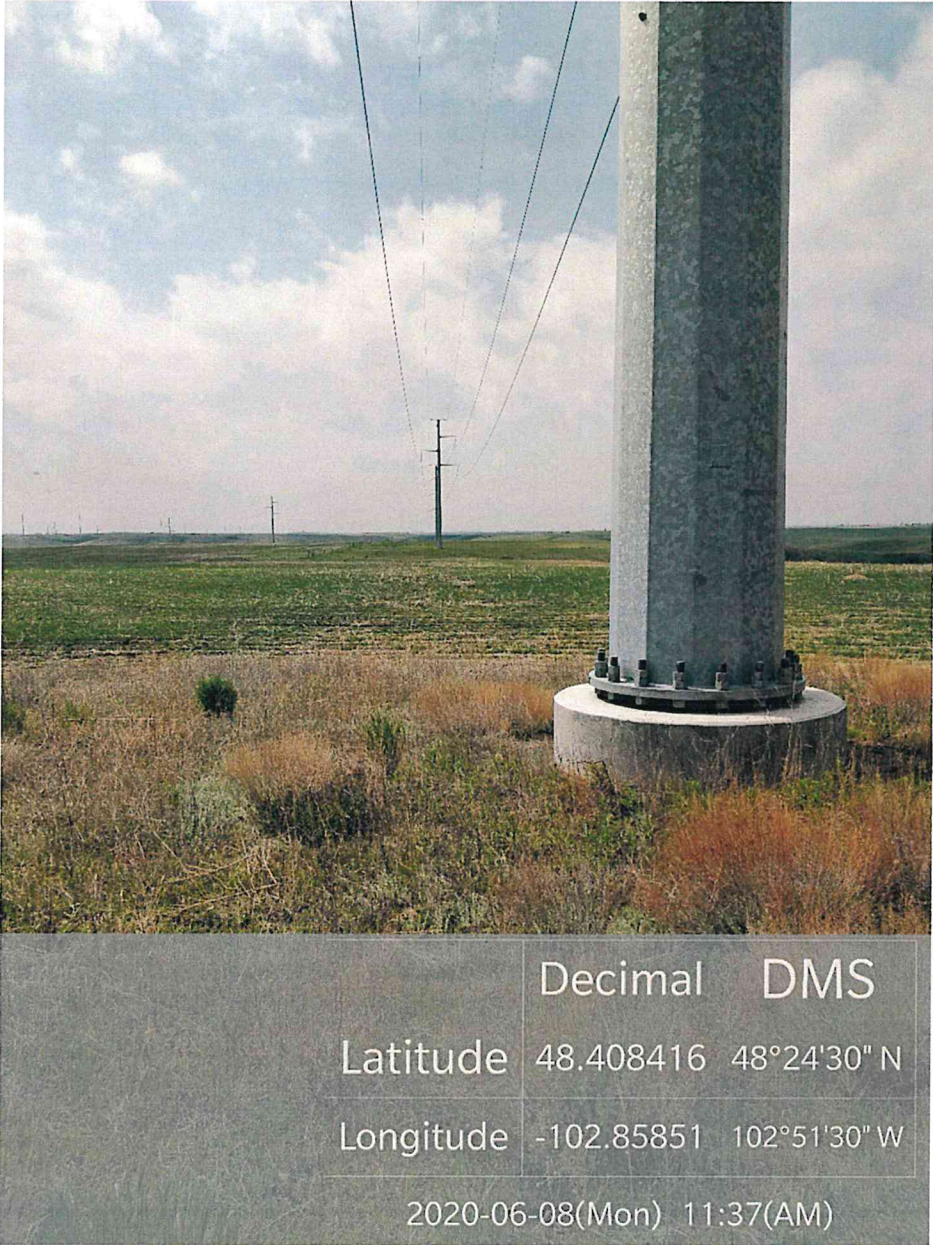


Photo 3 – Judson-Neset Segment in