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Record of Decision

Bemidji - Grand Rapids 230kV Transmission Line Project

Chippewa National Forest
Itasca and Cass Counties, Minnesota

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RECORD OF DECISION
For
BEMIDJI TO GRAND RAPIDS 230 KV TRANSMISSION LINE PROJECT

OTTER TAIL POWER, MINNESOTA POWER, MINNKOTA POWER
ACROSS THE CHIPPEWA NATIONAL FOREST

Cass and Itasca Counties, Minnesota
U.S. Department of Agriculture, Forest Service
Chippewa National Forest

INTRODUCTION

This Record of Decision (ROD) describes the decision I have made to issue a special use permit to Otter Tail Power Company, Minnesota Power and Minnkota Power Cooperative (Applicants) to construct and maintain a 230 kV electric transmission line on National Forest System land from the intersection of the west Forest boundary line located in Section 15, Township 145 North, Range 31 West, Cass County to the east Forest boundary line located in Section 36, Township 145 North, Range 26 West, Itasca County. The segment on National Forest System land or Chippewa National Forest (CNF) is a portion of the full line that runs from Minnkota Power Cooperative's Wilton Substation located just west of Bemidji, Minnesota, to Minnesota Power's Boswell Substation in Cohasset, Minnesota, northwest of Grand Rapids, Minnesota. The Bemidji area includes the communities of Bagley to the west, Cass Lake to the east, Walker to the south, and Blackduck to the northeast, as well as a large portion of the Leech Lake Reservation. This document will provide some background information to help set the stage and explain how the purpose and need for project was developed. In addition I describe my rationale for selecting Route Alternative 4 in relation to the project's purpose and need, issues, other alternatives considered, public input and applicable laws regulations and policies as they pertain to land management and project planning and implementation on a national forest. This document concludes with information on implementation of the project and the appeal process available to members of the public who have established standing by commenting or otherwise expressing interest during the Draft Environmental Impact Statement (DEIS) comment period.

SUMMARY OF THE DECISION

In summary, my decision is to provide for a utility transmission corridor and meet the demand of this special use activity that is consistent with the Chippewa National Forest Resource Management Plan (Forest Plan) which was approved in 2004. My decision is to implement Route Alternative 4 by issuing a 50 year term Special Use Permit to construct and operate the project on National Forest Service (NFS) Lands with terms and conditions to mitigate resource impacts as well as a Temporary Special Use Permit for temporary use of NFS lands for staging and storing of construction materials and equipment. (FEIS, pp. 90-93, pp. 581-584; and ROD Attachment B, Mitigations.) Activities in the Selected Alternative, Route Alternative 4

contribute to Forest Plan management direction in providing for a utility corridor while minimizing, avoiding or mitigating resource impacts. (Forest Plan pages 2-50.)

The Chippewa National Forest worked with representatives from various agencies including the Minnesota Department of Commerce's Office of Energy Security (OES), U.S. Department of Agriculture's Rural Utilities Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Minnesota Department of Natural Resources, Tribal representatives including the Leech Lake Band of Ojibwe and members of the public in developing alternatives to the proposed action brought forward by the Applicants, Otter Tail Power Company, Minnesota Power and Minnkota Power Cooperative (FEIS, p. 13; pp. 17-18; p. 582; Appendix B; and Appendix J). I believe I have incorporated suggestions and addressed concerns in my decision.

BACKGROUND

Project Area and Project Description

The boundary of the Project area where it first crosses onto the Chippewa National Forest (CNF) encompasses approximately 3,615 acres of land with mixed ownership. Of the total acreage of mixed ownership, 1,842 acres (51 percent) of the Project area is National Forest System land. Activities authorized in this ROD are planned for National Forest System land only. The Project spans three Ranger Districts, Blackduck, Deer River and Walker on the CNF. Activities are located in Itasca and Cass Counties, in portions of Townships 144 to 145 North and Ranges 25 to 31 West.

As the CNF and the cooperating agencies developed the DEIS four routes were analyzed. Route Alternatives 1 and 2 were proposed by the Applicants and Route Alternative 3 was developed to respond to the concerns of the LLBO. Route Alternative 3 was proposed by the Leech Lake Department of Resource Management (LLDRM) to avoid crossing on or over lands within the boundary of the Leech Lake Reservation. Route Alternative 4 was developed to respond to issues raised and to incorporate features of Route Alternatives 1 and 2. As such, the lengths, resources, and impacts for Route Alternative 4 fall within the areas analyzed under Route Alternatives 1 and 2. In general, each of the route alternatives respond to separate issues with each having benefits and consequences. Route Alternative 1 was developed to avoid the City of Cass Lake, a superfund site within the City of Cass Lake and the pinch point between two lakes (Cass Lake and Pike Bay). Route Alternative 2 is shorter and parallels existing Enbridge Energy pipeline ROW, which passes through the City of Cass Lake and the pinch point between Cass Lake and Pike Bay. All route alternatives will have some effect on NFS lands, on which the LLBO has hunting and gathering treaty rights. Several other route alternatives were considered prior to the development of the EIS but for various reasons described later in this document were not included in the detailed evaluation presented in the FEIS. Additionally, the No Action Alternative is required to be evaluated and analyzed in the FEIS.

The vicinity map found at Figure 1-1: Bemidji Area in the Bemidji – Grand Rapids 230 kV Transmission Line Project, Final Environmental Impact Statement (FEIS) p. 3 displays the general location of the Project area as does Figure 2-3: Route and Segment Alternatives Overview Map, FEIS, p. 25. The Project area as illustrated with ROD Attachment A, Map

shows the location within the boundaries of the CNF. Because Route Alternative 4 generally follows the existing Enbridge Pipeline corridor, no additional roads accesses or approaches will need to be constructed. Note the location of the Project on the CNF nearly coincides with the Reservation boundary for the Leech Lake Band of Ojibwe.

Final engineering and design for the Project includes a 125-foot wide right-of-way (ROW) for the Project. Generally, the project includes the use of two-pole, H-frame structures for a majority of the Project length and single-pole structures in more congested areas. The preferred design would utilize either three-pole guyed structures or single-pole self supporting structures at angle locations. The FEIS outlines specific details regarding height and span between structures. (Refer to FEIS, pp. 44-51.)

Single-pole self-supporting structures will be used for portions of the transmission line in areas where the available width of the ROW is limited by existing infrastructure or development. The height of single-pole single-circuit structures would range from approximately 80 to 100 feet, with the span between structures of approximately 400 to 800 feet. In some areas the H-frame pole heights could be reduced where feasible with heights approximately 80 feet and a span of 400 feet to minimize visual effects (Refer to FEIS, p. 92.)

Cooperating Agencies

Since the Applicants are requesting funding from the Rural Utilities Service (RUS), a federal agency that administers the U.S. Department of Agriculture's Rural Development Utilities Program, the RUS assumes the role of "Lead Federal Agency" and the CNF has assumed the role of "Cooperating Federal Agency" because only a portion of the entire route is on the CNF.

In Minnesota, the routing of a utility corridor requires a Route Permit from the Minnesota Public Utilities Commission (MPUC). The Minnesota Department of Commerce, Office of Energy Security (OES) is the agency responsible for preparing an Environmental Impact Statement (EIS) for the MPUC. In order to make it less confusing to the public and eliminate duplication of effort, the U.S. Forest Service (USFS) Chippewa National Forest, the U.S. Army Corps of Engineers (USACE), and the Leech Lake Band of Ojibwe (LLBO) joined OES and RUS in preparing a joint state and federal EIS for the Project. Each cooperating agency will utilize information from the FEIS including public input in their respective ways for their respective responsibilities. For the U.S. Forest Service, Chippewa National Forest, as the Forest Supervisor, I am issuing this ROD to authorize use of National Forest System lands by the Applicants through the issuance of a special use permit with specific terms and conditions.

Several agencies, including the cooperating agencies listed above are responsible for issuing permits and approvals for the project. A list of the Regulatory and Permit Requirements is shown on Table 6-1 of the FEIS.

Refer to FEIS, pp. 7-13 for a thorough description of roles of Cooperating Agencies for this project.

