

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Great River Energy  
230 kV Transmission Line - Grand Forks – Devils Lake  
Siting Application**

**Case No. PU-12-398**

**ORDER**

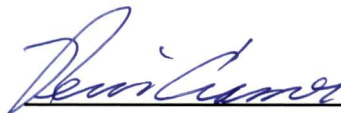
**December 12, 2012**

The evidence of record has been considered and appraised.

The Commission Orders:

1. The Hearing Officer's December 6, 2012 Recommended Findings of Fact, Conclusions of Law and Recommended Order, a copy of which is attached to this Order and made a part of this Order, is ADOPTED as the Public Service Commission's Findings of Fact, Conclusions of Law and Order.
2. Great River Energy's application for a waiver of procedures and time schedules is granted.
3. Certificate of Corridor Compatibility No. 140 is issued to Great River Energy designating corridors for its two reroute segments of transmission line.
4. Route Permit No. 153 is issued to Great River Energy designating two reroute segments of 230 kV electric transmission line.
5. The December 6, 2012 Certification Relating to Order Provisions – Transmission Facility Siting (Certification), with accompanying Tree and Shrub Mitigation Specifications, is incorporated by reference and attached to this Order.
6. To the extent there are any conflicts or inconsistencies between Basin Electric Power Cooperative's Applications and the December 6, 2012 Certification, the Certification provisions control.

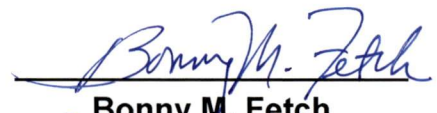
**PUBLIC SERVICE COMMISSION**



**Kevin Cramer  
Commissioner**



**Brian P. Kalk  
Chairman**



**Bonny M. Fetch  
Commissioner**

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Great River Energy  
230 kV Transmission Line-Grand Forks – Devils Lake  
Siting Application**

**Case No. PU-12-398**

**RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**December 6, 2012**

**Appearances**

Patrick J. Ward, Administrative Law Judge, Substantive Hearing Officer, Zuger Kirmis & Smith, PO Box 1695, Bismarck, ND 58502.

Donna Stephenson, Associate General Counsel, Great River Energy, 12300 Elm Creek Blvd, Maple Grove, MN 55369, on behalf of Great River Energy.

Mark Gruman, Legal Counsel, Public Service Commission, State Capitol, Bismarck, North Dakota 58505, on behalf of the Public Service Commission.

**Preliminary Statement**

Under North Dakota Century Code, Section 49-22-07, a utility may not begin construction of a transmission facility in the state without first having obtained a route permit. The facility must be constructed, operated, and maintained in conformity with the permit and any terms, conditions, or modifications of the permit.

On June 25, 2012, Great River Energy (GRE) filed a Letter of Intent (LOI) with the Public Service Commission notifying the Commission of GRE's intent to construct a proposed reroute of two segments along its Stanton Station to Grand Forks 230 kV Transmission Line totaling approximately 4 miles in length and located in Nelson and Ramsey Counties near the North Dakota communities of Lakota and Crary. GRE also requested the Commission shorten the one-year notice period required between filing a Letter of Intent and the filing of an Application.

On August 1, 2012 the Commission acknowledged the LOI, shortened the one-year waiting period for filing an application to 45 days and assessed a filing fee of \$14,450 due upon filing of an application.

On September 4, 2012, GRE filed its application for a certificate of corridor compatibility and a route permit to authorize construction of the reroute segments. On September 25, 2012, GRE amended its application to include a request for waiver of procedures and time schedules to allow consolidated corridor and route proceedings.

On September 27, 2012 the Commission deemed the application complete and acknowledged a September 14, 2012 request for appointment of a substantive hearing officer that was granted on September 17, 2012 with the appointment of ALJ Patrick J Ward.

On October 3, 2012 Judge Ward issued a Notice of Filing and Notice of Hearing, scheduling a public hearing to begin November 20, 2012 at 11 a.m. CT in the Basement Meeting Room at the Ramsey County Courthouse, 524 4<sup>th</sup> Ave NE, Devils Lake, North Dakota 58301. The Notice identified the following issues to be considered:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?
4. Is it appropriate for the Commission to waive procedures and time schedules as requested, including the request for a single consolidated application for corridor certificate and route permit?

On November 9, 2012 GRE filed an amendment to its application to update right-of-way and pole structure locations along the reroute segments.

