

October 3, 2024

The Honorable Kimberly Middendorf  
Office of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
Saint Paul, MN 55164-0620

RE: EERA Reply Comments  
Northland Reliability Project  
PUC Docket Nos. E015,ET2/CN-22-416 and E015,ET2/TL-22-415  
OAH Docket No. 21-2500-39822

Dear Judge Middendorf,

Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff submits these reply comments to the applicants' proposed findings, conclusions and recommendations (Findings) for the Northland Reliability Project.

On August 5, 2024, the applicants submitted comments on the environmental assessment (EA) for the project and on the draft route permit.<sup>1</sup> On September 19, 2024, the applicants submitted responses to comments submitted during the public hearing comment period and their proposed Findings.<sup>2,3</sup>

EERA staff's comments here address three areas of the applicants' proposed findings: (1) maps to visualize the routes evaluated for the project (2) discussion of the route evaluated for the project on a region-by-region basis with discussion of those routing options most consistent with the routing factors found in Minnesota Rule 7850.4100, and (3) the applicants' proposed route permit conditions for the project.

Edits to the applicants' proposed Findings and associated attachments (underline and strikethrough) are provided in Attachment A to this letter. As discussed further below, EERA has also amended Attachment D of the applicants' proposed Findings. Amended Attachment D is provided with this letter.

As an initial matter, EERA staff has provided minor edits and corrections to the applicants' proposed Findings, which include formatting issues, missing words (e.g., Finding 123), and punctuation. These edits are not discussed further in this correspondence.

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<sup>1</sup> Applicants' Comments on the Environment Assessment and Responses to Requests for Additional Information from the Public Hearings, August 5, 2024, eDockets Number [20248-209266-02](#).

<sup>2</sup> Applicants' Responses to Public Hearing Comments and Comments on the Draft Route Permit, September 19, 2024, eDockets Numbers [20249-210355-02](#) (thru -14) and [20249-210359-01](#) (thru -09).

<sup>3</sup> Applicants' Proposed Findings of Fact, Conclusions of Law, and Recommendation, September 19, 2024, [20249-210362-02](#) (thru -20).

### **Maps to Visualize the Routes Evaluated for the Project**

The applicants' Findings presented the Commission with two full route options, illustrated through maps in Attachments A and B.<sup>4</sup> To ensure these Findings are fully aligned with the Environmental Assessment (EA) and to provide the Commission with a comprehensive overview of all routing options considered in the EA, EERA staff has incorporated an additional full route map with labeled study regions into the body of the Findings (Figure 2, Attachment A). Additionally, more detailed maps for each region and route alternative, including a modified version of Route Alternatives H4 and H7 (H4/H7), are included in a new Appendix 3 to Attachment D. This appendix also contains supporting analysis addressing impacts to residences and resources related to the new H4/H7 Route Alternative (see Table 1, Appendix 3, Attachment D).

Finally, EERA staff has added an Appendix 4 to Attachment D, featuring all five Example Route Options developed during the EA process, alongside the applicants' proposed final route options. These new maps and analyses, integrated into Attachment D, are referenced throughout the Findings with updated language. EERA staff believe these additions will provide the Commission with clearer guidance through the full set of route, alignment, and example full route options assessed through the EA process.

### **Routing Options by Region**

In their findings, the applicants discuss the routing alternatives for the project (Section IV, Routes Evaluated for the Project) and discuss two end-to-end full route options: the Modified Proposed Route and the Co-Location Maximization Route. The applicants conclude that these full route options best accord with the Commission's routing criteria (Section XIII, Summary of Route Recommendations; Conclusions).

EERA staff believes that – of the two full route options proposed by the applicants – the Co-Location Maximization Route is most consistent with Commission routing criteria in statute and rule.<sup>5</sup> Further, staff believes the Co-Location Maximization Route is consistent with the Commission's direction to EERA staff to “work with the Applicants and DNR to identify areas to minimize necessary right-of-way and mitigate impacts of right-of-way expansion” and to “study infrastructure stacking in the environmental assessment.”<sup>6</sup> EERA staff believes this direction reflects the Commission's interest in utilizing existing infrastructure right-of-way for the project and in double-circuiting transmission lines (“infrastructure stacking”).

