

June 17, 2025

*Via eDockets*

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

Re: EERA Response to Public Comments  
Forks-Rost 161 kV Transmission Line  
MPUC Docket No. ET-6675/TL-24-232  
OAH Docket No. 5-2500-40519

Dear Judge Mortenson,

Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff offers the following response to comments received by close of the June 6, 2025, public comment period for the Forks-Rost 161 kV Transmission Line Project in Jackson County, Minnesota.

On April 30, 2025, DOC EERA staff filed an Environmental Assessment (EA) for the Forks-Rost project.<sup>1</sup> This response addresses comments filed by Minnesota's Department on Natural Resources (June 6, 2025) on the EA prepared for the above referenced project.<sup>2</sup> DNR's comments are presented below, followed by EERA's responses.

#### **Natural Heritage Review: Calcareous Fen**

A Natural Heritage Review has been completed for the Project (MCE 2023-00566). As stated in the review, a calcareous fen has been documented in the vicinity of the Project. The DNR requests a special permit condition requiring the Applicant to work with the DNR to determine if any fen impacts will occur during any phase of the project. If the Project is anticipated to impact any calcareous fens, the Applicant must develop a Calcareous Fen Management Plan in coordination with the DNR, as specified in Minn. Stat. § 103G.223.

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<sup>1</sup> MN DOC EERA Environmental Assessment for Forks-Rost 161 kV Transmission Line Project, see eDockets Document Id. # [20254-218381-01](#).

<sup>2</sup> Letter and Attachment from Minnesota Department of Natural Resources, See eDockets Document Id. # [20256-219664-01](#) & [20256-219664-02](#).

### **EERA Response**

DNR's Calcareous Fen recommendation is included as a special condition "(6.1) Calcareous Fen" in ERRA's Draft Permit at Appendix E in the EA prepared for the Forks-Rost 161 kV Transmission Line Project, as filed on April 30, 2025.<sup>3</sup>

### **Avian Flight Diverters**

To prevent avian collisions due to visibility issues, the DNR recommends including a special permit condition requiring the Applicant to coordinate with the DNR to determine appropriate locations for avian flight diverters after the route is finalized. Generally, the avian flight diverters will be needed at river crossings, fragmented forested patches, and near lakes and wetlands. The use of avian flight diverters minimizes the number of bird collisions with the transmission lines. Standard transmission line design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices.

### **EERA Response**

This recommendation was included in EERA's draft permit as a standard condition at 5.3.16 (Appendix E, page 10).

### **Facility Lighting**

The DNR recommends including a special permit condition requiring downlit and shielded lighting that minimizes blue hue to reduce harm to birds, insects, and other animals. Potential Project impacts related to illuminated facilities can be avoided or minimized by using shielded and downward facing lighting that also minimizes blue hue.

### **EERA Response**

DNR's Facility Lighting recommendation is included as a special condition "(6.2) Facility Lighting" in ERRA's Draft Permit at Appendix E in the EA prepared for the Forks-Rost 161 kV Transmission Line Project.<sup>4</sup>

### **Dust Control**

The DNR recommends including a special permit condition requiring avoidance of products containing calcium chloride or magnesium chloride, which are often used for dust control. Chloride products that are released into the environment do not break down, and instead accumulate to levels that are toxic to plants and wildlife.

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<sup>3</sup> See eDockets, Document Id. # [20254-218381-01](#), Appendix E, page 13.

<sup>4</sup> See eDockets, Document Id. # [20254-218381-01](#), Appendix E, page 13.

### **EERA Response**

DNR's Facility Lighting recommendation is included as a special condition "(6.3) Dust Control" in ERRA's Draft Permit at Appendix E in the EA prepared for the Forks-Rost 161 kV Transmission Line Project.<sup>5</sup>

### **Wildlife-Friendly Erosion Control**

Due to entanglement issues with small animals, the DNR recommends including a special permit condition requiring that erosion control blankets be limited to "bio-netting" or "natural netting" types, and specifically not products containing plastic mesh netting or other plastic components. Hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into waterways.

### **EERA Response**

DNR's Wildlife-Friendly Erosion Control recommendation is included as a special condition "(6.4) Dust Control" in ERRA's Draft Permit at Appendix E in the EA prepared for the Forks-Rost 161 kV Transmission Line Project.<sup>6</sup>

### **Public Waters Crossings**

Public waters are designated as such to indicate the lakes, wetlands, and watercourses over which DNR has regulatory jurisdiction. The Project crosses two public water watercourses: the Little Sioux River and Judicial Ditch 28. As such, a DNR License to Cross may be required.

### **EERA Response**

The EERA draft permit in the EA at 5.5.2 Other Permits and Regulations, requires a permittee to comply with all applicable state statute and rules.