On November 20, 2012 a public hearing was held as scheduled. Nine exhibits were filed at the hearing on November 20, 2012. Thereafter, GRE late-filed Exhibit 10, which is a drawing accurately depicting methods of removal of existing pole structures located in flooded locations which will be replaced by the reroute.

Having allowed all interested persons the opportunity to be heard and having reviewed and considered all testimony and evidence presented, the Hearing Officer makes the following:

### **Recommended Findings of Fact**

1. Great River Energy ("GRE") is a not-for-profit generation and transmission electric cooperative headquartered in Maple Grove, Minnesota. GRE owns and operates generating and transmission facilities in the State of North Dakota, including the Stanton generating station ("Stanton Station") and a 230 kilovolt ("kV") transmission line that serves as the outlet for the power generated at Stanton Station.

2. The 230 kV transmission line runs from Stanton Station to Grand Forks, and includes substations near Minot, Devils Lake, and Grand Forks. In addition to serving as the outlet for Stanton Station, the transmission line is part of an integrated electric transmission system that supplies power to the region, including to the consumers of other utilities who provide service in North Dakota. The transmission line was originally constructed in 1966, before the adoption of Chapter 49-22, N.D.C.C. (the "Siting Act").

3. Since construction of the transmission line in 1966, wetter than normal hydrologic conditions have created high water in a number of wetland basins along the transmission line route between the Ramsey Substation near Devils Lake and the Prairie Substation near Grand Forks (the segment of line known as the "GD Line"). As a consequence of the high water conditions, several transmission line structures along the GD Line are in standing water. The high water levels around the transmission structures cause (1) safety concerns due to the loss of minimum National Electric Safety Code ("NESC") clearance between the transmission line conductor and the surface of the water during certain operating conditions, and (2) reliability concerns due to GRE's inability to perform regular maintenance on the structures located in deep water, except during frozen conditions. During 2011-12, GRE performed a survey and engineering analysis recommended by the North American Electric Reliability Corporation ("NERC"). The results of the survey and engineering analysis identified, among other things, two short sections within Segments 7 and 8 of the GD Line with compromised clearances due to increased water elevations.

#### Project Route, Design, Construction and Schedule

4. To address the compromised clearances and ensure the continued reliable operation of the transmission line, GRE proposes to reroute two sections of the GD Line out of the high water (the "Project"). The first section involves the relocation of approximately 1.4 miles of transmission line, including 11 transmission structures, to the south of the high water in Jones Lake in the area of Lakota (referred to herein as the "Segment 7 Relocation"). The second section involves the relocation of approximately 1.8 miles of transmission line, including 13 transmission structures, to the north of the high water near the City of Crary (referred to herein as the "Segment 8 Relocation").

5. The majority of the rerouted sections of the GD Line will be constructed using wood H-frame structures of similar design as the existing transmission line. As indicated in the Application, GRE will also construct access roads as part of the Project.

6. The width of the right-of-way of the rerouted sections of line will be 150 feet.

7. The total cost for the project is estimated at \$2.9 million.

8. GRE intends to proceed with construction of the rerouted sections of the GD Line as expeditiously as permitting, right-of-way acquisition, material procurement and weather conditions allow. GRE's goal is to complete the construction of the rerouted sections by April of 2013.

9. The rerouted segments of the GD Line will be designed and constructed to meet or surpass all relevant state codes and standards, as well as the codes and standards of the National Electric Safety Code, the Institute of Electrical and Electronics Engineers, the American Society of Civil Engineers, and the Avian Power Line Interaction committee suggested practices for raptor-safe design. Upon completion of construction, the rerouted sections of the GD Line will conform to the clearance requirements of the NESC.

#### Route Study and Mitigation Measures

10. The Commission has established criteria pursuant to Section 49-22-05.1 of the North Dakota Century Code to guide the Commission in evaluating the suitability of granting a Certificate of Corridor Compatibility and Route Permit. The criteria, as set forth in Section 69-06-08-02 of the North Dakota Administrative Code, are classified Exclusion Areas, Avoidance Areas, Selection Criteria and Policy Criteria.

