DEPARTMENT OF TRANSPORTATION

Office of Land Management
395 John Ireland Boulevard
Saint Paul, MN 55155
MS 678

March 27, 2025

Sam Weaver, Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 280
St. Paul MN 55101

RE: In the Matter of the Application of Great River Energy, Otter Tail Power Co., Western Minnesota Municipal Power Agency, Agralite Electric Coop., and the City of Benson for a Certificate of Need and Route Permit for the Appleton to Benson 115 Kilovolt Transmission Line Project
Docket Number: ET-2,E-017,ET-6135, E-100/CN-24-263; TL-24-264

Dear Mr. Weaver,

On February 11th, 2025, the Minnesota Public Utilities Commission (Commission) and Minnesota Department of Commerce issued a Notice of Public Information and Environmental Impact Statement (EIS) Scoping Meetings on the route permit application (RPA) submitted by Great River Energy, Otter Tail Power Co., Western Minnesota Municipal Power Agency, Agralite Electric Coop., and the City of Benson (Applicants) for the Appleton to Benson 115kV Transmission Line Project (Project), a new approximately 29-mile 115-kilovolt (kV) new, upgraded, rebuilt and/or reconductored high voltage transmission line (HVTL) from the City of Appleton to the City of Benson. The Minnesota Department of Transportation (MnDOT) has reviewed the application and other available materials regarding the proposed Project and submits the following comments and recommendations in response to the Notice.

As noted in Section 2.4.2.8, 7.2.7 and Appendix K of the RPA, the Project's proximity to several state trunk highways (TH) will likely require permit approvals from MnDOT. MnDOT thanks the Applicants for participating in early consultation, including completing our Utility Early Notification Memo (ENM) process in December of 2024. Because of the Project's proximity to and potential impacts on TH 7, TH 119, US 12, and US 59, MnDOT would like to note possible impacts on areas of concern or interest listed below. Other possible Project impacts, mitigative suggestions, recommendations, permit requirements, and guidance materials are also communicated in *Attachment 1* of this submission. Attention should be paid to MnDOT's requested deliverables as they may be required for future utility permit application approvals. Additional consultation may be required to address outstanding issues.

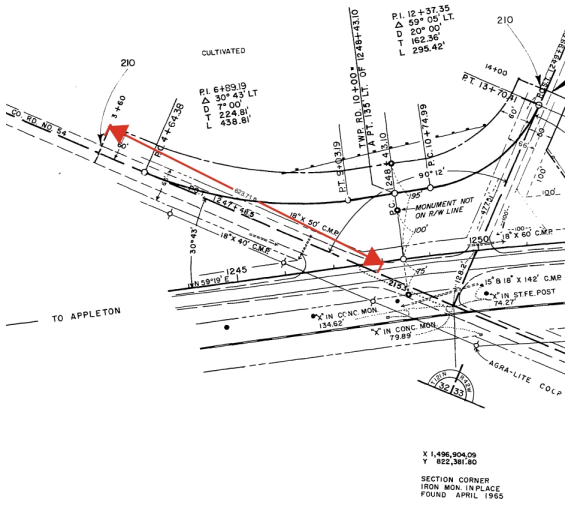
Based on our review of the RPA, we offer the following additional comments on the Project.

- As a general driver sight distance[1] safety issue, pole placement within sight corners of at-grade road crossings should be avoided. The Applicant's should plan their pole placement/spans accordingly.

