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August 25, 2026

Brian Johnson
Executive Director
North Dakota Public Service Commission
600 East Boulevard; Department 408
Bismarck, ND 58505-0480

RE:

**Minnkota Power Cooperative
345kV Transmission Structure Replacements: Center – Maple River (Structure 602)
Stutsman County, North Dakota**

Dear Mr. Johnson,

Minnkota Power Cooperative (Minnkota) is proposing to replace 345kV Transmission Structure #602 along the existing Center – Maple River high voltage transmission line (HVTL) in Stutsman County, ND (Project), which was constructed prior to April 9, 1975. The existing cement foundation is degraded beyond reasonable repair, and replacement of the 3-pole structure is needed to prevent line failure and maintain grid reliability.

Equipment and materials will be staged on site during the week preceding the scheduled outage. The access route to the work area will not be graded nor paved. The new 3-pole structure will be directly embedded without foundations approximately 10' west along the existing centerline from the existing 3-pole structure, within the existing right-of-way. The existing concrete foundations will be excavated and removed. The work is anticipated to take five days for installation and one day for foundation removal starting in October 2026.

Detailed below are areas identified and reviewed by Minnkota and the applicable regulatory agencies as related to the Public Service Commission's exclusion and avoidance criteria for transmission facilities.

FWS Wetland Easement (NDAC 69-06-08-02(2)(a))

Structure #602 is on private land with a wetland easement administered by US Fish and Wildlife Service (FWS) as part of the National Wildlife Refuge System. ND Administrative Code (NDAC) 69-06-08-02(2)(a) classifies national wildlife areas and wildlife refuges as avoidance areas, terms not clearly defined in ND Century Code (NDCC) 49-22-03 nor in NDAC 69-06-08-02. Whether this easement fits either classification, the Project will not impact the protected basins, and MPC's rights under its easement, which includes structure replacement within the corridor, predate and are superior to the after-acquired rights within the wetland easement.

Dakota Skipper (NDAC 69-06-08-02(1)(d))

NDAC 69-06-08-02(1)(d) identifies "areas critical to the life stages of threatened or endangered animal or plant

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Structure Replacement Request

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Minnkota Power Cooperative, Inc.
Daniel L. Inman, Sr. Vp of Power Delivery

species” as exclusion areas.

Meadowlark Environmental LLC (Meadowlark) conducted vegetation and subsequent occupancy surveys around Structure #602 and the access route. The habitat was determined suitable for and occupied by the Dakota skipper (*Hesperia dacotae*), a species federally listed as threatened under the Endangered Species Act (ESA).

USDA Rural Utility Service (RUS) and Minnkota pursued formal consultation with FWS under Section 7(a)(2) of the ESA regarding the “may affect, is likely to adversely affect” determination for the Dakota skipper reached in Meadowlark’s attached Biological Assessment (BA). FWS concluded in its Biological Opinion (BO); Attachment A within the attached Environmental Report)) finalized on May 22, 2026, that the Project is not likely to jeopardize the continued existence of the Dakota skipper as long as the commitments, conservation measures, avoidance measures, and reclamation measures established are implemented. The FWS defines “jeopardize the continued existence of” as to “engage in an action that reasonably would be expected to, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.” 50 C.F.R. § 402.02.

As noted in FWS’ BO “[t]he [Project] would not appreciably reduce the likelihood of survival or recovery of the Dakota skipper because conservation measures outlined in the BA will minimize impacts, reduce the level of take, and provide long-term mitigation through habitat restoration.” Of particular importance here is the FWS’ analysis that “[m]ethods used to predict take were conservative and likely overestimated and [m]ost Dakota skipper populations are not in the planning area and will not be affected by the action.”

The FWS issued an incidental take authorization for up to 0.1 acres of soil disturbance and 2.4 acres of soil and vegetation compaction to suitable reproductive habitat, and up to 0.6 acres of soil and vegetation in dispersal habitat so long as the terms and conditions outlined in its BO are followed.

Furthermore, while critical habitat is designated for the Dakota skipper, the FWS concluded the Project “does not affect any critical habitat. No destruction or adverse modification of critical habitat is anticipated.”

Other Exclusion and Avoidance Areas

In compliance with RUS rules implementing the National Environmental Policy Act (7 CFR 1b), Barr Engineering, Inc. (Barr), on behalf of Minnkota, prepared the attached Environmental Report to summarize assessments of the Project’s impacts. Barr also conducted a Class III cultural resources inventory at Structure #602. No cultural resources were encountered, and NDSHPO concurred with the recommended *No Historic Properties Affected* finding in November 2025 (ND SHPO Ref: 25-0320). Therefore, the Project will not impact any other known exclusion or avoidance areas as classified under NDAC 69-06-08-02(1) and (2).

Conclusion

The Project meets the definitions of construction as outlined by NDCC 49-22-03(4)(a). The Project will not impact the FWS’ wetland easement areas administered through the National Wildlife Refuge System nor will it adversely affect any areas of critical habitat or appreciably reduce the likelihood of survival or recovery of threatened or endangered animal or plant species, specifically, the Dakota skipper. Nonetheless, construction will occur outside of the adult Dakota skipper flight period and with the conservation measures developed in coordination with FWS as outlined in the BA and BO. As identified by the FWS, there are no adequate alternatives available to MPC and the Project offers a proactive solution to prevent severe transmission line disruptions.

Please contact me at dinman@minnkota.com or 701-795-4000 if you have any questions or require additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel L. Inman", followed by a long, sweeping horizontal line that extends to the right.

Daniel L. Inman
Senior VP of Power Delivery & CITO
Minnkota Power Cooperative

Attachments:

- Certificate of Applicant
- Environmental Report
- Biological Assessment