11. In the case of each reroute area, GRE studied a 1000 foot wide route corridor ("Project Corridor"). The Project Corridor for the Segment 7 Relocation is located to the south of the existing centerline of the transmission line. The Project Corridor for the Segment 8 Relocation is to the north of the existing centerline of the transmission line. The Project Corridors are the most direct routes for the rerouted sections of transmission line that minimize impacts associated with the criteria set forth in Section 69-06-08-02 of the North Dakota Administrative Code.

12. GRE's Application to the North Dakota Public Service Commission for a Transmission Facility Certificate of Corridor Compatibility and Route Permit, dated August 31, 2012 ("Application"), included the specific proposed route alignment for the Segment 7 Relocation and the Segment 8 Relocation, including the proposed locations of the transmission line structures. As a consequence of further study of the Project Corridors, including discussions with landowners and the U.S. Fish and Wildlife Service ("USFWS"), GRE filed an amendment to the Application on November 9, 2012. The amendment included adjustments to the alignment and transmission structure locations. The maximum offset of the rerouted line from the centerline of the existing transmission line is less than one mile.

13. The areas in the vicinity of the rerouted sections of transmission line are characterized by a rolling topography of cultivated land on the higher ground and a prairie pothole wetland ecosystem in the lower areas. The areas are rural with sporadic homesteads, with wooded wind breaks and groves surrounding the homes and along some fence lines.

14. GRE conducted a hydrologic analysis, using methodologies developed by the North Dakota Department of Transportation, to determine the maximum water levels in the vicinity of the Segment 7 Relocation and Segment 8 Relocation to appropriately locate the new transmission structures in areas that would not be subject to future flooding.

15. GRE evaluated a proposed 1000 foot-wide transmission facility corridor.

16. N.D.A.C. §69-06-08-02 provides that Exclusion and Avoidance Areas may be located within a corridor, but at no given point shall such an area encompass more than 50 percent of the corridor width, unless there is no reasonable alternative.

17. N.D.A.C. §69-06-08-02 provides that a transmission facility route must not be sited within an Exclusion Area. A transmission facility route must also not be sited within an Avoidance Area unless the Applicant shows under the circumstances there are no reasonable alternatives.

18. No Exclusion Areas have been identified within the proposed corridor. Potential cultural resources identified within the corridor are described in paragraph 20. The transmission line structures are located to avoid impact to the potential cultural resources.

19. At no point within the proposed corridor does an Avoidance Area encompass more than 50 percent of the Corridor width.

20. A Class III Pedestrian survey was conducted over a 1,000 foot-wide corridor along the proposed reroutes. The survey identified three prehistoric mounds and one historic homestead. The sites are significantly disturbed and would not be eligible for designation by the National Register of Historic Places. The transmission line structures are located to avoid impact to the sites.

21. There are four residences within a half mile of the Project Corridor associated with the Segment 7 Relocation. Of those residences, two are near the edge of the corridor, but are not within the corridor and none are within 500 feet of the proposed route.

22. A large water body to the south of the Segment 8 Relocation is located within the Crary State Wildlife Management Area, however no part of this 311-acre wildlife management area is within the Project Corridor for the Segment 8 Relocation.

23. There are USFWS wetland conservation easements and jurisdictional wetlands within the Project Corridors. Structures will be placed to avoid or minimize impacts to the USFWS easements and jurisdictional wetlands. Impacts to jurisdictional wetlands and easement wetlands will be mitigated as required by applicable federal regulations such that no habitat or wetland function or service loss will occur.

24. GRE has analyzed the impact of the Project in relation to all the relevant Selection Criteria. GRE selected reroute alignments along existing rights-of-way and field edges where practical to minimize the impact to cultivated land. GRE also worked with the landowners and the tenants designated by the landowners to further optimize the structure locations, including guy wire anchors, to minimize impacts to cultivated land. The reroutes attempt to minimize the permanent impact on agricultural land due the placement of the new transmission structures.

25. In accordance with the Commission's Selection Criteria, a corridor or route may be approved if it is demonstrated that any significant adverse impacts that will result from the location, construction, and maintenance of the transmission facility will be of an acceptable minimum or managed at an acceptable minimum.

26. GRE submitted information in its application and through testimony that any significant adverse effects from the location, construction and maintenance of the transmission facility as they relate to the Selection Criteria listed at N.D.A.C. §69-06-08-02(3) will be at an acceptable minimum or will be managed and maintained at an acceptable minimum.

27. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits from the adoption of certain policies and practices.