Crop Field

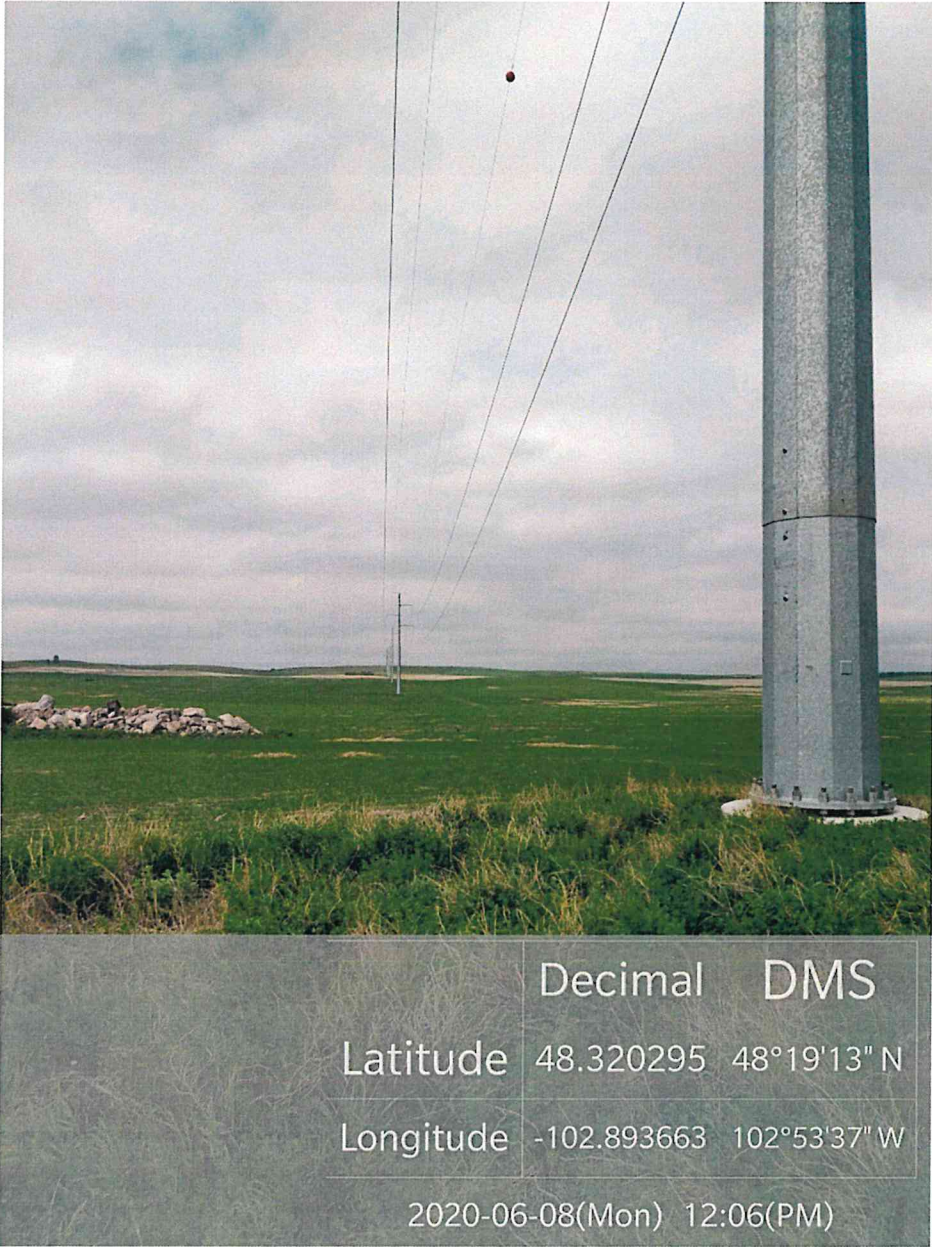


Photo 4 – Judson-Neset