### **Water Appropriation**

A DNR Water Appropriation Permit is required for dewatering activities during construction if the water pumped exceeds 10,000 gallons in a day and/or one million gallons in one year. The DNR General Permit for Temporary Appropriation may be used for the dewatering if the dewatering volume is less than 50 million gallons, and the time of the appropriation is less than one year. A DNR Water Appropriation Permit can be applied for in the [MNDNR Permitting and Reporting System \(MPARS\)](#).

### **EERA Response**

The EERA draft permit in the EA at 5.5.2 Other Permits and Regulations, requires a permittee to comply with all applicable state statute and rules.

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<sup>5</sup> See eDockets, Document Id. # [20254-218381-01](#), Appendix E, page 14.

<sup>6</sup> See eDockets, Document Id. # [20254-218381-01](#), Appendix E, page 14.

EERA appreciates the opportunity to provide these response comments on the Forks-Rost 161 kV Transmission Line Project. If you have any questions, please feel free to contact me ([larry.hartman@state.mn.us](mailto:larry.hartman@state.mn.us) or 612-210-4810).

Sincerely,

*Larry B. Hartman*

Larry B. Hartman  
Energy Environmental Review and Analysis

cc: Jacques Harvieux, Public Utilities Commission,  
Bret Eknes, Public Utilities Commission  
Ray Kirsch, Commerce - EERA

## **CERTIFICATE OF SERVICE**

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce  
EERA Response to Public Comments**

**Docket No. ET6675/TL-24-232**

Dated this **17<sup>th</sup>** day of **June 2025**

**/s/Sharon Ferguson**

| #  | First Name     | Last Name                      | Email                                | Organization                    | Agency                                                          | Address                                                                 | Delivery Method    | Alternate Delivery Method | View Trade Secret | Service List Name              |
|----|----------------|--------------------------------|--------------------------------------|---------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------------|--------------------|---------------------------|-------------------|--------------------------------|
| 1  | Katherine      | Arnold                         | katherine.arnold@ag.state.mn.us      |                                 | Office of the Attorney General - Department of Commerce         | 445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States        | Electronic Service |                           | No                | 24-232Official CC Service List |
| 2  | Generic        | Commerce Attorneys             | commerce.attorneys@ag.state.mn.us    |                                 | Office of the Attorney General - Department of Commerce         | 445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States        | Electronic Service |                           | No                | 24-232Official CC Service List |
| 3  | Bret           | Eknes                          | bret.eknes@state.mn.us               |                                 | Public Utilities Commission                                     | Suite 350 121 7th Place East St. Paul MN, 55101-2147 United States      | Electronic Service |                           | No                | 24-232Official CC Service List |
| 4  | Sharon         | Ferguson                       | sharon.ferguson@state.mn.us          |                                 | Department of Commerce                                          | 85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States          | Electronic Service |                           | No                | 24-232Official CC Service List |
| 5  | Valerie        | Herring                        | vherring@taftlaw.com                 | Taft Stettinius & Hollister LLP |                                                                 | 2200 IDS Center 80 S. Eighth Street Minneapolis MN, 55402 United States | Electronic Service |                           | No                | 24-232Official CC Service List |
| 6  | Raymond        | Kirsch                         | raymond.kirsch@state.mn.us           |                                 | Department of Commerce                                          | 85 7th Place E Ste 500 St. Paul MN, 55101 United States                 | Electronic Service |                           | No                | 24-232Official CC Service List |
| 7  | James          | Mortenson                      | james.mortenson@state.mn.us          |                                 | Office of Administrative Hearings                               | PO BOX 64620 St. Paul MN, 55164-0620 United States                      | Electronic Service |                           | Yes               | 24-232Official CC Service List |
| 8  | Generic Notice | Residential Utilities Division | residential.utilities@ag.state.mn.us |                                 | Office of the Attorney General - Residential Utilities Division | 1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States   | Electronic Service |                           | No                | 24-232Official CC Service List |
| 9  | Mark           | Rothfork                       | mrothfork@itctransco.com             | ITC Midwest LLC                 |                                                                 | 100 East Grand Ave, Suite 360 Des Moines IA, 50309 United States        | Electronic Service |                           | No                | 24-232Official CC Service List |
| 10 | Will           | Seuffert                       | will.seuffert@state.mn.us            |                                 | Public Utilities Commission                                     | 121 7th PI E Ste 350 Saint Paul MN, 55101 United States                 | Electronic Service |                           | No                | 24-232Official CC Service List |
| 11 | Janet          | Shaddix Elling                 | jshaddix@janetshaddix.com            | Shaddix & Associates            |                                                                 | 7400 Lyndale Avenue South Suite 190 Richfield MN, 55423 United States   | Electronic Service |                           | Yes               | 24-232Official CC Service List |