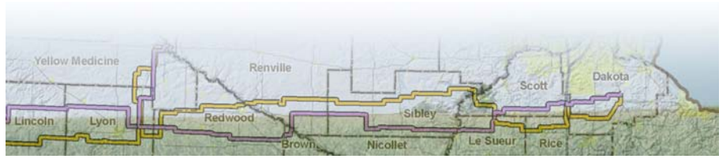


8.0 Required Permits and Approvals

8.1 Federal Approvals

Should a route permit be issued for the Project, the Applicants may be required to apply for the various local, state, and federal permits explained in this section.

8.1.1 Section 404, Clean Water Act, Permit

A Section 404 permit is required from the U.S. Army Corps of Engineers (USACE) under the Federal Clean Water Act (CWA) for discharges of dredged or fill material into waters of the United States. The Applicants will apply for these permits should a route permit be issued for the Project.

8.1.2 Section 10, Rivers And Harbors Act, Permit

The USACE regulates impacts to navigable waters of the United States under Section 10 of the River and Harbors Act. The Minnesota River is classified as a navigable water by the USACE. Applicants would apply for a permit for each of the crossings proposed for the Project.

8.1.3 Part 7460 Review

Notice and approval are required for structures 200 feet in height or when the structure height would exceed a slope requirement as defined in the Federal Aviation Administration (FAA) Advisory Circular (AC 70/7460-2K). Form 7460-1 is required for the notice.

8.1.4 Special Use Permit

This permit is required for the placement of facilities within easements owned by the U.S. Fish and Wildlife Service (USFWS). Compatibility is determined in accordance with the National Wildlife Refuge System Improvement Act. A compatible use is a wildlife-dependent recreational use or any other use on lands that in the sound professional judgment of the director would not materially interfere with or detract from the fulfillment of the mission of the USFWS (wildlife conservation) or purposes of the land. The Applicants would work closely with the USFWS on potential impacts to their lands.

8.1.5 Spill Prevention, Control, and Countermeasure (SPCC) Plan

A SPCC plan is required to prevent discharge of oil into navigable waters of the United States, and is required if the aboveground storage capacity for the substance is greater than 1,320 gallons and there is a reasonable expectation of a discharge into navigable waters of the United States. The Applicants would likely need to update and develop their SPCC plans at Project substations that meet the criteria per 40 CFR 112.

8.2 Minnesota State Approvals

8.2.1 License To Cross Public Waters Or State Lands

The Minnesota Department of Natural Resources (DNR) Division of Lands and Minerals regulates utility crossings over, under, or across any state land or public water identified on the Public Waters and Wetlands Maps. A license to cross Public Waters is required under Minnesota Statutes Section 84.415 and Minnesota Rules Chapter 6135.

8.2.2 Utility Permit

A permit from the Minnesota Department of Transportation (DOT) is required for construction, placement, or maintenance of utility lines adjacent to or across the trunk highway right-of-way (ROW).

8.2.3 NPDES Permit

An National Pollutant Discharge Elimination System (NPDES) Permit from the Minnesota Pollution Control Agency (PCA) is required for stormwater discharges associated with construction activities disturbing equal to or greater than one acre. A requirement of the permit is to develop and implement a Stormwater Pollution Prevention Plan (SWPPP), which includes construction measures to minimize discharge of pollutants from the site.

8.2.4 Section 401, Clean Water Act

Section 401 water quality certification is required from the PCA to obtain a federal permit for any activity that may result in a discharge to navigable waters of the U.S. This ensures the Project would comply with state water quality standards according to the CWA. More specifically, the PCA uses its Section 401 authority to review Section 404 USACE Individual Permit applications for projects that:

1. Are within areas that directly drain to Impaired Waters (or those close to being impaired), Outstanding Resource Value Waters, or trout waters;
2. Affect more than three acres of private project or five acres of public road wetlands within 0.5 miles of listed Impaired Waters (smaller projects with special concerns may also be considered);
3. Have the potential to inundate or deepen by excavation greater than two acres of wetland or otherwise not regulated by the Wetland Conservation Act (WCA); and
4. Result in typically large wetland fills or drainage (e.g., linear projects, mining activities, multipurpose roads with new bed alignments, new judicial ditching that have the potential to affect downstream waters, flood impoundment or diversion projects, large development and projects that may have adverse impacts on the watershed).

