OAH 5-2500-39898
MPUC ET-2/TL-23-410

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Great River Energy for a Route Permit for the 115-kV Pilot Knob to Burnsville Rebuild and Upgrade Project in Dakota County, Minnesota

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

This matter was assigned to Administrative Law Judge Jim Mortenson to conduct a public hearing and write a report and recommendation for the Public Utilities Commission (Commission) on the Route Permit Application (MPUC Docket No. ET2/TL-23-410) (Application) of Great River Energy (Applicant) to rebuild and upgrade portions of an existing 69-kilovolt (kV) transmission line (Project).

The Project will be approximately 8.75 miles of a new 115-kV high voltage transmission line (HVTL). It comprises rebuilding and upgrading three sections of the HVTL between certain substations: (1) between the Pilot Knob and Deerwood substations; (2) between the Deerwood and River Hills substations; and (3) between the River Hills and Burnsville substations. The Project also includes upgrades and modifications at the existing Burnsville substation.

Public hearings on the Application were held on August 21, 2024 (in person) and August 22, 2024 (remote access—telephone and internet). The factual record remained open until September 3, 2024, for the receipt of written public comments.

Haley Waller Pitts, Fredrikson & Byron, P.A, and Mark Strohfus, Project Manager of Transmission Permitting for Great River Energy, appeared on behalf of Great River Energy.

Cezar Panait, Energy Facilities Permitting, appeared on behalf of Commission staff at the in-person hearing. Trevor Culbertson, Energy Facilities Permitting, appeared on behalf of Commission staff at the remote access hearing.

Erika Wilder appeared on behalf of the Department of Commerce, Energy Environmental Review and Analysis (EERA) unit.

STATEMENT OF ISSUES

Should the Commission issue a route permit for Applicant's Project? If so, what, if any, conditions should be placed on the permit to ensure the Project complies with state law?

SUMMARY OF RECOMMENDATIONS

The Judge concludes that the Applicant 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 Judge makes the following:

FINDINGS OF FACT

I. APPLICANT[1]

1. Great River Energy is a not-for-profit generation and transmission cooperative based in Maple Grove, Minnesota. Great River Energy provides electricity and related services to approximately 1.7 million people through its 27 member-owner cooperatives and customers. Through its member-owners, Great River Energy serves two-thirds of Minnesota geographically and parts of Wisconsin.[2]

II. PROCEDURAL HISTORY

2. The Minnesota Power Plant Siting Act (PPSA) provides that no person may construct a high voltage transmission line (HVTL) without a route permit from the Commission.[3] Under the PPSA, an HVTL includes a transmission line that is 100 kV or more and is greater than 1,500 feet in length.[4] The proposed 115-kV transmission line is an HVTL greater than 1,500 feet in length and, therefore, a route permit is required from the Commission prior to construction.[5]

3. The Commission's rules establish two tracks for the permitting of a HVTL. The "full permitting process" includes preparing an environmental impact statement (EIS) and holding a contested case hearing.[6] The "alternative permitting process" is available to, among other HVTLs, HVTLs which operate at a voltage between 100 and 200 kV; this process requires an Environmental Assessment (EA) instead of an EIS and a public hearing instead of a contested case hearing.[7]

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[1] If Applicant is granted the permit, Applicant may become the "Permittee" as referenced herein.
[2] Exhibit (Ex.) GRE-2 at 1-1 (Application) (eDocket Number 202311-200563-02).
[3] Minn. Stat. § 216E.03, subd. 2 (2024).
[4] Minn. Stat. § 216E.01, subd. 4.
[5] Ex. GRE-2 at 1-1 (Application).
[6] *See* Minn. R. 7850.1700–.2700 (2023) (full permitting procedures).
[7] *See* Minn. R. 7850.2800–.3900 (2023) (alternative permitting procedures).