Segment in Crop Field

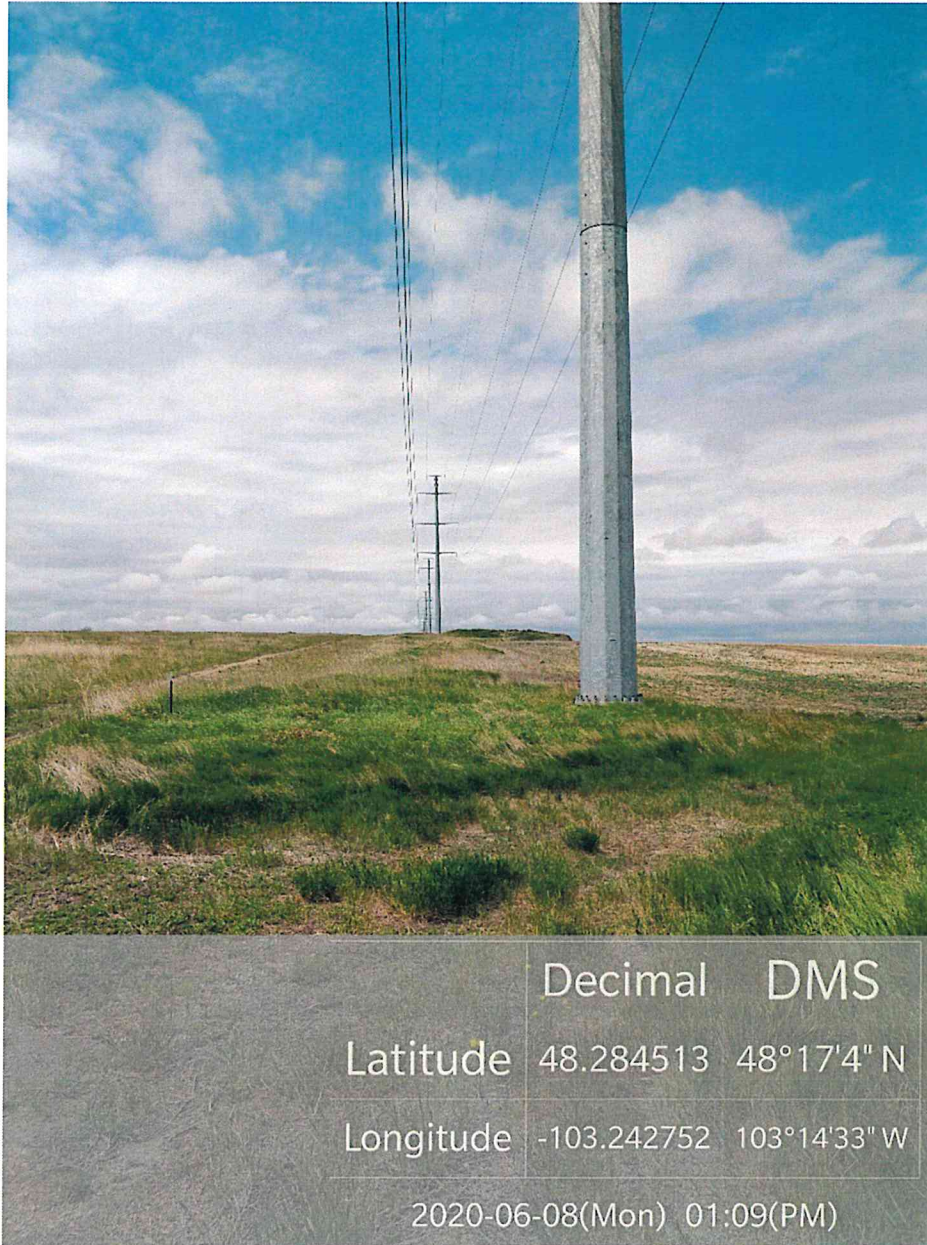