However, EERA staff believes that are regions of the project where there are routing alternatives – alternatives other than those selected by the applicants – that are also consistent with the Commission's routing criteria. Staff believes that these alternatives, with fidelity to the record, could be selected by the Commission for the project. To facilitate discussion of these regions, EERA staff is recommending the addition of a new section to the applicant's proposed findings (see Attachment A, Routing Options by Region).

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<sup>4</sup> The applicants' September 19, 2024, Findings of Fact included Attachments A through G. EERA staff amended Attachment D to include the relevant maps and comparative data, making it the sole attachment from the Findings with EERA comments.

<sup>5</sup> Minnesota Statute 216E.03, Subd.7 and Minnesota Rule 7850.4100.

<sup>6</sup> Ex. PUC-25 at 4; Ex. PUC-42 at 1.



### ***Long Lake Region***

In the Long Lake region of the project, the applicant's Co-Location Maximization Route utilizes a combination of route alternatives H4 and H7 (Map 4b, Appendix 3, Attachment D). The applicants suggest that "Modified Route Alternative H4 and H7 provides a more reasonable route for the Project that conforms to the state routing criteria than route alternative H1."<sup>7</sup> EERA staff believes that the choice between "Modified Route Alternative H4 and H7" (H4/7) and the route alternative H1 (H1) is a close call.

EERA staff believes that both H4/7 and H1 are responsive to public comments received during scoping for the EA.<sup>8</sup> However, H1 utilizes more existing transmission line right-of-way than H4/7.<sup>9</sup> Thus, H1 achieves more co-location than the applicants' Co-Location Maximization Route. With respect to potential natural resource impacts, the Minnesota Department of Natural Resources (DNR) has indicated its preference for H1 and its lack of support for other routing alternatives in the Long Lake region, including H4 and H7.<sup>10</sup> Additionally, H1 avoids the Wolverter Aquatic Management Area, an area of rich biodiversity noted in comments on the EA.<sup>11</sup> Route alternative H1 is closer to more residences in the area than H4/7; however, this difference is due primarily to residences along existing transmission lines that H1 would parallel.<sup>12</sup> A comparison of the human and environmental impacts of Route H1 and the modified H4/H7 alternative, as detailed is included in Table 1, Appendix 3, Attachment D.

EERA staff believes H1 or H4/7 could be selected for the project in the Long Lake Region. Staff has modified the applicants' proposed Findings to reflect the routing choice to be made in this region (see Attachment A, Routing Options by Region, Summary of Route Recommendations, Conclusions).

### ***Benton County Elk River Region***

In the Benton County Elk River region of the project, the Co-Location Maximization Route follows the applicants' proposed route with the Elk River Alignment Alternative. The Elk River Alignment Alternative was introduced by the applicants in response to public hearing comments; the alternative double-circuits several miles of existing transmission lines to minimize the right-of-way needed for the project.

In general, EERA staff believes that the Elk River Alignment Alternative makes the project more consistent with the Commission's routing criteria. However, the Co-Location Maximization Route still places the project within the Elk River corridor and impacts the floodplain, wetlands, vegetation and wildlife in the corridor.

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<sup>7</sup> Applicants' Finding 116.

<sup>8</sup> Ex. EERA-5.

<sup>9</sup> Ex. EERA-9 at 314-316 (EA).

<sup>10</sup> DNR Comment Letter on Environmental Assessment, August 5, 2024, eDockets Number [20248-209262-01](#) [hereinafter DNR Comment Letter on EA].

<sup>11</sup> EERA Responses to Environmental Assessment Comments, September 5, 2024, eDockets Number [20249-210005-02](#) (at pages 39-40).

<sup>12</sup> Ex. EERA-9 at 308-316 (EA).

DNR proposed several routing alternatives during the scoping comment period to potentially address these natural resource impacts (Route Alternatives J1 through J3).<sup>13</sup> DNR has indicated that it prefers route alternative J2 (“DNR considers Alternative J2 to be the only acceptable route through the Benton County Elk River region”).<sup>14</sup> DNR has also indicated that a combination of route alternatives J1 and J3 would also be preferred to a route in the Elk River corridor.<sup>15</sup>

Staff acknowledges that avoiding the natural resource impacts in the Elk River corridor by using J2 (or a combination of J1 and J3) would lead to greater impacts to human settlements in the region.<sup>16</sup> Thus, there is a balancing of potential impacts that EERA staff believes is a close call.