Tribal Consideration

As the CNF implements the Forest Plan, I keep in mind our unique relationship with the Leech Lake Band of Ojibwe (LLBO). The Forest Plan states that decisions for environmental documents will demonstrate how tribal interests as identified in the environmental analysis were addressed. It is important to note that approximately 40% of the CNF is located within the boundaries of the Leech Lake Reservation. Likewise approximately 90% of the Leech Lake Reservation overlaps the CNF. Beginning in the mid-19th century, the United States made treaties with the Ojibwe that created the reservation and ceded areas of land in northern Minnesota to the federal government. The treaties also reserved the right of the Ojibwe bands to hunt, fish, and gather within the treaty area. The Forest Service has committed through its Forest Plan to facilitate the overall ability of the Ojibwe to exercise these rights in a sustainable fashion on NFS lands. In addition, government-to-government consultation is ongoing between the Forest Service and the LLBO.

Early in the planning and development stage and throughout the drafting and finalizing of the EIS we have been working with the LLBO in government to government consultation to discuss the project and identify mitigation measures suitable for the impacts to the NFS lands. This consultation supports Executive Order 13175 (November 6, 2000), which also recognizes the sovereignty of federally recognized American Indian tribes and the special government to government relationship between the United States and American Indian tribes. Through this consultation with LLBO, I learned that the selected Route Alternative 4 does have some long-term loss of gathering opportunities for tribal members. However, through consultation with the LLBO, mitigation measures were identified to mitigate the long-term loss of these gathering opportunities.

Furthermore, Route Alternative 4 avoids the Cuba Hill area and nearly all of the Ten Section Area which have been identified by the Band as sensitive areas to tribal members.

The decision meets Tribal interests. It incorporates measures such as 800 acres of blueberry management consisting of intensive and moderate enhancement; 200 acres of sugar maple/basswood ecosystem management; berry patch management consisting of protection or enhancement on no less than 35 acres; and sweet grass management consisting of plantings in openings of no less than 10 acres for mitigation of loss of traditional gathering opportunities along the length of the corridor due to the presence of at utility powerline and the perceived impacts associated with electric and magnetic fields (EMF).

Purpose and Need

The purpose of the proposed project is for the Applicants to meet projected future electric demand and to maintain electric transmission reliability standards in accordance with the requirements of the North American Reliability Council (NERC). The Project as proposed provides increased voltage support not only to the Bemidji to Grand Rapids area, including the Leech Lake Reservation, but also throughout the Red River Valley and north central Minnesota, areas susceptible to low voltage conditions. Refer to FEIS, pp. 2-3 for additional detail.

Segments of all the routes for the Project, the Proposed Route and Alternatives are located on the CNF. As the Forest Service Manual (FSM) states, when the proposed use cannot be accommodated on non-NFS lands and where NFS lands are necessary to meet the purpose and need of the Proposed Project, an attempt to meet the demand for this use is necessary. (FSM 2703.2.) In order to meet this demand, the CNF is required to complete an environmental analysis of the proposed project prior to issuing a Special Use Permit.

DECISION

My decision is to approve the construction, operation and maintenance of the Bemidji to Grand Rapids 230 kV Transmission Line Project on NFS lands in Itasca and Cass Counties, as described as Route Alternative 4 in the Bemidji to Grand Rapids 230 kV Transmission Line Project FEIS, issued September 17, 2010 in the Federal Register. This includes mitigation measures to prevent or minimize both short-term and long-term impacts on resources from construction and operation of the project including the use of shorter poles to reduce the scenic impact at the pinch point between Pike Bay and Cass Lake (ROD Attachment B, Mitigations).

My approval and this authorization will take the form of a Special Use Permit and meet the demand of this special use activity that is consistent with the Chippewa National Forest Resource Management Plan (Forest Plan) which was approved in 2004. Specifically, my decision is to implement Route Alternative 4 (FEIS, p. ES-10, pp. 36-39) as the Selected Alternative, and issue a 50 year Special Use Permit which includes an Operation and Maintenance Plan for a transmission line to occupy National Forest System land. Terms and Conditions of the permit include those identified in the FEIS, pp. ES-27-ES-34 and pp. 584-592 are attached to this ROD as terms and conditions of the permit (ROD Attachment B, Mitigations). My decision also includes issuing a Temporary Construction Special Use Permit to designate additional work space for staging areas and temporary storage of material and equipment during construction of the transmission line across the CNF as described in Route Alternative 4 (FEIS pp. 56-60).

The Selected Alternative and Environmentally Preferred Alternative, Route Alternative 4
The Selected Alternative and Environmentally Preferred Alternative Route were identified in response to comments received during the DEIS. For its total length on National Forest System lands, Route Alternative 4 uses a combination of segments that are part of Route Alternatives 1 and 2. This route enters the Forest on the west through Segment F (which includes a CNF parcel), skirts the edges of the St. Regis Superfund site (a known contaminated area within the City of Cass Lake) and continues east along the Burlington Northern Santa Fe railway and Enbridge pipeline. The route continues east along U.S. Highway 2 between Pike Bay and Cass Lake, south of Lake Winnibigoshish and through Bena. Route Alternative 4 follows Route Alternative 2 from Cass Lake to the Mississippi River for approximately 26 miles. At the Mississippi River crossing near Ball Club, Route Alternative 4 follows Route Alternative 1 crossing the river near the existing Great River Energy 69 kV transmission line crossing. (Refer to FEIS pp. 36-39.)

Based on my professional experience and my understanding of the Project and the impacts as disclosed in the FEIS and the project record, I believe Route Alternative 4 is the environmentally preferred route. As noted previously, Route Alternative 4 is consistent with the Purpose and Need for this Project and is in compliance with the Chippewa National Forest Land and Resource Management Plan (Forest Plan). Route Alternative 4 has advantages over the other Route Alternatives because it responds to comments, issues and concerns from the public, other agency staff, cooperating agencies while minimizing impacts to resources to the extent possible. Specifically, approximately half of the length of Alternative Route 4 would be constructed within the existing timber cleared temporary work space from the Enbridge Pipeline project, thereby reducing the amount of additional clearing needed for the project resulting in less resource impacting including visual impacts. Refer to FEIS, p. ES-10, pp. 36-39, Appendix C and D for the maps of Route Alternative 4, and ROD Attachment A, Map of this ROD.

RATIONALE FOR THE DECISION

My decision results in the utility transmission line crossing approximately 20.2 miles of National Forest System lands following Route Alternative 4. Clearly, National Forest System lands are a critical component to the installation of this transmission line on any segment, though Route Alternative 4 provides a workable balance to impacts that have been identified.

In this next section, I will discuss how the Selected Alternative (Route Alternative 4) addressed the Project purpose and need, issues and applicable laws/ regulations; thereby providing my rationale for the decision. Please refer to page 567-580 of the FEIS as the information found there supports the following discussion, and provides a comparison of the Alternatives.

This decision is based upon my knowledge of the Project area; review of field information; consideration of public issues raised; study of the project file including the DEIS; consultation with LLBO and other Tribal members; discussions with the representatives of Cooperating Agencies; review of relevant laws and regulations; and my 31 years of experience working for the U.S. Forest Service in managing NFS lands in addition to the years I personally have enjoyed the national forests.

In making my decision, I weighed numerous factors, including compliance with the Forest Plan, applicable Federal and State laws, impacts on the physical and socio-economic environment, public comments, issues, and concerns as well as Tribal interests. The project record demonstrates a thorough review of relevant scientific information, best available science, consideration of responsible opposing views, and where appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. No single factor was solely responsible for my decision.

I believe implementing Route Alternative 4 with all its monitoring and mitigation measures (ROD Attachment B, Mitigation) will meet the purpose and need for the project and will be consistent with the 2004 CNF Land and Resource Management Plan (Forest Plan) goals and objectives. The Forest Plan states that the CNF generally will provide for utility transmission

corridors and strives to emphasize the use of common corridor and multiple use sites when granting appropriate right-of-ways.

