

**CHAPTER 69-06-05  
TRANSMISSION FACILITY PERMIT**

Section

69-06-05-01      Application  
69-06-05-02      Designation of Corridor and Route

**69-06-05-01. Application.**

1. **Form.** An application must be reproduced and bound to eight and one-half-inch by eleven-inch size. Accompanying maps must be folded to eight and one-half inches by eleven inches with the title block appearing in the lower right-hand corner.
2. **Contents.** The application must contain:
  - a. A description of the following:
    - (1) The type of facility proposed.
    - (2) The purpose of the facility.
    - (3) The technology to be deployed.
    - (4) The type of product to be transmitted.
    - (5) The source of the product to be transmitted.
    - (6) The final destination of the product to be transmitted.
    - (7) The proposed size and design and any alternate size or design that was considered, including:
      - (a) The width of right of way;
      - (b) The approximate length of facility;
      - (c) The estimated span length for electric facilities;
      - (d) The anticipated type of structure for electric facilities;
      - (e) The voltage for electric facilities;
      - (f) The requirement for and general location of any new associated facilities;
      - (g) The estimated distance between surface structures for pipeline facilities;
      - (h) The pipe size for pipeline facilities;
      - (i) The maximum design operating pressure and temperature for pipeline facilities;
      - (j) The maximum design flow rate for pipeline facilities; and
      - (k) The number and general location of compressor or pumping stations.
  - b. The anticipated time schedule for accomplishing major events, including:
    - (1) Obtaining the certification of corridor compatibility;
    - (2) Obtaining the route permit;

- (3) Completing right-of-way acquisition;
  - (4) Starting construction;
  - (5) Completing construction;
  - (6) Testing operations; and
  - (7) Commencing operations.
- c. A copy of each evaluative study or assessment of the environmental impact of the proposed facility submitted to the agencies listed in section 69-06-01-05 and each response received.
  - d. An analysis of the need for the proposed facility based on present and projected demand for the product transmitted, including the most recent system studies supporting the analysis of the need.
  - e. A description of any feasible alternative methods for serving the need
  - f. The width of a corridor must be at least ten percent of its length, but not less than one mile [1.61 kilometers] or greater than six miles [9.66 kilometers] unless another appropriate width is determined by the commission.
  - g. A study area that includes a proposed corridor of sufficient width to enable the commission to evaluate the factors addressed in North Dakota Century Code section 49-22-09.
  - h. A discussion of the factors in North Dakota Century Code section 49-22-09 to aid the commission's evaluation of the proposed route.
  - i. A discussion of the applicant's policies and commitments to limit the environmental impact of its facilities, including copies of board resolutions and management directives.
  - j. Identification and map of the criteria that led to the proposed route location within the designated corridor, including exclusion areas, avoidance areas, selection criteria, policy criteria, design construction limitations, and economic considerations.
  - k. A discussion of the relative value of each criteria and how the applicant selected the proposed corridor location, giving consideration to all criteria and how the location, construction, and operation of the facility will affect each criteria.
  - l. A discussion of the general mitigative measures that the applicant will take to minimize adverse impacts that result from a route location in the proposed corridor and the construction and operation of the facility.
  - m. The qualifications of each person involved in the corridor location study.
  - n. A map identifying the criteria that led to the proposed route location within the designated corridor and the location of any new associated facilities. Several different criteria may be shown on each map depending on the map scale and the density and nature of the criteria.
  - o. An eight and one-half-inch by eleven-inch black and white map suitable for newspaper publication depicting the site area.
  - p. A discussion of present and future natural resource development in the area.

- q. Map and GIS requirements. The applicant shall provide information that is complete, current, presented clearly and concisely, and supported by appropriate references to technical and other written material available to the commission. The information must provide the location of the proposed facilities, the proposed corridor and route, and the criteria evaluated. Data must be submitted in the ESRI shapefile or geodatabase format. If the applicant cannot submit the data in the ESRI format, an alternate format may be submitted with written approval by commission staff. Data must include appropriate attribute data for the included features. Relevant and complete metadata in compliance with FGDC metadata standards must be provided with all files. Supporting documents such as base maps, figures, cross sections, and reports must be submitted in the portable document file (PDF). If the supporting documents were derived from GIS/Cad files the supporting GIS/Cad files must also be included in the submittal. Aerial photos (raster images) must be georeferenced and submitted in TIFF, GEOTIFF, or MrSID image file formats with the associated word files. Appropriate metadata must be provided with all files, such as the source for the raster images, dates of aerial photography, and the type of imagery, color bands, i.e., black and white, color, color infrared, and any other pertinent data. All GIS base map data must be referenced to a published geographic or projected coordinate system. The appropriate systems would be North Dakota coordinate system of 1983, north and/or south zones US survey feet (NAD 83). UTM zone 13N or 14N meters (NAD 83), or geographic coordinate system (WGS 84) meters. The vertical datum must be the North American vertical datum of 1988. Tabular data (i.e., laboratory analytical data, water level evaluation data, monitor well construction data, well and boring X and Y location data, grain size analysis data, hydraulic conductivity data, etc.) must be submitted in either a Microsoft Excel or Microsoft Access database format or both if both are used. Textural data may be submitted in Microsoft Word or PDF format. The application may be submitted to the commission on the following media:

Compact disc (CD-ROM (CD-R)), digital versatile disc (DVD-R or DVD+R), or other media upon commission approval.

3. **Filing.** The applicant shall file an original and four copies of an application with the commission. The applicant shall provide additional paper copies upon commission request.
4. **Service.** The applicant shall serve one copy of a complete application on the county auditor in each county in which any part of the designated corridor is located.
5. **Notice of filing.** The commission shall serve a notice of the filing of a complete application on the following:
  - a. The chief executive officer of each city within the designated corridor.
  - b. The agencies and officers entitled to notice as designated in section 69-06-01-05.
  - c. The chairman of the board of county commissioners of each county in which any part of the designated corridor is located.
  - d. The state senators and representatives of each legislative district in which any part of the designated corridor is located.

**History:** Amended effective August 1, 1979; April 1, 2013; January 1, 2022.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-08.1

#### **69-06-05-02. Designation of corridor and route.**

1. **Issuance of a permit.** An order approving the issuance of a permit must:

- a. Describe the authority granted.
  - b. Contain any special conditions that the commission may require.
  - c. Specify any required modifications in the type, design, routing, right-of-way preparation, or construction of the facility.
  - d. Contain findings that the application, with modifications, if any, meets the corridor evaluation process requirements of the Act, and any special conditions the commission may require.
2. **Issuance of a certificate.** When a corridor is approved, the commission shall issue a certificate in accordance with the order.
  3. **Deviations.** The commission may permit a deviation from the designated route before or during construction if the deviation does not violate any of the exclusion and avoidance area criteria of this article. After construction is complete a deviation is governed by North Dakota Century Code section 49-22-03.
  4. **Variance from permit conditions.** The commission may allow a variance from any special condition upon a request demonstrating the existence of good cause.

**History:** Amended effective August 1, 1979; April 1, 2013; January 1, 2022.

**General Authority:** NDCC 49-22-18

**Law Implemented:** NDCC 49-22-08.1