4. Because Applicant's proposed transmission line would operate at a voltage between 100 and 200 kV, it is eligible for the alternative permitting process authorized by Minn. Stat. § 216E.04, subd. 2(3) (2024) and Minn. R. 7850.2800, subp. 1(C) (2023).[8]

5. On October 31, 2023, Applicant filed with the Commission a notice that Applicant intended to apply for a Route Permit for the Project and intended to use the Alternative Permitting Process within Minn. R. 7850.2800-.3900.[9]

6. On November 17, 2023, Great River Energy submitted the Application for the Project.[10] The Application included requested route widths (proposed route) and identified a proposed right-of-way and alignment (application alignment) and the existing substation locations and the Burnsville Substation upgrade footprint.[11]

7. On November 17, 2023, 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 Minn. R. 7850.2100.[12]

8. On November 27, 2023, the Commission filed a Notice of Comment Period regarding the completeness of the Application, requesting initial comments by December 12, 2023, reply comments by December 19, 2023, and supplemental comments by December 27, 2023. The notice requested comments on whether the Applicant was complete within the meaning of the Commission's rules; whether the Commission should appoint an advisory task force; whether there were contested issues 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.[13]

9. On December 12, 2023, EERA filed its Comments and Recommendations on Application Completeness. EERA recommended that the Commission accept the Application as complete, not appoint an advisory task force, and request a full administrative law judge report with recommendations for the Project's public hearing.[14]

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[8] Minn. R. 7850.2800, subp. 1(C).
[9] Ex. GRE-1 (Notice of Intent by Great River Energy to Submit an Application under the Alternative Permitting Process) (eDocket Number 202310-200063-01).
[10] Exs. GRE-1 to GRE-7 (Application and Appendices) (eDocket Number 202310-200063-01 to -09, 202311-200564-01 to -04).
[11] *Id.*
[12] Ex. GRE-8 (Rule 7850.2100 Notice of Filing Route Permit) (eDocket Number 202311-200566-01).
[13] Ex. PUC-1 (Notice of Comment Period on Application Completeness) (eDocket Number 202311-200750-01).
[14] Ex. EERA-1 (Comments and Recommendations on Application Completeness) (eDocket Number 202312-201150-01).

10. On December 18, 2023, Applicant submitted reply comments concerning Application completeness.[15] Applicant also submitted Confirmation of Notice compliance filing for the Route Permit Application.[16]

11. On January 17, 2024, the Commission issued an Order that accepted the Application as substantially complete, did not appoint an advisory task force, and requested a full administrative law judge report with recommendations.[17]

12. On February 7, 2024, the Commission filed a sample HVTL permit template.[18]

13. On February 9, 2024, the Commission and EERA issued a Notice of Public Information and EA Scoping Meetings requesting responses to four questions regarding the Project: (1) What potential human and environmental impacts should be studied?; (2) What are possible methods to minimize, mitigate, or avoid potential impacts that should be studied?; (3) Are there any alternative routes or route segments that should be studied to address potential impacts?; and (4) Are there any unique characteristics of the Project area that should be considered?[19] The written comment period was open through March 6, 2024, for the EA Scoping comments.[20]

14. On February 20, 2024, the Commission and EERA held a scoping and informational public meeting virtually via conference call and WebEx.[21] On February 21, 2024, the public meeting was held at the Diamondhead Education Center in Burnsville, Minnesota.[22] Commission staff, EERA staff, and representatives from Great River Energy were present at both meetings. During the remote-access public hearing held on February 20, 2024, three members of the public spoke.[23] During the in-person public hearing on February 21, 2024, no members of the public spoke.[24]

15. On February 21 and 22, 2024, Shannon Marcus submitted public comments.[25]

16. On March 4, 2024, EERA filed the transcripts from the Public Information and Scoping Meetings occurring on February 20 and 21, 2024.[26]

