UNITED STATES DEPARTMENT OF ENERGY

Office of Fossil Energy
Washington, D.C.

FE Docket No. PP-85-2

BOLIDEN WESTMIN (CANADA) LIMITED

Presidential Permit

Order No. PP-85-2

May 12, 2003

PRESIDENTIAL PERMIT

BOLIDEN WESTMIN (CANADA) LIMITED

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I. BACKGROUND

The Office of Fossil Energy (FE) of the Department of Energy (DOE) has the responsibility for implementing Executive Order (EO) 10485, as amended by EO 12038, which requires the issuance of Presidential permits for the construction, operation, maintenance, or connection of electric transmission facilities at the United States international border.

On October 5, 1988, DOE issued Presidential Permit PP-85 to Westmin Resources, Inc. (WRI) for an international electric transmission facility at the U.S.-Canadian border. The permitted facility is a 35,000-volt (35-kV) alternating current transmission line which crosses the U.S. international border from British Columbia, Canada, passes through the State of Alaska, and re-enters British Columbia at a second point on the U.S. international border. The transmission line is a radial line that delivers electricity to a mine in Canada. The transmission line does not deliver electric energy to the State of Alaska.

On November 13, 1989, at the request of WRI, DOE reissued Presidential Permit PP-85-A in the name of Westmin Mines, Inc.

On October 22, 2002, WRI[1] and Boliden Westmin (Canada) Limited (BWCL) jointly filed an application to transfer Presidential Permit PP-85-A from WRI to BWCL. WRI and BWCL are both indirect, wholly-owned subsidiaries of Boliden Mineral AB, a Swedish corporation. The applicants asserted in the application that BWCL will own and operate the U.S. portion of the transmission facilities.

Notice of the Applicants' request to transfer Presidential Permit PP-85-A was published in the *Federal Register* on March 21, 2003, (68 FR 13909) requesting that comments, protests, and petitions to intervene be submitted to DOE by April 7, 2003. No comments were received.

The Department of State and the Department of Defense have concurred in the granting of Presidential Permit PP-85-2.

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[1]In the application for transfer of Presidential Permit PP-85-A, the applicants submitted information indicating that on June 14, 1993, Westmin Mines, Inc. changed its name to Westmin Resources, Inc.

II. FINDING AND DECISION

DOE notes that the change in ownership of the international transmission facilities previously authorized in Presidential Permit PP-85-A would not result in any change in the operation of the subject facilities. In addition, these facilities do not interconnect with transmission facilities within the State of Alaska and, consequently, this change of ownership would not adversely impact the reliability of the U.S. electric power supply system.

DOE has also determined that this action is among those classes of actions not normally requiring preparation of an environmental assessment or an environmental impact statement and, therefore, is eligible for categorical exclusion (CX) under Appendix A to Subpart D, paragraph A7 of the revised DOE NEPA Guidelines. Specifically, this CX is for the transfer, lease, disposition or acquisition of interests in personal property (e.g., equipment and materials) or real property (e.g., permanent structures and land), if the property use is to remain unchanged; i.e., the type and magnitude of impacts would remain essentially the same. Documentation of the use of this categorical exclusion has been placed in this Docket.

III. ORDER

Pursuant to the provisions of EO 10485, as amended by EO 12038, and the Rules and Regulations issued thereunder (Title 10, Code of Federal Regulations, section 205.320 et. seq.), Presidential Permit PP-85-A is hereby rescinded and permission is granted to BWCL to construct, operate, maintain, and connect electric transmission facilities at the international border of the United States and Canada, as further described in Article 2 below, upon the following conditions:

Article 1. The facilities herein described shall be subject to all conditions, provisions and requirements of this permit. This permit may be modified or revoked by the President of the United States without notice, or by DOE after public notice, and may be amended by DOE after proper application thereto.

Article 2. The facilities covered by and subject to this permit shall include the following facilities and all supporting structures within the right-of-way occupied by such facilities:

> One 35,000-volt (35-kV) alternating current transmission line which crosses the U.S. international border from British Columbia, Canada, passes through the State of Alaska, and re-enters British Columbia at a second point on the U.S. international border.