Photo 5 – Judson-Neset Segment in Crop Field

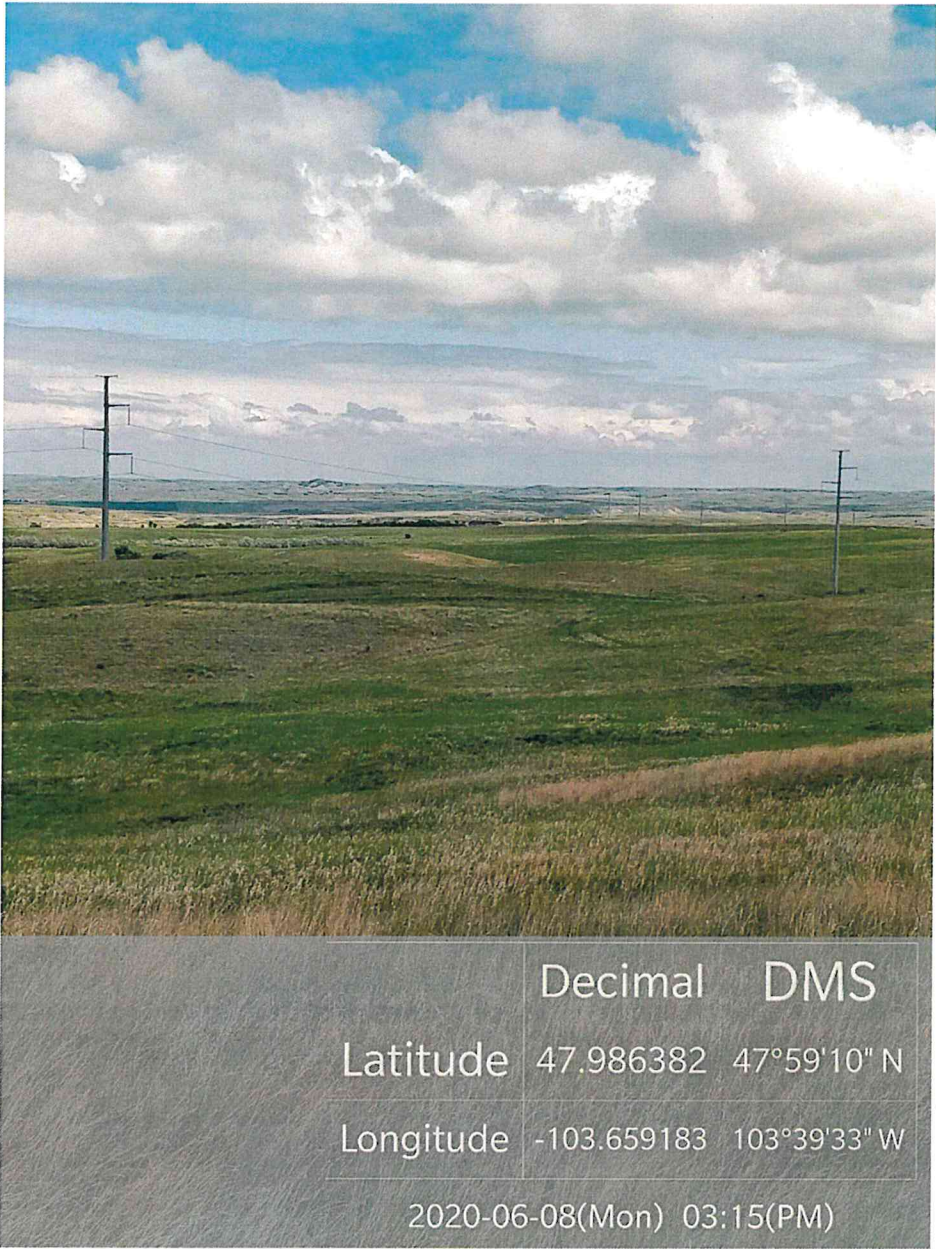