28. GRE submitted information in its application and through testimony demonstrating its commitment to maximize the benefits of the proposed transmission facility to meet the Policy Criteria set forth in N.D.A.C. §69-06-08-02(4).

29. N.D.C.C. §49-22-16.3 provides that an applicant for a route permit from the Commission shall obtain all permits that may be required to construct and operate the transmission facility.

30. GRE contacted a number of agencies regarding the Project. The following agencies supplied written comments: the North Dakota Department of Health, the North Dakota Department of Transportation, the North Dakota Game and Fish Department, the State Historical Society of North Dakota, the North Dakota State Water Commission, the Department of the Army Corps of Engineers, and the U.S. Fish and Wildlife Service.

31. In its comments, USFWS made recommendations concerning migratory birds and bald and golden eagles. GRE will design the rerouted sections of the transmission line considering the suggested guidance regarding prevention of raptor electrocutions contained in the publication entitled *Suggested Practices for Raptor Protection on Power Lines: the State of the Art in 1996*. GRE will also work with the USFWS to identify areas where the rerouted sections of the transmission line will be marked consistent with the recommendations in the publication entitled *Migrating Bird Collisions with Power Lines: The State of the Art in 1994*. With respect to migratory birds and eagles, construction activities are planned to take place in the winter months of 2012-2013, therefore impacts to migration or the breeding season are not anticipated.

32. Consistent with past transmission reroutes due to high water in the vicinity of Devils Lake, GRE will remove the abandoned transmission structures located in the standing water at the level just above the existing rock piles or foundations supporting and protecting the structures. GRE will perform the removal as soon as frozen conditions allow access to the abandoned transmission structures.

33. GRE made other representations and agreements as contained in the Certification Relating to Order Provisions – Electric Transmission Line Siting executed by GRE and filed with the Commission, which is incorporated in these Findings of Fact.

#### **Recommended Conclusions of Law**

1. The Commission has jurisdiction over this proceeding under N.D.C.C. Chapter 49-22.
2. GRE is a utility as defined in Section 49-22-03(13) of the North Dakota Century Code.
3. The 230 kV transmission line reroutes proposed by GRE are transmission facilities as defined in N.D.C.C. §49-22-03(12).
4. The location, construction, and operation of the proposed transmission facilities will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

5. The Application submitted by GRE meets the corridor and route evaluation criteria required by Chapter 49-22 of the North Dakota Century Code.

6. The proposed transmission facility corridor and route will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

7. The proposed transmission facilities are compatible with the environmental preservation and the efficient use of resources.

8. The requested waivers of procedures are appropriate and justified based upon: the minimal impacts on the environment and the welfare of the citizens of North Dakota; the lack of objection to the proposed transmission facility by federal, state and local government bodies and agencies, or by landowners along the route; and the objective to maintain a reliable integrated transmission system in North Dakota.

9. The proposed transmission facilities are of such length, design, location, and purpose that it will produce minimal adverse effects in accordance with Section 49-22-07.2 of the North Dakota Century Code.

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

#### **Recommended Order**

1. GRE's Application for a Waiver of Procedures and Time Schedules be granted.

2. That a Certificate of Corridor Compatibility be issued to GRE, designating a 1,000 foot-wide Corridor for its proposed transmission facility as described in GRE's Application and presented at the hearing.

3. That a Route Permit be issued to GRE, granting authority to relocate two portions of its 230 kV electric transmission line in Nelson and Ramsey Counties, North Dakota, as indicated in the Amended Application, one near Lakota and the other near Crary, North Dakota.

4. That the Certification Relating to Order Provisions – Electric Transmission Line Siting executed by GRE with accompanying Tree and Shrub Mitigation Specifications be incorporated by reference and attached to the order issued by the Commission, except that GRE may clear cut the entire width of the right-of-way through windbreaks, shelterbelts and all other wooded areas and GRE may extend the time requirement for the filing of as-built drawings to be within six (6) months of the completion of construction.

5. That GRE shall obtain SHPO concurrence with the Class III transmission line ROW cultural resource survey recommendation of "no historic properties affected" and

file a copy of the concurrence with the Commission prior to beginning construction in those surveyed ROW areas.