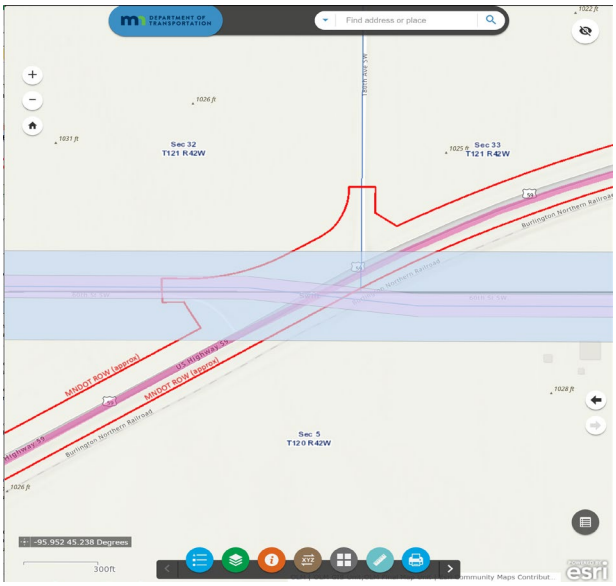
[1] 3. Safety Analysis | FHWA -Intersection sight distance is typically defined as the distance a motorist can see approaching vehicles before their line of sight is blocked by an obstruction near the intersection.

- MnDOT's TH right-of-way (ROW) is not uniform and often has areas of expansion, reduction, and other variances. One area within the Project's proposed route shows a particularly unique ROW and should be noted for planning, permitting, and construction purposes. See the images below for MnDOT TH ROW limits where the proposed route follows 60th St SW and crosses US 59 and the Burlington Northern Railroad just west of 180th Ave SW.

MnDOT ROW Map #34-95



MnDOT Land Management Map and Data Viewer



- As the Applicants are aware, MnDOT Utility Accommodation on Trunk Highway Right of Way permits will be required for the placement of any aerial or buried transmission line crossing MnDOT trunk highways. If colocation *within* any trunk highway is desired, including fixed aerial encroachments and temporary aerial encroachments such as Conductor Movement Envelope (CME) or "blowout zone" over the TH ROW, close coordination with MnDOT's Office of Land Management and District staff is requested as permit approvals for these types of impacts are also required.
- Additional consultation, including a "pole-by-pole" analysis, will be needed to ensure all desired areas of colocation are safe, permittable and would not require relocation in the near future. MnDOT encourages similar coordination with city, county, and township road authorities regarding road crossings/colocations.
- There can be significant time span between Project planning and construction. Necessary relocation of existing utilities can be a costly part of any Project. Utility relocation may also have impacts to adjacent landowners and may cause utility overcrowding for an affected road authority. Therefore, it is recommended that the Applicants use their preferred method of investigation to remain aware of existing utility conflicts within or near TH ROW in the Project area. It would be in the Applicant's best interest to avoid late-stage routing modifications as the number of small-scale utility installations within TH ROW increases daily[2].

[2] In 2024, MnDOT issued 1,490 Utility Accommodation on Trunk Highway Right of Way permits for various utility installations within TH ROW. This number does not include Miscellaneous, Access, Drainage and various other permit types.

Should the Commission issue a permit for the Project, continued coordination with MnDOT staff is expected. Any MnDOT permits required as a part of this Project can be coordinated at an earlier time but may not be issued until the Commission has approved all necessary permits for this Project. All applicable permitting, traffic control and construction coordination efforts should be made through the appropriate MnDOT district staff . MnDOT District Specialists should be given the opportunity to participate in pre-construction meetings as they apply to MnDOT- owned property.

Thank you for the opportunity to provide these comments.

Sincerely,

/s/Stacy Kotch Egstad

Utility Routing and Siting Coordinator
Minnesota Department of Transportation
Office of Land Management
stacy.kotch@state.mn.us

Attachment 1: MnDOT OES & Functional Group Comments and Recommendations

ec: MnDOT Utility ENM Review Staff

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DEPARTMENT OF TRANSPORTATION

