

Appendix E: Landowner Notification

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpc.com

February 20, 2019



Wayne and Kathy Kurtenbach
19478 480th Avenue
Toronto, SD 57268

Re: Astoria Station Project Pre-Construction Notice

Dear Wayne and Kathy,

The Astoria Station Project plans to commence with construction of the simple cycle gas turbine generator located at 19333 482nd Ave. Astoria, SD 57213 in the very near future. Pre-construction activities will commence on May 1, 2019, with initial sitework beginning approximately June 15, 2019. Construction of the 345-kV generator-tie (Gen-tie) electric transmission line, which will cross your property on the SW ¼ NE ¼, in Sec 22, Township 113 North, Range 48 West, is scheduled to begin in October 2019, with a completion date of December 2020. This tie-line will connect to the adjacent Astoria Station Energy Conversion Facility.

This letter serves to provide you with detailed information regarding upcoming construction. The following information is provided in this letter:

- A copy of the Commission Order Granting Permit to Construct Facilities
- Detailed safety information describing:
 - i. Reasonable safety precautions for existing activities on or near the Project
 - ii. Known activities or uses that are presently prohibited near the Project, and
 - iii. Other known potential dangers or limitations near the Project
- Construction/maintenance damage compensation plans and procedures
- The Commission's address, website and phone number; and
- Contact person for Applicant, including name, e-mail address, and phone number

Questions and comments associated with the construction and operation of the Astoria Station Project can be directed to Otter Tail Power.

Sincerely,

A handwritten signature in blue ink, appearing to read "K Phinney".

Kirk Phinney
Manager, Supply Engineering

Enclosure

An Equal Opportunity Employer

Project Contact Information

This project is permitted through the South Dakota Public Utilities Commission (SD PUC). Otter Tail Power encourages any questions, comments or issues regarding the right-of-way (ROW) to be directed to Otter Tail Power contacts:

Michael Walls
Land Specialist
Otter Tail Power Company
215 South Cascade Street
PO Box 496
Fergus Falls, MN 56538-0496
(218) 739-8532
E-mail: mwalls@otpc.com

Kirk Phinney
Project Manager
Otter Tail Power Company
48450 144th Street
PO Box 218
Big Stone City, SD 57216
(605) 862-6306
kphinney@otpc.com

For questions, concerns, etc. regarding the continued construction activity at or near the Plant site, please contact the Astoria Station on-site Project Construction Supervisor:

Keith Kelly
Project Construction Supervisor
Otter Tail Power Company
48450 144th Street
PO Box 218
Big Stone City, SD 57216
Office: (605) 862-6335
Mobile: (605) 880-3470
E-mail: kkelly@otpc.com

The SD PUC can be contacted as follows:

South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 E. Capitol Avenue
Pierre, SD 57501-5070
Phone: (605) 773-3201
Toll Free Fax: 1-866-757-6031
<http://puc.sd.gov/>

South Dakota Commission Order

The SD PUC requires all landowners within the Project ROW to receive a copy of the Commission Order for the Project. The Commission Order for the Astoria Station Project, Docket No. EL17-042 is attached.

Detailed Safety Information

The anticipated start of construction has a current target date of June 14, 2019. Prior to that, on May 1, 2019, some tree removal services will take place.

Most employees of Otter Tail Power, our contractors, vendors, and equipment and material deliveries will be traveling on I-29. They will travel off I-29 to State Highway 28 and then to 482nd Avenue. 482nd Avenue will be upgraded, and prior to completion of this work, traffic will be routed off I-29 to State Highway 28, onto 481st Avenue, to 193rd Street, travel on 482nd Avenue for ½ mile into the site. The return route will be the same as the entry route. The primary route will be posted for construction traffic and safety information.

The gravel portion of the roadway will be monitored and maintained by Project staff. Measures for the control of dust, unnecessary rutting and washboard will be implemented, as well as provisions for snow removal for safe travel of the construction workforce.

Typically, the start of the workday for construction would be 7:00 a.m. and the quitting time will vary over the construction period from 5:00 to 7:00 pm. on a five-day work week. The initial site civil work has the potential for seven days per week. High traffic periods can be expected within ½ hour of the starting time and ½ hour of quitting time. Otter Tail Power and other contractors will maintain, in all construction and operations offices and vehicles, a current list of local emergency response providers and methods of contact/communication. Designated construction and operations personnel will be trained in first aid. During construction or operation of the project, vehicles will not be parked or left idling on areas of standing dry grass or shrubs that could constitute a fire hazard.

No impacts to health services, facilities, and public safety are anticipated from construction or operation of the Project. Buildings, structures, or other objects, permanent or temporary, cannot be placed upon the Easement Area for the duration of the easement.

