



**MONTANA-DAKOTA**

UTILITIES CO.

A Subsidiary of MDU Resources Group, Inc.

400 North Fourth Street  
Bismarck, ND 58501  
701-222-7900

March 24, 2025

Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

Re: Wishek to Merricourt Transmission Line Reconstruction Project  
Siting Exclusion Certification  
Case No. PU-25-\_\_\_\_

Montana-Dakota Utilities Co. (Montana-Dakota) herewith electronically submits this filing in accordance with North Dakota Century Code 49-22-03(3) governing the statutory certification procedure that provides for an exemption from the siting process for certain activities relating to an upgrade of an existing transmission facility to increase its capacity. Montana-Dakota herewith submits its intention to replace 107 structures and reconductor the 30-mile line connecting the Wishek Transmission Substation to the Merricourt Transmission Substation. An original and seven (7) copies of this filing have been sent via overnight mail.

The following exhibits are provided in support of Montana-Dakota's transmission upgrade:

- Exhibit 1 – Certification by Mr. Darcy Neigum, Vice President of Energy Supply
- Exhibit 2 – Exclusion and Avoidance Area Evaluation
- Exhibit 3 – Cultural Resource Inventory

Montana-Dakota, in Case No. PU-20-342, filed for Siting Exclusion Certification and received a letter of acknowledgment from the Commission on October 22, 2021. This Project further upgrades a portion of the transmission line upgraded in this prior docket.

An unredacted, NON-PUBLIC version of the Attachment A of Exhibit 2 – Exclusion and Avoidance Area Evaluation and Exhibit 3 – Cultural Resource Inventory (both referenced above) will be provided under separate cover with an Application for Protection of Information.

Please refer all inquiries regarding this filing to:

Travis R. Jacobson  
Vice President, Regulatory Affairs  
Montana-Dakota Utilities Co.  
400 North Fourth Street  
Bismarck, ND 58501  
[travis.jacobson@mdu.com](mailto:travis.jacobson@mdu.com)

Robert Frank  
Director of Transmission Engineering  
Montana-Dakota Utilities Co.  
400 North Fourth Street  
Bismarck, ND 58501  
[robert.frank@mdu.com](mailto:robert.frank@mdu.com)

Also, please send copies of all written inquiries, correspondence, and pleadings to:

Allison Waldon  
Senior Counsel  
MDU Resources Group, Inc.  
P.O. Box 5650  
Bismarck, ND 58506-5650  
[allison.waldon@mduresources.com](mailto:allison.waldon@mduresources.com)

Sincerely,



Travis R. Jacobson  
Vice President of Regulatory Affairs

Attachments

cc: Robert Frank  
Darcy Neigum

# Exhibit 1

## Certification

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

Montana-Dakota Utilities Co.  
Wishek to Merricourt Transmission Line Reconstruction Project  
Case No. PU-25-\_\_\_\_  
Siting Exclusion Certification

**CERTIFICATION RELATING TO N.D.C.C. § 49-22-03(3)**

Pursuant to N.D.C.C. § 49-22-03(3), the undersigned, Darcy Neigum, Vice President of Energy Supply for Montana-Dakota Utilities Co. ("Montana-Dakota"), with the authority to bind Montana-Dakota to the following hereby certifies as follows:

1. Montana-Dakota owns and operates a 230 kV transmission line connecting the Wishek Transmission Substation to the Merricourt Transmission Substation, within McIntosh County, North Dakota (the "Existing Line"). The Existing Line generally runs cross country, across a mixture of cultivated fields and pasture lands. The Existing Line, which was built in 1966, is located within private right-of-way.
2. Montana-Dakota plans to upgrade the Existing Line, as further described below (the "Project").
3. The Project will include the replacement of 107 structures and upgrade the existing 795 ACSR conductor to a 795 ACSS High-Temperature conductor. The new structures will be offset from existing structures by 5 to 10 feet along the centerline. The new structures will use poles that are approximately 10 feet taller than the existing poles. Removal of existing structures will take place after the line has been moved to the new structures. Disturbance will be 4 feet at each pole for removing the existing structures. New structure surface disturbance will be minimal with a maximum depth of 42 inches created by the auger for each pole.
4. The Project is for construction of the same type of facility as the existing type of facility, namely, an electric transmission facility.
5. The construction activities will take place within 350 feet on either side of the centerline of the Existing Line.
6. Construction of the Project will not affect any known exclusion areas.