Photo 6 – Judson Substation

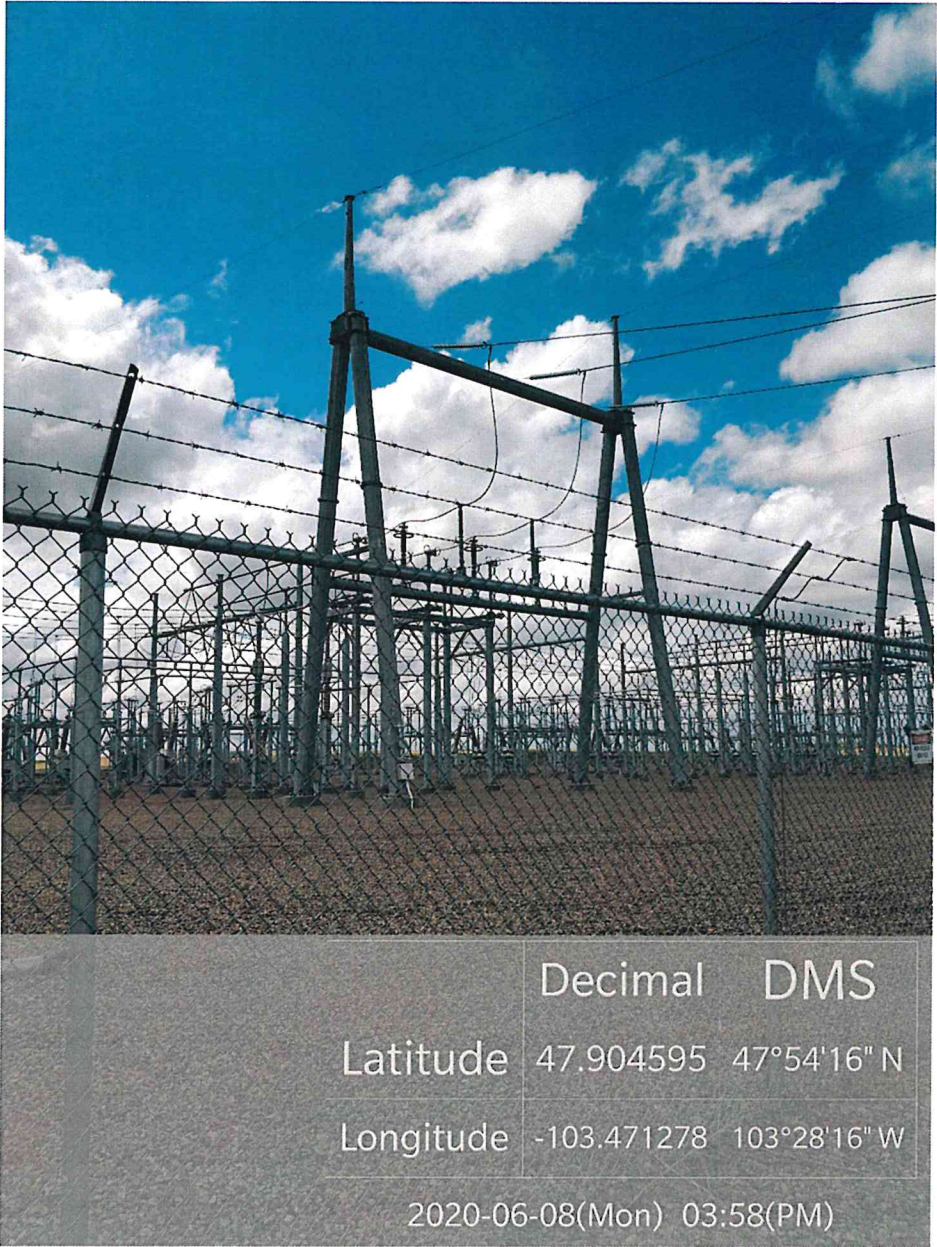


