

April 17, 2025

VIA eFILING

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

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

Re: In the Matter of the Application of Dairyland Power Cooperative for a Route Permit for the Beaver Creek 161-kV Transmission Line in Fillmore County, Minnesota

MPUC Docket No. ET3/TL-24-95
OAH Docket No. 23-2500-40403

Dear Mr. Seuffert and Judge Todnem:

Dairyland Power Cooperative (Dairyland) submits these initial comments regarding the Environmental Assessment (EA) prepared in connection with Dairyland's Application for a Route Permit (Application) for the 161 kilovolt (kV) Beaver Creek Transmission Line Project in Fillmore County, Minnesota (Project).

Dairyland has reviewed the EA and appreciates the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff's analysis of potential benefits, impacts, and mitigation related to construction and operation of the Project. Dairyland is offering these written comments in advance of the public hearings to correct or clarify several items in the EA and respond to conditions proposed in the Draft Route Permit (DRP) (Appendix E to the EA) to ensure a complete and accurate record and to inform any related discussion at the public hearings.

Dairyland plans to respond to comments made at the in-person and virtual public hearings and submitted during the comment period ending May 13, 2025, through a separate filing no later than May 27, 2025, in accordance with the schedule established for this proceeding.

I. Comments on the EA.

Dairyland identified several clarifications and minor corrections to the content in the EA. The following paragraphs are organized according to the sections of the EA, not in any order of import. Most of the changes are minor clarifications or corrections, and, in a few instances, reflect minor updates.

- The EA refers to Dairyland's existing "161kV LQ8A transmission line." See EA at 11, 22, 26, 33, 34, 105. Dairyland would like to provide a correction regarding the name of the existing line. The correct name of the existing line is the "161 kV LQ8A

Harmony to Beaver Creek Tap Line.” In the following section, Dairyland offers a modification to Sections 2 and 3 of the DRP to reflect this correction.

- The EA refers to the initial structure for the Project as the “new starting structure.” EA at 11, 26, 33. Dairyland would like to clarify that this structure should be called the “new interconnecting structure.” In the following section, Dairyland offers a modification to Sections 2 and 3 of the DRP to reflect this correction.
- The EA discusses the “retirement of a portion of the existing 161kV LQ8A transmission line.” EA at 11; *see also* EA at 33, 105, 106. As an initial matter, activities related to the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line beyond the modifications necessary to accommodate the Project’s new interconnecting structure are not part of the Project. Additionally, Dairyland is still considering its plans for the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line, and a final decision as to retirement of any portion thereof has not yet been made.
- Section 3.5 of the EA states that “[t]he applicant anticipates that project construction would commence as early as Spring 2026. ... The applicant anticipates that the project would be energized in February 2027.” EA at 36. Additionally, Section 4.3.8 of the EA states that “[t]ransmission line construction is anticipated to begin in the fall/winter of 2025, with the full project (both the Minnesota portions and the Iowa portions) in service by February 2027.” EA at 56. However, the anticipated schedule for construction and operation of the Project has changed from what was contemplated in the Application. As stated in the Direct Testimony of Yvonne Gildemaster, Dairyland now anticipates commencing construction of the Project as early as First Quarter 2026, and that the Project will be energized by the end of Third Quarter 2027.¹
- On page 60 of the EA, Map 4-5 (Roads and Railways) is missing and there is instead a duplicate of Map 4-4 (US EPA Census Data Townships).

Dairyland also notes the acreage calculations in the EA for agricultural land cover and wetlands differ from those presented in the Application. The EA found that based on National Land Cover Database (NLCD) data, there are 9.6 acres of agricultural land (9.4 acres of cultivated cropland and 0.2 acre of hay/pastureland) within the Project’s 100-foot right-of-way (ROW). *See* EA at 77 and 80. However, Dairyland’s analysis of NLCD land cover data found 18.57 acres of agricultural land within the ROW (18.56 acres of cultivated crops and 0.01 acre of hay pasture). *See* Application at 52. Additionally, the EA found that based on National Wetlands Inventory (NWI) data, there are 3.6 acres of wetlands within the ROW and 11 acres of wetlands within the Proposed Route. *See, e.g.,* EA at 87, 90, and Appendix C. However, Dairyland’s analysis of NWI data found 1.86 acres of wetlands within the ROW and 4.66 acres of wetlands within the Proposed Route. *See* Application at 82. Dairyland was unable to identify a reason for these differences.

¹ *See* Direct Testimony of Yvonne Gildemaster at 4 (April 8, 2025) (eDocket No. [20254-217347-02](#)).

II. Comments on Conditions Proposed in the DRP.

Dairyland provides the following comments on conditions proposed in the DRP.

