

8. PROPERTY/RIGHT-OF-WAY ACQUISITION AND RESTORATION

8.1 Identification of Existing Utility and Public Rights-of-Way

8.1.1 Route Area 1 – Tower Substation to County Highway 26

The entire 4.2 miles of this route area parallel the Iron Ore Trail. The Iron Ore Trail was formerly owned/operated by the DM&IR and was a private right-of-way. The DM&IR released ownership of the entire fee strip to landowners adjacent to the former railroad grade. The recreational trail is operated under special agreements with these landowners.

8.1.2 Route Area 2 – County Highway 26 to East Taylor Road

Approximately 1.3 miles of this route area follow the Iron Ore Trail, approximately 1.4 miles would require a new right-of-way, and the remaining 2.2 miles follow Bergstedt Road, a public right-of-way.

8.1.3 Route Area 3 – East Taylor Road to County Highway 21

A new right-of-way will be created for the entire route area; a distance of 1.6 miles.

8.1.4 Route Area 4 – County Highway 21 to Embarrass Switching Station

A new right-of-way would be created for the majority (2.8 miles) of this route area. Approximately 0.8 miles of utility right-of-way (a MP 115 kV transmission line) would be followed at the south end of the route area, east of the Embarrass Switching Station.

8.2 Right-of-Way Requirements

The right-of-way (easement area) width requirement for the 115 kV transmission Project would be 100 feet for both structure design types, understanding that the width of the right-of-way cleared for the single pole designs could be reduced in certain higher density, developed areas. The width of the right-of-way cleared may also be less in areas where the new transmission line follows an existing linear corridor, such as a road or trail. The Applicants would seek a permanent easement, providing the right to construct, operate and maintain the transmission line, for the full width and length of the right-of-way.

Additional right-of-way may be required for longer spans or special design requirements based on final survey. Right-of-way width depends on conductor blowout and the recommended clearances to obstructions along the route.

8.3 Property/Right-of-Way Acquisition Procedures

8.3.1 Transmission Line Easements

Once approvals from various state, federal and local agencies, and governmental units are secured, land rights acquisition will commence. Land rights include easement acquisition in the case of a transmission line, or acquisition of a fee interest in the case of a substation or switching station. As a general practice, landowners will be contacted to review Project details and to discuss the initial phase of the Project, including survey and soil investigation. Upon completion of the survey and preliminary design, landowners will be contacted and easement/fee acquisition negotiations will commence.

During the acquisition phase of the Project, landowners will be given a copy of the conveyance documents, generally including easements, deeds, structure design or photos, offer sheets, and a plan showing the proposed transmission line or facility relative to the landowner's property. Additional information may also be given to each landowner explaining power line safety, easement acquisition procedures, and damage settlement. In addition to permanent easements necessary for the construction of the line, temporary easements may be obtained from certain landowners for temporary construction, access, or staging areas for temporary storage of poles, vehicles, or other related items. Landowners will be notified in the event site access for soil boring is required to determine soil suitability in areas where certain soil characteristics may require special transmission structure design.

8.3.2 Substation Property Acquisition

MP has done site evaluations at several sites for the proposed substation and switching station. Preliminary contact with the landowners of the sites has been made along with soil investigations to determine the suitability of the property for a substation and a switching station. MP is engaged in positive negotiations with these landowners with the objective of obtaining options to purchase property for the proposed Tower Substation and the Embarrass Switching Station sites. If the Commission issues the Route Permit, MP would exercise the options with the landowners and proceed to obtain the necessary land rights for the facilities.

During the construction phase, any affected property owners would be advised of the construction schedule or needed access to the sites. To construct, operate and maintain the proposed substation and switching station, all vegetation would be cleared from the footprint area, the driveway area, the parking area, and from a buffer area of 15-25 feet outside the station fence. Vegetation on the property outside of the station footprint, driveway, and site drainage area would be left undisturbed, except where it must be removed to allow for transmission line access to the station.

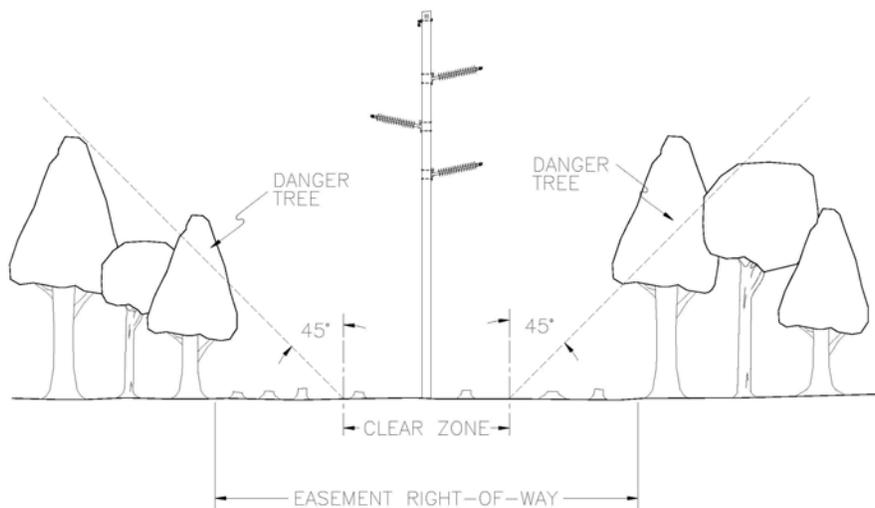
8.4 Tree Clearing and Staking

After land rights have been secured, landowners would be contacted to discuss the initial construction phase of the Project, including schedules, ingress and egress to and from the planned facility, tree and vegetation removal, damage mitigation, and other related construction activities.

The first phase of construction activities would involve surveying and staking the centerline and right-of-way limits of the new transmission line, followed by removal of trees and other vegetation from the right-of-way. As a general practice, brush or low-growing tree species are allowable at the outer limits of the easement area. Taller tree species that endanger the safe and reliable operation of the transmission facility are removed. In developed areas and to the extent practical, existing low-growing vegetation that will not pose a threat to the transmission facility or impede construction will remain in the easement area.

The NESC states that “trees that may interfere with ungrounded supply conductors should be trimmed or removed.” Standard practices per specifications from the RUS indicate total removal of trees within the easement area, with additional trees and danger trees removed or trimmed beyond the easement area if they could fall into the energized transmission line as shown in Figure 8-1. Special tree trimming agreements are possible to minimize tree removal based on negotiations with individual landowners.

Figure 8-1 Standard Tree Removal Practices



8.5 Right-of-Way Restoration

Upon completion of construction activities, landowners will be contacted to determine whether or not construction damages have occurred. Areas that sustain construction damage will be restored to their pre-construction condition to the extent possible. Landowners will be notified of the completion of the Project, and asked to report any outstanding construction damage that has not been remedied or any other issue related to the construction of the transmission line. Once transmission line construction cleanup is complete and construction damages have been successfully mitigated, landowners will be sent a final contact letter signaling the close of the Project and requesting notification of any outstanding issues related to the Project.