EERA staff believes that route alternative J2 or the Co-Location Maximization Route could be selected for the project in the Benton County Elk River Region. Staff has modified the applicants’ proposed Findings to reflect the routing choice to be made in this region (see Attachment A, Routing Options by Region, Summary of Route Recommendations, Conclusions).

## **Route Permit Conditions for the Project**

### ***Standard Permit Conditions***

1. Applicants’ Finding 712 proposes edits to standard permit language in the Commission route permit:

712. The conditions identified in the record as modified in the Applicants’ September 19, 2024, Response to Public Hearing Comments should be incorporated into the Route Permit for the Project.

As discussed further here, EERA believes this finding should be modified to read:

712. The conditions identified in the record as modified in the Applicants’ September 19, 2024, Response to Public Hearing Comments and as modified by EERA in its reply comments should be incorporated into the Route Permit for the Project.

EERA staff has no objections to the applicants’ proposed edits to Sections 1, 2, and 4 of the draft route permit included with environmental assessment. Staff believes that these edits are necessary to appropriately describe the project. Staff notes that Sections 3, 5 and 9 of the permit include standard permit conditions that apply to all transmission line projects permitted by the Commission. Staff believes, as discussed further here, they should apply to the proposed project.

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<sup>13</sup> Ex. EERA-5.; Ex. EERA-6 (Scoping Decision).

<sup>14</sup> DNR Comment Letter on EA.

<sup>15</sup> Id.

<sup>16</sup> Ex. EERA-9 at 368-372 (EA).



- a. The applicants propose editing Section 3 of the draft permit to note that the substation associated with the project will be constructed within the designated route:

The Designated Route provides the Permittees with flexibility for minor adjustments of the alignment and right-of-way to accommodate landowner requests and unforeseen conditions. Permittees are authorized to expand and/or construct the substations identified in Section 2.3 of this Permit within the Designated Route. The locations of the substations identified in Section 2.3 of this Permit shall be identified in the submission required under Section 9.2 of this Permit.

EERA believes this edit is unnecessary. The existing text requires the project to be constructed within the designated route, and requires Commission review and approval for placement outside of the designated route. Section 9.2 of the draft permit makes clear that plan and profile submissions are for the Transmission Facility as a whole. Accordingly, staff recommends that this proposed edit not be included in the draft route permit.

- b. The applicants propose editing Section 5 of the draft route permit to note that the applicants may submit compliance required under the permit prior to a written Commission order:

The Permittees shall comply with the following conditions during construction and operation of the Transmission Facility over the life of this route permit. The Permittees may, but are not required, to submit any compliance filings required under this route permit immediately after the Commission's oral decision regarding the route permit and prior to the Commission's written decision.

The applicants note that this clarification is consistent with recently enacted Minnesota law (Minnesota Session Laws, 2024, Regular Session, Ch. 126-S.F. No. 4942, Article 9, Section 19(c)).

EERA staff believes this edit is unnecessary. The session law requires the Commission to conduct rulemaking to clarify that compliance filings can be made prior to a written Commission order. To EERA staff's understanding there is not an existing statute or rule preventing the applicants from making compliance filings after an oral Commission decision and before a written decision is issued.

As part of its services to the Commission, EERA reviews compliance filings for consistency with Commission permits and makes recommendations to the Commission regarding these filings. By necessity, EERA staff must have a written Commission order and permit in order to assess whether compliance filings are consistent the order and permit. However, EERA's review of compliance filings does not prevent the applicants from making compliance filings. EERA's review of compliance filings is dependent on a written Commission order; however, the applicants filing of compliance materials is not.

EERA staff believes this edit is unnecessary; accordingly, staff recommends that this proposed edit not be included in the draft route permit.

- c. The applicants propose editing Section 5.2 of the draft permit to note that it is required to keep records of its notification to landowners when entering property:

The Permittees shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittees shall keep records of ~~compliance with this section~~ making such notifications to landowners and provide them upon the request of the Minnesota Department of Commerce (Department of Commerce) staff or Commission staff.