Dated: 12/6, 2012

State of North Dakota  
Public Service Commission

By: 

Patrick J. Ward  
Administrative Law Judge  
Substantive Hearing Officer  
Zuger Kirmis & Smith  
PO Box 1695  
Bismarck, ND 58502  
701-223-2711  
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**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Great River Energy**  
**230 kV Transmission Line- Grand Forks – Devils Lake**  
**Siting Application**

**Case No. PU-12-398**

**CERTIFICATION RELATING TO ORDER PROVISIONS - TRANSMISSION FACILITY SITING**

I am William R. Kaul, Vice President, Transmission, of Great River Energy (“Company”) with authority to bind the Company to requirements to be set forth by the Commission in its Order and I certify the following:

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.
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.
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.
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.
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.
6. Not used – applicable to gas pipelines.

7. 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.
8. 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.
9. 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.
10. Company agrees to report promptly to the Commission the presence in the permit area of any critical habitat or threatened species, endangered species, bald eagles, or golden eagles of which Company becomes aware and which were not previously reported to the Commission.
11. 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.
12. 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.
13. 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.
14. 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 the 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.

15. 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.
16. 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.
17. Company 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.
18. 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.
19. 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.
20. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
21. 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 facility.
22. 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.
23. Company understands and agrees that it shall repair or replace all drainage tile broken or damaged as a result of construction and operation of the transmission facility.

24. 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.
25. 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.
26. 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.
27. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the transmission facility.
28. 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.
29. 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.
30. Company understands and agrees that it shall implement a procedure for how complaints concerning the transmission facility will be handled by Company
31. Upon request, Company agrees to provide the Commission with engineering design drawings of the transmission facility prior to construction.
32. 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.
33. Company agrees to provide the Commission with both an electronic and a paper copy of the corridor approved by the Commission, and will provide this information within 3 months of the Commission order approving the corridor. Company also agrees to provide an electronic version of the approved corridor that can be imported into ESRI GIS mapping software within 3 months of the Commission order approving the corridor. 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.

34. Company agrees to provide the Commission with both an electronic and a paper copy of the 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 completion of the construction. Company also agrees to provide an electronic version of the as-built facility design specifications 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.
35. 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.
36. 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.
37. 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.
38. 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.

Dated this 6th day of December, 2012.

GREAT RIVER ENERGY

By William R. Kaul

William R. Kaul

Its: Vice President, Transmission

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

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**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*), must be inventoried before cutting. The inventory must 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, must 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 must be inventoried for replacement.
4. In native growth areas, shrubs anticipated to be cleared in the permanent right-of-way must be inventoried for replacement.
5. In native growth areas outside the permanent right-of-way, shrubs must 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 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.
6. In native growth areas, trees and shrubs may be inventoried by actual count or by a 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 must define the sampling method to be used for trees, for tall shrubs and for low shrubs. The data from the sample plots must 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 must be selectively cleared, leaving mature trees and shrubs intact where practical.
8. The maximum width of clear cuts through windbreaks, shelterbelts and all other wooded areas is 50 feet, 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 must be noted on the inventory.

### **Replacement**

10. Prior to tree and shrub replacement, documentation identifying the number and variety of trees and shrubs removed, as well as the mitigation plan for the proposed number, variety, type, location and date of replacement plantings, must be filed with the Commission for approval.
11. 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.
12. 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.

13. 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.
14. 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 Commission.
15. 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 Commission 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 Commission may order additional planting(s).

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Route Permit Number 153**

*This is to certify that the Commission has designated a transmission facility route for Great River Energy to relocate two segments along its Stanton Generating Station to Grand Forks 230 kV Electric Transmission line totaling approximately four miles in length and located in Ramsey and Nelson Counties of North Dakota.*


*This permit is issued in accordance with the Order of this Commission dated December 12, 2012 in Case No. PU-12-398 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, December 12, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

**PUBLIC SERVICE COMMISSION**  
**STATE OF NORTH DAKOTA**

**Certificate of Corridor Compatibility Number 140**

*This is to certify that the Commission has designated a transmission facility corridor for Great River Energy for the rerouting of two segments along its Stanton Generating Station to Grand Forks 230 kV Electric Transmission line totaling approximately four miles in length and located in Ramsey and Nelson Counties of North Dakota.*

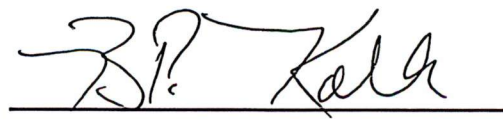
*This certificate is issued in accordance with the Order of this Commission dated December 12, 2012 in Case No. PU-12-398 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, December 12, 2012.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**