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[15] Ex. GRE-10 (Reply Comments regarding Application Completeness) (eDocket Number 202312-201295-01).
[16] Notice Filing (Dec. 18, 2023) (eDocket No. 202312-201294-01).
[17] Ex. PUC-3 (Order) (eDocket No. 20241-202249-01).
[18] Ex. PUC-4 (Sample Route) (eDocket No. 20242-203174-01).
[19] Ex. PUC-5 (Notice of Public Information and Environmental Assessment Scoping Meetings) (eDocket No. 20242-203258-01).
[20] *Id.*
[21] Ex. EERA-5 (Virtual Information and Scoping Meeting Minutes) (eDocket No. 20243-204045-02).
[22] Ex. EERA-4 (Public Information and Scoping Meeting Minutes) (eDocket No. 20243-204045-01).
[23] Ex. EERA-5 (Virtual Information and Scoping Meeting Minutes) (eDocket No. 20243-204045-02).
[24] Ex. EERA-4 (Public Information and Scoping Meeting Minutes) (eDocket No. 20243-204045-01).
[25] Ex. EERA-6 (Public Comment by Shannon Marcus) (eDocket No. 20243-204565-01).
[26] Ex. EERA-4 (Public Information and Scoping Meeting Minutes), Ex. EERA-5 (Virtual Information and Scoping Meeting Minutes).

17. On March 6, 2024, the Minnesota Department of Natural Resources (DNR) filed comments regarding potential environmental impacts that should be considered in the EA.[27]

18. On March 6, 2024, the Minnesota Department of Transportation (MnDOT) filed comments regarding EERA's scoping review.[28]

19. On March 6, 2024, the Metropolitan Council (Met Council) filed comments regarding EERA's scoping review.[29]

20. On March 27, 2024, EERA filed the EERA Comments and Recommendations on the EA Scoping Summary.[30] The EERA recommended that Great River Energy's proposed route be the sole routing alternative included in the scoping decision for the EA.

21. On April 4, 2024, the Judge held a prehearing conference and on April 8, 2024, issued a Prehearing Order establishing a schedule for the proceedings.[31]

22. On April 16, 2024, the Commission issued an order accepting Great River Energy's proposed route for the Project as the sole routing alternative included in the scoping decision for the EA.[32]

23. On May 1, 2024, EERA filed the EA scoping decision.[33]

24. On July 25, 2024, Great River Energy filed documentation of the newspaper notice and affidavit of publication for the Notice of Public Information and EA Scoping Meetings.[34]

25. On August 1, 2024, EERA filed the EA and appendices thereto.[35]

26. On August 7, 2024, Great River Energy filed the Direct Testimony of Mark Strohfus, a Transmission Permitting Project Manager at Great River Energy.[36] No other pre-filed testimony was submitted.

27. On August 9, the Commission issued a Notice of Public Hearing scheduling hearings for August 21, 2024 (in person) and August 22, 2024 (remote-access). The notice also opened a public comment period until September 3, 2024.[37] The Commission requested comments from the public on (1) whether the EA adequately address the

[27] DNR Comments (March 6, 2024) (eDocket No. 20243-204106-01).
[28] MnDOT Comments (March 6, 2024) (eDocket No. 20243-204107-01).
[29] Ex. EERA-7 (Met Council Comments) (eDocket Number 20243-204563-01).
[30] Ex. EERA-8 (EERA Comments and Recommendations) (eDocket No. 20243-204675-01).
[31] Prehearing Order (April 8, 2024) (eDocket No. 20244-205137-01).
[32] Ex. PUC-7 (Order) (eDocket No. 20244-205449-01).
[33] Ex. EERA-9 (EERA EA Scoping Decision) (eDocket No. 20245-206259-01).
[34] Ex. GRE-11 (Scoping Meeting Newspaper Notice) (eDocket No. 20247-208980-01).
[35] Ex. EERA-10 to -13 (EA) (eDocket Number 20248-209203-01 to -04).
[36] Ex. GRE-12 (Strohfus Direct) (eDocket Number 20248-209328-01 to -02).
[37] Ex. PUC-8 (Notice of Public Hearings and Availability) (eDocket Number 20248-209368-01).

issues identified in the scoping decision, (2) whether the Commission should grant a route permit for the Project, and (3) if granted, what additional conditions or requirements, if any, should be included in the route permit.[38]

28. On August 12, 2024, EERA filed notice of public hearings and the EA's availability to public agencies and in the EQB Monitor.[39]

29. On August 14 and 20, 2024, comments from a member of the public were submitted.[40]

30. On August 21, 2024, Judge Mortenson presided over a public hearing at the Diamondhead Education Center in Burnsville, Minnesota. The transcript from that hearing was filed on September 4, 2024.[41]