Photo 7 – Johnson’s Corner to Judson Segment

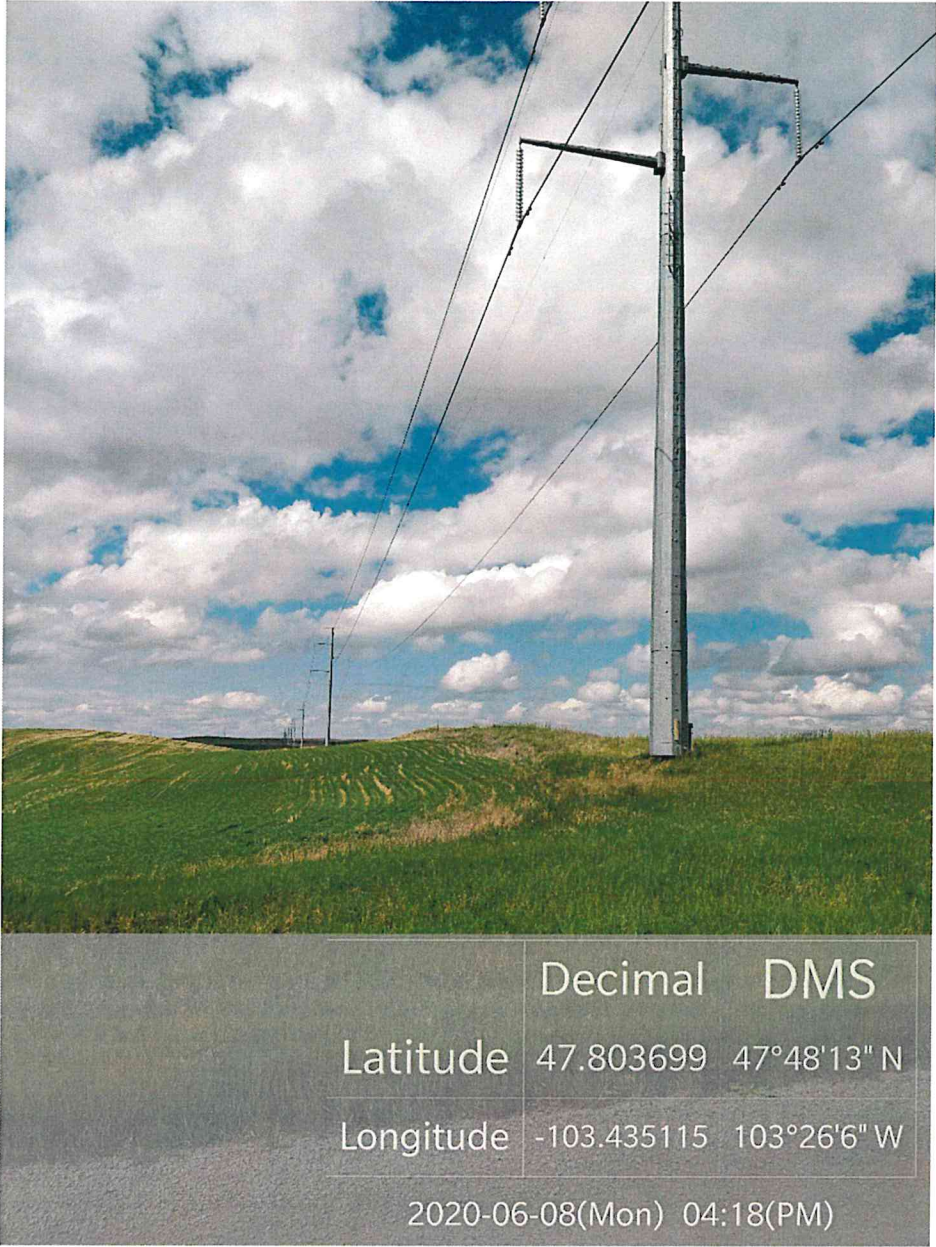