2025

ATTACHMENT 1

Appleton – Benson 115kV HVTL Project CN-24-263 and TL-24-264

MNDOT OES & FUNCTIONAL GROUP COMMENTS

Resource	Comments and Recommendations
Federal and State-listed Protected Species	The Applicant should consult with the U.S. Fish and Wildlife Service (USFWS) with respect to listed species which may occur within the project area, and limit ground disturbances to the extent practical in areas of semi-natural or natural vegetation. State-listed threatened and endangered species may be located along portions of the route along MnDOT right-of-way (ROW). We recommend the Applicant consult with the Minnesota Department of Natural Resources (MDNR) to identify recorded locations and conduct species-specific surveys prior to construction to confirm locations prior to identifying pole placement and temporary workspaces. MnDOT requests copies of all biological field survey data/reports within its ROW be submitted to MnDOT.
Federal and State-listed Protected Species	Herbicide use must be minimized during construction and future maintenance occurring on MnDOT ROW. If used, herbicide must be applied via hand-held spot treatments applied to individual plants. Avoid broadcast applications of herbicides without further consultation to MnDOT Office of Environmental Stewardship (OES). Restrict all activities to avoid the application of insecticides and fungicides on MnDOT ROW.
Federal and State-listed Protected Species	The Applicant must establish native vegetation in areas that are not proposed to be mowed more than once per year, and must include mowing and spot treatment control to establish seeded vegetation, as described in the MnDOT Seeding Manual (see http://www.dot.state.mn.us/environment/erosion/vegetation.html).
Avian Protection	The Applicant should minimize tree clearing/trimming within MnDOT ROW to extent possible. Tree clearing may be restricted to winter months (November 15 - March 31). On MnDOT ROW, additional tree clearing restrictions will typically be included in MnDOT's utility permit. If construction activities occur within the nesting season for migratory birds, conduct pre-construction nest surveys. If active nests are discovered, implement a Migratory Bird Plan to avoid and minimize impacts.
Contaminated Materials Management	It is the responsibility of the Applicant to identify the potential to encounter contaminated materials (soil/groundwater/vapor) on or within 500-feet of MnDOT ROW. The Applicant should provide to MnDOT all environmental due diligence documents (e.g., desktop review, Phase I Environmental Site Assessments, Phase II), as applicable/available. If access or sampling is proposed in MnDOT's ROW, a permit will be required (see https://www.dot.state.mn.us/utility/forms.html). Contaminated materials encountered during any work within MnDOT ROW is required to be managed in accordance with applicable federal/state and location regulations and/or guidance documents. In addition to the sites identified in the Applicant's What's In My Neighborhood review, CMMT identified the following regulatory sites that may also require evaluation: - MN Department of Ag Case File # 93-0187 near TH 7 in Appleton, MN - MN Petroleum Remediation Facility PRE000212 near TH 119 & CSAH 54, north of Appleton, MN
Regulated Waste and Storage Tanks	It is the responsibility of the Applicant to report the presence of aboveground storage tanks (ASTs) within project limits. If ASTs are identified, contact MnDOT's Regulated Materials staff. Asbestos, solid waste, regulated and/or hazardous waste encountered during construction activities are required to be managed in accordance with applicable federal/state and local regulations and/or guidance documents.