Route Alternative 4 is the Selected Alternative because it best minimizes effects on the environment while meeting the purpose and need for the project. The No Action Alternative does not meet the purpose and need of the proposed project because it does not provide for projected future electric demand and electric transmission reliability standards in accordance with the requirements of the North American Reliability Council (NERC). Route Alternative 1 was not selected because of its known affects to spiritually and culturally significant areas of the Ten Section area and the Cuba Hill areas identified by the LLBO as well as impacts to the Pike Bay Experimental Forest. (See FEIS Analysis, p. 22, p. 280, p. 323, pp. 432-433.) Route Alternative 2, which is similar to Selected Route Alternative 4, was not selected because it traverses through the middle of the City of Cass Lake and the village of Ball Club impacting more residences. Route Alternative 2 and 4 both cross the St. Regis Superfund site in Cass Lake, a known contamination area. However, unlike Route Alternative 2 which bisects the Superfund site, Route Alternative 4 will cross the Superfund site along its western and eastern boundaries thereby reducing any interference with remediation activities that may occur in the future. (FEIS pp. 533-534.) Route Alternative 3 was not selected because, among other considerations, its impacts on the environment would have been greater than with Route Alternative 4 as well as a need for a future additional transmission line needing to be constructed between Bemidji to Cass Lake to eliminate the reliability issue identified in the Cass Lake area.

In addition to tribal interests and impacts to residences, I considered resource impacts associated with each of the route alternatives. I have summarized these comparisons below with more thorough analysis found on Table 5.1 of the FEIS.

There are impacts to aesthetics on NFS lands including the loss of scenic resources and resulting contrast to the surrounding landscape for each route alternative. I noted that impacts to aesthetics were similar on two Route Alternatives and associated segments (Route Alternative 2 and 4 had high Scenic Integrity Objective (SIO) rating, as defined in the Forest Plan, along U.S. Highway 2). (See FEIS pp. 74-48 and FEIS Appendix C.) The Selected Alternative, Route Alternative 4 has similar acres of converted forested areas to Route Alternatives 1 and 2 and significantly less than Route Alternative 3 resulting in open areas along Highway 2, creating impacts to scenic resources. In addition, similar to Route Alternatives 2 and 3, the selected Route Alternative 4 will largely avoid areas of significant spiritual and cultural importance of the Cuba Hill and Ten Section areas identified by the LLBO whereas Route Alternative 1 has significant impact to the "sense of place" quality of experience tied to spiritual and cultural areas to the LLBO and should be avoided.

As I examined the impacts to air quality and climate, I saw that all Route Alternatives have similar impacts such as fugitive dust and vehicle emissions during construction, and a minor decrease in carbon sequestration potential due to loss of forested areas - except for Route Alternative 3. I noted that Route Alternative 3 would result in the greatest impact to air quality and climate due to the longer duration and more loss of carbon sequestration due to double the anticipated loss to forested areas.

As I compared the Geology and Soils impacts on NFS lands for the four Route Alternatives, I saw that they are similar except the temporary soils impacts for Route Alternative 3, which is greater due to its greater length. Similarly, the impact to Water Resources, Floodplains, and Wetlands on the CNF for Route Alternative 3 is greater due to the length of the route as compared to Route Alternatives 1, 2 and 4 which are quite similar.

The impacts to Water Resources, Floodplains and Wetlands for the Route Alternatives 1, 2 and 4 are similar with Route Alternative 4 crossing slightly more water basins than Route Alternatives 1 and 2 and Route Alternatives 1 and 4 crossing slightly more water structures and wetlands than Route Alternative 2. In contrast, Route Alternative 3 crosses more water basins, water structures and wetlands than the other three routes.

Again, due to its greater length, the effect to Biological Resources on NFS lands for Route Alternative 3 is greater with more acres of vegetation communities converted. Alternately, Route Alternative 3 is the only Alternative Route that doesn't affect the Species of Concern for the Ten Section Area either by conversion or by affects to the periphery and does not affect the Traditional Cultural Properties (TCPs) because it is primarily off the reservation. Route Alternative 1 would jeopardize the only known one-flowered broomrape population on the CNF and in Northern Minnesota and may alter cultural experiences in areas identified as culturally significant.

The conversion of forested acres to open acres for Route Alternatives 1 and 2 on CNF lands is similar and significantly higher for Route Alternative 4 and nearly double for Route Alternative 3 due to its longer length.

The effects to Land Use, Recreation and Tourism, Agriculture, Mining, Community Services, Utility Systems, Traffic and Transportation, Safety and Health, and Noise appear to be similar for the four Route Alternatives.

In summary, of the four Route Alternatives proposed, Route Alternatives 1 and 2 have the least long term resource impacts to NFS lands and Route Alternative 3 has significantly more impact to NFS lands due to the increased acreage and length of route. Route Alternative 4 has slightly more total acreage impacts than Route Alternatives 1 and 2 but significantly less than Route Alternative 3.

In addition to the resource impacts, I considered the socioeconomic impact of the project to the community at large. The socioeconomic impacts for this project are similar for all four Route Alternatives. There is projected to be a short-term influx of income to the community during construction due to increased tax base and economic benefit to businesses and surrounding communities during construction. There will be increased timber sales as a result of the project as well as a resulting loss of forest land across the Forest.

All four routes pose a potential impact to subsistence uses from conversion and fragmentation of habitat and introduction of invasive species.

The Environmental Justice effects indicate that there will be a long term loss of gathering lands and temporary disruption to hunting and gathering during construction for all four Route Alternatives. Although, Route Alternative 3 avoids the reservation, this area is still within the treaty area for the Ojibwe where hunting and gathering traditions are exercised on the NFS lands. Again, I did not consider Route Alternative 1 due to the aesthetic intrusion in the Cuba Hill and Ten Section area identified as spiritually and culturally significant by the LLBO.

As I noted above, Route Alternative 3, which parallels an existing transmission line for most of its length, was developed in response to the LLBO's desire to avoid the Leech Lake Reservation (LLR), thereby minimizing impacts to fishing, hunting and gathering on ceded lands. Since the LLBO has hunting and gathering interests on many of the land included in this route, impacts to those lands are also important to the LLBO. The benefits identified for this alternative include having the fewest known archaeological sites and would parallel existing right of ways for the majority of the route. Conversely, this alternative is the longest of the three routes and has considerably more impacts to wetlands, water bodies, water courses, soils, forested areas, and biological resources. This route is inferior to all other routes in terms of electrical performance. Locating the Project in Route Alternative 3 would not address the reliability issues identified in the Cass Lake area since the route will not run through or near Cass Lake. As a result, additional future construction of a 115 kV line would need to be constructed to the Cass Lake area. Impacts related to construction of a new 115 kV line have not been identified and would need further environmental analysis. Because of these reasons, this route was not selected.

In summary, Route Alternative 4 is a combination of Route Alternative 1 and 2 through the CNF and the LLR. The west and east ends of Route Alternative 4 follow Route Alternative 1, while the central portion of the route generally follows Route Alternative 2. This route is a highly disturbed area compared to Route Alternative 1 and can be located in an area to avoid the majority of the Ten Section area of the CNF, which is a cultural and spiritual significant area to the LLBO as well as avoid the CNF Pike Bay Experimental Forest. Route Alternative 4 will primarily avoid the communities of Cass Lake and Ball Club thereby reducing the impacts to residences while also avoiding the impacts to the visual corridor along US Highway 2. Weighing the Project's impact on the scenic value of CNF lands if located in Route Alternative 2 against the extensive environmental impacts of locating the Project in Route Alternative 3, CNF specialists have concluded locating the Project along Route Alternative 4 is preferable. This is because Route Alternative 4 is located along a relatively high disturbed area with multiple utility, roadways, and railway ROW so that the impact of the Project on the scenic value of the area is not as great as the environmental impacts arising from locating the Project along Route Alternative 3. Furthermore, Route Alternative 4 would be partially constructed within a temporarily cleared area from the recent Enbridge pipeline project, thereby minimizing additional forest clearing. The Forest Plan emphasizes that the use of common corridors should be used when granting right-of-ways.

CONSISTENCY WITH CHIPPEWA NATIONAL FOREST MANAGEMENT GUIDELINES AND OTHER LAWS AND POLICY

The Selected Alternative, Route Alternative 4, is consistent with the Forest Plan which provides management direction for the CNF. The Forest Plan does not designate a utility corridor; rather direction is provided for each of the management Areas. Route Alternative 4 crosses the following Management Areas – General Forest; General Forest Longer Rotation; Riparian Emphasis; Recreation Use in a Scenic Landscape (RU) and Unique Biological, Aquatic, Geological, or Historical (UB). All of these Management Areas contain existing utility corridors.

- In the case of the General Forest and Longer Rotation Forest, the Forest Plan states "Most special uses can be accommodated." (FP, p. 3-28.)
- For the Riparian Emphasis Management Area, "Special uses that do not complement or are not compatible with the kind and development level of associated FS facilities within the area are generally not permitted." (FP, p. 3-31.)
- For the Recreation Use in a Scenic Landscape Are, "A wide variety of special uses is generally permitted." (FP, p. 3-15.)
- For the Unique Biological Area, "Authorizations that protect or enhance the UB management areas are generally allowed. (FP, p. 3-31.)
- For Route Alternative 1 which crosses the Experimental forest – "New special use permits are generally not allowed." (FP, p. 3-34.)

As indicated earlier, the LLBO is a Cooperating Agency in this project. The analysis conducted incorporates and discloses their concerns throughout the FEIS. Several government-to-government consultations meetings as well as the associated follow up tasks were conducted throughout the drafting of the FEIS. The CNF strives to minimize the loss of traditional hunting and gathering opportunities by tribal members as a result of construction of the transmission line. Subsequently, we have worked closely with the LLBO to identify mitigation measures and monitoring actions as well as address their concerns where appropriate. (Refer to FEIS, pp. ES-27-ES-34 and pp. 584-592 are attached to this ROD as terms and conditions of the permit (ROD Attachment B, Mitigations). Furthermore, the Forest Plan Standards and Guidelines for Tribal Rights and Interests (FP, pp. 2-35 and 2-36) have been met.

1.1 National Forest Management Act

This decision to issue a 50-year special use permit to construct, operate, and maintain 230 kV transmission facilities along approximately 20 miles of National Forest System lands is consistent with the intent of the Forest Plan's long term goals and objectives. As noted earlier in this decision, the project description and mitigation measures were designed to ensure compliance with the Plan.

1.2 Endangered Species Act

In compliance with the Endangered Species Act, consultation with US Fish and Wildlife Service was completed and is documented with a letter of concurrence (Letter dated 4/15/2010).

1.3 Clean Water Act

My decision will comply with the Clean Water Act by incorporating Voluntary Site-Level Forest Management Guidelines (MFRC, 2005) also known as the Gold Book and other Applicant Proposed Measures and mitigation measures as detailed in Sections C-5 (Geology, Soils, and Paleontology) and C-8 (Hydrology and Water Quality) of the FEIS.

1.4 Clean Air Act

My decision will comply with the Clean Air Act by applying the Applicant Proposed Measures and mitigation measures as detailed in Section C-2 (Air Quality) of the EIS.

1.5 National Historic Preservation Act

Consultation with the State Historic Preservation Officer and National Advisory Council of Historic Preservation occurred and is documented through the fully executed Programmatic Agreement found in the Project record. The Programmatic Agreement sets forth procedures for consultation related to the surveys that have not been completed and for the determination of eligibility, assessment of effects, resolution of adverse effects, and post review discoveries though the entire APE as necessary that have not been accomplished to date.

1.6 Federal Land Policy and Management Act

Issuance of a 50-year term special use permit is authorized under the Federal Land Policy and Management Act of October 21, 1976.

In addition, this project is in compliance with other environmental laws, regulations and executive orders (e.g. National Environmental Policy Act, Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands)).

OTHER ALTERNATIVES CONSIDERED IN THE FEIS

In addition to the Selected Alternative, Route Alternative 4, the environmental analysis included the detailed evaluation of four additional alternatives, including: the No Action (No Build) Alternative, Route Alternative 1, Route Alternative 2, and Route Alternative 3. (FEIS pp. 19-39.)

I reviewed and carefully considered each of these alternatives before I selected Route Alternative 4. The specific effects analysis and evaluation for each of the alternatives is discussed in detail in the FEIS, pp. 64-523. ROD Table 1 summarizes each of the Alternatives analyzed in detail.

No Action Alternative (No Build Alternative)

The No Action or No Build Alternative provides a baseline for comparison of the action alternatives. This alternative is evaluated in accordance with the Council on Environmental Quality NEPA regulations (40 CFR 1502.14) requiring review of No Action Alternative. Under this alternative, the Project would not be constructed. No National Forest System land would be used for transmission, and there would be no change to the existing environment.

I did not select the No Action or No Build Alternative because it did not meet the purpose and need for the project. Please see Table 1 of this ROD for further discussion on the differences between the Selected Alternative, Alternative Route 4, other Route Alternatives and the No Action/No Build Alternative.

Route Alternative 1
Route Alternative 1 follows the Great Lakes Transmission Company (Great Lakes) pipeline ROW for approximately 27.9 miles of its 35.6 mile length on National Forest System land. The Applicants had identified this as their proposed or preferred route in their application. (Refer to the FEIS p. 20; pp. 29-32 and FEIS Appendix C for the location and description of this alternative, respectively.)

I did not select Route Alternative 1 because early in the process, CNF staff identified issues with the alternative due to it crossing the Pike Bay Experimental Forest, where the research branch of the Forest Service conducts long term and ongoing research. The Forest Plan states that generally no new special use permits are allowed through the Pike Bay Experimental Forest. (FEIS p. 432-433) An additional issue with Route Alternative 1 includes the presence of a Goblin Fern study area as well as critical habitat for Goshawk nesting. Route Alternative 1 would parallel the Great Lakes Gas pipeline, which thus far has been managed to have a minimal footprint. Expanding this corridor by locating the Project in Route Alternative 1 would result in a loss of the closed forest canopy. Another important consideration for why I did not select this route alternative is that it contains spiritually and culturally significant areas for the LLBO, particularly the Ten Section and Cuba Hill areas. It is possible that some of the traditional cultural resources associated with this location could meet the criteria for listing on the National Register of Historic Properties (NRHP) and be properties to which the LLBO attach religious and cultural significance. As a result of all these considerations, Route Alternative 1 is the least desirable of the proposed routes and was not selected.

Route Alternative 2
Route Alternative 2 generally follows U.S. Highway 2 and the Enbridge pipeline ROWs across the LLR. (Refer to the FEIS p. 20, pp. 32-34 and Appendix C maps for the location and description of this alternative, respectively).

Route Alternative 2 is the shortest route, as such, this route impacts less total acres and fewer resources. Of the Action alternatives, this alternative crosses the least amount of wetlands and water courses. Another consideration with this alternative is high scenic value along the entire length of route due to the presence of the U.S. Highway 2 corridor to the south of this route (Forest Plan p. 2-45 and p. 2-46 Fig SC-1). Route Alternative 4 has reduced impacts to the visual corridor along US Highway 2 because the centerline for this route would primarily be south of the Enbridge pipeline and further from US Highway 2. As indicated earlier, Route Alternative 2 and 4 both cross the St. Regis Superfund site in Cass Lake, a known contamination area. Unlike Route Alternative 2 which bisects the Superfund site, Route Alternative 4 will cross the Superfund site along its western and eastern boundaries thereby reducing any interference with remediation activities that may occur in the future. More significantly, this route cuts through the communities of Cass Lake and Ball Club, thereby impacting more residences. I weighed the

high scenic value along US Highway 2 with cumulative impacts with the trails; railroad, local communities and other utilities and have determined that this route is not superior to Route Alternative 4.

Route Alternative 3

The Route Alternative 3 avoids the Highway Corridor through the Chippewa National Forest and avoids bisecting the LLR. The longest of the routes evaluated fully, this route follows transmission, and road ROWs for most of its length. While it does not avoid the CNF, it avoids the U.S. Highway 2 corridor within the CNF and LLR boundaries. This alternative would not include any improvements to the transmission system in the Cass Lake area. As such, an additional transmission line would need to be constructed between Bemidji and Cass Lake in order to eliminate the reliability issue identified in the Cass Lake area. (Refer to the FEIS p. 20 pp. 35-36 and Appendix C maps for the location and description of this alternative, respectively.)