7. Construction of the Project is not expected to permanently increase impacts to avoidance areas, though avoidance areas were identified within the Project area.
  - a. US Fish & Wildlife Service Waterfowl Production Areas (WPA). As part of the Project, 11 structures would be replaced within a WPA. Due to the existing nature of the line, the Project cannot avoid working on the structures. Any impact to these avoidance areas is expected to be minimal and short-lived. No permanent changes to the existing habitat are planned. Additionally, relocating or re-routing would likely cause additional impacts to natural and cultural resources in the area. Since the transmission line is already in place, there is no expected permanent increase in impact to species that may use WPAs.
  - b. Unevaluated cultural resource sites. Cultural resource sites were identified in the Project. All sites and site features can be avoided following the recommendations in Exhibit 3, filed herewith. Therefore, no adverse impact is anticipated.
  - c. Geologically unstable lands. One historic landslide area was identified within the 600-ft right of way. Montana-Dakota will restrict access to the area during construction to avoid worsening slope instability and ensure the safety of workers and equipment and does not anticipate any pole replacement within the area. It is not anticipated Montana-Dakota will adversely affect this area.

More information along with a more robust discussion of this analysis can be found in Exhibit 2 and Exhibit 3.

8. Construction of the Project will improve the existing transmission facility and will increase the existing electric transmission capacity.
9. The existing transmission facility was constructed prior to the enactment of the Energy Conversion and Transmission Facility Siting Act. Therefore, the Commission has not previously issued Orders for any part of the facility. Montana-Dakota will comply with all applicable conditions and protections in siting laws and rules.

Dated this 24<sup>th</sup> day of March 2025.



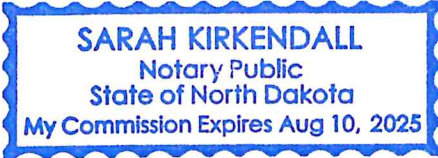
Darcy Neigum  
Vice President of Energy Supply  
Montana-Dakota Utilities Co.

STATE OF NORTH DAKOTA    )  
  )  
COUNTY OF BURLEIGH    )

Subscribed and sworn to before me, a Notary Public for the state and county above named, this 24<sup>th</sup> day of March 2025.



Sarah Kirkendall, Notary Public  
Burleigh County, North Dakota  
My Commission Expires: 08/10/2025



## Exhibit 2

# Exclusion and Avoidance Area Evaluation



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# TECHNICAL MEMORANDUM

**TO:** North Dakota Public Service Commission  
600 East Boulevard Ave, #408  
Bismarck, ND 58505

**FROM:** Ashley Ross, Senior Environmental Specialist

**SUBJECT:** Exclusion and Avoidance Area Evaluation for the Wishek to Merricourt 230-kV Transmission Line Reconstruction Project

**DATE:** March 5, 2025

**cc:** Jaden Voth, Montana-Dakota Utilities Co.

## INTRODUCTION

Montana-Dakota Utilities Co. (Montana-Dakota) is submitting the following exclusion and avoidance areas analysis to the North Dakota Public Service Commission (Commission) for the proposed Wishek to Merricourt 230-kilovolt (kV) Transmission line Reconstruction Project (project). The project would reconstruct a segment of the Mandan to Ellendale Transmission line that was originally built in 1966.

The project involves replacing 107 structures and reconductoring the 30-mile line connecting the Wishek Transmission Substation to the Merricourt Transmission Substation (**Attachment A**).

This evaluation aligns with the criteria outlined in the North Dakota Administrative Code (NDAC) 69-06-08-02 for transmission facility corridors and route evaluation.