These facilities are more specifically shown and described in the application filed in this docket.

Article 3. The facilities described in Article 2 above shall be operated and maintained in accordance with applicable criteria established by and consistent with the North American Electric Reliability Council, Regional Councils, or in dependent system operators, as appropriate,

on such terms as expressed therein, and as such criteria, standards, and guides may be amended from time to time.

Article 4. No change shall be made in the facilities covered by this permit or in the authorized operation of these facilities unless such change has been approved by DOE.

Article 5. BWCL shall at all times maintain the facilities covered by this permit in a satisfactory condition so that all requirements of the National Electric Safety Code in effect at the time of construction are fully met.

Article 6. The operation and maintenance of the facilities covered by this permit shall be subject to the inspection and approval of a properly designated representative of DOE, who shall be an authorized representative of the United States for such purposes. BWCL shall allow officers or employees of the United States, with written authorization, free and unrestricted access into, through, and across any lands occupied by these facilities in the performance of their duties.

Article 7. BWCL shall investigate any complaints from nearby residents of radio or television interference identifiably caused by the operation of the facilities covered by this permit. BWCL shall take appropriate action as necessary to mitigate such situations. Complaints from individuals residing within one-half mile of the center of the transmission line are the only ones which must be resolved. BWCL shall maintain written records of all complaints received and of the corrective actions taken.

Article 8. The United States shall not be responsible or liable: for damages to or loss of the property of, or injuries to, persons; for damages to, or loss of the facilities covered by this permit; or for damages to, or loss of the property of, or injuries to the person of BWCL officers, agents, servants or employees or of others who may be on said premises; any of which may arise from or be incident to the exercise of the privileges granted herein; and BWCL shall hold the United States harmless from any and all such claims.

Article 9. BWCL shall arrange for the installation and maintenance of appropriate metering equipment to record permanently the hourly flow of all electric energy transmitted between the United States and Canada over the facilities authorized herein. BWCL shall make and preserve full and complete records with respect to the electric energy transactions between the United States and Canada. BWCL shall furnish annual reports to DOE, by the 15th of February each year, detailing for each month of the previous year: (1) the gross amount of electricity imported into the U.S., in kilowatt hours; (2) the consideration associated with the import; and (3) the maximum hourly rate of transmission, in kilowatts. Annual reports must be filed regardless of current activity and whether or not receipts of electric energy have been made. If no transactions have been made, a one-sentence report indicating "no activity" for the previous year is sufficient.

Reports shall be submitted to the U.S. Department of Energy, Office of Fossil Energy, FE-27, 1000 Independence Avenue, SW, Washington, D.C. 20585-0305. Properly identified reports will also be accepted via facsimile at (202) 287-5736 to meet time requirements, but original copies should still be filed at the above address.

Article 10. Neither this permit nor the facilities covered by this permit, or any part thereof, shall be transferable or assignable, except in the event of the involuntary transfer of the facilities by the operation of law. In the case of such an involuntary transfer, this permit shall continue in effect for a period of 60 days and then shall terminate unless an application for a new permit pursuant to Title 10, Code of Federal Regulations, section 205.323, has been received by DOE. Upon receipt by DOE of such an application, this existing permit shall continue in effect pending a decision on the new application. During this decision period, the facilities authorized herein shall remain substantially the same as before the transfer.

Article 11. Upon the termination, revocation or surrender of this permit, the international transmission facilities which are owned, operated, maintained, and connected by BWCL and described in Article 2 of this permit, shall be removed and the land restored to its original condition within such time as DOE may specify and at the expense of BWCL. If BWCL fails to remove such facilities and/or any portion thereof authorized by this permit, DOE may direct that such actions be taken for the removal of the facilities or the restoration of the land associated with the facilities at the expense of BWCL. BWCL shall have no claim for damages by reason of such possession, removal or repair. However, if certain facilities authorized herein are useful for other utility operations within the bounds of the United States, DOE will not require that those facilities be removed and the land restored to its original condition upon termination of the international interconnection.

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Office of Coal & Power Import/Export
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