Damage and Compensation

A ROW easement has been obtained and the landowner has been compensated for the conveyance of the easement to Otter Tail Power. Construction activities and maintenance activities create the potential for damage to property, including drainage tiles, irrigation systems and fences. Otter Tail Power will make every effort to avoid damages to properties. Should damages occur, Otter Tail Power will restore the property or compensate for damages according to the right-of-way easement agreement. Otter Tail Power will compensate the owner for damages or losses that cannot be fully remedied by repair or replacement, such as lost productivity and crop and livestock losses. Any damage that occurs as a result of soil disturbance from project activities on a persons' property will be paid for by Otter Tail Power.

Otter Tail Power will coordinate as applicable with landowners regarding the protection of cattle in the Gen-tie ROW area. Otter Tail Power will compensate the landowner for any loss of livestock attributable to a failure by Otter Tail Power or its agents to implement and to follow prudent practices.

Otter Tail Power will, in a manner consistent with its easement agreement with the landowner, identify and hold the landowner harmless for loss, damage, claim or actions resulting from Otter Tail Power's use of the easement, including any damage resulting from any release, except to the extent such loss, damage claim or action results from the negligence or willful misconduct of the landowner, his employees, agents, contractors or other representatives.

If trees are to be removed that have commercial or other value to the affected landowner, Otter Tail Power will compensate the landowner for the fair market value of the trees to be cleared and/or allow the landowner the right to retain ownership of the felled trees.

Construction Procedures

Access will be gained straight in and out to each structure utilizing a road that will be built on Otter Tail Power's property. Locations for the two structures will be staked prior to construction. Two holes will be drilled to the required depth. The landowner may request the spoils from the drilling. If he does not request them, they will be removed from the landowner's property.

Fences encountered will be cut and braced on each side to prevent damage to the remaining fence, unless the landowner requests otherwise. Temporary gates will be installed where needed to contain livestock or prohibit public access to the construction site.

- **Cleanup and Restoration**

Cleanup and restoration of the easement area will be the final phase of construction and typically begins immediately after completion of the Gen-tie line or as soon as weather and soil conditions permit. Otter Tail Power will restore all areas disturbed by construction to their preconstruction condition, including their original preconstruction topsoil, vegetation, elevation, and contour, or as close thereto as feasible, except as otherwise agreed to by the landowner. Cleanup will consist of removing and disposing of the construction debris and surplus materials. Construction debris will be taken to a licensed landfill. The purpose of restoration is to return the area as close as possible to pre-construction conditions. Final restoration shall be completed within 30 days of completion of the Gen-tie line. In the event the seasonal or other weather conditions, extenuating circumstances, or unforeseen developments beyond Otter Tail Power's control prevent compliance with this timeframe, restoration will be completed as conditions allow for cleanup and reclamation.

Otter Tail Power will be responsible for vegetation of the impacted areas to 80 percent of pre-project levels within 12 months of completion of the contract. Rocks and construction debris that can interfere with soil cultivation and damage tillage equipment will be removed from the easement area. After construction, all foreign materials will be picked up.

- **Revegetation**

The revegetation work will be primarily on rangelands (native pasture) and roadside ditch locations.

Otter Tail Power typically will not implement revegetation in wetlands, intermittent creek banks, or active crop production areas. It is anticipated that crop production areas will be revegetated by the landowner following construction and restoration. Revegetation on private property will comply with landowner specification. Landowner permission will be obtained before the application of herbicides.

- **Seeding**

Some degree of natural vegetation recovery will occur from existing seedbed and vegetative propagules (e.g., rhizomes, bulbs) in the soil and from the presence of native seed sources adjacent to construction areas. To complement the natural tendency of vegetation to reoccupy a site, seeding will be conducted as needed. Otter Tail Power will utilize appropriate seed mixes which will work well with the ambient precipitation, temperatures, and soil conditions in the construction areas.

- **Seeding Timing**

The preferred seeding times are in the spring (April 1 through May 15) or fall (October 1 through November 15). Actual seeding dates will depend on soil conditions, because planting will not occur when equipment will significantly compact or otherwise disturb the soil because of excessive soil moisture. Desirable vegetation cover will be established as soon as possible after construction is complete to prevent establishment and spread of noxious weeds. Drill seeding and/or broadcast seeding methods may be employed.

Irrigation will generally not be used on sites that are seeded. The native plant species selected for use on this Project are adapted to the natural precipitation regime.

- **Vegetation Maintenance**

Otter Tail Power will maintain vegetation, including reclaimed areas to accomplish goals, including 1) control of noxious weeds; 2) prevention of soil erosion; and 3) allowance for safe and effective use of the easement area. As necessary, Otter Tail Power will conduct various activities, such as weed control and mowing or trimming of vegetation, to meet these goals until 70% coverage has been established or until the General Release has been signed by the landowner.