ROD Table 1 Summary of Route Alternatives crossing NFS lands

	No Build Alternative	Route Alternative 1	Route Alternative 2	Route Alternative 3	Route Alternative 4
CNF Ownership Acres	N/A	348 Ac.	284 Ac.	840 Ac.	310 Ac.
Route Length on CNF lands	N/A	22.95 Miles	18.8 Miles	60.6 Miles	20.86 Miles
Route Length Adjacent to Enbridge Line	N/A	0	1.5 Miles	0	24.9 Miles
Forested Lands on CNF (Clarification from DEIS)	N/A	294 Ac.	202 Ac.	324 Ac.	249 Ac.
Cost	N/A	$65.4 M	$65.7 M	$107.9 M	$66.2 M

ALTERNATIVES CONSIDERED BUT NOT EVALUATED

In addition to the alternatives carried forward in the FEIS, several route alternatives to the Project were considered and for various reasons were not included in the detailed evaluation presented in the FEIS. In making my decision, I took particular interest in the Southern Route Alternative and the Non-CNF Route Alternative and why these and others were eliminated from detailed study. The Southern Route Alternative had potential for high scenic impacts and, due to the extent of the new ROW needed, would likely have greater impacts than the longest route considered and evaluated, Route Alternative 3. The Southern Route Alternative also did not avoid the LLR or the CNF which made it similar to the routes other routes considered and

evaluated. The Non-CNF Route Alternative was eliminated from further consideration because it could impact the greatest number of wetlands, required the greatest number of acres to be cleared due to its length, and had the greatest length of new corridor of all the Route Alternatives evaluated. Further information regarding these alternatives and the other alternatives considered but not evaluated are described in the FEIS pp. 39-44.

Additional alternatives considered but not evaluated were New Generation Alternative, Transmission System Alternative and Underground Transmission Line Alternative. The New Generation Alternative was eliminated because the new transmission lines constructed under this alternative would negate any benefit of a generation alternative over the Project. The Transmission System Alternative, essentially a rebuilding of existing transmission lines, would result in voltage collapse in the event of certain area outages. All of the transmission alternatives show inferior electric performance and cost-to-benefit profile compared to the Project. Any of the transmission alternatives would require additional load-serving improvements in the Study Area sooner than the 10- to 15-year window provided by the Project. Finally, the Underground Transmission Line Alternative was considered. Although it is technically feasible to install underground transmission lines and they would offer aesthetic and certain environmental benefits, the negatives include significantly higher installation expense, greater impacts to wetlands due to trenching and issues with reliability and service.

PUBLIC INVOLVEMENT

On October 24, 2006 the Applicants filed an application with the Chippewa National Forest (CNF) for a Special Use Permit to allow construction, operation and maintenance of the portions of the project on National Forest System (NFS) lands administered by the CNF as described in the Final Environmental Impact Statement of the Bemidji to Grand Rapids 230 kV Transmission Line Project (FEIS). The Applicants' application was accepted by the CNF on November 13, 2006. As noted previously, once the CNF accepted the application and prior to issuing the Special Use Permit, the Forest (and cooperating agencies) embarked on the environmental analysis of the Project as documented in the FEIS and associated project record.

Public involvement is integral to the development of an FEIS; and so, the CNF and other cooperating agencies informed the local public about the project and gave citizens and interested groups opportunity to provide input to the proposed actions. Public involvement at its earliest stage is called "Public Scoping". Through the scoping process federal, state and local units of government; Native American tribes; organizations and interested individuals are informed about the Project and asked to comment and to identify issues or concerns (FEIS, p. ES-7 and pp. 13-18). The RUS also published a "Scoping Decision/Report" which can be found on their website at http://www.usda.gov/rus/water/ees/eis.htm#Minnkota under the Minnkota Electric Cooperative, Inc. project. The following list includes Public Scoping efforts for this Project:

- The Proposed Project has been posted in the CNF Quarterly, a schedule of proposed CNF activities subject to National Environmental Policy Act (NEPA), since January 2007.
- The RUS published a Notice of Intent to Hold Public Scoping Meetings and Prepare an EIS in the Federal Register on July 18, 2008.

- On June 26-28, 2007, open house meetings were held at the Hampton Inn in Bemidji; Cass Lake Palace Casino in Cass Lake; and the Cohasset Community Center.
- On October 9-11, 2007, open house meetings were held at the Hampton Inn in Bemidji; Cass Lake Palace Casino in Cass Lake; and the Cohasset Community Center.
- On July 18, 2008, RUS published a Notice of Intent to Hold Public Meetings and Prepare an EIS.
- On July 28, 2007 letters were sent to 11,000 federal, state, and local units of government; the LLBO; Local Indian Councils; organizations; and individuals thought to be interested in the Proposed Project. The agencies were seeking comments and invited the public to scoping meetings during the week of August 11-15, 2008. Meetings were held at the Blackduck Community Center in Blackduck; Cass Lake Palace Casino in Cass Lake; Morse Town Hall in Deer River; the Hampton Inn in Bemidji; and the Hiawatha Beach Resort in Walker. Approximately 120 people attended the public meetings. More than 120 comments were received. Comment period was to end on August 28, 2008.
- On September 15, 2008 a letter was sent to the public notifying an extension of the comment deadline to September 30.

The comments received from scoping identified the needs for clarification or identified issues including: the crossing of the LLR, description of the proposed project, route alternatives, biological resources (flora and fauna), aesthetics, water resources, land use, socio-economics and safety and health. Refer to FEIS, pp. 13-18 and FEIS, Appendix B, Scoping Comment Summary for additional information and detail. Information received during the scoping period was incorporated into the development of the DEIS. Once the DEIS was completed and available for review, the following methods were used to once again involve the public:

- The Notice of Availability, *Federal Register* notice of DEIS comment period published on March 5, 2010. Comment period ended April 19, 2010.
- A notice of DEIS Public informational meetings were held March 16-18, 2010 at the Hampton Inn in Bemidji; American Legion Vets Club in Deer River; Senior Center in Blackduck; and the Leech Lake Tribal College in Cass Lake.
- A legal ad was placed in the CNF newspaper of record, the *Bemidji Pioneer* on March 31, 2010 by the CNF seeking comments on the DEIS. Comment deadline was 52 calendar days following publication of the legal notice in the Federal Register.

All comments on the DEIS, as well as any supporting attachments have been entered into the administrative record. Based on comments received on the DEIS, comment responses were prepared (FEIS, Appendix L, Comment Response Document), and the EIS was modified as appropriate. Internal and technical changes were also made to the DEIS for the FEIS. Changes made to the text as a result of the comments received are printed in bold in the FEIS (FEIS, pp. 17-18). A fourth route alternative (Route Alternative 4) was identified during the DEIS comment period (FEIS, p. 24; pp. 36-39) and evaluated in the FEIS, pp. 64-523) due to concerns with spiritual and cultural significance areas located within Route Alternative 1 and concerns with impacts to residents, City of Cass Lake and Village of Ball Club within Route Alternative 2.

IMPLEMENTATION OF DECISION

If no appeal is received, implementation of this decision may occur on, but not before, five (5) business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for fifteen (15) business days following the date of appeal disposition. Implementation means conducting ground disturbing actions. Field project preparation work may proceed (timber marking, contract preparation, etc.).

Implementation of this Project is expected to occur as early as the construction season of 2011. Site restoration and re-vegetation would likely continue through the following year in, or until re-vegetation requirements are met.

Mitigation and Monitoring

The Mitigation and Monitoring for this project is located in the FEIS on pp. 91-93 and pp. 566-572, as well as attached as ROD Attachment B, Mitigation Measures. Mitigation measures that would be required by federal agencies as permitting conditions would be included in each ROD issued by each federal permitting agency.

The CNF would incorporate this mitigation into the operation and maintenance plan which is part of the Special Use Permit. Failure on the part of the permittee to adhere to the operation and maintenance plan could result in termination of the permit. All practicable means to avoid or minimize environmental harm have been adopted under this decision.

APPEAL RIGHTS

This decision is subject to administrative review (appeal) pursuant to 36 CFR 215.7 dated June 4, 2003. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. An appeal may be filed by individuals or organizations that have "standing" that is, submitted comments or expressed interest during the 45-day notice and comment period for the "Draft Environmental Impact Statement for the Bemidji to Grand Rapids 230 kV Transmission Line Project". The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

To appeal this decision, a written Notice of Appeal must be postmarked or received within 45 calendar days after the date of publication of the legal notice for this decision in newspaper of record, *The Pioneer* (Bemidji, MN). However, when the 45-day filing period would end on a Saturday, Sunday, or Federal holiday, then filing time is extended to the end of the next Federal working day. The publication date of the legal notice is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. At a minimum, an appeal must include information as specified in 36 CFR 215.14. The Notice of Appeal should contain a subject line "Bemidji to Grand Rapids 230 kV Transmission Line across the Chippewa National Forest". Written Notice of Appeal on the project must be delivered (via mail or by hand) to: USDA, Forest Service, Eastern Regional Office; ATTN: Appeals Deciding Officer: Kent Connaughton;

626 E. Wisconsin Avenue: Suite 700 Milwaukee, Wisconsin 53202. The office business hours for those submitting hand-delivered appeals are: 7:30 am to 4:00 pm, Monday through Friday, excluding holidays. The Notice of Appeal may alternatively be faxed to: 414-944-3963; Attn: Appeals Deciding Officer: Kent Connaughton; USDA Forest Service; Eastern Regional Office. The Notice of appeal may be submitted electronically to: appeals-eastern-regional-office@fs.fed.us, Attn: Appeals Deciding Officer: Kent Connaughton; USDA Forest Service; Eastern Regional Office. Electronic appeals must be submitted in plain text (.txt), rich text format (.rtf), Word (.doc), PDF or other Microsoft Office-compatible formats.