EERA staff finds no substantive difference between keeping “records of compliance with this section” and keeping “records of making such notification to landowners.” The only requirement of this section is notification. Accordingly, staff recommends that this proposed edit not be included in the draft route permit.

- d. The applicants propose editing Section 5.3.1 of the draft permit to allow notice to landowners of the field representative’s contact information to be made close in time to the actual construction near these landowners:

The Permittees shall file with the Commission the name, address, email, phone number, and emergency phone number (if different) of the field representative at least 14 days prior to the pre- construction meeting. The Permittees shall provide the field representative’s contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittees need to only provide the field representative’s contact information to those landowners that are the subject of the Permittees’ vegetation clearing or plan and profile submission and additional landowners may be notified separately when the Permittees are ready to proceed with a vegetation clearing or plan and profile filing for other Transmission Facility areas. The Permittees may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittees shall file with the Commission an affidavit of distribution of its field representative’s contact information at least ~~14~~ five days prior to the pre-construction meeting and upon changes to the field representative.

To EERA staff’s understanding, if the project is constructed in sections, this edit would more clearly target notice to landowners when construction is occurring in these sections; thus, potentially, making the notice more effective. It is not clear to staff that the applicants’ intent (or concern) is not already addressed by the term “affected landowners” in the existing text of



Section 5.3.1. Affected landowners could be read to be “those landowners that are the subject of the Permittee’s vegetation clearing or plan and profile submission.”

EERA staff does not object to the applicants proposed edit of Section 5.3.1 of the draft permit; however, staff believes it is not necessary. The existing text, particularly “affected landowners,” appears to address the concern raised by the applicants.

- e. The applicants propose editing Section 5.3.8 of the draft route permit to characterize the results of soil erosion control measures:

The Permittees shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the Transmission Facility shall be returned to pre-construction conditions to the greatest extent practicable or as otherwise agreed to by the landowner.

EERA staff finds that this edit does not substantively improve the text of the draft route permit. Further, staff believes that the control of soil erosion and proper re-vegetation is a concern that extends beyond the immediate landowner. Accordingly, staff recommends that this proposed edit not be included in the draft route permit.

- f. The applicants propose removing Section 5.3.10 of the draft route permit. The applicants propose that a special permit condition requiring a vegetation management plan replace this standard permit condition.

EERA is unaware of any Commission route permit that does not include a standard permit condition for vegetation management. The inclusion of special conditions does not remove standard permit conditions. As Section 6 of the draft permit notes – “The special conditions shall take precedence over other conditions of this permit should there be a conflict.” EERA staff recommends that this proposed edit not be included in the draft route permit.

- g. The applicants propose editing Section 5.3.11 of the draft route permit to require notice to apiaries registered with the Minnesota Department of Agriculture:

The Permittees shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture (MDA), DNR, and the U.S. Environmental Protection Agency

(EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittees shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittees may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittees shall provide notice of pesticide application to landowners and beekeepers operating Minnesota Department of Agriculture registered apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittees shall use the Minnesota Department of Agriculture's Apiary Registry (<https://mn.beecheck.org/map>) to identify apiaries for purposes of compliance with this condition. The Permittees shall keep pesticide communication and application records and provide them upon the request of Department of Commerce staff or Commission staff.

EERA staff has no objection to this proposed edit of the draft route permit.

- h. The applicants propose editing Section 5.3.21 of the draft route permit to clarify the records that must be kept with respect to damages due to construction of the project:

The Permittees shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction. The Permittees shall keep records of compliance with this section that includes the date the Permittees were notified of the damages and when the restoration or compensation was completed and provide them upon the request of Department of Commerce staff or Commission staff.

EERA staff has no objection to this proposed edit of the draft route permit.

- i. The applicants proposes editing Section 9.1 of the draft route permit to allow for the possibility of multiple pre-construction meetings and multiple plan and profile filings:

Prior to the start of construction, the Permittees shall participate in a pre-construction meeting with Department of Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Because the Project may be constructed in segments, multiple pre-construction meetings and submissions under



Section 9.2 are allowed. Within 14 days following the pre-construction meeting, the Permittees shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittees shall indicate in the filing the anticipated construction start date.