## PROJECT DESCRIPTION

The transmission line is owned by Montana-Dakota and is maintained and operated within a 600-foot-wide right-of-way (ROW) corridor centered on the line. Montana-Dakota proposes to undertake the following activities within the ROW corridor as part of the project.

1. Line Reconductoring – The 795 ACSR conductor will be replaced with a 795 ACSS High Temperature conductor along the entire 30-mile extent. Potential ground disturbing activities include the movement of trucks and equipment within the 600-foot ROW corridor, using access points from local roadways.
2. Structure Replacement – It is necessary to replace some pole structures as part of the reconductoring. The project will include the replacement of 107 existing wood pole and steel supporting structures. The line will fully maintain the existing centerline, with the new structures typically offset five to ten feet from the



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existing structures along the centerline. Any angle or corner structures would be replaced in the existing locations, with no offset. On average, the new structures will feature poles that are ten feet taller than the current ones. The project will take place within the existing ROW corridor, utilizing established access roads. Specific locations where structures are planned to be replaced are identified in the map book provided in **Attachment A**.

The construction sequence is dictated by the contractor's preference for efficiency, but typically the sequence involves installing the new poles alongside of the old structure, transferring the existing conductor from the old structure to the new structure, then the old structure is removed. Once all the structures are replaced, the contractor uses the old conductor to pull in the new conductor.

## EXCLUSION AND AVOIDANCE ANALYSIS

The requirement under NDAC 69-06-08-02 to analyze exclusion and avoidance areas within the 600-foot ROW corridor is critical for ensuring that transmission line reconstruction activities are conducted with minimal environmental and regulatory impacts.

### Exclusion Areas

Per NDAC 69-06-08-02(1), certain geographical areas shall be excluded from consideration as potential routes for transmission facilities. These areas include locations of significant environmental, cultural, historical, or community value that warrant protection. Refer to the following table for a summary of exclusion areas.

Exclusion Area	Present within Project Corridor	Description
Designated or registered national: parks; memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas.	No	N/A
Designated or registered state: parks; historic sites; monuments; historical markers; archaeological sites; and nature preserves.	No	N/A
County parks and recreational areas; municipal parks; and parks owned or administered by other governmental subdivisions.	No	N/A



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Areas critical to the life stages of threatened or endangered animal or plant species.	No	N/A
Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.	No	N/A
Areas within one thousand two hundred feet of the geographic center of an intercontinental ballistic missile (ICBM) launch or launch control facility.	No	N/A
Areas within thirty feet on either side of a direct line between an intercontinental ballistic missile (ICBM) launch facility and a missile alert or launch control facilities to avoid microwave interference. This restriction only applies to aboveground structures, not to surface features, such as roads, or belowground infrastructure.	No	N/A

### Avoidance Areas

Per NDAC 69-06-08-02(2), certain geographical areas may not be approved as sites for transmission facilities unless the applicant shows that, under the circumstances, there are no reasonable alternatives. In determining whether an avoidance area should be designated for a facility, the Commission may consider, among other things, the following: the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; the efficient use of resources; and alternative sites. Economic considerations alone will not justify approval of these areas. In addition, a buffer zone of a reasonable width to protect the integrity of the area would be included unless a distance is specified in the criteria. Natural screening may be considered in determining the width of the buffer zone. Refer to the following table for a summary of avoidance areas.



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Avoidance Area	Present within Project Corridor	Description
Designated or registered national historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.	Yes	USFWS Waterfowl Production Areas
Designated or registered state wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management land; and grasslands.	No	N/A
Historical resources which are not specifically designated as exclusion or avoidance areas.	Yes	Unevaluated Cultural Resource Sites
Areas which are geologically unstable.	Yes	Historic Landslide Area
Areas within 500 feet (152.4 meters) of a residence, school, or place of business. This criterion shall not apply to a water pipeline transmission facility.	No	N/A
Reservoirs and municipal water supplies.	No	N/A
Water sources for organized rural water districts.	No	N/A
Irrigated land. This criterion shall not apply to an underground transmission facility.	No	N/A
Areas of recreational significance which are not designated as exclusion areas.	No	N/A