It is the appellant's responsibility to provided sufficient project-specific or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include information as specified in 36 CFR 215.14(b).

It is the responsibility of interested parties to respond within the established time period. No means of communication is perfect. Please contact our 'for further information' address if a document is not available of delivered at the expected time, to ascertain its availability, and if necessary, arrange an alternative delivery method.

CONTACT PERSON AND AVAILABILITY OF FEIS

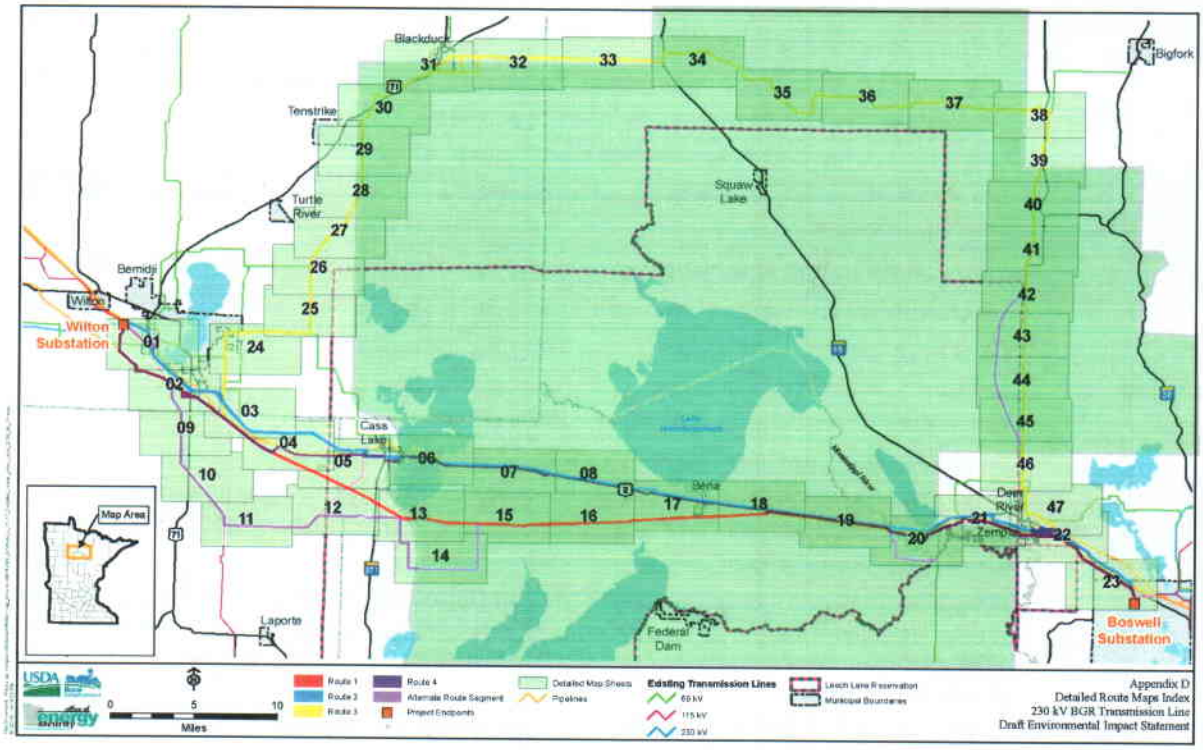
For further information, please refer to the Environmental Analysis and/or contact Catherine Thompson, Chippewa National Forest Project Leader, Chippewa National Forest, and 200 Ash Avenue, Cass Lake, MN 56633; phone (218)335-8655; email cjthompson@fs.fed.us. If you would like to review the FEIS, it is available on the USDA Rural Development website at http://www.usda.gov/rus/water/ees/eis.htm#Minnkota under the Minnkota Electric Cooperative, Inc. project.

Robert N. Schmal 10/7/10

ROBERT N. SCHMAL Date
Acting Forest Supervisor
Chippewa National Forest

Date Published:

ROD ATTACHMENT A
MAP



ROD ATTACHMENT B
Summary of Mitigation Measures

Resource	Mitigation Measures
Aesthetics	Limits imposed in the HVTL permit for the removal of vegetation and trees.
	HVTL permit requirements for cleanup of construction waste.
	HVTL permit requirement to span water bodies when possible.
	ROW, access roads, temporary work spaces, and other private lands restoration required by the HVTL permit and as agreed upon in the vegetative management plan.
	Communication with landowners regarding specific pole placement.
	Use of uniform structure designs **to the extent practicable** that blend into the natural environment (i.e., **wooden structures**).
	Placement of structures **to minimize their visibility from highways, waterways, and trail crossings.**
	Limit number and placement of construction staging areas. Use Enbridge cleared ROW when **possible**.
	Cross water bodies in the same location as existing transmission lines.
	Double-circuit the Project with existing transmission or distribution lines to the extent **practicable and consistent with engineering or system reliability criteria**.
	Parallel existing transmission line and pipeline easement to the extent possible.
	Reduce height of the structures, as feasible, to minimize impacts within areas of high scenic importance. Use of H-frame structures for the Mississippi River crossing near Ball Club would have a lower profile than single pole structures.
	Mitigation specific to maintaining Scenic Integrity Objectives on CNF lands, including planting to reduce visibility of the corridor from roadways, maintaining a "no mow" zone at the edge of the ROW, and removal of mitigation vegetation from outside the ROW while retaining the appearance of remaining plants.
	Special landscaping/plantings will be considered at trails and other recreational uses where aesthetics can be improved.
	Assist CNF and LLDRM with dump site cleanup in areas of concern.
Air Quality and Climate	Use of Best Management Practices (BMPs) to control fugitive dust during construction: monitor dust generation; operate vehicles at reduced speeds; and use of water and dust abatement methods.
	Maintain construction vehicles **consistent with EPA requirements to use** ULSD **fuel** in all on/off road construction equipment.
	Limit burning of vegetative and construction debris for the entire project. Use alternative methods such as chipping the debris for mulching, for use as a fuel source, or other uses.
	No burning of slash or construction piles on or near the boundaries of the Leech Lake Reservation, in order to reduce the potential for Black Carbon and other emissions, **absent** a burning permit **from the appropriate authorities**.
	Restoration of the natural landscape would commence shortly upon cessation of construction activities, as is typically required as a condition of the HVTL permits issued by the Commission.
	Decreases in terrestrial carbon sequestration from the clearing of ROW could be substantially offset by the re-planting of new growth vegetation.
Soil and Geology	HVTL permit requirement to re-grade areas disturbed to construction to reflect topography existing before construction.
	Avoid disturbance of soils and excavation in steeply sloped areas.
	Implementation of Soil Erosion and Sediment Control Plan, required by the HVTL permit.