A. **Minor Corrections to DRP Conditions.**

As noted above, the correct name for Dairyland's existing line running perpendicular to the north end of the Project is the 161 kV LQ8A Harmony to Beaver Creek Tap Line. Additionally, as noted above, the initial structure of the Project should be referred to as the new interconnecting structure. Dairyland also notes minor corrections needed to the description of the route in Section 3 of the DRP. Accordingly, Dairyland proposes the following revisions to Sections 2 and 3 of the DRP:

2 TRANSMISSION FACILITY DESCRIPTION

The Beaver Creek Transmission Line will start at the intersection of the existing 161 kV LQ8A Harmony to Beaver Creek ~~Tap Line transmission line~~ and 171st Avenue in York Township, and travel south immediately adjacent (parallel) to 171st Avenue to the Minnesota and Iowa border. The Transmission Facility is located in the following:

County	Township Name	Township	Range	Section
Fillmore	York	101	12	17, 18, 19, 20, 29, 30, 31 ,32

3 DESIGNATED ROUTE

The route designated by the Commission is depicted on the route maps attached to this route permit (Designated Route). The Designated Route is generally described as follows:

The Project and anticipated alignment (MP 0.0) will begin at the intersection of Dairyland's existing 161 kV LQ8A Harmony to Beaver Creek Tap Line ~~transmission line~~ and 171st Avenue in York Township in Fillmore County, Minnesota. Existing Dairyland structure ~~will~~ LQ8A-111 will be removed and replaced with a new interconnecting ~~starting~~ structure for the Project, the location for the new structure being on the Easterly side of 171st Avenue. The anticipated alignment continues southerly along the Easterly side of 171st Avenue for approximately 1.0 mile. Over the next 0.25 miles, the anticipated alignment will run southwesterly and then southeasterly, transitioning to the westerly side of 171st Avenue and then returning to the easterly side of 171st Avenue. The anticipated alignment continues southerly along the easterly side of 171st Avenue for an additional 2.25 miles to the Minnesota and Iowa border.

The Designed Route includes an anticipated alignment and a right-of-way. The right-of-way is the physical land needed for the safe operation of the transmission

line. The Permittee shall locate the alignment and associated right-of-way within the Designated Route unless otherwise authorized by this route permit or the Commission. The Designated Route provides the Permittee with flexibility for minor adjustments of the alignment and right-of-way to accommodate landowner requests and unforeseen conditions.

Any modifications to the Designated Route or modifications that would result in right-of-way placement outside the Designated Route shall be specifically reviewed by the Commission in accordance with Minn. R. 7850.4900 and Section 10 of this route permit.

B. Comments on Proposed Special Conditions.

EERA staff proposed four special conditions in the DRP related to karst geology, the northern long-eared bat (NLEB), dust control, and wildlife-friendly erosion control. Dairyland has no objection to EERA staff's proposed special conditions 6.1 (Karst Geology), 6.2 (Northern Long-Eared Bats), 6.3 (Dust Control), and 6.4 (Wildlife-Friendly Erosion Control).

III. Conclusion.

Dairyland appreciates this opportunity to provide these comments on the EA and DRP. As noted above, Dairyland will respond to public hearing comments and written comments submitted during the comment period ending May 13, 2025, through a separate filing no later than May 27, 2025.

These comments have been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service List of record. Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Bridget A. Duffus

Bridget A. Duffus

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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

**In the Matter of the Application of Dairyland
Power Cooperative for a Route Permit for
the Beaver Creek 161-kV Transmission Line
in Fillmore County, Minnesota**

CERTIFICATE OF SERVICE

**MPUC Docket No. ET3/TL-24-95
OAH Docket No. 23-2500-40403**

Breann L. Jurek certifies that on the 17th day of April, 2025, she e-filed on behalf of Dairyland Power Cooperative true and correct copies of the following documents:

1. Initial Comments regarding the Environmental Assessment and Draft Route Permit;
and
2. Certificate of Service.

to the Minnesota Public Utilities Commission via edockets (www.edockets.state.mn.us). Said documents were also served on the Official Service List on file with the Minnesota Public Utilities Commission, as attached hereto.

Executed on: April 17, 2025

/s/ Breann L. Jurek
Fredrikson & Byron, P.A.
60 South Sixth Street, Suite 1500
Minneapolis, MN 55402-4400

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Justin	Chasco	jchasco@fredlaw.com	Fredrikson & Byron, P.A.		44 E. Mifflin Street Suite 1000 Madison WI, 53703 United States	Electronic Service		No	24-95Official 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	24-95Official CC Service List
3	Bridget	Duffus	bduffus@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-95Official 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	24-95Official CC Service List
5	Larry	Hartman	larry.hartman@state.mn.us		Department of Commerce	85 7th Place East, Suite 280 St. Paul MN, 55101 United States	Electronic Service		No	24-95Official CC Service List
6	Caleb J	Hefti	caleb.hefti@dairylandpower.com	Dairyland Power Cooperative		3200 East Ave. S. PO Box 817 La Crosse WI, 54602-0817 United States	Electronic Service		No	24-95Official CC Service List
7	Craig	Janezich	craig.janezich@state.mn.us		Public Utilities Commission	121 7th Pl E #350 St. Paul MN, 55101 United States	Electronic Service		No	24-95Official CC Service List
8	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-95Official CC Service List
9	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	24-95Official CC Service List
10	Jessica A.	Sandry	jessica.sandry@dairylandpower.com	Dairyland Power Cooperative		3200 East Ave. S. PO Box 817 La Crosse WI, 54602-0817 United States	Electronic Service		No	24-95Official CC Service List
11	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	24-95Official CC Service List
12	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	24-95Official CC Service List
13	Suzanne	Todnem	suzanne.todnem@state.mn.us		Office of Administrative Hearings	600 Robert St N PO Box 64620 St. Paul MN,	Electronic Service		Yes	24-95Official CC Service List