Roadside Vegetation Management	Pesticides: Require Applicant to develop a Vegetation Management/Pesticide/Revegetation Plan and submit for MnDOT review/approval. Any proposed pesticides and application rates should be submitted to MnDOT for approval (NOTE: Use of herbicides or similar chemistries must be limited to spot treatments via hand tools only [i.e., no equipment mounted broadcast applications]). Other general conditions include the following: • Herbicide used on MnDOT ROW must be labeled for use on rights-of-way. • Pesticide applicators must be MN state- licensed as a Commercial Pesticide Applicator in Categories A and J (see: https://www.mda.state.mn.us/pesticide-fertilizer/pesticide-applicator-license-types) • Herbicide records for work on MnDOT's ROW must be provided to the local MnDOT District Office • Refer to Resource: Federally and State Listed Protected Species for further pesticide information. The more restrictive statements must be followed. Noxious/Invasive Weeds: Prior to construction, the Applicant should conduct a field survey for noxious weeds in all project workspaces. If any state prohibited or county designated noxious weeds (https://www.mda.state.mn.us/plants-insects/minnesota-noxious-weed-list) are identified within installation limits on MnDOT's ROW, the Applicant must submit its Invasive Species Prevention Plan to the OES-Roadside Vegetation Management Unit for review and approval. All efforts must be made to prevent transportation of propagative parts to new areas. Movement of propagative parts of these plants is prohibited by Minnesota Statutes, Section 18.82. If transportation of soil or plant parts from the site is necessary, a transportation permit will be required. Questions regarding noxious weed law or noxious weed transportation permits should be directed to the Minnesota Department of Agriculture at noxiousweeds.mda@state.mn.us. Native vegetation: Parking, staging, and operating equipment in this area should be kept to a minimum level to accomplish the installation. Parking of vehicles or equipment not directly required for the utility installation in this area should be restricted to the road surfaces. Failure to adhere to these recommendations may lead to unnecessary damage and compaction of native plants and soils. Restoration: If areas are disturbed on MnDOT's ROW, the area must be re-established MnDOT Seed Mix: Patch Mix at a rate of 30 lbs per acre. Patch Mix components and rates can be found in the Guide to the New 2024 MnDOT Seed Mixes (https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=38590641). Any erosion control blanket must be free of plastic netting and on the MnDOT Approved Products List for Rolled Erosion Prevention products. In addition, any hydraulic mulch used up-slope of Public Waters must be free of plastic fiber additives. MnDOT reserves the right to conduct its own inspection on MnDOT ROW (during and post-construction) to verify restoration status prior to the Applicant filing their Notification of Restoration Completion with the Commission.
Wetlands Coordination	Any ground disturbance (e.g., fill, excavation, direct or indirect drainage) of regulated aquatic resources must comply with all applicable federal Clean Water Act Section 404, Minnesota Wetland Conservation Act (WCA), and MDNR Public Waters Work requirements. If ground-disturbing activities are proposed within MnDOT ROW, MnDOT may require an aquatic resource delineation to be performed throughout the areas of proposed disturbance. The delineation would require approval by MnDOT OES, as the Local Government Unit (LGU) responsible for administering the WCA within state TH ROW. The project must restore any temporary impacts and avoid, minimize, and mitigate any permanent impacts to delineated aquatic resources to the extent required by state and federal law. This includes implementing Best Management Practices (BMPs) during construction to minimize aquatic resource disturbance, including compaction, erosion, and sedimentation. MnDOT reserves the right to conduct field inspections within its ROW.
Water Permits - Federal Agencies, Floodplains	*If floodplains are crossed by the project: The Applicant should make efforts to avoid placement of structures or fill in floodplain areas in order to minimize adverse impacts and increased risk of flooding. The Applicant should engage with local floodplain permitting authorities to determine permitting and other requirements. The project may also involve work affecting waters of the US in which case a Section 404 authorization from the U.S. Army Corps of Engineers would be needed.

Cultural Resources	As documented in the Early Notification Memo (ENM) for Utility Projects dated January 2, 2025, the Section titled “Cultural Resources Review and Determination” notes that “The Applicants submitted a Phase Ia Literature Review for the Project to the State Historic Preservation Office (SHPO) on October 22, 2024. On November 26, 2024, the SHPO responded that archaeological surveys are recommended based on the location and nature of the Project. The Applicants intend to conduct an archaeological survey on the selected route. The Applicants will also follow the procedures in an Unanticipated Discovery Plan. The SHPO correspondence is attached.” A redacted version of the Phase IA report was included in the Supplemental Information to the ENM. TH 7: Trunk Highway 7 (XX-ROD-00151) was previously determined not eligible for the National Register. TH 119: Trunk Highway 119 remains unevaluated for its eligibility for listing in the National Register. Evaluation is a federal (Section 106) requirement, and not required under current state statutes. TH 59: Trunk Highway 59 (XX-ROD-00168) was previously determined not eligible for the National Register. TH 12: Trunk Highway 12 (XX-ROD-00111) was previously determined not eligible for the National Register. TH 9: Trunk Highway 9 (XX-ROD-00053) was previously determined not eligible for the National Register. Benson: Proximate to/south of TH 9 in Benson is a railroad, St. Paul and Pacific Railway Company/St. Paul Minneapolis and Manitoba Railway Company/Great Northern Railway Company: Main Line, Minneapolis to Breckenridge (XX-RRD-GNR012) that was previously considered eligible for the purposes of Section 106. Preferred Alignment: see above comments Alternate 1: does not involve MnDOT R/W beyond what is identified with Preferred Alignment Alternate 2: does not involve MnDOT R/W beyond what is identified with Preferred Alignment Alternate 3: involves additional TH 12, MnDOT R/W; see above comments regarding TH 12. Alternate 4: involves additional TH 12, MnDOT R/W; see above comments regarding TH 12. There are no previously recorded archaeological sites within MnDOT controlled lands intersected by the Project. The Applicant should provide summary of cultural field surveys and coordination with SHPO and other agencies and parties, as applicable, to date when submitting permit requests. If surveys have not been completed, provide an anticipated schedule for completion. If the Applicant is aware of or becomes aware of significant cultural resources findings in or adjacent to MnDOT R/W, please contact our office at CulturalResources.dot@state.mn.us. In addition, the Applicant shall prepare a Post Review Discovery Plan (PRDP1) and submit to MnDOT for review; contact information for CRU staff must be included in the PRDP. This plan should outline the steps to be followed in the event of an unanticipated discovery of archaeological materials, human remains, or burials, and include language specific to the coordination with MnDOT when a discovery is on MnDOT ROW. MnDOT Cultural Resources Unit (CRU) staff should be notified (CulturalResources.dot@state.mn.us) within 24 hours in the event of an unanticipated find on or adjacent to MnDOT property during construction. Additional archaeological investigations (e.g., literature reviews, reconnaissance surveys [if warranted]) may be required where ground disturbing activities and/or temporary easements may be located within MnDOT ROW. Investigations should include in-field inspections to document areas of soil disturbance and to identify potentially unknown archaeological sites within areas of moderate to high archaeological potential. A PRDP should be developed for the project in advance of construction and be provided to MnDOT CRU.
FHWA National Scenic Byway Program	Under Title 23, USC, Section 162, National Scenic Byways Program; Scenic byways are designated as State, National or All-American because they possess one or more of six intrinsic qualities: scenic, cultural, recreational, natural, historic and archaeological qualities. An analysis of the physical and visual impact on each of these six intrinsic qualities should be conducted at each proposed crossing locations and/or collocated segments and where the proposed utility is within 7 miles of the Minnesota River Valley National Scenic Byway in the area of Appleton to determine the route with the least adverse impact on the byway routes and corridors. The proposed project is more than 7 miles from Glacial Ridge Scenic Byway, so no analysis is required. At a minimum, the Appleton area analysis should include: • Streetview Imagery or on-the-ground photographs • Photo / Visual Simulations (existing conditions and post-construction). During early planning phases of project, this may consist of typical drawings/photos of similar projects that have already been constructed. Later in Project design, this should include site-specific assessments depicting photo and visual simulations for users of the byway. Each scenic byway has a leaders' group and/or stakeholder group; these groups should be contacted as part of the environmental review process. Contact info for the Minnesota River Valley National Scenic Byway is: (888) 463-9856 or email info@mnrivervalley.com. Scenic easements and areas should be investigated to identify any prohibitions or limitations that apply to land uses in the vicinity of the scenic byway. Relevant state and federal regulations governing scenic byways can be found in the MnDOT Utility Accommodation on Highway Right of Way Policy and Coordination Manual (both of which can be accessed here: https://www.dot.state.mn.us/policy/operations/oe002.html), 23 U.S.C. s. 162, and 23 CFR s. 645.209 (h).