Resource	Mitigation Measures
	Development of BMPs under a Storm Water Pollution Prevention Plan (SWPPP), including installation of silt fencing, weed-free straw bales or ditch blocks and/or covering bare soils with weed-free mulch, plastic sheeting, or fiber rolls to protect drainage ways and streams from sediment runoff from exposed soils.
	Restore compacted soils to their native state through tillage operations.
	Limit setup and staging sites to previously disturbed areas **to the extent practicable**.
	Identification of wet organic soils through mapping and, if necessary on-site investigations and soil borings.
	To the extent practicable, complete construction in the wet organic soils when the ground is frozen.
	Develop procedures for the proper storage and disposal of all hazardous and non-hazardous wastes generated during construction.
	Use controlled staging areas for refueling and hazardous material loading/unloading.
	Revegetate all disturbed areas once construction is complete. Seed mixes could be specified based upon site characteristics and in accordance with regulatory permits.
	If topsoil is removed from the CNF, which may affect surficial topography, it must be salvaged and reused in accordance with the 2004 Forest Plan.
	In the event that previously contaminated soils are discovered during construction, the Applicants could stop work immediately, contact the appropriate state or tribal agency, and consult with the agency with respect to an acceptable plan of action.
Water Resources	HVTL permit requirement to span all water bodies to the extent possible.
	Plant or seed non-agricultural areas disturbed by transmission line structures to prevent runoff. Ensure that native seed mixes from the plants already indigenous to the immediate area of disturbance are used for the seeding.
	HVTL permit could require the Project to co-locate with existing transmission facilities along certain segments of a permitted route.
	Development of BMPs under a SWPPP **or Section 404 permit**, including location of structures and disturbed areas away from water bodies; location of fueling activities and fuel and chemical storage away from water bodies; installation of sediment and erosion control; use of turbidity control methods; spread topsoil and seed in a timely manner; avoid use of fertilizer, pesticides, or herbicides near water bodies; implement procedures to minimize and control inadvertent fluid returns during horizontal direction drilling (if used).
	Compensatory mitigation if required under the Section 404 permit could include the restoration, establishment, enhancement, or preservation of wetlands or other aquatic resources to off-set Project impacts.
	The license to cross state lands and public waters issued by MnDNR may require adherence to MnDNR invasive species standards, restriction of the use of certain pesticides, use of native species for revegetation, avoidance of in-stream work during fish spawning times, and creation of access roads to state lands if they become isolated as a result of the Project.
Floodplains	HVTL permit requirement to return floodplain contours to their pre-construction profile if disturbed during construction.
	HVTL permit requirement to span all water bodies and associated floodplains to the extent possible.
	Plant or seed non-agricultural areas disturbed by transmission line structures to prevent runoff. Use native seed mixes from the indigenous plants and plant indigenous plants located in the immediate disturbed soil area; ensure seeding and/or plantings are done in a time congruent with seeding and growth of the area, not during a time that would preclude germination or rooting.
	Use construction techniques to minimize run-off into floodplains during construction.

Resource	Mitigation Measures
Wetlands	HVTL permit requirement to span wetlands to the extent possible.
	Development of BMPs under a SWPPP, NPDES permit, License to Cross Public Waters permit, Public Waters work permit, **Section 404 Clean Water Act permit**, and Section 10 permit, including location of fueling activities and fuel and chemical storage away from water bodies; installation of sediment and erosion control; use of turbidity control methods; spreading of topsoil and seed in a timely manner; avoiding use of fertilizer, pesticides, or herbicides near wetlands; implementing procedures to minimize and control inadvertent fluid returns during horizontal direction drilling (if used).
	Schedule construction during frozen ground conditions.
	Access wetlands through the shortest route resulting in the least amount of physical impact to the wetland during construction.
	Assemble structures on upland areas before transporting into wetlands.
	Use of construction mats and specially designed all terrain vehicles to minimize impacts within wetlands when construction during winter (frozen) months is not possible.
	Restore wetlands as required by the USACE St. Paul District to replace wetland functions and values lost due to regulated activities pursuant to Section 404 of the Clean Water Act and St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota, and in concert with other district policies and guidance.
Biological Resources	Reseed disturbed areas following construction with **a LLDRM/CNF/MnDNR approved** native species seed mix to restore native vegetation cover. Seed mix will be developed in conjunction with appropriate resource agencies taking into consideration culturally important species.
	Develop a **LLDRM/CNF/MnAg approved** noxious weed management program, including a noxious weed and vegetation management plan.
	Conduct a field review of ROW and construction staging sites prior to construction to identify areas that contain noxious weeds. **Construction equipment in these areas should be avoided or cleared of noxious weeds prior to construction as feasible.**
	Power-wash or manually remove material from construction vehicles prior to the start of construction and if equipment has traveled from an area contaminated by noxious weeds to an uncontaminated area.
	Siting the Project within or adjacent to existing ROWs to minimize impacts to wildlife habitat.
	Limit clearing and maintenance of the ROW within previously forested areas to the extent practicable.
	Install marked transmission line shield wires to the extent practicable within major avian flyways.
	Develop an Avian **Mitigation** Plan (AMP).
	Nesting platforms on Project structures for eagles and osprey will be provided in designated areas.
Species of Concern	Placement of the ROW within the 1,000-foot-wide route to avoid known species of concern, active nesting locations, and active breeding locations.
	Conduct ROW clearing outside of the breeding season.
	Notify appropriate agencies if previously unknown nesting/breeding sites are identified during construction.
	If taking of a species occurs, compensatory mitigation may include funding of state acquisition of certain sites, funding survey work, and/or funding habitat research.
	Refrain from construction and logging within 0.3 mile of active Northern goshawk nests during breeding season.
Cultural Resources	Avoid identified archaeological and historic resources through adjustment of the ROW within the selected 1,000-foot-wide route.
	Use single pole structures within the city of Cass Lake to minimize visual and aesthetic impacts to the viewshed of historical properties.

Resource	Mitigation Measures
	Implement BMPs for water resources (see above) to minimize potential effects to wild rice.
	Mitigation on CNF lands: **The CNF will work with LLDRM and the Applicants to develop, fund and implement a program to assess suitable mitigation and contingency sites; develop, fund, and implement establishment of mitigation sites; and implement adaptive management as needed to achieve site-specific goals.** **The CNF will develop mitigation criteria in conjunction with the LLDRM with input from the tribal community in a form and location(s) acceptable to the LLDRM.** **Suitable mitigation, and locations for these projects, will be identified prior to the installation of the 230kV transmission line; and these mitigation projects must be initiated within five years of the initiation of transmission line construction.** **If suitable mitigation projects or locations for these projects cannot be identified on areas already approved through the NEPA, the CNF will initiate NEPA on additional locations within one year of the completion of the transmission line construction on the CNF.** **The CNF will work with the Applicants to find a means of meeting the financial, logistical, and staffing requirements to make the mitigation successful.** **Mitigation on CNF lands will be in the form of providing for traditional gathering opportunities and products. Mitigation projects will be deemed to be successful when determined by the CNF in collaboration with the LLDRM on an annual basis. Projects that have been identified include:** • **Blueberry management, consisting of intensive and moderate enhancement on no less than 800 acres by brushing, burning and/ or pine thinning. This project would include establishment of harvestable blueberry and adaptive management as needed to achieve site-specific goals.** • **Sugar Maple/basswood ecosystem Management, consisting of protection or enhancement of no less than 200 acres by using methods including, but not limited to, creating single or few-tree openings, single tree girdling, and, as necessary, deer enclosures. This project would include establishment of sugar bush characteristics, and adaptive management as needed to achieve site-specific goals.** • **Sweet grass Management, consisting of plantings in openings of no less than 10 acres. This project requires researching methods of propagation, acquiring local seeds or plants, and maintaining suitable openings for habitat. Some sweet grass may be maintained in intensively managed plots while some will be maintained in more natural locations and densities. This project would include establishment of harvestable sweet grass and adaptive management as needed to achieve site-specific goals.** • **Berry patch Management, consisting of protection or enhancement on no less than 35 acres of multiple species of fruiting shrubs and vines. Management would consist of but not be limited to establishing and maintaining areas suitable for traditional harvesting of berries. This project would include establishment of harvestable diverse traditional fruits and adaptive management as needed to achieve site-specific goals.**
Land Use	Co-locate the Project along existing ROWs, including highways, railways, existing transmission lines, and pipelines.
	Communicate with MnDNR LLDRM, and CNF to identify and avoid sensitive forested **or open** areas.
	Reseed state and federal forested land with a seed mix recommended by the appropriate agency's management. Seed mix will be developed in conjunction with appropriate resource agencies (LLDRM, CNF, MnDNR) taking into consideration culturally important species.
	Limit construction staging and lay-down areas to previously disturbed areas.