Otter Tail Power appreciates your assistance in making the Astoria Station Project a success and we look forward to working with you throughout the construction and maintenance phases of the project.

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION)	ORDER GRANTING JOINT
OF OTTER TAIL POWER COMPANY FOR)	MOTION FOR APPROVAL OF
AN ENERGY CONVERSION FACILITY)	SETTLEMENT STIPULATION;
PERMIT FOR THE CONSTRUCTION OF A)	ORDER GRANTING PERMIT TO
COMBUSTION TURBINE GENERATOR)	CONSTRUCT ENERGY
AND ASSOCIATED INFRASTRUCTURE)	CONVERSION FACILITY; NOTICE
INCLUDING A NATURAL GAS PIPELINE)	OF ENTRY
AND ELECTRIC TRANSMISSION LINE)	
NEAR ASTORIA, SOUTH DAKOTA)	EL17-042

On October 5, 2017, the South Dakota Public Utilities Commission (Commission) received an Application for an Energy Conversion Facility Permit (Application) from Otter Tail Power Company (Otter Tail). Otter Tail proposes to develop, own, and operate an approximate 250 megawatt simple-cycle natural gas fired energy conversion facility and related components known as the Astoria Station Project (Project). Infrastructure facilities include a short segment (less than 1,000 feet long) of approximately 10-inch diameter natural gas pipeline on Otter Tail property necessary to interconnect to the Northern Border Pipeline and a short segment (preliminarily estimated to be less than one-half mile long) of 345-kilovolt (kV) generation-tie electric transmission line necessary to interconnect to the Big Stone South-Brookings County 345-kV electric transmission line. The energy conversion facility, known as Astoria Station, is proposed to be located in the N 1/2 of Section 22, Township 113N, Range 48W, Scandinavia Township, Deuel County, approximately one and one-half miles northwest of Astoria, South Dakota. The Project is expected to be in service by May 2021. Otter Tail estimates the total construction cost to be \$165 million. Otter Tail previously filed its required Notice of Intent to Apply for a Permit for an Energy Conversion Facility in Docket EL17-017.

On October 12, 2017, the Commission electronically transmitted notice of the filing and the intervention deadline of December 4, 2017, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On October 12, 2017, the Commission issued a Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status. On October 17, 2017, the Local Review Committee filed a letter requesting \$17,600 to hire a consultant. On October 30, 2017, the Commission issued its Order Assessing Filing Fee; Order Authorizing Executive Director to Enter into Consulting Contracts; Order Granting Local Review Committee's Request to Hire Consultant. On November 14, 2017, Otter Tail filed a Motion for Judicial Notice and a Motion for Finding of Substantial Compliance with Publication Notice Requirement, or in the Alternative, Extending the Deadline for Publishing Notice of Public Input Hearing. On November 27, 2017, the Commission held a Public Input Hearing in Toronto, South Dakota. On November 28, 2017, the Commission issued an Order Granting Motion for Finding of Substantial Compliance with Publication Notice Requirement; Order Granting Motion for Judicial Notice. On December 28, 2017, the Local Review Committee filed its Final Report. On October 30, 2017, March 1 and June 28, 2018, Otter Tail filed supplemental information in support of its Application.

On July 12, 2018, Commission staff and Otter Tail filed a Joint Motion for Approval of Settlement Stipulation and a Settlement Stipulation. On July 27, 2018, the Local Review

Committee filed an amended Final Report.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD Chapters 20:10:01 and 20:10:22.

At its regularly scheduled meeting of July 26, 2018, the Commission considered this matter. Having thoroughly reviewed the filings in the docket and after making further inquiry of the parties, the Commission voted unanimously to grant the Joint Motion for Approval of Settlement Stipulation. By approving the Settlement Stipulation, the Commission grants Otter Tail's Application for a permit to construct an energy conversion facility and associated infrastructure, subject to the Terms and Conditions listed in the Settlement Stipulation. It is therefore

ORDERED, that the Joint Motion for Approval of Settlement Stipulation is hereby granted, and the Settlement Stipulation is approved and shall be incorporated by reference into this Order the same as if it had been set forth in its entirety herein. It is further

ORDERED, that a permit to construct the Astoria Station Project and its associated infrastructure is hereby granted to Otter Tail Power Company, subject to the Terms and Conditions set forth in Settlement Stipulation.

NOTICE OF ENTRY

PLEASE TAKE NOTICE that this Order Granting Joint Motion for Approval of Settlement Stipulation; Order Granting Permit to Construct Energy Conversion Facility was duly issued and entered on the 3rd day of August 2018.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.
By: <u>Adam De Hueck</u>
Date: <u>8/3/18</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner