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

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

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

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This matter came before Administrative Law Judge Suzanne Todnem for public hearings on the Route Permit Application (Application) (MPUC Docket No. ET3/TL-24-95) of Dairyland Power Cooperative (Dairyland or Applicant) to construct an approximately 3.5-mile 161 kilovolt (kV) high voltage transmission line (HVTL) and associated facilities in York Township in Fillmore County, Minnesota (Project).

A virtual public hearing on the Application was held on April 22, 2025. An in-person public hearing on the Application was held on April 23, 2025. The factual record remained open until May 13, 2025, to receive written public comments.

Bridget A. Duffus, Fredrikson & Byron, P.A., and Yvonne Gildemaster, Project Manager, appeared on behalf of Dairyland.

Trevor Culbertson and Craig Janezich, Energy Facilities Planner, Minnesota Public Utilities Commission Staff (Commission Staff), appeared on behalf of Commission Staff.

Richard Dornfeld, Assistant Attorney General, and Larry Hartman, appeared on behalf of the Department of Commerce (DOC), Energy Environmental Analysis Review and Analysis (EERA).

STATEMENT OF THE ISSUE

Has Dairyland satisfied the criteria established in Minn. Stat. § 216E.03 (2023) and Minn. R. Ch. 7850 (2023) for a Route Permit for the Project?

SUMMARY OF RECOMMENDATION

Dairyland has satisfied the applicable legal requirements and, accordingly, recommends that the Commission **GRANT** a Route Permit for the Project, subject to the conditions discussed below.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

I. APPLICANT

1. Dairyland is a not-for-profit generation and transmission electric cooperative formed in December 1941 and based in La Crosse, Wisconsin. Dairyland provides the wholesale electrical requirements to more than 700,000 people through its 24 distribution cooperatives and 27 municipal utilities in a four-state area including Wisconsin, Minnesota, Iowa, and Illinois. This includes People's Energy Cooperative and MiEnergy Cooperative (MiEnergy), the distribution cooperatives serving cooperative members in the area in which the Project will be located. Dairyland's transmission system is interconnected directly with neighboring transmission owners, and Dairyland is a member of the Midwest Reliability Organization (MRO) and Midcontinent Independent System Operator (MISO). Dairyland generates electricity by using both fossil-fueled and renewable energy resources to provide safe, reliable, and affordable electricity. Dairyland's power plants have the capability to generate more than 1,038 megawatts (MWs), of which approximately 18 percent is provided from renewable sources (i.e., wind, solar, hydroelectric power, and biomass generation). In addition, Dairyland has power purchase agreements for 207 MWs of wind, 193 MWs of solar, and 78 MWs of hydroelectric energy in Iowa, Illinois, Minnesota, South Dakota, and Wisconsin. Dairyland owns over 3,300 miles of transmission line (34.5 kV and higher) and 232 substations in Minnesota, Wisconsin, Iowa, and Illinois.[1]

II. PROCEDURAL HISTORY

2. On July 30, 2024, Dairyland filed its notice of intent to submit a route permit application for the Project under the alternative permitting procedures of Minn. R. 7850.2800-.3900 in the third quarter of 2024.[2]

3. On August 26, 2024, Dairyland filed the Application for the Project.[3] Applicant also submitted the Notice of Filing of the Application to persons interested in the Project, the Commission's Energy Facilities General List, Local Officials, Tribes, and Property Owners in accordance with Minnesota Rule 7850.2100.[4]

4. On September 5, 2024, the Commission filed a Notice of Comment Period regarding the completeness of the Application, requesting initial comments by September 19, 2024, reply comments by September 26, 2024, and supplemental comments by October 1, 2024. The notice requested comments on whether the Application was complete within the meaning of the Commission's rules; whether the Commission should appoint an advisory task force; whether there were contested issues

[1] Ex. DC-3 at 9-10 (Application).
[2] Ex. DC-1 (Notice of Intent to File under the Alternative Permitting Process).
[3] Ex. DC-3 (Application and Appendices).
[4] Ex. DC-4 (Confirmation of Notice).

of fact with respect to the representations made in the Application; whether the Commission should direct the Executive Secretary to issue an authorization to initiate a State Historic Preservation Office (SHPO) Consultation to the Applicant; and whether there were any other issues or concerns that should be considered.[5]

5. On September 19, 2024, EERA filed its Comments and Recommendations on the Application. EERA recommended that the Commission accept the Application as complete, take no action on an advisory task force, and request a full Administrative Law Judge report with recommendations for the Project's public hearing.[6]

6. On September 25, 2024, Dairyland submitted the Confirmation of Notice Compliance Filing for the Application.[7]

7. On September 26, 2024, Dairyland submitted reply comments concerning Application completeness.[8]

8. On October 8, 2024, the Commission filed the sample route permit for the Project.[9]

9. On October 10, 2024, the Commission issued proposed consent items on the Application for review.[10]

10. On October 15, 2024, the Commission issued an order finding the Application complete; declining to appoint an advisory task force; requesting a full Administrative Law Judge report with findings of fact, conclusions of law, and recommendations for the Project and to conduct the Project's public hearings; and delegating authority to the Executive Secretary to issue an authorization to the Applicant to initiate consultation with the SHPO.[11] The Commission also issued minutes from the October 15, 2024, consent calendar subcommittee meeting.[12]

11. On October 22, 2024, the Commission published the Notice of Public Information and Environmental Assessment (EA) Scoping Meetings scheduling meetings for November 12, 2024 (in-person) and November 13, 2024 (remote-access), opening up a public comment period until December 3, 2024, and requesting responses to five questions regarding the Project: (1) What potential human and environmental impacts of the proposed project should be considered in the EA?; (2) Are there methods to minimize, mitigate, or avoid these impacts that should be studied in the EA?; (3) Are there any alternative routes or route segments that should be studied to mitigate potential impacts associated with the proposed project?; (4) Are there any unique characteristics of the proposed route or the project that should be considered?; and (5) Are there other ways

[5] Ex. PUC-1 (Application Completeness).
[6] Ex. EERA-1 (Comments and Recommendations on Application Completeness).
[7] Ex. DC-4 (Confirmation of Notice).
[8] Ex. DC-5 (Reply Comments on Application Completeness).
[9] Ex. PUC-2 (Sample Permit).
[10] Consent Items (Oct. 10, 2024) (eDocket No. 202410-210860-01).
[11] Ex. PUC-3 (Order).
[12] Minutes – October 15, 2024 Consent (Oct. 15, 2024) (eDocket No. 202410-210962-03).

to meet the stated need for the Project, instead of the proposed transmission line, e.g., a different size or type of facility? If so, what alternatives to the Project should be studied in the EA?[13]

12. On November 13-14, 2024, the Commission and EERA conducted Public Information and Scoping Meetings. Three members of the public provided oral comments at these meetings.[14]

13. On November 25, 2024, Dairyland filed an affidavit of publication and tear sheet from the *Fillmore County Journal* demonstrating that the Notice of Public Information and EA Scoping Meetings was published in the *Fillmore County Journal* on November 4, 2024.[15]

14. On November 27, 2024, the Administrative Law Judge issued an order scheduling a prehearing conference for December 2, 2024.[16]

15. On December 3, 2024, the Minnesota Department of Natural Resources (DNR) filed scoping comments. The DNR letter recommended special permit conditions requiring (1) a Karst Survey Plan and development of a Karst Contingency Plan prior to construction, (2) development of a Calcareous Fen Management Plan in coordination with the DNR; (3) downlit and shielded facility lighting; (4) dust control that avoids products containing calcium chloride or magnesium chloride; and (5) wildlife-friendly erosion control.[17]

16. On December 4, 2024, the Administrative Law Judge filed the first prehearing order establishing a schedule for the proceedings.[18]

17. On December 13, 2024, Dairyland submitted reply comments in response to the comments submitted during the scoping comment period.[19]

18. On December 17, 2024, EERA filed the transcripts from the in-person and the virtual Public Information and EA Scoping Meetings.[20]

19. On December 19, 2024, EERA filed a letter noting that none of the filed comments suggested an alternative route for the Project and recommended that the Commission authorize EERA to include in the scoping decision for the EA solely the route for the Project identified by Dairyland in the Application.[21]

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[13] Ex. PUC-4 (Notice of Public Information and EA Scoping Meeting).
[14] Ex. EERA-2 (Scoping Comments (Nov. 12 & 13, 2024)).
[15] Ex. DC-6 (Affidavit of Publication and Tear Sheet – Public Info and Scoping Meeting).
[16] Order for Prehearing Conference (Oct. 18, 2024) (eDocket No. 202411-212506-01).
[17] DNR Scoping Comments (Dec. 3, 2024) (eDocket No. 202412-212653-01 and 202412-212653-02).
[18] First Prehearing Order – Corrected (Dec. 4, 2024) (eDocket No. 202412-212687-01).
[19] Ex. DC-7 (Reply Comments on Scoping).
[20] Ex. EERA-2 (Scoping Comments (Nov. 12 & 13, 2024)).
[21] Ex. EERA-3 (Scoping Summary and Recommendations)

20. On January 2, 2025, the Commission issued proposed consent items on the Application for review.[22]

21. On January 3, 2025, the Commission filed the approved consent items.[23]

22. On January 7, 2025, the Commission issued an order authorizing EERA to include in the scoping decision for the EA solely the route for the Project identified by Dairyland in the Application.[24]

23. On January 23, 2025, EERA filed the EA Scoping Decision for the Project.[25]

24. On February 12, 2025, EERA filed a letter requesting revisions to the procedural schedule.[26]

25. On February 18, 2025, the Administrative Law Judge issued a second prehearing order establishing a revised schedule for the proceedings.[27]

26. On March 6, 2025, the Commission filed a sample route permit for the Project.[28]

27. On March 20, 2025, the Commission filed a letter authorizing Dairyland to initiate consultation with SHPO pursuant to Minn. Stat. § 138.665.[29]

28. On April 7, 2025, the Commission issued the Notice of Public Hearings and Availability of EA, scheduling a remote-access public hearing on April 22, 2025, via WebEx and an in-person public hearing on April 23, 2025, in Leroy, Minnesota. The Commission also opened a public comment period until May 13, 2025, and requested responses to the following questions: (1) Should the Commission grant a route permit for the proposed project? and (2) If granted, what additional conditions or requirements, if any, should be included in the route permit? The comment period remained open until May 13, 2025.[30]

29. On April 8, 2025, Dairyland filed the Direct Testimony of Yvonne Gildemaster with Schedules A and B.[31]

30. On April 11, 2025, EERA filed the EA for the Project.[32]

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[22] Consent Items (Jan. 2, 2025) (eDocket No. 20251-213484-01).
[23] Approved Consent Items (Jan. 2, 2025) (eDocket No. 20251-213524-01).
[24] Ex. PUC-5 (Order).
[25] Ex. EERA-4 (Scoping Decision).
[26] Ex. EERA-5 (Letter to ALJ).
[27] Second Prehearing Order (Feb. 18, 2025) (eDocket No. 20252-215446-01).
[28] Sample Route Permit (March 6, 2025) (eDocket No. 20253-216144-01).
[29] Ex. PUC-6 (Authorization Consultation).
[30] Ex. PUC-7 (Notice of Public Hearings and Availability of EA).
[31] Ex. DC-8 (Direct Testimony of Yvonne Gildemaster and Schedules A and B).
[32] Ex. EERA-6 (EA).

31. On April 17, 2025, Dairyland filed a proposed combined exhibit list for Dairyland, EERA, and the Commission.[33]

32. On April 17, 2025, Dairyland filed comments on the EA and Draft Route Permit.[34]

33. Also on April 17, 2025, Dairyland filed an affidavit of publication and tear sheet from the *Fillmore County Journal* demonstrating that the Notice of Public Hearings and Availability of EA was published in the *Fillmore County Journal* on April 7, 2025.[35] The Notice of Public Hearings and Availability of EA was also published in the EQB Monitor.[36]

34. On April 22, 2025, the Commission filed the public hearing presentation.[37]

35. On April 22, 2025, Administrative Law Judge Todnem presided over a remote public hearing held via Webex. One member of the public provided oral comments at the remote public hearing.[38]

36. On April 23, 2025, Administrative Law Judge Todnem presided over a public hearing held at the Leroy Community Center in Leroy, Minnesota. Four members of the public provided oral comments at this public hearing.[39]

37. Through the close of the public comment period on May 13, 2025, written comments were filed by Corey Prins (on behalf of Guardian Charitable Trust),[40] Lisa Sauder (on behalf of Guardian Charitable Trust),[41] DNR,[42] and EERA on behalf of the interagency Vegetation Management Planning Working Group (VMPWG).[43]

38. On May 27, 2025, Dairyland filed comments in response to the written and oral public comments offered during the public hearing comment period ending on May 13, 2025.[44]

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[33] Proposed Combined Exhibit List (April 17, 2025) (eDocket No. 20254-217845-01).
[34] Ex. DC-10 (Comments on EA).
[35] Ex. DC-9 (Confirmation of Published Notice of Public Hearings).
[36] EQB Monitor Publication (May 1, 2025) (eDocket No. 20255-218504-01).
[37] Public Hearing Presentation (Apr. 22, 2025) (eDocket No. 20254-217998-01).
[38] WebEx 12:00 p.m. Public Hearing Transcript (Tr.) (Apr. 22, 2025).
[39] Leroy 6:00 p.m. Public Hearing Tr. (Apr. 23, 2025).
[40] Public Comment (May 2, 2025) (eDocket No. 20255-218547-01). A duplicate of this comment was filed on May 19, 2025. *See* Public Comment (May 19, 2025) (eDocket No. 20255-219060-01).
[41] Public Comment (May 19, 2025) (eDocket No. 20255-219058-01).
[42] DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02).
[43] VMPWG Comment (May 14, 2025) (eDocket No. 20255-218897-01).
[44] Ex. DC-11 (Response to Public Comments).

III. DESCRIPTION OF THE PROJECT

A. Project Summary

39. Dairyland is developing the 161 kV Beaver Creek Transmission Line Project, which is a transmission project that extends from the intersection of the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line and 171st Avenue in York Township, Minnesota, crosses the Minnesota-Iowa border at the southern border of York Township, and continues to a new proposed switchyard in Chester Township, Howard County, Iowa. Approximately 3.5 miles of the Beaver Creek Transmission Line Project are located in Minnesota (the portion located in Minnesota is referred to as the Project).[45]

40. In Minnesota, Dairyland proposes to construct and operate approximately 3.5 miles of new 161 kV HVTL and associated facilities in Fillmore County, Minnesota. Dairyland identified a Proposed Alignment[46] that follows an approximately 3.5-mile route starting at the intersection of Dairyland's existing 161 kV LQ8A Harmony to Beaver Creek Tap Line and 171st Avenue in York Township, continuing southerly along the easterly side of 171st Avenue for approximately 1.0 mile, then for 0.25 mile continuing southwesterly and then southeasterly transitioning to the westerly side of 171st Avenue and then returning to the easterly side of 171st Avenue, and finally continuing southerly along the easterly side of 171st Avenue for an additional 2.25 miles to the Minnesota and Iowa border, at the southern border of York Township.[47]

41. The Project will involve installation of 75- to 140-foot-high monopole steel structures placed 300 to 1,000 feet apart within a 100-foot-wide right-of-way (ROW) easement that Dairyland will obtain to operate the Project.[48]

42. Additional temporary workspace (ATWS) beyond the 100-foot-wide ROW may be required at certain locations, such as road or railroad intersections, utility crossings, along steep slopes, and at stringing locations. In addition, there will be temporary staging of materials such as structures and hardware along the ROW prior to construction installation. Dairyland will avoid the placement of ATWS in wetlands and near waterbodies as practicable.[49]

B. Overview of Project Need

43. The Project was identified as part of the 2017 August West Area Midcontinent Independent System Operator (MISO) Generation Interconnection Study as being needed to allow the proposed generators studied in the 2017 August West Area

[45] Ex. DC-8 at 1 (Direct Testimony of Yvonne Gildemaster and Schedules A and B) and Ex. DC-3 at 11-12 (Application).
[46] The term Proposed Alignment is used to refer to the location of the transmission line and transmission structures (otherwise known as the centerline) within the ROW. *See* Ex. DC-3 at 7 (Application).
[47] Ex. DC-8 at 1, 4 (Direct Testimony of Yvonne Gildemaster and Schedules A and B) and Ex. DC-3 at 11-12 (Application).
[48] Ex. DC-3 at 12, 21 (Application) and Ex. DC-8 at 3-4 (Direct Testimony of Yvonne Gildemaster and Schedules A and B).
[49] Ex. DC-3 at 20 (Application).

Study Cycle to interconnect to the transmission system, to mitigate negative impacts to the thermal and voltage performance of the regional transmission system, and to increase the capability of proposed generators in future MISO study cycles to be interconnected to the transmission system. Accordingly, Dairyland proposes the northern endpoint in York Township based on current MISO queue requests for renewable generation in that area, along with the renewable resources generally available in that region. As detailed in the MISO report, the Project is needed for the generation project studied to interconnect.[50]

44. The Project is exempt from certificate of need requirements pursuant to Minn. Stat. § 216B.243, subd. 2(3) because the proposed Project is a 161 kV transmission line with less than ten miles of its length in Minnesota.[51]

C. Transmission Line Structures and Conductors

45. The majority of the new 161 kV transmission line will consist of single circuit monopole steel structures spaced approximately 300 to 1,000 feet apart. Transmission structures will typically range in height from 75 to 140 feet above ground, depending upon the terrain and environmental constraints. The average diameter of the steel structures at ground level is 37 inches. Poles will be oriented in a delta configuration (one overhead ground wire at the top, two phases on one side and a single phase on the other) supported by suspension insulators at tangent structures and strain insulators at tension structures (i.e., dead-end structures). All tangent poles with a line angle of two degrees or less will be directly embedded in the soil and are referred to as "tangent poles;" the typical depth of direct embedment is ten percent of the pole height plus two feet. Any structure with a line angle of greater than two degrees will be supported on a drilled shaft concrete foundation. A dead-end structure is used to change direction and/or wire tension on a transmission line. Dead-end structures are also used as a "storm structure" to limit the number of structures damaged by a cascading effect due to higher line tensions when a pole is knocked down by a storm. Dead-end structures will be steel on concrete foundation structures. Foundation depths are dependent upon geotechnical data and final design.[52]

46. At the starting point of the Project, an existing structure along Dairyland's existing 161 kV LQ8A Harmony to Beaver Creek Tap Line will be removed and replaced with a new interconnecting structure for the Project. New conductors are to run from this structure to the south along the Proposed Alignment.[53]

47. The single circuit structures will have three single conductor phase wires and one shield wire. It is anticipated that the phase wires will be 795 thousand circular mil

[50] *See* Ex. DC-8 at 3 (Direct Testimony of Yvonne Gildemaster and Schedules A and B) and Ex. DC-3 at 9, 12 (Application).
[51] Ex. DC-3 at 15 (Application).
[52] Ex. DC-3 at 21, 24 (Application).
[53] Ex. DC-8 at 4 (Direct Testimony of Yvonne Gildemaster and Schedules A and B).

aluminum conductor steel supported (795 Drake ACSS) or a conductor with similar capacity. The shield wire will be 0.607-inch diameter optical ground wire.[54]

48. MiEnergy has an existing 12.47 kV overhead distribution line along 171st Avenue from County State Aid Highway (CSAH) 44 to the Iowa state line. Dairyland is coordinating with MiEnergy regarding the distribution lines. Dairyland will coordinate with MiEnergy, which Dairyland understands that MiEnergy plans to bury the distribution lines where they will be overtaken by the Project. The burial of the distribution lines will be undertaken by MiEnergy and will not be conducted or directed by Dairyland. Dairyland will be responsible for reimbursing MiEnergy for costs incurred to bury its distribution lines where necessary.[55]

D. Right-of-Way and Route Width

49. The ROW is the physical land area along the Proposed Alignment (centerline) that is needed to construct and operate the Project; this is the area that will be under easement for the Project and maintained by Dairyland. Dairyland requests that the Route Permit authorize a 100-foot-wide ROW for the Project. The 100-foot-wide ROW easement is typically centered on the Proposed Alignment (or 50 feet on either side of the transmission line). Additional temporary workspace beyond the 100-foot-wide ROW may be required at certain locations and for temporary construction activities.[56]

50. Dairyland requests that the Route Permit authorize a Route Width of 500 feet. However, Dairyland also requests a variable wider route width (up to 1,320 feet wide) for specific portions of the route to consider existing infrastructure, mitigate potential engineering challenges, and/or to facilitate any necessary realignments/modifications to accommodate agency and/or landowner requests. Specifically, Dairyland requests a variable width where the line transitions to the west side of 171st Avenue to allow flexibility in routing around existing homes, buildings and features along the township road.[57]

E. Project Costs

51. Estimated costs for the Project are approximately $4 million (2020 dollars). Costs and tasks are divided into six phases: permitting, land acquisition and ROW, design and engineering, procurement of materials, construction costs, and contingency. If the Commission selects a route other than the Applicant's Proposed Route or imposes non-standard construction conditions, the Project cost estimates may change. These cost estimates assume that the Applicant will pay prevailing wages for applicable positions for the construction of the Project. All capital costs for the Project will be initially borne by

[54] Ex. DC-3 at 25 (Application).
[55] *See* Ex. DC-11 at 5 (Response to Public Comments), Ex. EERA-6 at 33 (EA), and Ex. DC-3 at 12-13 (Application).
[56] Ex. DC-3 at 20 (Application) and Ex. DC-8 at 3-4 (Direct Testimony of Yvonne Gildemaster and Schedules A and B).
[57] Ex. DC-3 at 20 (Application).

Dairyland; however, these costs will be reimbursed to Dairyland by the owner of the generator identified in MISO's Generation Interconnection Process.[58]

F. Project Schedule

52. Dairyland anticipates commencing construction of the Project as early as First Quarter 2026. The start of construction is dependent on the receipt of all required permits and approvals. Dairyland anticipates that the Project will be energized by the end of Third Quarter 2027.[59]

G. Permittee

53. The permittee for the Project is Dairyland.[60]

IV. ROUTES EVALUATED

A. Applicant's Proposed Route

54. The Applicant's Proposed Route begins at the intersection of Dairyland's existing 161 kV LQ8A Harmony to Beaver Creek Tap Line and 171st Avenue in York Township in Fillmore County, Minnesota. At the starting point of the Project, an existing structure along Dairyland's existing 161 kV LQ8A Harmony to Beaver Creek Tap Line will be removed and replaced with a new interconnecting structure for the Project. The Proposed Route continues southerly along the easterly side of 171st Avenue for approximately 1.0 mile, then for 0.25 mile continues southwesterly and then southeasterly transitioning to the westerly side of 171st Avenue and then returns to the easterly side of 171st Avenue, and finally continues southerly along the easterly side of 171st Avenue for an additional 2.25 miles to the Minnesota and Iowa border, at the southern border of York Township.[61]

55. The Project will not be constructed within existing utility right-of-way; however, it will be co-located with existing utility (distribution lines) and/or road right-of-way for the Project's entire approximately 3.5-mile length in Minnesota (or 100 percent of the Proposed Alignment).[62] Specifically, the Project is co-located with existing road right-of-way for its entire length and is co-located with a MiEnergy distribution line for approximately two miles (from CSAH 44 south until 110th Street).[63]

56. Where the transmission line parallels roads, the transmission line structures are typically installed one to ten feet outside of road right-of-way, resulting in

[58] Ex. DC-3 at 25-26 (Application).
[59] *See* Ex. DC-8 at 4 (Direct Testimony of Yvonne Gildemaster and Schedules A and B); Ex. DC-10 at 2 (Comments on EA).
[60] Ex. DC-3 at 11 (Application).
[61] Ex. DC-8 at 4 (Direct Testimony of Yvonne Gildemaster and Schedules A and B) and Ex. DC-3 at 19 (Application).
[62] Ex. DC-3 at 20 (Application).
[63] Ex. EERA-6 at 61-62 (EA); Ex. DC-3 at 19 (Application).

approximately 55 feet of transmission line ROW needed outside of the road right-of-way.[64]

B. Other Routes Evaluated by Applicant

57. Minn. Stat. § 216E.04, subd. 3, (2023) and Minn. R. 7850.3100 require an applicant to identify any alternative routes that were considered and rejected for the Project.

58. Prior to submitting the Application, Dairyland evaluated and rejected one alternative route for the Project. The alternative route started at the intersection of the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line and 161st Avenue, following 161st Avenue south for 0.5 miles then continuing south along field lines and the Beaver and York Township border for three miles before crossing into Iowa. Dairyland considered and rejected this alternative route because it would cause greater land disturbance impacts and greater impacts to agricultural operations because it is not along an existing road. The alternative route also offers one mile less geographic isolation between lines carrying capacity of new wind generation that is to be interconnected, and would be more difficult and costly to construct.[65]

C. Alternatives Analyzed in the EA

59. During the EA scoping period, no route alternatives or route segment alternatives were proposed for evaluation in the EA.

60. Because the Commission issued an order on January 7, 2025, accepting Dairyland's Proposed Route for the Project as the sole routing alternative included in the scoping decision for the EA, the EA did not analyze any alternative routes.[66]

V. SUMMARY OF PUBLIC COMMENTS

61. During the in-person public information and environmental review scoping meeting held on November 12, 2024, three members of the public provided oral comments. Commenters asked questions about the transmission line structure design and foundations, plans related to existing transmission lines, the status of permitting in Iowa, and the construction timeline for the Project. Dairyland responded to questions at the public meeting, as applicable .[67]

[64] Ex. DC-3 at 20 (Application).
[65] Ex. DC-3 at 30 (Application).
[66] *See* Ex. PUC-5 (Order) and Ex. EERA-4 (Scoping Decision).
[67] *See* Leroy 6:00 p.m. Public Scoping & Information Meeting Tr. at 17, 19, 22, 23, and 25 (Nov. 12, 2024); *see also* Ex. EERA-2 (Scoping Comments (Nov. 12 & 13, 2024)).

62. No members of the public attended or spoke during the remote-access public information and environmental review scoping meeting held on November 13, 2024.[68]

63. During the scoping comment period ending December 3, 2024, DNR submitted written comments.[69] EERA completed its environmental assessment scoping process and submitted comments on December 19, 2024. EERA did not recommend any route alternatives or route segment alternatives for study.[70]

64. DNR submitted comments regarding karst, calcareous fen, lighting, dust control, and wildlife-friendly erosion control. DNR also included a copy of the Natural Heritage Review letter for the Project, dated May 24, 2024. DNR recommended a special condition requiring a Karst Survey Plan and the development of a Karst Contingency Plan prior to construction. DNR also recommended a special condition requiring the permittee to work with DNR to determine if the Project will impact any calcareous fens, and if yes, requiring the permittee to develop a Calcareous Fen Management Plan in coordination with DNR, as specified in Minn. Stat. § 103G.223. DNR also recommended a special condition requiring the use of shielded and downward facing lighting and lighting that minimize blue hue. DNR also recommended a special condition requiring the permittee to avoid products containing calcium chloride or magnesium chloride. Finally, DNR recommended including a special condition requiring the permittee to limit erosion control blankets to bio-netting or natural netting types.[71]

65. EERA filed a summary of the scoping period process and recommendations, noting that no commenters suggested an alternative route or route segments for the Project. EERA recommended that the Commission authorize EERA to include in the scoping decision only the route for the Project identified by Dairyland in the Application.[72]

66. On December 13, 2024, Dairyland filed comments in response to the public comments made at the public information and environmental review scoping meeting and filed during the scoping comment period. Dairyland stated that it did not object to several recommendations for special conditions to analyze in the EA made by DNR but noted that the special condition on facility lighting recommended by DNR is not necessary because the Project does not include a substation or facilities associated with a substation in Minnesota and therefore does not require lighting.[73]

67. On April 22 and 23, 2025, Administrative Law Judge Todnem presided over public hearings on the Application for the Project via remote means and in-person,

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[68] *See* WebEx 6:00 p.m. Public Scoping & Information Meeting Tr. (Nov. 13, 2024); *see also* Ex. EERA-2 (Scoping Comments (Nov. 12 & 13, 2024)).
[69] DNR Scoping Comment at 1 (Dec. 3, 2024) (eDocket Nos. 202412-212653-01 and 202412-212653-02).
[70] Ex. EERA-3 (Scoping Summary and Recommendations).
[71] DNR Scoping Comments (Dec. 3, 2024) (eDocket Nos. 202412-212653-01 and 202412-212653-02).
[72] Ex. EERA-3 (Scoping Summary and Recommendations).
[73] Ex. DC-7 (Reply Comments on Scoping).

respectively.[74] One member of the public provided oral comments at the remote public hearing,[75] and four members of the public provided oral comments at the in-person public hearing. Public comments focused on impacts to nearby residences, impacts to farmland, alternative routes, the width of the proposed ROW easement, restoration following construction, location of transmission structures and foundation sizes, plans related to existing transmission lines, stream crossings, and impacts to public roads during construction. Dairyland responded to questions at the public hearings.[76]

68. The written public comment period remained open through May 13, 2025. Written comments were submitted by two members of the public,[77] DNR,[78] and EERA on behalf of the interagency VMPWG.[79]

69. Corey Prins (on behalf of Guardian Charitable Trust) and Lisa Sauder (on behalf of Guardian Charitable Trust) submitted written comments expressing concerns regarding potential impacts to residences and farmland.[80] Mr. Prins's comment also expressed confusion as to why no alternative routes were presented to the public. Mr. Prins's comment included a map of the alternative route previously considered but rejected by Dairyland, as discussed in the Application, and requested that the alternative route be approved instead of the Proposed Route.[81]

70. On May 13, 2025, DNR filed written comments and a Natural Heritage Review letter dated May 24, 2024. DNR recommended a special condition requiring the permittee to comply with applicable requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minn. Stat. § 84.0895) and associated Rules (Minn. R. 6212.1800 to 6212.2300 and ch. 6134). DNR also requested a special permit condition requiring the Applicant to work with DNR to determine if any impacts to calcareous fens will occur during any phase of the Project, and if the Project is anticipated to impact any calcareous fens, requiring the Applicant to develop a Calcareous Fen Management Plan in coordination with the DNR, as specified in Minn. Stat. § 103G.223. DNR recommended a special condition requiring a Karst Survey Plan and the development of a Karst Contingency Plan prior to construction. DNR recommended a special condition requiring the permittee to avoid products containing calcium chloride or magnesium chloride. Finally, DNR recommended

[74] WebEx 12:00 p.m. Public Hearing Tr. (Apr. 22, 2025) and Leroy 6:00 p.m. Public Hearing Tr. (Apr. 23, 2025).
[75] WebEx 12:00 p.m. Public Hearing Tr. (Apr. 22, 2025).
[76] *See* WebEx 12:00 p.m. Public Hearing Tr. (Apr. 22, 2025) and Leroy 6:00 p.m. Public Hearing Tr. (Apr. 23, 2025).
[77] Public Comment (May 2, 2025) (eDocket No. 20255-218547-01) and Public Comment (May 19, 2025) (eDocket No. 20255-219058-01).
[78] DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02).
[79] VMPWG Comment (May 14, 2025) (eDocket No. 20255-218897-01).
[80] Public Comment (May 2, 2025) (eDocket No. 20255-218547-01) and Public Comment (May 19, 2025) (eDocket No. 20255-219058-01).
[81] Public Comment (May 2, 2025) (eDocket No. 20255-218547-01).

including a special condition requiring the permittee to limit erosion control blankets to bio-netting or natural netting types.[82]

71. EERA submitted comments on behalf of the interagency VMPWG on the Project's draft Vegetation Management Plan (VMP). EERA recommended multiple revisions to the VMP, including revisions regarding goals and objectives, management, environmental setting and existing conditions, rare and sensitive resources, vegetation clearing, temporary erosion and sediment control best management practices, herbicide application, seed mixes, vegetation management, herbicide use and weed control, and monitoring and inspections.[83]

72. On May 27, 2025, Dairyland filed comments in response to the public comments made at the public hearings and submitted during the public comment. Dairyland also provided comments on recommendations for special conditions. Dairyland stated it remains committed to working with the VMPWG regarding the Project's VMP. Dairyland responded to the DNR's May 13, 2025, comments, stating it does not object to special conditions recommended by DNR and included in the Draft Route Permit related to karst geology, the Northern Long-eared Bat (NLEB), dust control, and wildlife-friendly erosion control. Dairyland also responded to the DNR's recommendation related to a special condition requiring the permittee to comply with applicable requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute and associated rules, noting that although Project-related impacts to state-protected species are not anticipated, it has no objection to a special condition addressing DNR's concerns. Dairyland proposed a special condition addressing state-listed species. Dairyland also responded to DNR's recommendation related to a special condition regarding calcareous fens, noting that although impacts are not anticipated, Dairyland has no objection to a special condition addressing calcareous fens. Dairyland proposed a special condition addressing calcareous fens. Dairyland also responded to comments made by members of the public regarding the Proposed Route, alternative routes, impacts to residences and agricultural land, impacts to roads, and coordination with landowners regarding structure placements. Dairyland also responded to comments by members of the public regarding plans for the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line.[84]

VI. ROUTE PERMIT CRITERIA

73. The Power Plant Siting Act (PPSA), Minn. Stat. ch. 216E, requires that route permit determinations "be guided by the state's goal to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security through efficient, cost-effective power supply and electric transmission infrastructure."[85]

[82] DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02).
[83] VMPWG Comment (May 14, 2025) (eDocket No. 20255-218897-01).
[84] Ex. DC-11 at 6-7 (Response to Public Comments).
[85] Minn. Stat. § 216E.03, subd. 7.

74. Under the PPSA, the Commission must be guided by the following responsibilities, procedures, and considerations:

(1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;[86]

(5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;

(6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;

(7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;

(8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;

(9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;

(10) evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route,

[86] Factor 4 is not applicable because Applicant is not proposing to site a large electric generating plant in this docket.

and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;

(11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved;

(12) when appropriate, consideration of problems raised by other state and federal agencies and local entities;

(13) evaluation of the benefits of the proposed facility with respect to (i) the protection and enhancement of environmental quality, and (ii) the reliability of state and regional energy supplies;

(14) evaluation of the proposed facility's impact on socioeconomic factors; and

(15) evaluation of the proposed facility's employment and economic impacts in the vicinity of the facility site and throughout Minnesota, including the quantity and quality of construction and permanent jobs and their compensation levels. The commission must consider a facility's local employment and economic impacts, and may reject or place conditions on a site or route permit based on the local employment and economic impacts.[87]

75. In addition, Minn. Stat. § 216E.03, subd. 7(e) (2023), provides that the Commission "must make specific findings that it has considered locating a route for a high-voltage transmission line on an existing high-voltage transmission line route and the use of parallel existing highway ROW and, to the extent those are not used for the route, the [C]omission must state the reasons."

76. In addition to the PPSA, the Commission is governed by Minn. R. 7850.4100, which mandates consideration of the following factors when determining whether to issue a route permit for a HVTL:

A. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;

B. effects on public health and safety;

C. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;

D. effects on archaeological and historic resources;

[87] Minn. Stat. § 216E.03, subd. 7.

E. effects on the natural environment, including effects on air and water quality resources and flora and fauna;

F. effects on rare and unique natural resources;

G. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;

H. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;

I. use of existing large electric power generating plant sites;[88]

J. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;

K. electrical system reliability;

L. costs of constructing, operating, and maintaining the facility which are dependent on design and route;

M. adverse human and natural environmental effects which cannot be avoided; and

N. irreversible and irretrievable commitments of resources.

77. There is sufficient evidence in this record to assess the Project using the criteria and factors set forth above.

VII. APPLICATION OF ROUTING CRITERIA

A. Effects on Human Settlement.

78. Minnesota law requires consideration of the Project's effects on human settlement, including displacement of residences and businesses, noise created by construction and operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.[89]

1. Displacement.

[88] This factor is not applicable because it applies only to power plant siting.
[89] Minn. R. 7850.4100, subp. A; Minn. Stat. § 216E.03, subd. 7(b).

79. There are no churches, schools, daycares, or nursing homes within the Project ROW. There are no residences or non-residential buildings (e.g., agricultural outbuildings or animal production structures) within the Project ROW.[90]

80. No residences or businesses are anticipated to be displaced by the Project.[91]

2. Land Use and Zoning.

81. Existing land use along the Project is primarily agricultural.[92]

82. The Project is located in York Township in Fillmore County, Minnesota. The closest city to the Project is Chester, Iowa. York Township does not have zoning regulations. Fillmore County has adopted a comprehensive plan and zoning ordinance.[93]

83. According to the Fillmore County Zoning Ordinance, the Project runs entirely through zoning districts classified as agricultural, in which transmission lines are authorized as a permitted use.[94] Potential impacts to local zoning are anticipated to be minimal, as the Project is compatible with agricultural zoning.[95]

84. Land-use impacts are anticipated to be minimal. The Project will be co-located with road ROW for its entire length, which would limit change in land use. Although short-term agricultural impacts may occur, these will be mitigated to the maximum extent possible through restoration and/or compensatory payments to landowners.[96] As discussed in the EA and Application, areas disturbed by construction of the Project will be restored to their original condition to the maximum extent practicable, or as negotiated with the landowner. Additionally, Dairyland has committed to contact landowners after construction is complete to determine if the clean-up measures have been to their satisfaction and if any other damage may have occurred. If damage has occurred, Dairyland will compensate the landowner.[97]

85. The Draft Route Permit contains general conditions addressing preservation and restoration of agricultural land in Sections 5.3.11, 5.3.12, 5.3.13, 5.3.17, 5.3.18, and 5.3.21.

3. Noise.

86. The Minnesota Pollution Control Agency (MPCA) has established standards for the regulation of noise levels. The most restrictive MPCA noise limits are

[90] Ex. EERA-6 at 52 (EA).
[91] Ex. DC-3 at 43 (Application); *see also* Ex. EERA-6 at 52 (EA).
[92] *See* Ex. EERA-6 at 77 (EA) and Ex. DC-3 at 52 (Application).
[93] Ex. EERA-6 at 47-48 (EA) and Ex. DC-3 at 51-52 (Application).
[94] *See* Ex. EERA-6 at 47-48 (EA) and Ex. DC-3 at 52 (Application).
[95] Ex. EERA-6 at 48 (EA).
[96] Ex. EERA-6 at 48 (EA) and Ex. DC-3 at 52-53 (Application).
[97] Ex. EERA-6 at 35 (EA) and Ex. DC-3 at 38-39 (Application).

60–65 A-weighted decibels (dBA) during the daytime and 50–55 dBA during the nighttime.[98]

87. Potential noise impacts from the Project can be grouped into two categories: (1) noise from construction of the transmission line, and (2) noise from operation of the transmission line.[99]

88. During construction of the Project, temporary, localized noise from heavy equipment and increased vehicle traffic is expected to occur along the ROW during daytime hours. Construction noise is generally expected to occur during daytime hours; however, occasionally, there may be construction outside of those hours or on a weekend if needed to accommodate customer schedules, line outages, or if the construction schedule has been significantly impacted due to delays or other factors. Construction noise could temporarily affect residences that are close to the ROW. Any exceedances of the MPCA daytime noise limits would be temporary in nature, and no exceedances of the MPCA nighttime noise limits are expected. Upon completion of construction activities, noise associated with construction equipment will cease.[100]

89. Operational noise levels produced by a 161 kV transmission line are generally less than outdoor background levels and are therefore not usually perceivable. Transmission lines can generate a small amount of sound from corona activity, which is created by the loss of energy from a transmission line, often sounding like buzzing or crackling. Certain weather conditions can increase corona activity, particularly when there is more moisture in the air.[101] However, during heavy rains, the background noise level is usually greater than the noise from the transmission line.[102]

90. Operational noise from the transmission line is anticipated to be minimal and be within the Minnesota noise standards.[103]

91. Section 5.3.6 in the Draft Route Permit addresses noise from the Project.[104]

4. Aesthetics.

92. The Project will be visible along the Proposed Route. Typical pole heights will range from 75 to 140 feet above ground and spans between poles will range from 300 to 1,000 feet.[105]

93. The Project is located in a built environment with existing distribution and transmission lines, highways, and local roads. MiEnergy's existing 12.47 kV overhead distribution line, which runs along a portion of the Proposed Route, has structures ranging

[98] Ex. DC-3 at 45 (Application); Ex. EERA-6 at 53 (EA).
[99] Ex. EERA-6 at 54 (EA).
[100] Ex. EERA-6 at 54 (EA) and Ex. DC-3 at 45, 47 (Application).
[101] *See* Ex. EERA-6 at 54 (EA) and Ex. DC-3 at 46 (Application).
[102] Ex. EERA-6 at 54 (EA).
[103] *See* Ex. EERA-6 at 54 (EA) and Ex. DC-3 at 46-47 (Application).
[104] Ex. EERA-6 at Appendix E (EA).
[105] Ex. EERA-6 at 42 (EA) and Ex. DC-3 at 41 (Application).

between 25 and 30 feet in height. The new structures that will be installed for the Project range between 75 to 140 feet in height, around 50 to 110 feet taller than the existing MiEnergy structures. The Applicant understands MiEnergy plans to bury this distribution line; this will be a separate undertaking by MiEnergy.[106]

94. The visual impacts from ROW clearing and construction activities in close proximity to roads, while temporary in nature, is unavoidable.[107] Tree clearing along the ROW will be necessary where the Route crosses vegetated fence lines; however, Dairyland will minimize permanent impacts to the aesthetics and visual character of the Project area by avoiding and/or minimizing tree clearing and avoiding residential areas to the maximum extent practicable. Tree clearing is anticipated to be limited to fence rows and trees located along 171st Avenue.[108]

95. The visual effect experienced from the Project will depend largely on the perceptions of the observers across the area of the Proposed Route. The Project will create an additional visual element in the vicinity; the degree to which the transmission line will be visible will vary by location. The viewer's degree of discernible detail decreases as the physical distance from an object increases. The Proposed Route will follow existing roadway ROW, which mitigates aesthetic impacts. The Applicant's Proposed Route was developed to avoid proximity to residences, with no residences located within the ROW. There are six residences within 1,000 feet of the Project, with the closest residences located between 50 and 250 feet of the alignment. Aesthetic impacts are anticipated to be minimal to moderate. [109]

96. Aesthetic impacts cannot be fully avoided. Dairyland is committed to working with landowners on pole placement.[110]

97. The Draft Route Permit has a general condition in section 5.3.7 that addresses the potential visual impacts from the Project.

5. Property Values.

98. Impacts to property values in proximity to the Project are anticipated to be minimal and no significant negative effects to property values are anticipated.[111]

6. Cultural Values.

99. Impacts to cultural values are anticipated to be minimal related to the Project. The Project will not adversely impact the work of residents that underlie the area's

[106] *See* Ex. DC-11 at 5 (Response to Public Comments), Ex. EERA-6 at 42 (EA), and Ex. DC-3 at 41-42 (Application).
[107] Ex. EERA-6 at 46 (EA).
[108] Ex. DC-3 at 42 (Application) and Ex. EERA-6 at 46 (EA).
[109] *See* Ex. DC-3 at 41-42 (Application) and Ex. EERA-6 at 42-46 (EA).
[110] *See* Leroy 6:00 p.m. Public Hearing Tr. at 18 (Apr. 23, 2025) and Ex. DC-3 at 44 (Application).
[111] *See* Ex. EERA-6 at 46-47 and Appendix I (EA).

cultural values, nor is it anticipated to adversely impact geographical features that inform these values. Therefore, no mitigation is proposed.[112]

7. Socioeconomics.

100. Although the workforce will ebb and flow over the course of the Project, Dairyland anticipates that approximately 20-30 construction workers (Dairyland employees and contract workers) will be employed during construction over the construction phase of the Project, and Dairyland will utilize union labor. There would be minor short-term positive economic impacts resulting from construction activity and an influx of utility personnel and contractors during construction of the Project. Local businesses have the potential to experience short-term positive economic impacts through the use of the hotels, restaurants, and other services used by contractors during construction. The Project would have some positive impacts on the socioeconomics of the region through the creation of temporary jobs, generation of tax revenue, and providing more reliable electrical service to the surrounding communities.[113]

101. No socioeconomic impacts are anticipated; therefore, no mitigation is proposed.[114]

8. Environmental Justice.

102. Environmental justice (EJ) is the "just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other federal activities that affect human health and the environment."[115]

103. The Project will not create disproportionate or adverse impacts to EJ communities. No EJ impacts are anticipated, and no mitigation is proposed.[116]

9. Electronic Interference.

104. Electronic interference refers to a disturbance in an electronic signal that can impair the proper functioning of an electronic device. Transmission lines do not generally cause interference with radio, television, cellular phone, global position systems (GPS), or other communication signals and reception.[117]

105. Electronic interference from high-voltage transmission lines can impact (interfere with) electronic communications like radios, television and microwave communications in three ways: corona discharge, shadowing/reflection effects, and gap discharge. Corona from transmission line conductors can generate electromagnetic "noise" at the same frequencies that communication signals are transmitted. This noise

[112] Ex. EERA-6 at 55 (EA).
[113] *See* Ex. DC-3 at 39 (Application) and Ex. EERA-6 at 51, 56 (EA).
[114] *See* Ex. EERA-6 at 56 (EA).
[115] Ex. EERA-6 at 56 (EA).
[116] Ex. EERA-6 at 57 (EA).
[117] Ex. EERA-6 at 48, 50-52 (EA).

is not sound, but rather electromagnetic signals that can cause interference with the reception of communications depending on the frequency and strength of the signal. Corona noise dissipates rapidly as the distance increases from the transmission line. Transmission structures can physically block communication signals through a "shadowing" effect. Finally, gap discharge interference with radio and television signals are usually caused by hardware defects or abnormalities on a transmission or distribution line causing small gaps to develop between mechanically connected metal parts. As sparks discharge across a gap, they create the potential for electrical noise, which, in addition to audible noise, can cause interference with radio and television signals. Because gap discharges are a hardware issue, they can be repaired relatively quickly once the issue has been identified.[118]

106. No impacts from electronic interference with radio, television, cellular phones, internet, or GPS units are anticipated.[119] Section 5.4.3 of the Draft Route Permit addresses interference with communication devices.[120]

10. Public Services and Infrastructure.

1) Roadways and Railways.

107. The Project is located in a primarily rural area. The Project runs adjacent to 171st Avenue for approximately 3.5 miles. The Project also intersects multiple roadways, including May Avenue, 110th Street, 120th Street, County Highway 44, and 171st Avenue twice. There are no major highways located adjacent to the Project; the nearest major highways are US Highway 63 and MN Highway 56, which are both located approximately 2.7 miles to the west.[121]

108. The Project will be co-located with road ROW for its entire length.[122]

109. During construction, workers and trucks delivering construction material and equipment will use the existing state, county, and township road system to access the Project. Temporary access and work areas for construction of the transmission line would be along the Project ROW and in some instances may be located outside of the Project ROW. Construction could occasionally cause lanes or roadways to be closed, although these closures would last only for the duration of the construction activity in a particular area.[123]

110. During construction, a temporary, localized increase in local traffic is expected as a result of vehicles delivering materials and bringing personnel to the site. The increase in vehicle traffic will represent a small increase over existing traffic volumes

[118] Ex. EERA-6 at 50-51 (EA).
[119] Ex. EERA-6 at 50-52 (EA).
[120] Ex. EERA-6 at Appendix E (EA).
[121] Ex. EERA-6 at 59 (EA) and Ex. DC-3 at 55 (Application).
[122] Ex. EERA-6 at 61 (EA) and Ex. DC-3 at 55-56 (Application).
[123] Ex. EERA-6 at 61 (EA) and Ex. DC-3 at 55 (Application).

at any given time and location.[124] The increased traffic during construction is anticipated to be minor and temporary; therefore, no mitigation measures are proposed.[125]

111. Section 5.3.14 of the Draft Route Permit requires the permittee to inform road authorities of roads that will be used during construction and acquire necessary permits and approvals for oversize and overweight loads. Dairyland has stated it will work with the appropriate road authorities regarding work within road right-of-way and will obtain all necessary road-related permits and approvals.[126] Additionally, Dairyland has committed to working with the appropriate road authorities to ensure roads used by the Project during construction are repaired to at least preconstruction conditions, at Dairyland's expense.[127]

112. Transmission lines that parallel roads could affect future road expansions or realignments because structures placed along the road ROW might need to be moved to preserve a safe distance between structures and the edge of the expanded roadway. No impacts to roads are anticipated during operation of the Project; negligible traffic increases would occur for maintenance.[128]

113. There are no passenger rail service or rail freight lines near the Project. No impacts to railways are anticipated.[129]

2) Public Utilities.

114. Electric utility service near the Project is provided by MiEnergy. Natural gas services near the Project are provided by Minnesota Energy and Tri-County Electric Cooperative. An AMOCO bulk petroleum transportation pipeline, running northwest-southeast, is located approximately 0.6 miles east of the Project. Potable water is supplied to the Project primarily by local wells.[130] The Project does not cross any known pipeline rights-of-way or existing high voltage transmission lines.[131]

115. The Project will be co-located with a MiEnergy 12.47 kV distribution line for approximately two miles, from CSAH 44 south until 110th Street. This distribution line is currently above ground.[132] Dairyland is coordinating with MiEnergy regarding the distribution lines. Dairyland understands that MiEnergy plans to bury the distribution lines where they will be overtaken by the Project. The burial of the distribution lines will be undertaken by MiEnergy and will not be conducted or directed by Dairyland. Dairyland will continue to coordinate with MiEnergy and a final schedule for activities related to the distribution lines will be determined based on coordination with MiEnergy.[133] Dairyland

[124] Ex. EERA-6 at 61-62 (EA).
[125] Ex. EERA-6 at 62 (EA).
[126] Ex. EERA-6 at 61 (EA) and Ex. DC-3 at 55-56 (Application).
[127] Ex. DC-11 at 6 (Response to Public Comments).
[128] *See* Ex. EERA-6 at 61-62 (EA).
[129] Ex. EERA-6 at 59, 61 (EA).
[130] Ex. EERA-6 at 62 (EA).
[131] Ex. EERA-6 at 62 (EA).
[132] Ex. EERA-6 at 62 (EA); Ex. DC-3 at 12-13 (Application).
[133] Ex. DC-11 at 5 (Response to Public Comments).

will be responsible for reimbursing MiEnergy for costs incurred to bury their distribution lines where deemed necessary related to the Project.[134]

116. Impacts to public utilities are anticipated to be minimal.[135] No notable disruptions to electrical service are anticipated as a result of the Project. Dairyland has stated it will work with MiEnergy to minimize impacts to the existing distribution lines that are located along 171st Avenue. Additionally, Dairyland has stated it does not anticipate construction of the Project will cause any distribution outages that will influence service in the Project area.[136] Additionally, Dairyland has indicated it will use the Gopher State One-Call system to locate and mark all underground utilities to avoid potential impacts.[137]

117. Section 5.3.4 of the Draft Route Permit requires the permittee to minimize disruptions to public services and utilities.[138]

3) Emergency Services.

118. No impacts to emergency services are anticipated. Thus, no mitigation measures are proposed.[139]

4) Airports.

119. There are no Federal Aviation Administration airports, public airports, or private airports located within one mile of the Project. No impacts to airports are anticipated; therefore, no mitigation measures are proposed.[140]

B. Effects on Public Health and Safety.

120. Minnesota law requires consideration of the Project's potential effect on health and safety.[141]

1. Electric and Magnetic Fields (EMF).

121. There are no federal regulations regarding allowable electric or magnetic fields produced by transmission lines in the United States.[142]

122. The Commission has historically imposed a maximum electric field limit of eight kV per meter (kV/m) on the ROW. The Commission has not adopted a standard for

[134] Ex. EERA-6 at 62 (EA); Ex. DC-3 at 12-13 (Application).
[135] Ex. EERA-6 at 62 (EA).
[136] Ex. EERA-6 at 62 (EA) and Ex. DC-3 at 55 (Application).
[137] Ex. EERA-6 at 62 (EA).
[138] Ex. EERA-6 at Appendix E (EA).
[139] Ex. EERA-6 at 63 (EA).
[140] Ex. EERA-6 at 63 (EA).
[141] Minn. R. 7850.4100, subp. B; Minn. Stat. § 216E.03, subd. 7(b)(1).
[142] Ex. EERA-6 at 65 (EA)

magnetic fields,[143] but has noted the Florida (a 150-milliGauss (mG) limit) and New York (a 200-mG limit) state standards.[144]

123. The highest calculated electric field associated with the Project is anticipated to be 0.39 kV/m at one meter above ground level.[145] The highest modeled magnetic field (MF) associated with the Project under expected peak rated conditions is 49.16 mG at one meter above ground level.[146] The strength of the electric and magnetic fields decreases with distance.[147] Because the actual power flow on a transmission line could potentially vary throughout the day depending on electric demand, the actual MF level could also vary widely from hour to hour. The typical magnitude of the MF associated with the proposed transmission line is expected to be well below the calculated intensity at the expected peak rated loading.[148]

124. The electrical field levels are expected to be well below the Commission's limits. Additionally, comparing magnetic field levels associated with common electrical appliances with those associated with the Project, the magnetic field levels appear in line with those the public are exposed to at home and work.[149]

125. No adverse health impacts or permanent impacts on implantable medical devices are anticipated as a result of the Project.[150]

126. Impacts to public health and safety resulting from EMF are not expected.[151]

127. The Draft Route Permit contains grounding and electric field requirements in Sections 5.4.1 and 5.4.2, respectively.[152] These standard conditions are routinely included in the Commission's transmission line route permits to avoid and minimize potential stray voltage, induced voltage, and electric field impacts of new transmission lines.

2. Stray Voltage.

128. Stray voltage is generally associated with distribution lines. The Project – a transmission line – does not create stray voltage as it does not directly connect to businesses, residences, or farms. Impacts to residences, businesses, or farms resulting from stray voltage are not anticipated.[153] The Draft Route Permit contains grounding and electric field requirements in Sections 5.4.1 and 5.4.2, respectively.

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[143] Ex. EERA-6 at 65-66 (EA).
[144] *See* Ex. DC-3 at 61 (Application) and Ex. EERA-6 at 66 (EA).
[145] Ex. EERA-6 at 66-67 (EA).
[146] Ex. DC-3 at 61-62 (Application).
[147] Ex. EERA-6 at 64 (EA).
[148] Ex. DC-3 at 61 (Application).
[149] Ex. DC-3 at 61 (Application).
[150] Ex. EERA-6 at 67-68 (EA).
[151] Ex. EERA-6 at 67 (EA).
[152] Ex. EERA-6 at Appendix E (EA).
[153] *See* Ex. EERA-6 at 68 (EA) and Ex. DC-3 at 57-58 (Application).

3. Induced Voltage.

129. Impacts due to induced voltage are not anticipated to occur because of the operation of the Project. The Project may induce a voltage on metal objects near the transmission line ROW; however, the Commission requires that transmission lines be constructed and operated to meet National Electric Safety Code (NESC) standards as well as the Commission's own electric field limit of 8.0 kV/m, reducing these impacts. Therefore, no mitigation is proposed.[154] The Draft Route Permit contains grounding and electric field requirements in Sections 5.4.1 and 5.4.2, respectively. Section 5.5.1 of the Draft Route Permit requires the permittee to design the Project to meet or exceed all relevant local and state codes, the NESC, and North American Electric Reliability Corporation requirements.[155]

C. Effects on Land-Based Economies.

130. Minnesota law requires consideration of the Project's impacts to land-based economies—specifically, agriculture, forestry, tourism, and mining.[156]

1. Agriculture.

131. Some agricultural land may be temporarily removed from production during Project construction. Construction of the proposed transmission structures will require repeated access to structure locations for pole installation and line-stringing. Operation of vehicles used in the construction process on adjoining farm fields can cause rutting and soil compaction, particularly during springtime and other wet periods. Permanent impacts will occur where transmission structures are placed.[157]

132. The Project will convert a minimal amount of prime farmland and agricultural land to an industrial use through permanent impacts resulting from the placement of transmission line structures within agricultural fields. Once construction is complete, agricultural production within the ROW may resume.[158]

133. It is anticipated that additional temporary workspace (ATWS) outside the Project ROW may be required. The Applicant will work with local landowners to lease the space by agreement with the respective landowner(s), remove and properly dispose of all material and debris, and repair all damages and perform restoration, as necessary.[159]

134. The Project is not expected to significantly affect agricultural operations. Impacts are anticipated to be minor during the construction and operation phases of the Project. The Project has been designed to minimize impacts to agricultural operations by following existing roadway right-of-way for its entire length.[160] Additionally, Dairyland will

[154] Ex. EERA-6 at 68-69 (EA).
[155] Ex. EERA-6 at Appendix E (EA).
[156] Minn. R. 7850.4100, subp. C; Minn. Stat. § 216E.03, subd. 7(b)(5).
[157] Ex. EERA-6 at 80 (EA) and Ex. DC-3 at 69 (Application).
[158] *See* Ex. EERA-6 at 80 (EA) and Ex. DC-3 at 69-70 (Application).
[159] Ex. DC-3 at 70 (Application).
[160] Ex. EERA-6 at 80 (EA).

implement measures to minimize impacts to soils, including soil compaction. Further, Dairyland has stated it will compensate landowners for any crop damage or loss and soil compaction that may occur during construction.[161]

2. Forestry.

135. There are no known forested lands or forestry operations within the Project ROW. As a result, construction and operation of the Project would not affect forestry resources, and no mitigation is proposed.[162]

3. Mining.

136. There are no known mining operations within the Project ROW. As a result, construction and operation of the Project would not affect mining, and no mitigation is proposed.[163]

4. Recreation and Tourism.

137. Recreation and tourism opportunities in the Project vicinity are minimal, consisting of the Cherry Grove Wildlife Management Area, the Cherry Grove Blind Valley Scientific and Natural Area, and one golf course. The Cherry Grove Wildlife Management Area, Cherry Grove Blind Valley Scientific and Natural Area, and golf course are all located more than one mile from the ROW. There are no Aquatic Management Areas, county parks or trails, local parks or trails, scenic byways, snowmobile trails, state forests, state parks, or State Game Refuges located within the Project area.[164]

138. No notable impacts to recreation and tourism are anticipated. If impacts do occur due to temporary disturbances from construction activities, such impacts are anticipated to be minimal and temporary in nature, lasting only for the duration of construction.[165]

D. Effects on Archaeological and Historic Resources.

139. Minnesota law requires consideration of the effects of the Project on historic and archaeological resources.[166]

140. A Phase Ia Cultural Resources Literature Search was completed for the Project, encompassing the Proposed Alignment and a one-mile buffer (0.5-mile buffer on either side). No previously identified archaeological sites or historical cemeteries were identified. Eight previously recorded architectural properties (SHPO-inventoried properties) were identified; three of these properties are located within the Project ROW and the remaining five properties are located outside of the Proposed Route. None of the

[161] *See* Ex. EERA-6 at 80 (EA) and Ex. DC-3 at 69-70 (Application).
[162] Ex. EERA-6 at 80-81 (EA).
[163] Ex. EERA-6 at 81 (EA).
[164] Ex. EERA-6 at 81, 83 (EA).
[165] Ex. EERA-6 at 83 (EA).
[166] Minn. R. 7850.4100, subp. D; Minn. Stat. § 216E.03, subd. 7.

inventoried architectural properties have been evaluated for listing on the National Register of Historic Places.[167] The Phase Ia Cultural Resources Literature Search was provided to SHPO in June 2024. SHPO provided a response letter dated August 2, 2024, indicating that there are no properties listed in the National or State Registers of Historic Places or within the Historic Sites Network that will be affected by the Project. SHPO recommended that Dairyland complete a Phase 1 archeological survey following the Secretary of the Interior's Standards for Identification and Evaluation and include an evaluation of National Register eligibility for any properties that are identified and Dairyland committed to completing the Phase I archaeological survey for the route that is designated by the Commission in the route permit.[168]

141. Dairyland also provided an update regarding the status of its coordination with SHPO regarding the Project in the testimony of Yvonne Gildemaster, wherein Dairyland reported that SHPO determined there are no properties listed in the National or State Registers of Historic Places or within the Historic Sites Network that will be affected by the Project.[169]

142. Dairyland requested feedback on the Project from the 11 federally recognized Tribes with geography within Minnesota and the Minnesota Indian Affairs Council. To date, no Tribe has conveyed concerns regarding the Project.[170]

143. Dairyland has developed an Unanticipated Discoveries Plan that outlines the procedures that will be followed in the event archaeological materials or human remains are discovered during construction.[171]

144. Section 5.3.15 of the Draft Route Permit addresses archaeological and historic resources.

E. Effect on Natural Environment.

145. Minnesota law requires consideration of the Project's effect on the natural environment, including effects on air and water quality resources and flora and fauna.[172]

1. Air Quality.

146. Impacts on air quality from construction and operation of the Project would be low and primarily limited to the period of construction. During construction, air emissions would primarily consist of emissions from construction equipment, vehicular traffic, and soil disturbance. Construction activities will be performed with standard heavy equipment such as cranes, trucks, bulldozers, and assorted small vehicles. Adverse effects on the surrounding environment are expected to be negligible due to the

[167] Ex. DC-8 at 5-6 (Direct Testimony of Yvonne Gildemaster and Schedules A and B) and Ex. DC-3 at 73-74 (Application).
[168] Ex. DC-8 at 5-6 (Direct Testimony of Yvonne Gildemaster and Schedules A and B).
[169] Ex. DC-8 at 5-6 (Direct Testimony of Yvonne Gildemaster and Schedules A and B).
[170] Ex. DC-3 at 73 (Application).
[171] Ex. EERA-6 at 84 (EA).
[172] Minn. R. 7850.4100, subp. E; Minn. Stat. § 216E.03, subd. 7(b).

temporary disturbance during construction and the intermittent nature of the emission-and dust-producing construction phases. During operation, air emissions related to the annual inspections, maintenance, and emergency repair of the transmission line would be minimal.[173]

147. When necessary, appropriate dust control measures will be implemented.[174] EERA included a special condition in the Draft Route Permit, which requires the Permittee to utilize non-chloride products for onsite dust control during construction.[175] Dairyland has no objection to this special condition.[176]

148. Small amounts of nitrogen oxides (NOx) will be produced from the operation of the transmission line through ionization of air molecules during corona discharge. These emissions are expected to be minimal. A small amount of ozone will be created due to corona from the operation of the transmission line. These emissions are unavoidable but are anticipated to be minimal.[177]

2. Greenhouse Gases.

149. Construction of the Project would result in greenhouse gas (GHG) emissions from combustion of fuel in construction equipment, commuter vehicles, and delivery trucks, and land use change. Project construction is expected to produce 169.9 metric tons of carbon dioxide equivalent (CO_2e) and the temporary land use change is expected to produce 11.3 metric tons of CO_2e.[178]

150. During the operational stage, the Project would be regularly inspected, maintained, and possibly undergo emergency repair. Project operation and maintenance are expected to produce 0.8 metric tons of CO_2e. The ROW would be restored to its existing land use, and permanent land use changes from the structure foundations are expected to be negligible. Small amounts of ozone are produced from the operation of transmission lines through the ionization of air molecules during corona discharge. These emissions are anticipated to be minimal.[179]

151. The Project would have a negligible effect on overall GHG emissions in Minnesota.[180] Minimization efforts to reduce GHG emissions may include efficient planning of vehicle and equipment mobilization and travel, vehicle idle time reduction, proper equipment upkeep, efficient planning of material delivery, proper use of power tools, use of battery powered tools when feasible, and alternative fuel vehicle usage when feasible.[181]

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[173] Ex. EERA-6 at 76 (EA) and Ex. DC-3 at 65, 67 (Application).
[174] Ex. EERA-6 at 76 (EA) and Ex. DC-3 at 67 (Application).
[175] Ex. EERA-6, Appendix E at Section 6.3 (Draft Route Permit) (EA).
[176] Ex. DC-10 at 4 (Comments on EA).
[177] *See* Ex. EERA-6 at 76 (EA) and Ex. DC-3 at 66 (Application).
[178] Ex. EERA-6 at 70-71 (EA) and Ex. DC-3 at 67-68 (Application).
[179] Ex. EERA-6 at 70-71 (EA) and Ex. DC-3 at 67-68 (Application).
[180] *See* Ex. EERA-6 at 70-71 (EA) and Ex. DC-3 at 68 (Application).
[181] Ex. EERA-6 at 71 (EA).

3. Climate Resilience.

152. Changes in temperature, precipitation, and extreme weather events are expected to occur over the lifetime of the Project.[182] The Project will be designed to withstand these changes. Additional mitigation measures are not proposed.[183]

4. Water Resources.

153. Hydrologic features located within the Project include streams, wetlands, and groundwater resources.[184]

1) Surface Waters and Wetlands.

154. The Project is located in the Root River and the Upper Iowa River watersheds.[185]

155. The Project will cross three unnamed streams; none of these streams are designated as impaired by the MPCA. Two of the unnamed streams crossed by the Project are identified as DNR Public Waters streams.[186] Where the Project crosses the two unnamed Public Water streams, the Project will span these streams and therefore no permanent impacts to rivers and streams are anticipated. Dairyland will work with DNR to obtain the required licenses and approvals for the two DNR Public Water crossings.[187]

156. The EA found that based on National Wetlands Inventory (NWI) data, there are four wetlands totaling approximately 3.6 acres of wetlands within the ROW and 11 acres of wetlands within the Proposed Route.[188]

157. Span distances between pole structures will vary between 300 and 1,000 feet, which would allow the Applicant to place most poles outside of the wetland footprints and avoid permanent fill and wetland impacts. However, if the final transmission line design cannot enable the Project to span discrete wetland segments, then permanent impacts to wetlands will occur where a structure is located in the wetland. Dairyland indicated that no structures are currently anticipated to be placed within a wetland along the Proposed Route, thereby avoiding permanent impacts.[189]

158. The Project minimizes wetland clearing and change in wetland type by following existing roadway ROW for the majority of its length. Additionally, Dairyland will

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[182] Ex. EERA-6 at 75 (EA).
[183] Ex. EERA-6 at 75 (EA).
[184] Ex. EERA-6 at 87 (EA).
[185] Ex. EERA-6 at 87 (EA).
[186] Ex. EERA-6 at 87 (EA) and Ex. DC-3 at 80 (Application).
[187] Ex. EERA-6 at 90 (EA) and Ex. DC-3 at 82-83 (Application).
[188] Ex. EERA-6 at 87, 90, and Appendix C (EA). 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. Ex. DC-3 at 82 (Application). A reason for this discrepancy was not identified. *See* Ex. DC-10 at 2 (Comments on EA).
[189] Ex. EERA-6 at 90 (EA) and Ex. DC-3 at 83 (Application).

avoid placement of ATWS for material storage and staging or stringing setup areas within or adjacent to water resources to the extent practicable.[190]

159. Dairyland will implement construction best management practices to avoid or minimize potential impacts to surface waters and wetlands, such as soil erosion and sediment control measures. Impacts to wetlands would be permitted in accordance with applicable USACE and Minnesota Wetland Conservation Act (WCA) requirements. Additionally, if required, Dairyland will obtain authorization to discharge stormwater associated with construction activity under the MPCA NPDES/SDS Construction Stormwater General Permit (MNR100001) and develop a Stormwater Pollution Prevention Plan (SWPPP) that will outline erosion and sediment control best management practices to be implemented during construction.[191]

2) Floodplains.

160. There are no floodplains located with the Proposed Route or ROW; accordingly, no impacts to floodplains are anticipated from the Project.[192]

3) Groundwater.

161. The DNR divides Minnesota into six groundwater provinces. The Project is located within Minnesota's karst province. This province is characterized as thin with less than 50 feet of glacial sediments overlying carbonate and sandstone bedrock. This area is also prone to karst features such as sinkholes and caves. There are no springs located within the ROW.[193]

162. According to the Minnesota Department of Health's Minnesota Well Index, there are no wells within the ROW.[194]

163. Impacts to groundwater are anticipated to be minimal. Mitigation measures proposed for surface water impacts are also anticipated to provide mitigation for groundwater impacts during construction.[195] If dewatering in quantities requiring DNR approval is necessary, Dairyland would be required to obtain a Water Appropriation Permit from DNR.[196]

5. Geology and Topography.

164. The Project's seismic risk is very low. Earthquakes are unlikely to occur in or near the Project. Changes in slope are not anticipated, and as a result, there would be

[190] Ex. DC-3 at 80 (Application).
[191] Ex. EERA-6 at 90 (EA) and Ex. DC-3 at 82-83 (Application).
[192] Ex. DC-3 at 79 (Application).
[193] Ex. EERA-6 at 90 (EA).
[194] Ex. EERA-6 at 90 (EA).
[195] Ex. EERA-6 at 91 (EA).
[196] Ex. DC-3 at 82-83 (Application).

limited risk of landslides. There are currently no mapped sinkholes within the ROW, but there are two mapped sinkholes within the Route Width.[197]

165. Karst topography is present within the Route Width, and portions of the Project are classified as having a "moderate to high probability" for sinkholes; therefore, unmapped sinkholes may be present.[198]

166. There is a potential for unmapped sinkholes to be encountered during the Project's construction while working within the mapped karst topography. Construction of the Project will not likely affect karst landscape. To ensure structural stability in this geological setting, the Applicant has will perform geotechnical investigations and survey the route for sinkholes and areas where a sinkhole may be impending prior to construction. If a sinkhole is discovered during geotechnical investigations, Dairyland will develop a Karst Survey Plan and perform additional coordination with the DNR. Following completion of the studies, if needed, Dairyland will work with the DNR to develop a Karst Contingency Plan prior to construction that will include remedial actions for mitigation.[199] EERA included in the Draft Route Permit a special condition addressing karst geology,[200] to which Dairyland does not object.[201]

167. Impacts to the area's topography are not anticipated. With implementation of mitigation measures and best management practices, geological impacts are anticipated to be minor.[202]

6. Soils.

168. Impacts to soil from the Project are anticipated to be minimal and temporary. Potential construction impacts are compaction of the soil associated with construction equipment traffic and exposing the soils to wind and water erosion. The restoration contractor would take measures to alleviate soil compaction where needed. Erosion and sediment control methods and best management practices will be used to minimize runoff during construction. Additionally, Dairyland has developed a VMP for this Project, which details potential mitigation measures. No long-term impacts to soil resulting from transmission line construction activities are anticipated. Permanent impacts to soil would be limited to areas associated with permanent structures.[203]

7. Vegetation.

169. There are no Minnesota Biological Survey sites or Native Plant Communities (NPC) within the Proposed Route or crossed by the Project ROW. There are no other designated areas within the Proposed Route which are associated with rare

[197] Ex. EERA-6 at 91-92 (EA).
[198] Ex. EERA-6 at 92 (EA).
[199] *See* Ex. EERA-6 at 92, 94 (EA) and Ex. DC-3 at 76 (Application).
[200] Ex. EERA-6, Appendix E at Section 6.1 (Draft Route Permit) (EA).
[201] Ex. DC-10 at 4 (Comments on EA).
[202] *See* Ex. EERA-6 at 91-94 (EA) and Ex. DC-3 at 75-77 (Application).
[203] *See* Ex. EERA-6 at 94-95 (EA) and Ex. DC-3 at 79 (Application).

flora communities, such as DNR Scenic and Natural Areas, Native Prairies, or Railroad ROW Prairies.[204]

170. The Project ROW will be co-located with existing road right-of-way, which will minimize impacts to previously undisturbed vegetation in that area. Project construction will result in short-term impacts to existing vegetation, including localized physical disturbance and soil compaction. Construction activities involving the development and use of access roads, staging, and stringing areas would also have short-term impacts on vegetation by concentrating surface disturbance and equipment use. Permanent vegetation clearing will be required in the designated structure installation areas, resulting in an impact area measuring 8 feet in diameter for typical structures and 12 feet in diameter for dead-end and angle structures.[205] Permanent vegetation impacts would also include the clearing of trees and shrubs within the ROW where these resources would not be allowed to revegetate to their previous heights and density due to safety requirements but would be managed to a safe height and density in accordance with applicable electrical safety standards. Dairyland anticipates approximately 1.2 acres of trees would be cleared within the 100-foot-wide ROW associated with the Proposed Route.[206]

171. Dairyland filed a VMP for the Project with the Application, which includes several construction mitigation measures such as erosion and sediment control best management practices and invasive and noxious species management.[207] EERA, on behalf of the interagency VMPWG, filed comments on the draft VMP.[208] Dairyland will work with the VMPWG regarding the VMP.[209]

172. Sections 5.3.10, 5.3.12, and 5.3.13 of the Draft Route Permit address vegetation management, invasive species, and noxious weeds, respectively.

8. Wildlife.

173. The Project provides limited habitat for wildlife species, as much of the landscape has been converted to cultivated crops. Within and near the Project, there is limited suitable habitat for migratory birds.[210]

174. During construction, there is a potential to displace wildlife as a result of ROW clearing and the use of loud equipment. However, comparable habitat is available nearby, minimizing impacts resulting from construction. The EA concluded that the potential long-term impacts to wildlife are anticipated to be minimal.[211]

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[204] Ex. DC-3 at 85 (Application).
[205] *See* Ex. EERA-6 at 96 (EA) and Ex. DC-3 at 20, 85 (Application).
[206] Ex. EERA-6 at 96 (EA) and Ex. DC-3 at 85 (Application).
[207] Ex. DC-3 at Appendix I (VMP) (Application).
[208] VMPWG Comment (May 14, 2025) (eDocket No. 20255-218897-01).
[209] Ex. DC-11 at 2 (Response to Public Comments).
[210] Ex. EERA-6 at 97-98 (EA).
[211] Ex. EERA-6 at 98 (EA).

175. During construction, there is a potential for erosion and sediment control products to negatively affect wildlife. The DNR recommends that erosion control blankets be limited to "bio-netting" or "natural netting" types to reduce the potential for entanglement with small animals, and specifically not products containing plastic mesh netting or other plastic components.[212] EERA included a special condition in the Draft Route Permit reflecting this comment. Dairyland has no objection to this special condition.[213]

176. To minimize impacts to bird species, Dairyland will design and construct the transmission line in accordance with Avian Power Line Interaction Committee (APLIC) guidelines.[214] The Draft Route Permit addresses avian protection measures, including compliance with APLIC standards, in Section 5.3.16.

F. Rare and Unique Natural Resources.

177. Minnesota law requires consideration of the Project's effect on rare and unique natural resources.[215]

1. Federally Protected Species.

178. Based on a search of the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool, EERA concluded there are five federal species that could potentially be in the vicinity of the Project, including one endangered species (Northern Long-Eared Bats, NLEB), two threatened species (Prairie Bush-clover and Western Prairie Fringed Orchid), one proposed threatened species (Monarch Butterfly), and one experimental population, non-essential species (Whooping Crane).[216] The IPaC query also identified the presence of bald eagles and/or golden eagles in the Project vicinity; these species are protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (MBTA).[217]

179. The Project will border existing disturbed (mowed, artificially planted) agricultural land and roadway ROW for the entirety of its length, which limits the federally listed species' likelihood to occur within the Proposed Route.[218]

180. NLEB is listed as endangered predominantly due to deaths from white nose syndrome, a fatal fungal disease which affects hibernating bats. Critical habitat for the NLEB has not been proposed. DNR maintains a list of townships containing known NLEB maternity roost trees and hibernacula entrances. A review of the DNR township list indicates that there are no known NLEB hibernacula within one mile of the Proposed

[212] DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02).
[213] Ex. DC-10 at 4 (Comments on EA).
[214] Ex. DC-3 at 86 (Application) and Ex. EERA-6 at 98 (EA).
[215] Minn. R. 7850.4100, subp. F; Minn. Stat. § 216E.03, subd. 7(b)(1).
[216] Ex. EERA-6 at 99-100 (EA). When the Applicant utilized the IPaC tool prior to Application submittal, an additional federal species (Tricolored Bat, proposed endangered) was identified as having the potential to occur in the vicinity of the Project. Ex. DC-3 at 88 (Application).
[217] Ex. EERA-6 at 99 (EA).
[218] Ex. DC-3 at 91 (Application).

Route, but this information is not exhaustive. Potentially suitable habitat for the NLEB may be present in forested and treed areas within the Proposed Route.[219] To avoid impacts to NLEB, Dairyland has committed to avoid tree removal from June 1 through August 15.[220] Additionally, EERA proposed a special condition to the Draft Route Permit requiring the permittee to coordinate with USFWS regarding the timing of tree clearing and other activities that may impact NLEB; Dairyland has no objection to this special condition.[221]

181. Suitable habitat for the whooping crane and prairie bush-clover is not present within the Proposed Route or Project ROW; therefore, impacts to these species are not anticipated.[222]

182. Potentially suitable habitat for the monarch butterfly may be present in disturbed grassland located within the Proposed Route where flowering plants or milkweed species are present.[223] Because the Project will be constructed within or adjacent to existing utility and road rights-of-way, potential impacts to suitable habitat for the monarch butterfly are minimized. If the USFWS determines the monarch butterfly should be listed and protections for the species coincide with Project planning, permitting, and/or construction, Dairyland will review Project activities for potential impacts to the species and develop appropriate avoidance and mitigation measures, as needed.[224]

183. Because the Project contains primarily agricultural land and regularly maintained existing utility and road ROWs, EERA concluded that the Project is not expected to impact the western prairie fringed orchid due to the lack of suitable habitat.[225]

184. As bald eagles prefer nesting in trees, and forested areas are sparse surrounding the Project, suitable nesting habitat for the bald eagle is unlikely to be present within the Proposed Route or Project ROW.[226] Bald and golden eagles typically nest in mature trees near large lakes or streams. There is potentially suitable nesting habitat present for these species within one mile of the Project. However, EERA concluded that the Project is not expected to impact bald and golden eagles because tree clearing for this Project would occur in or adjacent to the ROW, and nesting habitat is unlikely to be present within the ROW due to the lack of potential food sources in the vicinity.[227]

185. If a Route Permit is issued and once detailed design of the line is available, Dairyland will coordinate with the USFWS regarding potential impacts to federally listed species, as needed.[228]

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[219] Ex. DC-3 at 89 (Application).
[220] Ex. DC-3 at 91-92 (Application). This commitment complies with DNR's recommendation. DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02).
[221] Ex. DC-10 at 4 (Comments on EA).
[222] *See* Ex. EERA-6 at 100-101 (EA) and Ex. DC-3 at 91 (Application).
[223] Ex. DC-3 at 90 (Application).
[224] Ex. DC-3 at 92 (Application).
[225] Ex. EERA-6 at 101 (EA).
[226] Ex. DC-3 at 91 (Application).
[227] Ex. EERA-6 at 101 (EA).
[228] Ex. DC-3 at 92 (Application).

2. State-Protected Species.

186. The Applicant's consultant requested an official DNR Natural Heritage Review in May 2024 to determine if there are any documented occurrences of state-listed species within the Project ROW and within the general vicinity of the Project. The Natural Heritage Review and Minnesota Natural Heritage Information System database identified one record of a state-listed threatened species within one mile of the Project – a calcareous fen with edible valerian (a state-listed threatened plant species) has been documented within the vicinity of the Project.[229]

187. The Project will border existing disturbed (mowed, artificially planted) agricultural land and roadway right-of-way for the entirety of its length, which limits the state listed species' likelihood to occur within the Proposed Route.[230]

188. Suitable habitat for edible valerian is not present within the Proposed Route or Project ROW.[231] EERA concluded that due to a lack of suitable habitat in the Project ROW, Project-related impacts to edible valerian are not anticipated and proposes no mitigation.[232]

189. According to the DNR Natural Heritage Review, habitat for edible valerian (calcareous fens) may be impacted by nearby activities or even those several miles away, such as activities that affect surface water flows (e.g., stormwater flow, erosion), or activities that affect groundwater hydrology (e.g., groundwater pumping, contamination, or discharge). DNR's Natural Heritage Review letter states that "[g]iven the [P]roject details, impacts are not anticipated." DNR's Natural Heritage Review letter also notes that if the Project will alter the hydrological conditions in the surrounding area, the Calcareous Fen Program Coordinator should be contacted, and a botanical survey may be needed if there are hydrological impacts to the fen.[233]

190. If potential impacts to hydrological conditions surrounding calcareous fens may occur, Dairyland will consult DNR and, if required, will complete a botanical survey. If a Route Permit is issued and once detailed design of the line is available, Dairyland will coordinate with the DNR regarding potential impacts to state-listed rare and unique resources, as needed.[234]

191. DNR requested a special permit condition requiring the Applicant to work with DNR to determine if any impacts to calcareous fens will occur during any phase of the Project, and if the Project is anticipated to impact any calcareous fens, requiring the Applicant to develop a Calcareous Fen Management Plan in coordination with the DNR,

[229] Ex. EERA-6 at 101 (EA); *see also* DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02). Additionally, the Natural Heritage Review indicated the federally-listed NLEB could reasonably be present in forested and treed areas surrounding the Proposed Route. The NLEB is discussed above.
[230] Ex. DC-3 at 91 (Application).
[231] Ex. DC-3 at 88, 91 (Application).
[232] Ex. EERA-6 at 101-102 (EA).
[233] DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02).
[234] Ex. DC-3 at 91 (Application).

as specified in Minn. Stat. § 103G.223.[235] Although the DNR's Natural Heritage Review letter notes that habitat for edible valerian (calcareous fens) may be impacted by nearby activities or even those several miles away, such as activities that affect surface water flows or groundwater hydrology, the letter concluded that "[g]iven the [P]roject details, impacts are not anticipated."[236] Additionally, EERA did not include such a special condition in the Draft Route Permit, and EERA concluded that Project-related impacts to edible valerian are not anticipated and did not recommend any mitigation measures for calcareous fens.[237] Further, Dairyland has committed to consult with DNR if potential impacts to hydrological conditions surrounding calcareous fens may occur, and, if required, complete a botanical survey.[238] However, Dairyland has no objection to a special condition addressing calcareous fens, and proposed the following special condition:[239]

> **Calcareous Fens**
>
> The Permittee must work with DNR to determine if any impacts to any calcareous fens will occur during any phase of the Project. If the Project is anticipated to impact any calcareous fens, the Permittee must develop a Calcareous Fen Management Plan in coordination with the DNR, as specified in Minn. Stat. § 103G.223. Should a Calcareous Fen Management Plan be required, the approved plan must be submitted concurrently with the plan and profile required in Section 9.2 of the Permit.

192. DNR also recommended a special condition requiring the permittee to comply with applicable requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minn. Stat. § 84.0895) and associated rules (Minn. R. 6212.1800 to 6212.2300 and 6134).[240] Although there is no record of a state-listed endangered or threatened species being observed within the Project ROW or Route Width and EERA concluded that Project-related impacts to state-protected species are not anticipated,[241] Dairyland has no objection to a special condition addressing DNR's recommendation and proposed the following special condition:[242]

> **State-listed Endangered and Threatened Species**
>
> The Permittee shall comply with applicable requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minn. Stat. § 84.0895) and associated rules (Minn. R. 6212.1800 to 6212.2300 and ch. 6134).

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[235] DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02).
[236] DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02).
[237] Ex. EERA-6 at 101 (EA).
[238] Ex. DC-3 at 91 (Application).
[239] Ex. DC-11 at 3 (Response to Public Comments).
[240] DNR Comment (May 13, 2025) (eDocket No. 20255-218887-01 and 20255-218887-02).
[241] Ex. EERA-6 at 101 (EA).
[242] Ex. DC-11 at 2-3 (Response to Public Comments).

3. Sensitive Ecological Resources.

193. The DNR has established several classifications for sensitive ecological resources across the state, with the closest, the Cherry Grove Blind Valley Scientific and Natural Area, located over three miles from the Project. Impacts to this resource are not anticipated.[243]

194. There are no state-mapped Sites of Biodiversity Significance, native plant communities, high conservation value forests, or Lakes of Biological Significance within one mile of the Project.[244]

195. No known sensitive ecological resources have been documented within one mile of the Project; therefore, no impacts to sensitive ecological resources are anticipated as a result of the Project.[245]

G. Cumulative Potential Effects.

196. The only current and reasonably foreseeable project occurring within or near the Project area is MiEnergy's burial of existing distribution lines. The distribution line project would consist of burying an existing aboveground distribution line for approximately 2.4 miles along its current route where it would be co-located with the Project. The buried line would follow 171st Ave from CSAH 44 to 110th Street. This would be completed by MiEnergy.[246]

197. At the time the Application was submitted, Dairyland anticipated retiring a portion of the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line. However, since the Application was filed, Dairyland's plans as to retirement have changed, and a final decision as to retirement of any portion of the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line has not yet been made. 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. Dairyland has stated that if a portion of the line is retired, Dairyland will obtain all necessary permits and approvals for those activities. If a portion of the LQ8A Harmony to Beaver Creek Tap Line is retired, the potential impacts will have been assessed as part of the EA.[247]

198. Given the relatively small size of the Project, the anticipated minimal human and environmental impact, and the anticipated impacts of reasonably foreseeable project(s), cumulative impacts are anticipated to be minimal.[248]

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[243] Ex. EERA-6 at 102 (EA).
[244] Ex. EERA-6 at 102 (EA).
[245] Ex. EERA-6 at 102 (EA).
[246] Ex. EERA-6 at 105 (EA).
[247] *See* Ex. DC-11 at 6-7 (Response to Public Comments); Leroy 6:00 p.m. Public Hearing Tr. at 20 – 23, 34 – 36 (Apr. 23, 2025); Ex. DC-10 at 2 (Comments on EA); Leroy 6:00 p.m. Public Scoping & Information Meeting Tr. at 19 (Nov. 12, 2024).
[248] Ex. EERA-6 at 104-105 (EA).

H. Application of Various Design Considerations.

199. Minnesota law requires consideration of the Project's applied design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity.[249]

200. The Project is designed to meet the needs of the larger Beaver Creek Transmission Line Project. The Proposed Route was selected because it is co-located with existing ROWs for 100 percent of the length in Minnesota and minimizes or avoids human and environmental impacts.[250]

201. The Project is not designed for future expansion.[251]

I. Use or Paralleling of Existing Rights-of-Way, Survey Lines, Natural Division Lines, and Agricultural Field Boundaries.

202. Minnesota law requires consideration of use of or paralleling of existing ROWs, survey lines, natural division lines, and agricultural field boundaries.[252]

203. The Proposed Route parallels (and is co-located with) roadway ROW (171st Avenue) for 3.5 miles, or 100 percent of its length. The Proposed Route is also co-located with existing utility (distribution line) ROW for approximately two miles. As such, the Proposed Route maximizes the use of existing ROWs.[253]

J. Use of Existing Transportation, Pipeline, and Electrical Transmission System Rights-of-Way.

204. Minnesota law requires consideration of the use of existing transportation, pipeline, and electrical transmission system ROWs.[254]

205. The Proposed Route parallels (and is co-located with) roadway ROW (171st Avenue) for 3.5 miles, or 100 percent of its length. The Proposed Route is also co-located with existing utility (distribution line) ROW for approximately two miles. As such, the Proposed Route maximizes the use of existing ROWs.[255]

K. Electric System Reliability.

206. Minnesota law requires consideration of the Project's impact on electrical system reliability.[256]

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[249] Minn. R. 7850.4100, subp. G; Minn. Stat. § 216E.03, subd. 7(b)(2).
[250] *See* Ex. DC-3 at 13 (Application).
[251] Ex. DC-3 at 25 (Application).
[252] Minn. R. 7850.4100, subp. H; Minn. Stat. § 216E.03, subd. 7(b)(9).
[253] Ex. EERA-6 at 102, 105 (EA).
[254] Minn. R. 7850.4100, subp. J; Minn. Stat. § 216E.03, subd. 7(b)(8).
[255] Ex. EERA-6 at 102, 105 (EA).
[256] Minn. R. 7850.4100, subp. K; Minn. Stat. § 216E.03, subd. 7(b)(5)-(6).

207. No adverse impacts to electric system reliability are anticipated. The Project will contribute towards continued reliability of the regional electrical system. Further, the Project will be designed and constructed in accordance with applicable NESC standards.[257]

L. Costs of Constructing, Operating, and Maintaining the Facility.

208. Minnesota law requires consideration of the Project's cost of construction, operation, and maintenance.[258]

209. Costs and tasks are divided into six phases: permitting, land acquisition and ROW, design/engineering, procurement of materials, construction costs, and contingency. If the Commission selects a route other than the Applicant's Proposed Route or imposes non-standard construction conditions, the Project cost estimates may change.[259]

210. Dairyland estimates the total cost of the Project to be approximately $4 million (2020 dollars). These cost estimates assume that the Applicant will pay prevailing wages for applicable positions for the construction of the Project. All capital costs for the Project will be initially borne by Dairyland; however, these costs will be reimbursed to Dairyland by the owner of the generator identified in MISO's Generation Interconnection Process.[260]

211. Once constructed, operation and maintenance costs associated with the new transmission lines will be initially driven by controlling regrowth vegetation within the ROW. The estimated annual cost of ROW vegetation maintenance is estimated at $7,000 to $15,000 every five years. Transmission line maintenance for the Project is estimated at $30,000 to $35,000 annually. Storm restoration, annual inspections, and ordinary replacement costs are included in these annual operating and maintenance costs.[261]

M. Adverse Human and Natural Environmental Effects That Cannot be Avoided.

212. Minnesota law requires consideration of the adverse human and natural environmental effects that cannot be avoided.[262]

213. Unavoidable adverse effects associated with construction of the Project would last through construction and include: construction-related noise, dust, disruption of traffic near construction sites.[263]

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[257] *See* Ex. EERA-6 at 104 (EA) and Ex. DC-3 at 24 (Application).
[258] Minn. R. 7850.4100, subp. L; Minn. Stat. § 216E.03, subd. 7.
[259] Ex. DC-3 at 25-26 (Application).
[260] Ex. DC-3 at 25-26 (Application) and Ex. EERA-6 at 104 (EA).
[261] Ex. DC-3 at 26 (Application) and Ex. EERA-6 at 104 (EA).
[262] Minn. R. 7850.4100, subp. M; Minn. Stat. § 216E.03, subd. 7(b)(6).
[263] Ex. EERA-6 at 116 (EA).

214. Unavoidable adverse impacts associated with the operation of the Project would last as long as the life of the Project and include: aesthetic impacts, impacts to agriculture through loss of tillable acreage and constraints on the layout and management of field operations, impacts to vegetation through tree removal and brush trimming, and potential impacts to avian species through collisions with conductors. However, impacts to aesthetics and agricultural operations will be minimized by paralleling existing infrastructure.[264]

N. Irreversible and Irretrievable Commitments of Resources.

215. Minnesota law requires consideration of the irreversible and irretrievable commitments of resources that are necessary for the Project.[265]

216. Resource commitments are irreversible when it is impossible or very difficult to redirect that resource to a different future use; an irretrievable commitment of resources means the resource is not recoverable for later use by future generations.[266]

217. The Project will require only minimal commitments of resources that are irreversible and irretrievable. The commitment of land for a transmission line ROW is likely an irreversible commitment. There are few commitments of resources associated with the Project that are irretrievable. These commitments include the steel, concrete, and hydrocarbon resources committed to the Project, though it is possible that the steel could be recycled at some point in the future. Labor and fiscal resources required for the Project are also irretrievable commitments.[267]

VIII. ROUTE PERMIT CONDITIONS

218. The Draft Route Permit, as revised by EERA and Dairyland, includes some proposed permit conditions, many of which have been discussed above, that apply to ROW preparation, construction, clean-up, restoration, operation, maintenance, and other aspects of the Project.[268]

219. In the Draft Route Permit, EERA recommended certain special conditions.[269] The Applicant proposed revisions to the Draft Route Permit, including special conditions.[270]

220. With the above-referenced responses to the Draft Route Permit, the record in this matter supports the inclusion of or revisions to the conditions identified in the EA and Dairyland's written comments, as detailed in the paragraphs that follow.

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[264] Ex. EERA-6 at 116 (EA).
[265] Minn. R. 7850.4100, subp. N; Minn. Stat. § 216E.03, subd. 7(b)(11).
[266] Ex. EERA-6 at 116 (EA).
[267] Ex. EERA-6 at 116-117 (EA).
[268] Ex. EERA-6 at Appendix E (EA).
[269] Ex. EERA-6 at Appendix E (EA).
[270] Ex. DC-10 (Comments on EA) and Ex. DC-11 (Response to Public Comments).

221. Sections 2 and 3 of the Draft Route Permit contain references to Dairyland's existing line running perpendicular to the north of the Project. As noted in the Direct Testimony of Yvonne Gildemaster and in Dairyland's April 17, 2025, comments, 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.[271]

222. Section 3 of the Draft Route Permit also references the point at which the Project will begin. As noted in the Direct Testimony of Yvonne Gildemaster and in Dairyland's April 17, 2025, comments, the initial structure of the Project should be referred to as the new interconnecting structure.[272]

223. Additionally, Section 3 of the Draft Route Permit also includes a narrative description of the Proposed Route. Dairyland proposed revisions to correct the description of the Proposed Route.[273]

224. The proposed revisions to Section 2 of the Draft Route Permit are as follows:

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

225. The proposed revisions to Section 3 of the Draft Route Permit are as follows:

[271] Ex. DC-8 at 1 (Direct Testimony of Yvonne Gildemaster and Schedules A and B) and Ex. DC-10 at 1-3 (Comments on EA).
[272] Ex. DC-8 at 4 (Direct Testimony of Yvonne Gildemaster and Schedules A and B) and Ex. DC-10 at 2-3 (Comments on EA).
[273] Ex. DC-10 at 3-4 (Comments on EA).

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.[274]

226. The record supports the inclusion of the Applicant's revisions to Sections 2 and 3 of the Draft Route Permit.

227. The record supports the inclusion of the following special conditions recommended by EERA and DNR, and agreed to by Dairyland, related to karst, NLEB, dust control, and wildlife-friendly erosion control:

6.1 Karst Geology

The Permittee shall conduct a geotechnical investigation for the transmission line right-of-way to determine the presence of sinkholes or sinkhole development. If a sinkhole is identified, the Permittee shall confer with the Minnesota Department of Natural Resources and develop a Karst

[274] Ex. DC-10 at 3-4 (Comments on EA).

Contingency Plan. The Plan and Profile submitted under Section 9.2 of this permit shall indicate any structures that have been located or shifted due to a sinkhole or sinkhole development.

6.2 Northern Long-Eared Bats

The Permittee will coordinate with the U.S. Fish and Wildlife Service regarding the timing of tree-clearing and any other construction or restoration actions that may impact the Northern Long Eared Bat. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

6.3 Dust Control

The Permittee shall utilize non-chloride products for onsite dust control during construction.

6.4 Wildlife-Friendly Erosion Control

The Permittee shall use only "bio-netting" or "natural netting" types of erosion control materials and mulch products without synthetic (plastic) fiber additives.

228. The record supports the inclusion of the following special conditions recommended by DNR and agreed to by Dairyland, as proposed by Dairyland:

State-listed Endangered and Threatened Species

The Permittee shall comply with applicable requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minn. Stat. § 84.0895) and associated Rules (Minn. R. 6212.1800 to 6212.2300 and Ch. 6134).

Calcareous Fens

The Permittee must work with DNR to determine if any impacts to any calcareous fens will occur during any phase of the Project. If the Project is anticipated to impact any calcareous fens, the Permittees must develop a Calcareous Fen Management Plan in coordination with the DNR, as specified in Minn. Stat. § 103G.223. Should a Calcareous Fen Management Plan be required, the approved plan must be submitted concurrently with the plan and profile required in Section 9.2 of the Permit.

IX. NOTICE

229. Minnesota statutes and rules require an applicant to provide certain notice to the public and local governments before and during the route permit application process.[275]

230. The Applicant provided notice to the public and local governments in satisfaction of Minnesota statutory and rule requirements.[276]

231. Minnesota statutes and rules also require the EERA and the Commission to provide certain notice to the public throughout the site and route permit application processes.[277]

232. EERA and the Commission provided required notices in satisfaction of Minnesota statutes and rules.[278]

X. COMPLETENESS OF EA

233. The EA process is the alternative environmental review approved by the Environmental Quality Board for HVTLs. The Commission is required to determine the completeness of the EA. An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.[279]

234. Dairyland proposed clarifications to several sections of the EA and those clarifications are supported by the record.[280]

235. The evidence in the record demonstrates that the EA is adequate because the EA and the record created at the public hearing and during the subsequent comment period address the issues and alternatives raised in the Scoping Decision.[281]

Based on the foregoing Findings of Fact and the record in this proceeding, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. Any of the forgoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.

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[275] Minn. Stat. § 216E.03, subd 4; Minn. R. 7850.2100, subps. 2 and 4.
[276] Exs. DC-1 (Notice of Intent by Dairyland Power Cooperative to Submit a Route Permit Application under the Alternative Permitting Process); DC-2 (7850.2100 Project Notice); and DC-4 (Confirmation of Notice).
[277] Minn. Stat. § 216E.03, subd. 6; Minn. R. 7850.3500 (referencing Minn. R. 7850.2300, subps. 1 – 4); Minn. R. 7850.3700, subps. 2, 3, and 6; Minn. R. 7850.3800, subp. 1.
[278] Exs. PUC-4 (Notice of Public Information and Scoping Meetings); DC-6 (Affidavit of Publication and Tear Sheet – Public Info and Scoping Meeting); and PUC-7 (Notice of Public Hearings and Availability of EA).
[279] Minn. R. 4410.4400, subp. 6; Minn. R. 7850.3900, subp. 2.
[280] *See* Ex. DC-10 (Comments on EA).
[281] Ex. EERA-4 (EA Scoping Decision).

2. The Commission and the Administrative Law Judge have jurisdiction to consider the Applicant's Application.[282]

3. The Commission determined that the Application was substantially complete and accepted the Application on October 15, 2024.[283]

4. Dairyland, EERA, and the Commission have substantially complied with the procedural and notice requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850. All procedural requirements for the Route Permit were met.

5. EERA prepared an appropriate EA of the Project for purposes of this proceeding, and it satisfies Minn. R. 7850.3700 and 7850.3900. Specifically, the EA and the record address the issues identified in the Scoping Decision to a reasonable extent considering the availability of information, and the EA includes the items required by Minn. R. 7850.3700, subp. 4, and was prepared in compliance with the procedures in Minn. R. 7850.3700.

6. The Applicant gave notice as required by Minn. Stat. § 216E.03, subd. 3a and 4 (2023); Minn. Stat. § 216E.04, subd. 4 (2023); and Minn. R. 7850.2100, subps. 2 and 4.[284]

7. A public hearing was conducted near the Proposed Route. Proper notice of the public hearing was provided, as required by Minn. Stat. § 216E.04, subd. 6 (2023), and the public was given the opportunity to speak at the hearing and to submit written comments. All procedural requirements for the Route Permit were met.

8. The evidence in the record demonstrates that the Applicant's Proposed Route is the best route for the Project.

9. The evidence in the record demonstrates that the Project and the Proposed Route satisfy the Route Permit criteria set forth in Minn. Stat. § 216E.04, subd. 8 (2023) (referencing Minn. Stat. § 216E.03, subd. 7 (2023)) and Minn. R. Ch. 7850 and all other applicable legal requirements.

10. The Commission has the authority under Minn. Stat. § 216E.03 (2023) to place conditions in a HVTL Route Permit.

11. The evidence in the record demonstrates that the general Route Permit conditions contained in the Draft Route Permit are appropriate for the Project, with the revisions and clarifications as recommended herein.

12. The evidence in the record demonstrates that the special conditions identified in Section VIII above are appropriate for the Project.

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[282] Minn. Stat. §§ 216E.02, 216E.03 (2023).
[283] Ex. PUC-3 (Order).
[284] Ex. DC-4 (Confirmation of Notice).

13. There is no feasible and prudent alternative to the construction of the Project, and the Project is consistent with and reasonably required for the promotion of public health and welfare in light of the state's concern for the protection of its air, water, land, and other natural resources as expressed in the Minnesota Environmental Rights Act.

14. Any of the foregoing Conclusions of Law which are more properly designated Findings of Fact are hereby adopted as such.

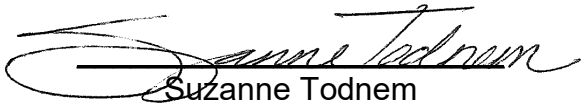
Based upon these Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATIONS

Based upon these Conclusions, the Administrative Law Judge recommends that the Commission issue a Route Permit to Dairyland Power Cooperative to construct and operate the Project and associated facilities in Fillmore County, Minnesota, with the conditions identified above.

THIS REPORT IS NOT AN ORDER AND NO AUTHORITY IS GRANTED HEREIN. THE MINNESOTA PUBLIC UTILITIES COMMISSION WILL ISSUE THE ORDER THAT MAY ADOPT OR DIFFER FROM THE PRECEDING RECOMMENDATION.

Dated on July 28, 2025



Suzanne Todnem
Administrative Law Judge

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

July 28, 2025

See Attached Service List

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,MN***

OAH 23-2500-40403
MPUC ET3/TL-24-95

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATIONS** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7970, cara.hunter@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

CARA HUNTER
Legal Assistant

Enclosure
cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

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,MN	OAH Docket No.: 23-2500-40403

On July 28, 2025, a true and correct copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATIONS** was served by eService, and United States mail, (in the manner indicated on the attached service list) to the following individuals:

#	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	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
12	Suzanne	Todnem	suzanne.todnem@state.mn.us		Office of Administrative Hearings	600 Robert St N PO Box 64620 St. Paul MN, 55164 United States	Electronic Service		Yes	24-95Official CC Service List