If the Project requires an individual permit from the USACE, a Section 401 water quality certification would be obtained.

8.3 South Dakota State Approvals

8.3.1 Facility Permit

A utility must obtain a Facility Permit from the South Dakota Public Service Commission prior to constructing a transmission facility. SDCL 49-41B-4.

8.3.2 Permit To Occupy ROW

A utility seeking to cross or occupy state highways must obtain a Permit to Occupy ROW from the South Dakota Department of Transportation.

8.3.3 NPDES Permit

An NPDES Permit from the South Dakota Department of Environmental and Natural

Resources is required for stormwater discharges associated with construction activities disturbing equal to or greater than one acre. A requirement of the permit is to develop and implement a SWPPP, which includes construction measures to minimize discharge of pollutants from the site.

8.3.4 Section 401, Clean Water Act

Section 401 water quality certification is required from the South Dakota Department of Environmental and Natural Resources to obtain a federal permit for any activity that may result in a discharge to navigable waters of the U.S. This ensures the Project would comply with state water quality standards according to the CWA.

8.4 Minnesota Local Approvals

Once the Commission issues a route permit, local zoning, building and land use regulations and rules are preempted per Minnesota Statutes Section 216E.10, subdivision 1. Typical other local approvals associated with transmission line construction are listed below.

8.4.1 Local/State/Federal Application For Water/Wetland Projects (Under WCA)

The Minnesota Board of Water and Soil Resources (BWSR) administers the state WCA pursuant to Minnesota Rules Chapter 8420. The Project may require a permit under these rules if permanent impacts to wetlands are anticipated due to construction.

8.4.2 Lands Permits, Including Road Crossing/Row Permits

These permits may be required to occupy county, township, and city ROW and lands such as park lands, watershed districts, and other properties owned by these entities.

8.4.3 Over Width/Loads Permits

These permits may be required to move over width or heavy loads on county, township, or city roads.

8.4.4 Driveway/Access Permits

These permits may be required to construct access roads or driveways that access county, township, or city roadways.

8.5 South Dakota Local Approvals

In South Dakota, the route designated by the Public Service Commission must not violate land-use zoning, or building rules, or regulations, or ordinances, absent a specific finding that such regulations are unreasonably restrictive. SDCL 49-41B-28. Therefore, in addition to the lands, overwidth and driveway/access permits described below, the Applicants will also obtain local building permits and conditional use permits, as appropriate.

8.5.1 Lands Permits, Including Road Crossing/Row Permits

These permits may be required to occupy county, township, and city ROW and lands such as park lands, watershed districts, and other properties owned by these entities.

8.5.2 Over Width/Loads Permits

These permits may be required to move over width or heavy loads on county, township, or city roads.

8.5.3 Driveway/Access Permits

These permits may be required to construct access roads or driveways that access county, township, or city roadways.

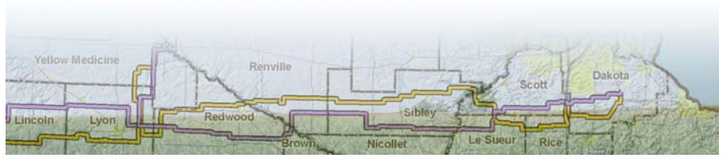
8.5.4 Building Permits, Conditional Use Permits

These permits may be required by the local jurisdictions for substation modifications and construction.

8.6 Other Approvals

8.6.1 Approval to Cross Lands with Conservation Easements

There are lands throughout the Project area that are part of various conservation programs including Reinvest in Minnesota (RIM), Conservation Reserve Enhancement Program (CREP) and Farmland and Natural Areas Project (FNAP). Applicants would likely work with landowners, local government entities administering such programs, and the sponsoring federal agency on a site-by-site basis to coordinate the approvals necessary for placing the transmission facilities on these lands.