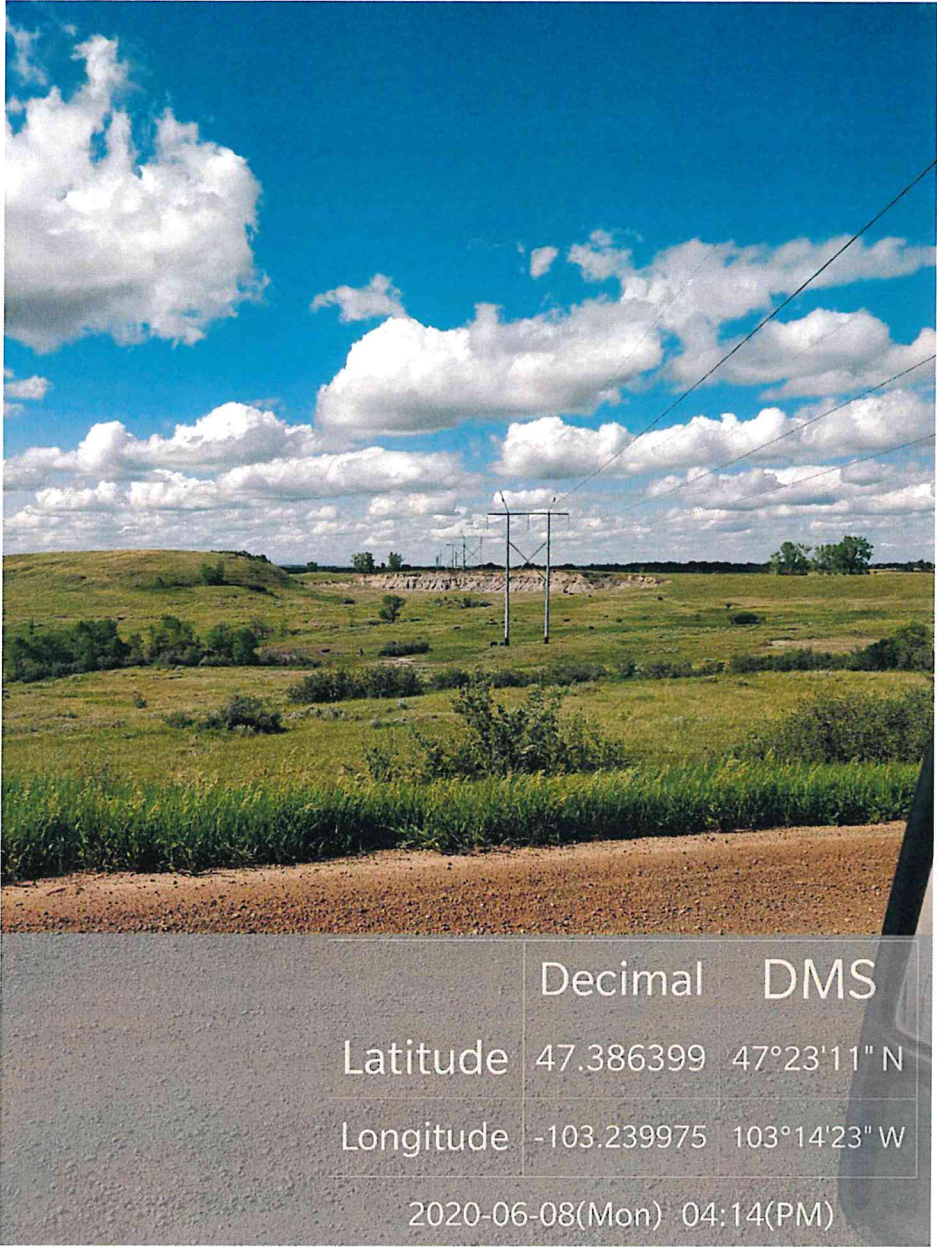


Photo 8 – Johnson’s Corner to