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## Summary

The project corridor intersects with US Fish & Wildlife Service (USFWS) Waterfowl Production Areas (WPA's), unevaluated cultural resource sites, and geologically unstable lands. No other areas, such as state-designated wildlife or recreational areas, geologically unstable areas, locations within 500 feet of residences, schools, or businesses, reservoirs, rural water supplies, irrigated land, or recreational areas not designated as exclusion zones, are present within the corridor. Although, not considered an avoidance area, private water wells were identified on the map book provided in **Attachment A** and will be avoided during project construction activities.

USFWS Waterfowl Production Areas – The USFWS manages WPA's to provide important resting and breeding grounds for migratory birds, waterfowl, and other wildlife. These areas are considered important to sustaining North America's waterfowl populations. As part of the project, 11 structures would be replaced within a WPA, which include structures 93 through 99, 115, 122, 123, and 136. Since the transmission line is already in place, there is no expected permanent increase in impact to species that may use WPAs. Construction and maintenance activities associated with reconductoring, and new pole placement are expected to be temporary and minor and include noise, an increase in activity, and limited surface disturbance during pole installation.

Unevaluated Cultural Resource Sites – A Class III field inventory was completed by Ulteig archeologists on October 10-15, 2024, at 107 structure replacement locations. The inventory included 0.35-acre blocks (100 feet by 150 feet) centered on each structure. Three new sites were identified and recorded during this effort. The three new sites along with numerous previously identified sites are identified in the map book provided in **Attachment A**. The unevaluated cultural resource sites primarily impose on three structure replacements: structures 53, 126, and 178. Cultural resource avoidance measures are identified within the *Montana-Dakota Utilities Transmission Line Reconstruction Project: Wishek to Merricourt Class III Cultural Resource Inventory, McIntosh County, ND*. All sites/site features can be avoided following the recommendations in the report. The North Dakota Historical Society agreed that there are no significant sites affected, in a letter dated March 3, 2025, provided the avoidance and protection measures listed in the report are followed. See **Attachment B** for a copy of the letter.

Geologically Unstable Lands – Landslide areas in North Dakota are mapped based on historical aerial photographs, recent digital aerial imagery, and LiDAR digital elevation models. One historic landslide area was identified within the 600-foot ROW. The landslide area is located near structure 182, with the nearest structure replacement occurring at structure 183. Montana-Dakota will restrict access to the area during construction to avoid worsening slope instability and ensure the safety of workers and equipment.

Vehicle activity and new structure installations are not anticipated to cause long-term effects on soil, bedrock, vegetation, surface water, or aquatic resources. Temporary and minor disturbances to wildlife may occur due to equipment movement and construction activities within the ROW corridor. However, these impacts are expected to be minimal and short-lived, as no permanent changes to the existing habitat are planned.

The existing transmission line is owned and operated by Montana-Dakota. The original line and structure locations were sited based on engineering, physical, and electrical constraints, and relocating or re-routing would likely cause additional impacts to natural and/or cultural resources in the area, bisect additional ranching/agricultural lands, and lead to significant efforts to re-engineer the line. Rerouting is neither environmentally nor economically prudent; therefore, there is no reasonable alternative for siting a new location.



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Measures to minimize potential impacts associated with project work have been proposed. The planned project would not impact exclusion areas and is not expected to significantly increase impacts to avoidance areas currently within the ROW corridor.

## CONSERVATION MEASURES

Reconductoring with selective pole replacement is necessary to ensure the functionality of Montana-Dakota's transmission line into the future. Based on an analysis of avoidance and exclusion areas under North Dakota Administrative Code 69-06-08-02, there are locations throughout the existing corridor in which avoidance areas are present.

Conservation measures that Montana-Dakota plans to implement during the project include the following.