EERA staff does not object to this proposed edit of the draft route permit.

- j. The applicants propose editing Section 9.2 of the draft route permit to remove distribution of the project's plan and profile to counties where the project will be constructed:

At least 14 days prior to the pre-construction meeting, the Permittees shall file with the Commission, and provide the Department of Commerce, ~~and the counties where the Transmission Facility, or portion of the Transmission Facility, will be constructed~~ with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, structure specifications and locations, cleanup, and restoration for the Transmission Facility. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per this route permit ...

If the Permittees intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittees shall notify the Commission, and the Department of Commerce, ~~and county staff~~ at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this route permit.

EERA staff notes that this requirement – distribution of the plan and profile to affected counties – is consistent with permits issued by the Commission for other energy facilities, e.g., solar farms, wind farms.<sup>17</sup> EERA staff also notes that the text of Section 9.2 does not prescribe the manner in which Permittees must provide the plan and profile. To EERA staff's understanding the plan and profile could be provided electronically. EERA staff recommends that this proposed edit not be included in the draft route permit.

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<sup>17</sup> See, e.g., Commission Order Issuing Site Permit, Sherco 3 Solar Project, July 31, 2024, eDockets Number [20247-209139-01](#) (see Site Permit Section 8.3, "At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and the counties where the Project will be constructed with a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration.")

***Special Permit Conditions***

2. The applicants address the appropriate special permit conditions for the project in Finding 713. The finding states, in part:

713. In its Draft Route Permit, DOC-EERA recommended certain special conditions. The Applicants provided multiple revisions to the Draft Route Permit, including special conditions. The MnDNR also recommended several topics for special conditions. The revisions proposed by the Applicants are reasonable and should be incorporated into the Route Permit along with the following special conditions:

As discussed further here, EERA believes this finding should be modified to read:

713. In its Draft Route Permit, DOC-EERA recommended certain special conditions. The Applicants provided multiple revisions to the Draft Route Permit, including special conditions. The MnDNR also recommended several topics for special conditions. The revisions proposed by the Applicants as modified by EERA in its reply comments are reasonable and should be incorporated into the Route Permit.

EERA staff has no objection to the proposed special permit conditions presented as Section 6.3 (Dust Control), 6.4 (Wildlife-Friendly Erosion Control), 6.5 (Project Lighting), 6.6 (Vegetation Clearing Before Construction), and 6.7 (Substation Construction). Staff believes these special permit conditions reflect the record and are appropriate for the project. As discussed further here, staff does not support the inclusion of Section 6.1 (Vegetation Management Plan) and 6.2 (Agricultural Impact Mitigation Plan) as proposed by the applicants.

- a. The applicants propose to edit the requirement for a vegetation management plan (VMP) as follows:

~~The Permittees shall develop in coordination with Department of Commerce, Energy Environmental Review and Analysis (EERA) and DNR. The vegetation management plan and documentation of the coordination efforts between the permittees and the coordinating agencies shall be filed at least 14 days prior to the plan and profile for the project. The Permittee shall provide all affected landowners with a copy of the plan.(VMP) for review and comment by all interested persons, including EERA and the MnDNR. The Permittees shall revise the VMP to include the following revisions identified by EERA and the MnDNR during this proceeding:~~

- Avoidance plans should be incorporated into the VMP as appropriate.



- o Any conditions related to vegetation management associated with any permits issued by a state or federal agency for the Permitted Route that have been identified as of the date the VMP is filed with the Commission prior to commencing Project vegetation clearing or construction, with the understanding that the VMP shall also include a condition that any additional vegetation management conditions necessary for compliance with any state or federal permit issued for the Project not explicitly identified in the VMP at the time of filing will be incorporated by reference.

The vegetation management plan must include the following: The Permittees shall file the VMP with these revisions incorporated with the Commission, as applicable, with the plan for vegetation clearing under Section 6.1.6 required under this permit or with the plan and profile required under Section 9.2 of this permit. The Permittees shall provide all landowners along the route with copies of the VMP and an electronic copy (including by website address) shall be sufficient. The Permittees shall file an affidavit of its distribution of the VMP to landowners with the Commission no later than, as applicable, with the filing of plan for vegetation clearing or the compliance filing required under Section 5.3.1 of this Permit. Such notice to landowners may be provided for only those portions of the Project that are the subject of the plan for vegetation clearing for each phase of the Project.

Management objectives addressing short term goals (seeding and establishment) and long term goals (life of the project). A description of planned restoration and vegetation management activities, including how the route will be prepared, timing of activities, how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used.

A description of tree removal/planting activities and the timing of such activities. A description of how the route will be monitored and evaluated to meet management goals. A description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities.

Though there are multiple edits to this special permit condition, EERA staff believes that the applicants are suggesting that since they provided a draft VMP with their application and there have been limited comments to date in the record regarding the VMP that no further consultation with EERA or the Minnesota Department of Natural Resources (DNR) is necessary in preparing a final VMP. To the extent this is the case, EERA staff disagrees.

EERA staff believes that some parts of the vegetation management plan may depend on the route selected for the project. As such, these parts of the plan cannot be developed prior to a Commission decision on a route. Staff agrees that general provisions in the draft VMP may address route-specific concerns; however, it is impossible to know absent knowledge of the route selected by the Commission.

Additionally, staff is unaware of any route permit issued by the Commission that includes a special condition for a vegetation management plan does not require post-permit consultation with EERA and DNR.<sup>18</sup> EERA staff recommends the following language for Special Condition 6.1:

The Permittees shall develop a vegetation management plan (VMP) in coordination with Department of Commerce, Energy Environmental Review and Analysis (EERA) and DNR. The vegetation management plan and documentation of the coordination efforts between the permittees and the coordinating agencies shall be filed at least 14 days prior to the plan and profile for the project. The Permittee shall provide all affected landowners with a copy of the plan; an electronic copy (including by website address) shall be sufficient.

The Permittees shall file an affidavit of its distribution of the VMP to landowners with the Commission. Such notice to landowners may be provided for only those portions of the Project that are the subject of the plan for vegetation clearing for each phase of the Project.

The vegetation management plan must include the following:

- Management objectives addressing short term goals (seeding and establishment) and long-term goals (life of the project).
- A description of planned restoration and vegetation management activities, including how the route will be prepared, timing of activities, how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used.
- A description of tree removal/planting activities and the timing of such activities.
- A description of how the route will be monitored and evaluated to meet management goals.
- A description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities.

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<sup>18</sup> See, e.g., Commission Order and Route Permit for the Frazee to Erie 115 kV Transmission Line, December 17, 2021, Docket No. TL-20-423, eDockets Numbers [202112-180819-01](#), [202112-180819-02](#) (Special Permit Condition 6.9 Vegetation Management Plan).



- b. The applicants propose to edit the requirement for an agricultural impact mitigation plan (AIMP) as follows:

~~In coordination with the MDA, the Permittees shall prepare~~ The Permittee developed an agricultural impact mitigation plan (AIMP). ~~The AIMP shall be filed at least 14 days prior to the pre-construction meeting~~ in coordination with the MDA that includes all revisions requested by the MDA. The Permittees shall provide all affected landowners with a copy of the plan.

As discussed above for the VMP, EERA staff believes that (1) there may be mitigation measures that are route-specific and (2) there are no route permits issued by the Commission that do not require (or offer the possibility) of post-permit coordination for an AIMP. If the applicants have come to agreement with the Minnesota Department of Agriculture on an AIMP, then finalizing and filing the AIMP will take little time. EERA staff recommends the following language for Special Condition 6.2:

In coordination with the Minnesota Department of Agriculture (MDA), the Permittees shall prepare an agricultural impact mitigation plan (AIMP). The AIMP shall be filed at least 14 days prior to any pre-construction meeting. The Permittees shall provide all affected landowners with a copy of the plan.

EERA staff appreciates the opportunity to submit these reply comments. Please feel free to contact me directly if you have any questions regarding our comments at (651) 539-1059.

Sincerely,



James E. Sullivan  
Environmental Review Manager  
Energy, Environmental Review, and Analysis Unit

Enclosure