Judson Segment



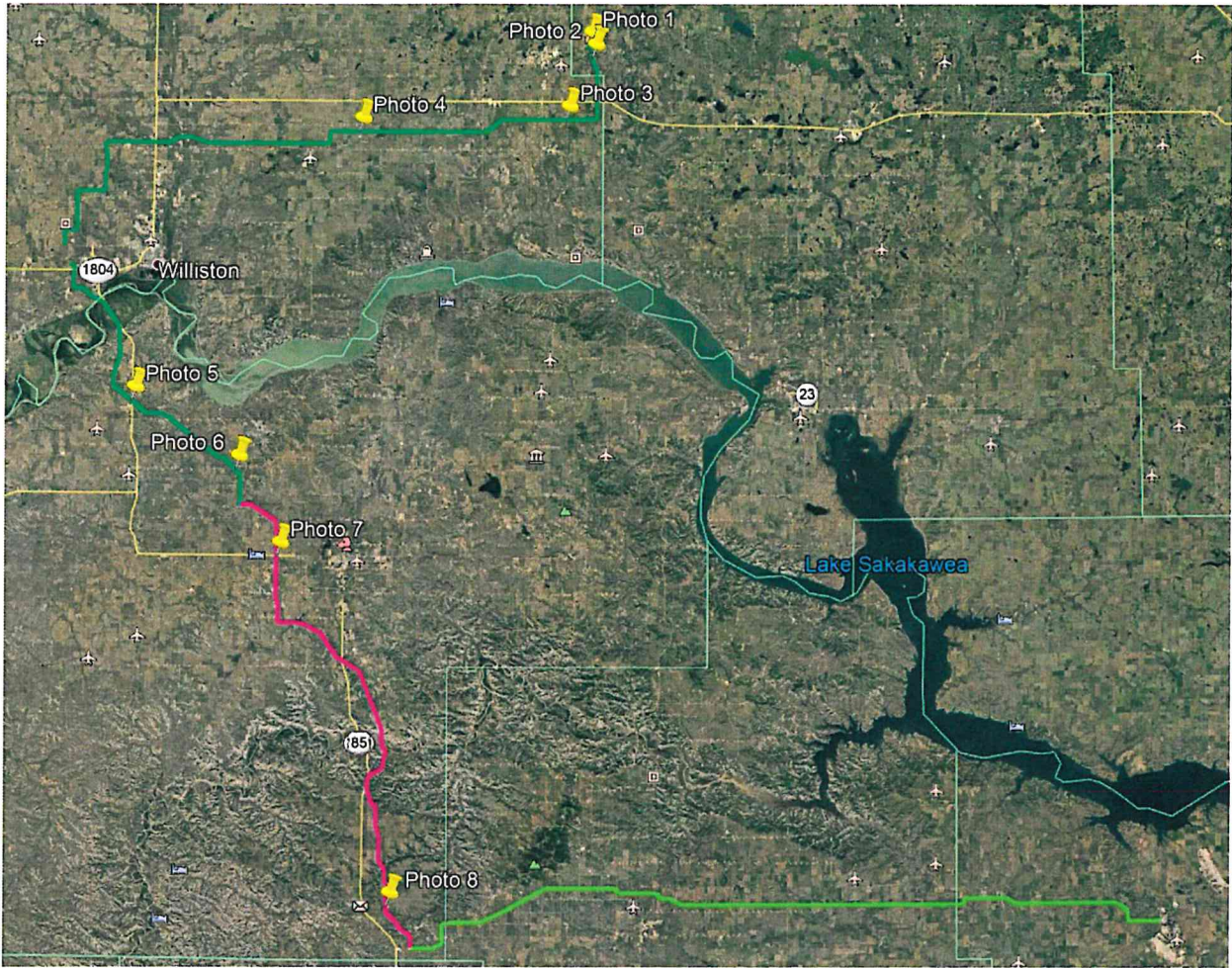


Photo Index Map