	Mitigation measures should be recommended for unavoidable impacts on intrinsic qualities within the scenic byway corridors.
Environmental Assessment Unit / Environmental Review	If the Project will involve any construction activities within MnDOT ROW, the Applicant (and/or their Contractor) must comply with the following, relating to the conduct of work on the Project or to individuals engaged in work for the Project or employed on the Project: (1) All applicable State and Federal laws and regulations (2) Orders and decrees of bodies and tribunals with lawful jurisdiction over the work (3) Such local ordinances as are applicable to the work MnDOT's Environmental Assessment Unit reserves the right to request copies of the Applicant's environmental permits for work within its ROW as well as any inspection reports completed by the Applicant and/or its contractor.
Soil Erosion and Sediment Control / Stormwater	Given the size of the Project, we assume the Applicant will be required to obtain coverage under the Minnesota Pollution Control Agency's (MPCA) Construction Stormwater General Permit (MNR100001). If a portion of the final alignment is located within MnDOT ROW, we request that the Applicant submit a copy of its Construction Stormwater Pollution Prevention Plan (SWPPP)/erosion and sediment control details to MnDOT OES for review prior to filing its Notice of Intent for coverage under MPCA's MNR100001. In addition, MnDOT reserves the right to conduct inspections of the project for portions that are within MnDOT ROW during and/or after construction. The Applicant (and/or its contractor) will be the Owner on this permit for any work on MnDOT ROW - MnDOT will not be a co-Applicant. Soil compaction caused by equipment traffic and haul roads on MnDOT ROW must be mitigated using techniques described in the MnDOT Facility Design Guide Chapter 13 (https://roaddesign.dot.state.mn.us/facilitydesign.aspx). Temporary and permanent erosion and sediment control measures on MnDOT ROW must follow standards in the MnDOT Facility Design Guide Chapter 13 (https://roaddesign.dot.state.mn.us/facilitydesign.aspx). Seeding on MnDOT ROW must follow standards in MnDOT Seeding Manual (https://www.dot.state.mn.us/environment/erosion/vegetation.html). Any erosion control blanket must be free of plastic netting and on the MnDOT Approved Products List for Rolled Erosion Prevention products. In addition, any hydraulic mulch used up-slope of Public Waters must be free of plastic fiber additives.
Env Modelling and Testing (Noise)	The Applicant needs to take all precautions to avoid impacts to existing noise mitigation devices (e.g., noise walls) and/or applications within MnDOT's ROW. If the Project has the potential to impact noise mitigation infrastructure, please notify MnDOT's Environmental Modelling and Testing Unit group for further guidance.
District Permitting Staff	Direct coordination with District 4 Permitting Staff will be required for all downstream MnDOT utility permits. MnDOT Permitting Policy and Guidance can be found at: http://www.dot.state.mn.us/utility/guidance.html. The online application site can be found at: https://olpa.dot.state.mn.us/OLPA/. Make sure the required detailed permits have been submitted according to MnDOT policy.