- For a prior project, coordination with the Minot Air Force Base confirmed that there were no ICBM areas nearby. A follow-up phone call will be made to reconfirm this information for the current project.
- Cultural resource avoidance measures identified within *the Montana-Dakota Utilities Transmission Line Reconstruction Project: Wishek to Merricourt Class III Cultural Resource Inventory, McIntosh County, ND* will be followed.
- Vehicle and equipment movement within the ROW corridor will occur primarily during dry conditions to minimize surface impacts and rutting. If wet conditions are unavoidable, temporary construction matting will be used where feasible.
- Access routes and vehicular travel will be carefully planned to avoid cultural resource sites, the WPA's, and wetlands, to the greatest extent practicable.
- Montana-Dakota will contact the USFWS Kulm Wetland Management to notify the agency of the upcoming maintenance occurring.
- Montana-Dakota will restrict access to the historic landslide area during construction.

## Data Sources

The following datasets were utilized to identify exclusion and avoidance areas.

- National Register of Historic Places (National Park Service 2024)
- USFWS Designated Critical Habitat (USFWS Environmental Conservation Online System 2024)
- USFWS WPAs & Wildlife Management Areas (WMAs) (USFWS National Realty Tracts 2024)
- Current and historical aerial imagery (North Dakota GIS Hub Data Portal 2023)
- Federal and State lands (North Dakota GIS Hub Data Portal 2023)
- Source Water Protection (North Dakota GIS Hub Data Portal 2023)



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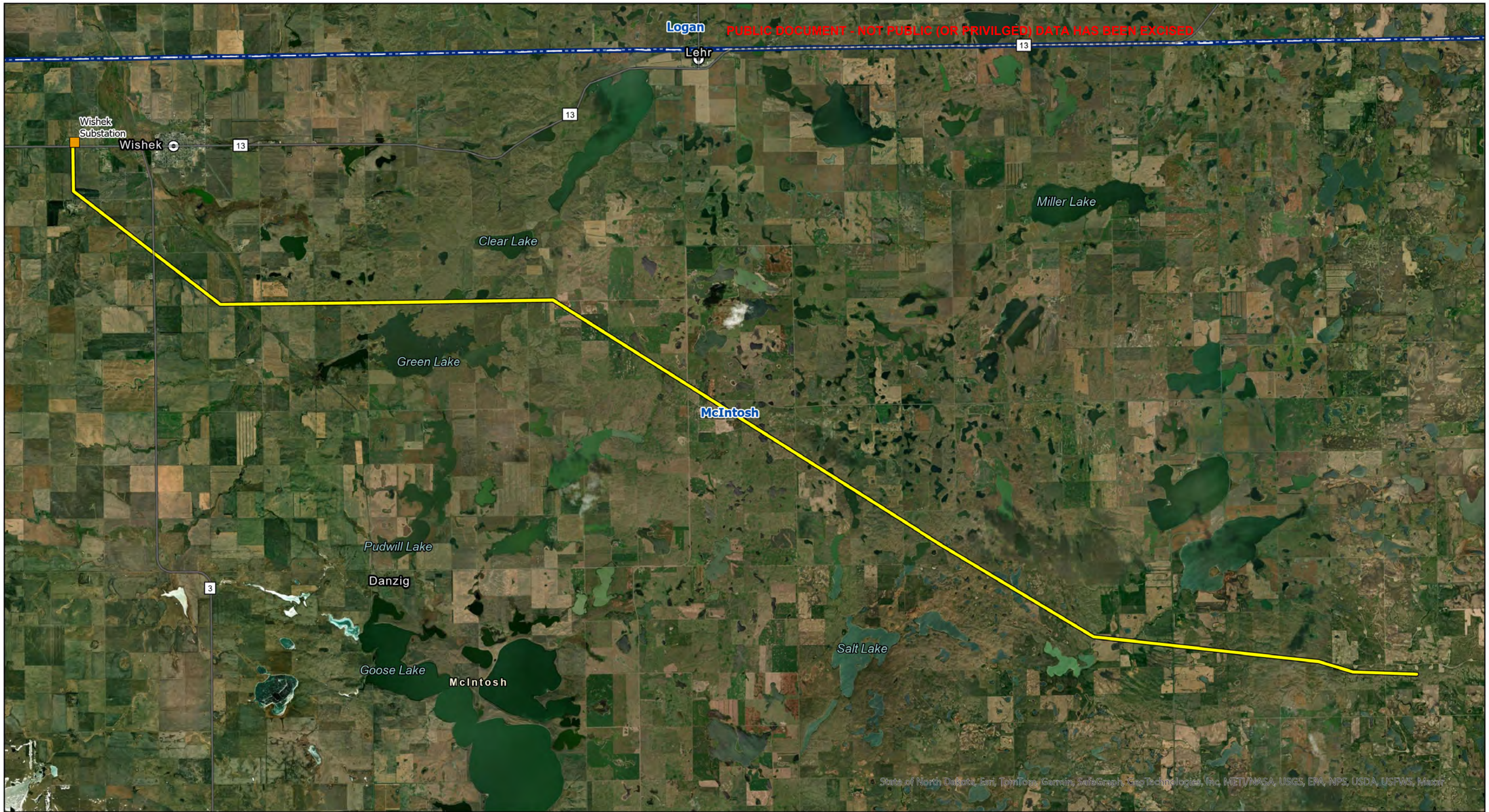
- State Parks (North Dakota Parks and Recreation 2024)
- National Parks in North Dakota (National Park Service 2024)
- Water wells (North Dakota Department of Water Resources 2024)
- Historic Landslide Areas (ND Geological Survey 2023)