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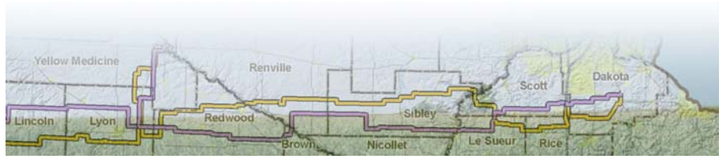

10.0 Acronyms

AASHTO 48	American Association of State and Highway Transportation Officials
ACGIH	American Conference of Governmental Industrial Hygenists
ACSS	Aluminum Conductor Steel Supported (cables)
AIMP	Agricultural Impact Mitigation Plan
ALJ	Administrative Law Judge
BFD	Bird Flight Diverters
BMP	Best Management Practice
BWSR	Minnesota Board of Water and Soil Resources
CCD	Colony Collapse Disorder
CMMPA	Central Minnesota Municipal Power Agency
CON	Certificate of Need
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CWA	Federal Clean Water Act
dBA	"A-weighted" sound scale (human hearing) recorded in units of decibels
DNR	Department of Natural Resources
DOT	Minnesota Department of Transportation
DTV	Digital Television
ECS	Ecological Classification System
EFP	OES Energy Facilities Permitting
EIS	Environmental Impact Statement
ELF	Extremely Low Frequency
EMF	Electromagnetic Field
EPA	U.S. Environmental Protection Agency
ER	Environmental Report
ERP	OES Energy Regulation & Planning
EU	European Union
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FMA	Aquatic Management Areas and Fish Management Areas
FmHA	Farmers Home Administration
FNAP	Farmland and Natural Areas Project, Dakota County, MN
G	Gauss (mG = milligauss)
GAP	Gap Analysis Program
GBCA	Grassland Bird Conservation Areas
GPS	Global Positioning System
HAP	Hazardous Air Pollutant
HU	Hydrologic Unit
HVTL	high voltage transmission line
Hz	Hertz
IBA	Important Bird Area
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IEEE	Institute of Electrical and Electronics Engineers
kV	Kilovolt
kW	Kilowatt (kWh= kilowatt hour)
mA	Milliamps
MCBS	Minnesota County Biological Survey
MDA	Minnesota Department of Agriculture
METC	Metropolitan Council
MISO	Midwest Independent Transmission Operator
MRES	Missouri River Energy Services
MRI	Magnetic Resonance Imaging
MSNRA	Metro Significant Natural Resource Areas
MUSA	Metropolitan Urban Service Area
MW	Megawatt
MWh	megawatt hour
NAC	Noise Area Classifications
NEPA	National Environmental Policy Act
NERC	North American Electric Reliability Corporation
NESC	National Electrical Safety Code
NHIS	Natural Heritage Information System
NHPA	National Historic Preservation Act
NIEHS	National Institute of Environmental Health Sciences
NOP	USDA National Organic Program
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NRPB	National Radiological Protection Board
NWI	National Wetlands Inventory

NWR	National Wildlife Refuge
OES	Office of Energy Security (Department of Commerce)
OTP	Otter Tail Power Company
PCA	Minnesota Pollution Control Agency
PPSA	Power Plant Siting Act
PSC	Wisconsin Public Service Commission
PUC	Public Utilities Commission
PWI	Public Waters Inventory
RIM	Reinvest in Minnesota, MN DNR critical habitat program
ROW	right-of-way
RPA	Route Permit Application
RUS	U.S. Department of Agriculture Rural Utilities Service
SHPO	State Historic Preservation Office
SNA	Scientific and Natural Area
SPCC	Spill Prevention, Control, and Countermeasure Plan
SWPPP	Stormwater Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
VOR	Very High Frequency Omni-directional Radio Range
WCA	Wetland Conservation Act
WHO	World Health Organization
WMA	Wildlife Management Area
WPA	Wildlife Protection Areas