District Planning Staff	State Highway current construction projects: Please note that MnDOT projects on state highways may affect travel routes to the project site, and/or may alter access points. To learn which projects might be in the area please review the current MnDOT construction projects website at https://www.dot.state.mn.us/construction/index.html and click on the district where your project is located. State Highway planned and future projects: MnDOT plans projects along state highways up to 10 years in advance. Please check with District 4 where your project is located: https://www.dot.state.mn.us/planning/10yearplan/district-chip.html to see which MnDOT projects might coincide with your project. MnDOT District 4 also has a 4-year STIP map available https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=15850239 for the same planning and routing purposes. Note that project timing can change, particularly for projects that are identified as being planned for 5 to 10 years in the future. You may also reach out to the district Planning contact or District Project Manager for more information. Access: Because there is a direct connection between crash rates and access density on state trunk highways, project proposers should plan to utilize access points on local roads whenever possible. Access from MnDOT right-of-way whether at an existing driveway or new driveway is not guaranteed, and new highway access permits will be required in either case. Please contact District 4 Permitting staff for more information about access permit applications, processes, and requirements.
Design Support / Safety and Operations Management	Powerlines: Lateral placement of utility poles or non-crashworthy appurtenances must be placed outside the roadway's clear zone and should avoid the need for traffic barrier shielding. Any side slope grading within the roadway clear zone must not result in a hazardous geometry for run-off vehicles. Place poles as far out of the clear zone as possible. Additional distance from the roadway is encouraged, for roadway and driver safety. Added poles must not be placed closer to the trunk highway than existing poles. Utility poles/devices must not obstruct intersection sight lines. Appurtenances protruding more than four inches above the ground line shall be located outside the clear zone and as close to the edge of the ROW as practical, and must not obstruct intersection sight lines. Appurtenances within the roadway clear zone must be crashworthy. See MnDOT's Facility Design Guide - Chapter 10 (https://roaddesign.dot.state.mn.us/facilitydesign.aspx) for a definition of "crashworthy" and other pertinent information. Pipelines: Lateral placement of non-crashworthy appurtenances must be placed outside the roadway's clear zone and should avoid the need for traffic barrier shielding. Any side slope grading within the roadway's clear zone must not result in a hazardous geometry for run-off vehicles. Appurtenances protruding more than four inches above the ground line shall be located outside the clear zone and as close to the edge of the ROW as practical, and must not obstruct intersection sight lines. Appurtenances within the roadway clear zone must be crashworthy. See MnDOT's Facility Design Guide - Chapter 10 (https://roaddesign.dot.state.mn.us/facilitydesign.aspx) for a definition of "crashworthy" and other pertinent information. Access Roads: Additional access points off of the trunk highway are discouraged and should be avoided. For proposed access roads, the transverse slope design for permanent access roads connected to the trunk highway must be 1V:6H or flatter on the roadside and 1V:10 or flatter if in the median. See Transverse Slopes in the MnDOT's Facility Design Guide - Chapter 10. For other technical components and requirements for utility owners regarding the location, design, and methods for installing, adjusting, accommodating, and maintaining utility facilities on such rights of way, please refer to MnDOT Utility Accommodation and Coordination Manual, found here: https://www.dot.state.mn.us/utility/projectdelivery.html. To understand why these rules and comments exist, intersection related and roadway departure crashes are two of the leading types of fatal and serious injury crashes on Minnesota Roadways. These comments reflect measures needed to continue to prevent these types of crashes. To find out more about Minnesota safety efforts, please see our Strategic Highway Safety Plan. https://www.dot.state.mn.us/trafficeng/safety/shsp/
Blowing Snow Control / Snow Fences	Snow fences have been established in strategic locations across that state as a collaborative effort with landowners to trap snow from blowing across and accumulating on state highways. Based on our review, we have identified **one** living and/or structural snow fences in the vicinity of an Alternate Route alignment of your project. Specifically, the Alternate Route alignment along US 12 overlaps an existing snow fence. **If present, add the following** If the utility project adversely impacts a snow fence causing the loss of blowing snow control functionality, the utility will must work with MnDOT to find a blowing snow control solution. Please refer to http://www.dot.state.mn.us/environment/livingsnowfence/ and Chapter 15D - Design for Blowing Snow Control found in MnDOT Facility Design Guide (https://roaddesign.dot.state.mn.us/facilitydesign.aspx) for more information.

Railroad	Railroads are private entities that conduct their own permitting process for utility impacts. MnDOT does not have jurisdiction in these areas. It is recommended that project coordination occurs directly with the affected railroad. MnRail