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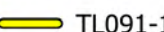

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## Attachment A

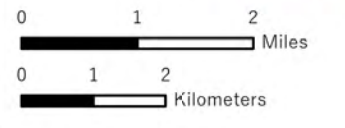
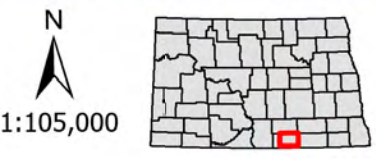


WISHEK TO MERRICOURT  
**Wishek to Merricourt  
230-kV Transmission  
Line Reconstruction  
Project**



-  City
-  Substation
-  County Boundary
-  Transmission Line
-  Major Road
-  City
-  TL091-1
-  State Highway

McIntosh County, North Dakota  
 NAD 1983 StatePlane North Dakota South FIPS 3302 Feet  
 99.0944440° W 46.1138929° N



Base Map: ESRI ArcGIS Online  
 accessed December 2024  
 Updated: 12/16/2024  
 Project No. 62896

Pages 10-17 Redacted  
Contains confidential cultural resources



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## Attachment B



March 3, 2025

Jeani Borchert  
Ulteig Engineers  
419 Riverwood Drive, Ste 201  
Bismarck, ND 58504

**SHSND Ref.: 25-9020 MDU Transmission Line Reconstruction Project: Wishek to Merricourt**

Dear Jeani,

From your submission on behalf of Montana-Dakota Utilities, it is our understanding that SHSND Ref: 25-9020 MDU Transmission Line Reconstruction Project: Wishek to Merricourt involves the replacement of 107 structures along an existing transmission line in McIntosh County. Therefore, it is our determination that there are no significant sites affected by this project provided the avoidance and protection measures as listed within the associated Ulteig Engineers report by Jeani Borchert titled "MDU Transmission Line Reconstruction Project: Wishek to Merricourt, Class III Cultural Resource Inventory, McIntosh County, ND" are followed.

Thank you for the opportunity to review this project under North Dakota cultural resources consultation. This letter does not serve as federal agency consultation or SHPO consultation for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (36 CFR Part 800), or the National Environmental Policy Act, as amended, (42 U.S.C. §§ 4321- 4347).

If you have any questions, please contact Lorna Meidinger, Lead Historic Preservation Specialist at [lbmeidinger@nd.gov](mailto:lbmeidinger@nd.gov) or (701) 328-2089.

Sincerely,

for William D. Peterson, PhD  
Director, State Historical Society of North Dakota

25-9020

## Exhibit 3

# Cultural Resource Inventory

# Cultural Resource Inventory

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