Resource	Mitigation Measures
	Use the minimum necessary width and length for transmission line access roads.
	Communicate with private land owners regarding exact placement of structures and disturbed areas.
	Adjust conductor spans to avoid sensitive land use areas.
	Limit construction activities to the ROW, unless access permission is obtained from adjacent landowners.
	Repair or replace fences, gates, and similar improvements that are removed or damaged during Project construction.
Socioeconomics	Communicate with landowners regarding exact placement of structures and disturbed areas.
	Minimize house displacement through flexibility in the route alignment.
	Use the minimum necessary width and length for transmission line access roads.
	Limit construction activities to the ROW, unless access permission is obtained from adjacent landowners.
	Easement payments to landowners are required to compensate landowners for loss of use of the utility easement on their property.
	Co-locate the Project along existing ROWs, including highways, railways, existing transmission lines, and pipelines, to avoid crossing additional, undisturbed properties and affecting property values.
	Employ, through participating agreements or contract use, Leech Lake Band Members to the maximum extent possible on all aspects of the project considering the TERO (Tribal Employment Rights Office) ordinance. Use LLBO temporary employment program when practical.
Environmental Justice	Communicate with private landowners regarding exact placement of structures and disturbed areas.
	The Applicants could develop mitigation measures in conjunction with the LLDRM for loss of traditional gathering opportunities on all lands not covered by federal mitigation.
	To prevent long-term disruption to hunting and gathering resources, the HVTL permit would require restoration of the rights-of-way, temporary work spaces, access roads, and other lands affected by constructions. The HVTL permit could require the Applicants to work with the MnDNR, LLDRM, CNF, landowners, and local wildlife management programs to restore and maintain the rights-of-way to provide a useful and functional habitat for plants, nesting birds, small animals, and migrating animals to minimize habitat fragmentation.
	The Applicants will work with the LLDRM and LLBO members to allow them to collect and transplant (in whole or in part) traditionally important plants from the entire ROW before construction. A communication plan will be developed that will provide LLBO members clear and timely information as to when ROW (on CNF-owned land) would not be available for gathering activities (which may include transporting plants of concern) because of construction. Information will be presented to LLDRM to provide at LIC meetings, in the local newspaper, on the LLBO website, etc.
	Applicants will work to provide opportunities including, but not limited to, contracts-for-service to the LLDRM Plant Resource Department to conduct long-term monitoring and management of the HVTL ROW on the LLR to reduce non-native invasive species and enhance native, traditionally important plants.
	Span water bodies, wetlands, and floodplains to the extent possible, to minimize effects on wild rice resources.
Recreation and Tourism	Co-locating the Project along existing ROWs, including highways, railways, existing transmission lines, and pipelines, to avoid previously undisturbed recreation areas and wildlife habitat.
	Communicate with private landowners and resource management agencies regarding exact placement of structures and disturbed areas.
	Placement of barriers and signs at or near road crossings to limit unauthorized off-highway vehicle (OHV) or other vehicle traffic on ROWs.

Resource	Mitigation Measures
	Conduct construction at water access points during winter months, when use of such areas for recreation tourism is minimal, **to the extent practicable**.
	Align the Project ROW perpendicular rather than parallel to existing trails to the extent practicable to minimize impacts to recreation trails.
	Post signs during construction to provide residents and visitors with advance notice of what recreational activities may be affected during construction.
	Provide alternate routes for recreation, where possible.
Agriculture	HVTL permit required Agricultural Mitigation Plan.
	Communicate with private landowners regarding placement of structures and disturbed areas to minimize effects on farming operations.
	Co-locating the Project along existing ROWs, including highways, railways, existing transmission lines, and pipelines, to avoid previously undisturbed agricultural land.
	Use of a single pole structure for placement on agricultural land **if placement of H-frame structures cannot be sited to minimize impacts to farming operations.**
	Compensate landowners for crop damage and soil compaction that occurs during Project construction.
	HVTL permit requires restoration of ROW and disturbed areas, including restoration of compacted soils per the Agricultural Impact Mitigation Plan.
Forestry	Limits imposed in the HVTL permit for the removal of vegetation and trees.
	Limits imposed in the HVTL permit for the creation of temporary easements for access roads and construction/staging areas. The HVTL permit could require that these areas be selected to minimize tree removal.
	Plant tree seedlings as appropriate to restore wooded temporary work areas not within the Project's permanent ROW.
	Conduct construction activities on CNF lands in accordance with the Forest-Wide Management Directions, as provided in the 2004 Final Forest Plan.
	Offer timber harvested from the Project to the local community for use as firewood. **Applicants are encouraged to provide timber harvested from the Project to the Leech Lake Band of Ojibwe. Specific dropsite locations for wood placement will be identified in conjunction with LLBO. Wood left at dropsites should be placed in piles, easily accessible for firewood gatherers.**
Mining	No mitigation measures identified.
Community Services	No mitigation measures identified.
Utility Systems	Proper maintenance, preventative maintenance, and selection of hardware for the transmission line **to reduce interference and utility interruption**.
	HVTL permit condition requiring the correction of interference to communication systems that the transmission line causes or creates.
	Modifying receiving antennae to correct radio interference.
	Detune transmission line structures if **necessary to** eliminate interference with **AM radio broadcast stations.**
	Design and place structures away from AM radio antenna to avoid blocking/ interference. Communicate with local radio broadcasting stations to confirm that blocking interference does not occur due to structure placement.
	Modification or replacement of antenna or amplifier for residents that experience TV signal interference.

Resource	Mitigation Measures
	Reduction of AC interference on pipelines through reducing the impedance of the transmission structure grounds, grounding the pipeline in conjunction with de-couplers, burying gradient control wires along the pipeline or ground mats under aboveground facilities (such as at valves), and the use of dead fronts at test stations.
	Conduct computer modeling of AC interference to ensure that property mitigation is designed and installed prior to energizing the transmission line.
	Schedule planned service disruptions that are necessary during construction activities with the affected owners of existing transmission lines. Provide advance notice of service disruption to electric customers.
	Conduct computer modeling to ensure a proper safe distance between the Project and pipeline is maintained to reduce the potential for ignition during a simultaneous failure on both lines.
	Use a one-call utility locator service to identify existing utility lines prior to construction.
	Ensure that utility repair crews are present or on-call during construction activities to respond to unplanned incidents that may result in an interruption to electric service.
Traffic and Transportation	Construct transmission line in accordance with National Electric Safety Code (NESC) guidelines for the required clearances between transmission lines and transportation structures.
	HVTL permit requirement to comply with MnDOT and all applicable road authorities' management standard and policies, including written notice of construction to MnDOT and applicable road authorities.
	HVTL permit requirement to restore the ROW, temporary work spaces, access roads, abandoned ROW, and other lands affected during construction, including living snow fences.
	File a "Notice of Proposed Construction of Alteration" with the FAA and provide an opportunity for the FAA to comment about compatibility of the Project with airport operations.
	Obtain MnDOT and county permits as applicable for transmission line crossings of roadways. Use of ROW along the National Highway System requires approval of the Federal Highway Administration.
	Implement traffic control measures during construction, which could include flag persons, barriers, and flashing lights.
	Install temporary wood pole "guard structures" to safeguard the public and construction workers during removal of existing conductors or stringing of new overhead conductors over highways.
	Grounding tracks and communication cables on existing rail lines to prevent interference.
	Use of taller structures where the Project crosses the railroad to increase clearance between passing trains and conductors.
	Consolidate the Project with existing transmission line to reduce the number of railroad crossings.
Safety and Health	Use BMPs to minimize the potential for spills or leaks from equipment during construction, including frequent inspections of equipment; requiring portable spill containment kits for construction equipment; ensuring that equipment operations are present at the nozzle at all times when fueling is in progress; and prohibiting the refueling of equipment in wetlands.
	Use of protective devices (e.g., breakers and relays) that would de-energize the transmission line in the event of an emergency.
	Use of fences at substations to prevent access.
	Construct the Project in accordance with NESC standards regarding clearance, grounding, utility crossing, strength of materials, and ROW widths.
	Ground metal buildings, fences, and other large, permanent conductive objects in close proximity or parallel to the line to prevent electric field discharge.
	Minimize the length of the transmission line that parallels or is co-located with distribution of local service conductors to minimize the potential for stray voltage.

Resource	Mitigation Measures
	Educating local livestock operations about techniques to reduce the potential for insulated electric fences to pick up an induced charge from the transmission line.
Noise	HVTL permit requirement for the Project to meet Minnesota noise standards.
	Limit construction to daytime work hours.
	Equip heavy equipment with sound attenuation devices, such as mufflers.
	Minimize noise impacts from substation through design, including setbacks from sensitive noise receptors, layout and landscaping choices, and use of low noise transformers.