31. On August 22, 2024, Judge Mortenson presided over a virtual public hearing via WebEx conferencing software. The transcript from that hearing was filed on September 4, 2024.[42]

32. On September 2, 2024, written public comments were received.[43]

33. On September 3, 2024, Great River Energy filed comments on the Environmental Assessment and Draft Route Permit including proposed revisions to the Draft Route Permit.[44]

34. On September 3, 2024, EERA filed comments on the Draft Route Permit including proposed revisions to the Draft Route Permit.[45]

35. On September 10, 2024, Great River Energy filed its Post-Hearing Response to Comments (Post-Hearing Comments).[46] In those comments, Great River Energy provided further responses to comments submitted during the public hearing comment period. Among other things, Great River Energy discussed electromagnetic fields (EMFs), property values, route widths and right of ways, removal of trees and the proposed Draft Route Permit language submitted by Art Kalmes.[47]

[38] Ex. PUC-8 (Notice of Public Hearings and Availability) (eDocket Number 20248-209368-01).
[39] Notices of EA (Aug. 12, 2024) (eDocket No. 20248-209429-02).
[40] Comments by Aaron Jaeger (Aug. 20 and 22, 2024) (eDocket No. 20248-209645-01, 20248-209721-01).
[41] In-Person Public Hearing Transcript (Sept. 3, 2024) (eDocket Number 20249-209957-01).
[42] Remote Public Hearing Transcript (Sept. 3, 2024) (eDocket Number 20249-209957-02).
[43] Comments by Art Kalmes (Sept. 3, 2024) (eDocket Number 20249-209922-01).
[44] Great River Energy Comments on the EA and Draft Route Permit (Sept. 3, 2024) (eDocket No. 20249-209943-01).
[45] EERA Comments on Draft Route Permit (Sept. 3, 2024) (eDocket No. 20249-209933-01).
[46] Great River Energy Post-Hearing Response to Comments (Sept. 10, 2024) (eDocket Number 20249-210093-01).
[47] *Id.*

36. On September 10, 2024, Great River Energy submitted its Proposed Findings of Fact, Conclusions of Law, and Recommendations (Proposed Findings).[48]

37. On September 23, 2024, EERA submitted Reply comments to the Proposed Findings.[49]

III. DESCRIPTION OF THE PROJECT

38. The Project consists of approximately 8.75 miles of new 115-kV HVTL.[50] It includes the rebuilding and upgrading of sections of HVTL between already existing substations: (1) between the Pilot Knob and Deerwood substations; (2) between the Deerwood and River Hills substations; and (3) between the River Hills and Burnsville substations.[51] The proposed route occurs within the cities of Eagan, Burnsville, and Apple Valley in Dakota County, Minnesota.[52]

39. The Project also includes upgrades and modifications at the existing Burnsville substation at the northwest corner of the substation.[53] The upgrades and modifications at the Burnsville substation will enable operation of the Project at 115-kV in the future at the location.[54] The upgrades and modifications include removal of existing bus work, installation of new bus work, breakers, and control equipment.[55] The facility's footprint will expand by approximately 0.06 acres.[56]

IV. NEED OVERVIEW

40. The Project is needed to maintain reliability to end-use customers, prepare for future load growth, and preserve the existing looping that serves the Deerwood and Rivers Hill substations, which provide service to Dakota Electric Association's electric cooperative members.[57]

41. By installing new equipment to modern design standards and having the ability to operate at the higher voltage, the Project will ensure there is sufficient electrical capability to serve increased electrical demand in the future.[58]

42. The Project does not require a certificate of need because it is not a "large energy facility," as defined by Minn. Stat. § 216B.2421, subd. 2 (2024).

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[48] Great River Energy Proposed Findings (Sept. 10, 2024) (eDocket Number 20249-210094-01).
[49] EERA Reply Comments to Proposed Findings (Sept. 23, 2024) (eDocket Number 20249-210425-01).
[50] Ex. GRE-3 at 1-1 (Application).
[51] Ex. GRE-3 at 1-1 (Application).
[52] Ex. GRE-3 at 1-1 (Application).
[53] Ex. GRE-3 at 1-1, 1-3 and 1-4 (Application).
[54] Ex. GRE-3 at 1-3 and 1-4 (Application).
[55] Ex. GRE-3 at 1-3 and 1-4 (Application).
[56] Ex. GRE-3 at 1-3 and 1-4 (Application).
[57] Ex. GRE-3 at 1-4.
[58] Ex. GRE-3 at 1-4 (Application).

V. ROUTES EVALUATED

A. Applicant's Proposed Route

43. The Project is proposed to replace an existing 69-kV transmission line.[59] It will generally follow the existing transmission line right of way (ROW) and alignment, with minor realignments proposed on Blackhawk Road near the intersection with I-35E and at the connection to the Burnsville Substation located between County Road 11, McAndrews Road and I-35E in the City of Burnsville in Dakota County.[60]

44. The Project will begin at Great River Energy's existing Pilot Knob Substation located approximately at the intersection of Wilderness Run Road and Pilot Knob Road/County Road 31 in the City of Eagan in Dakota County. The Proposed Route extends west from the Pilot Knob Substation and then follows the existing 69-kV DA-PLX double circuit transmission line ROW north for approximately one mile through a primarily residential area along Pilot Knob Road/County Road 31.[61]

45. At the intersection of Pilot Knob Road/ County Road 31 and Deerwood Drive, the Proposed Route turns directly west following the existing 69-kV DA-PD single circuit ROW for approximately 1.2 miles along Deerwood Drive to the Deerwood Substation owned by Dakota Electric Association.[62]

46. From the Deerwood Substation, the Proposed Route continues for approximately 650 feet within Great River Energy's existing 69-kV DA-DE transmission line ROW to the intersection of Deerwood Drive and Blackhawk Road. The line then continues south for approximately 1.6 miles following Blackhawk Road until Cliff Road/County Road 32 along the 69-kV DA-DE ROW.[63] The Proposed Route moves the alignment from the existing 69-kV DA-DE ROW approximately 1,250 feet north of Blackhawk Road's I-35E crossing.[64]

47. At the intersection of Blackhawk Road and Cliff Road, the line turns west to follow Cliff Road for approximately 1.5 miles along the existing 69-kV DA-RE ROW to the Dakota Electric Association owned River Hills Substation.[65] The line then continues from the River Hills Substation west along Cliff Road E/County Road 32 for another 0.7 miles into the City of Burnsville along Great River Energy's 69-kV DA-BR ROW. The line turns southwest at the intersection of Cliff Road E/County Road 32 and State Highway 13E and follows State Highway 13E for approximately 0.4 miles, and then directly south for 2 miles along County Road 11. Approximately 770 feet of the line along County Road 11, from

[59] Ex. GRE-3 at 1-3.
[60] Ex. GRE-3 at 1-2 (Application), Appendix A.
[61] Ex. GRE-3 at 3-1 (Application).
[62] Ex. GRE-3 at 3-1 (Application).
[63] Ex. GRE-3 at 3-1 (Application).
[64] Ex. GRE-3 at 3-1 (Application).
[65] Ex. GRE-3 at 3-2 (Application).

the north side of I-35E to the I-35E entry/exit ramps south of the interstate, is in the City of Apple Valley.[66]

48. The line then moves back into the City of Burnsville as it crosses to the west side of County Road 11 and ultimately into the Burnsville Substation. The Proposed Route shifts from the existing 69-kV ROW for approximately 450 feet where the line enters the Burnsville Substation to allow the Project to connect on the western side of the facility rather than the eastern side. Great River Energy would remove the existing 69-kV transmission line and pole structures as the new poles and 115-kV line are installed.[67]

B. Other Routes Evaluated by Applicant.

49. Minn. Stat. § 216E.04, subd. 3 (2024), and Minn. R. 7850.3100 require an applicant to identify any alternative routes that were considered and rejected for the Project.

50. Prior to submitting the Application, Great River Energy evaluated and rejected one alternative rebuild scenario for the Project.[68]

51. The alternative rebuild scenario involved rebuilding and upgrading the following lines: the 69-kV DA-PKX transmission line that extends 0.5-mile south from the Pilot Knob Substation to Cliff Road/County Road 32; and the 69-kV DA-RE transmission line that extends 1.5 miles east on Cliff Road/County Road 32 to connect to the Proposed Route at the intersection of Cliff Road/County Road 32 and Blackhawk Road. Great River Energy considered and rejected this alternative rebuild scenario because it had lower reliability, and the county highway system may expand.[69]

C. Alternatives Analyzed in the Environmental Assessment.

52. Because the Commission issued an order on April 16, 2024, accepting Great River Energy'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.[70]

VI. TRANSMISSION LINE STRUCTURE TYPES AND SPANS

53. Most of the Project will consist of single circuit, horizontal post, or braced post direct-imbedded monopole steel structures spaced approximately 300 to 400 feet apart.[71] Transmission structures will typically range in height from 65 to 100 feet above

[66] Ex. GRE-3 at 3-2 (Application).
[67] Ex. GRE-3 at 3-2 (Application).
[68] Ex. GRE-3 at 5-1 (Application).
[69] Ex. GRE-3 at 5-1 (Application).
[70] Ex. PUC-7 (Order).
[71] Ex. GRE-3 at 4-3 (Application).

ground. The average diameter of the direct-embedded steel structures at ground level would be between 22 and 40 inches.[72]

54. Laminated wood or steel structures on concrete foundations may be needed for switches and angled structures.[73] The size of the structures is dependent on the weight of the switch material, the tension on the line, and/or the angle of deflection the pole location causes on the transmission line and will be determined after a route permit is issued with detailed engineering design.[74]

55. Multi-pole (e.g., 3-pole dead-end) and/or H-frame structures are designed in a horizontal configuration to maintain the transmission line conductors parallel to the ground. The horizontal configuration allows the upgraded 115-kV transmission line to be as low as possible at the crossing point, while still maintaining the required clearances set by the National Electrical Safety Code (NESC). Specific sizing will be determined after a route permit is issued with detailed engineering design.[75]

56. A dead-end structure may be used to change direction and/or wire tension on a transmission line. Dead-end structures may also be 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 use wood, wood laminate, direct steel embedded, or steel on concrete foundation structures and can have a larger cross section than the typical structures. The location of dead-end structures will be determined after a route permit is issued with detailed engineering design.[76]

VII. TRANSMISSION LINE CONDUCTORS

57. Single circuit structures will have three phases of bundled conductor wires and one shield wire.[77] It is anticipated that the phase wires would be 795 thousand circular mil aluminum-clad steel supported (795 ACSS) or a conductor with similar capacity.[78] The shield wire will be 0.528 optical ground wire.[79] Under certain conditions, the shield wire may be buried between structures.[80]

VIII. TRANSMISSION LINE ROUTE WIDTHS

58. Great River Energy is generally requesting a 400-foot Proposed Route width with modified rout widths for the following areas of the Project:[81]

[72] Ex. GRE-3 at 4-3 (Application).
[73] Ex. GRE-3 at 4-3 (Application).
[74] Ex. GRE-3 at 4-3 (Application).
[75] Ex. GRE-3 at 4-3 (Application).
[76] Ex. EERA-13 at 17 (EA).
[77] Ex. GRE-3 at 4-5 (Application).
[78] Ex. GRE-3 at 4-5 (Application).
[79] Ex. GRE-3 at 4-5 (Application).
[80] Ex. GRE-3 at 4-5 (Application); Ex. EERA-13 at 17 (EA).
[81] Ex. GRE-3 at 3-3 to 3-4 (Application).

- A 400-foot-wide route for approximately 1 mile along Pilot Knob Road/County Road 31 until the intersection with Deerwood Drive;

- A 200-foot-wide route along Deerwood Drive and Blackhawk Road until the I-35E crossing;

- The entire 2-acre parcel where the Deerwood Substation is located;

- An approximately 500-foot-wide route (at its widest point) along the proposed 1,250-foot minor reroute north of Blackhawk Road's I-35E crossing;

- A 200-foot-wide route for approximately 1,800 feet along the Blackhawk Road until the intersection with Cliff Road / County Road 32;

- A 400-foot-wide route for approximately 2.2 miles along Cliff Road / Cliff Road E / County Road 32 until the intersection with State Highway 13E;

- The entire 0.5-acre parcel where the River Hills Substation is located;

- A 500-foot-wide route for approximately 2,000 feet along State Highway 13E;

- A 400-foot-wide route for 2 miles along County Road 11;

- A 200-foot-wide route for approximately 1,000 feet along I-35E until the Burnsville Substation;

- The entire 5.4-acre parcel where the Burnsville Substation is located.

IX. TRANSMISSION LINE RIGHT-OF-WAY

59. Great River Energy currently holds 70-foot-wide ROW associated with the existing 69-kV transmission line and it intends to maintain this ROW for the new 115-kV transmission line.[82]

60. Great River Energy anticipates new ROW will be required for rerouted sections along Blackhawk Road and its intersection with I-35E.[83] Great River Energy states it may seek an up to 100-foot right-of-way in some areas to account for site-specific conditions.[84]

61. Great River Energy anticipates that the Project may obtain some renewed and/or amended easements along the existing alignment. Great River Energy

[82] Ex. GRE-3 at 3-2 (Application).
[83] Ex. EERA-10 at 3 (EA).
[84] Great River Energy Comments on the EA and Draft Route Permit, Attachment A-1 at 4.

representatives will work directly with individual landowners to acquire the necessary easements for the Project.[85]

X. PROJECT SCHEDULE

62. Great River Energy plans to commence construction in Winter 2025/2026 and energizing the Project in Spring 2028.[86] The Project is expected to be constructed in three separate phases to avoid extended outages on the distribution.[87]

XI. PROJECT COSTS

63. Great River Energy estimates that the costs for the proposed Project are approximately $32.8 million.[88]

64. The estimated annual cost of ROW maintenance and operation of Great River Energy's transmission lines (69-kV to 500-kV) in Minnesota currently averages about $2,000 per mile. Storm restoration, annual inspections, and ordinary replacement costs are included in these annual operating and maintenance costs.[89]

XII. PUBLIC AND LOCAL GOVERNMENT PARTICIPATION

65. Prior to submitting the Application, Great River Energy initiated landowner outreach by providing information on the Project via letters mailed to landowners within or adjacent to the Proposed Route, interested parties and federal, state, and local governmental officials; publishing notices in area newspapers; and holding open house meetings.[90]

66. Applicant held open houses at the Eagan Community Center in Eagan, Minnesota, and at the Diamondhead Education Center in Burnsville, Minnesota, on July 25 and 26, 2023, respectively. Applicant's staff provided information to members of the public and answered questions concerning the Project. Applicant also provided posters showing the existing/proposed transmission line alignment and pictures of the proposed pole structures.[91]

67. Public Information Meetings and EA Scoping Meetings were held on February 20 and 21, 2024, during which multiple members of the public spoke.[92] Written

[85] Ex. GRE-3 at 3-2 (Application).
[86] Ex. GRE-3 at 3-5 (Application).
[87] Ex. GRE-3 at 3-5 (Application).
[88] Ex. GRE-3 at 3-4 (Application).
[89] Ex. GRE-3 at 3-5 (Application).
[90] Ex. GRE-3 at 1-5 (Application).
[91] Ex. GRE-3 at 1-5 (Application).
[92] Ex. EERA-4 (Public Information and Scoping Meeting Minutes), Ex. EERA-5 (Virtual Information and Scoping Meeting Minutes).

comments from members of the public and government agencies were received until the written comment period on EA scoping closed on March 6, 2024.[93]

68. One member of the public provided comments at the in-person portion of the public hearing held on August 21, 2024, in Burnsville, Minnesota. The member of public asked about easements and removal of trees.[94] One member of the public spoke at the virtual public hearing held on August 22, 2024.[95] That individual commented about the height and size of the towers.[96] Great River Energy responded to questions at the hearings.

69. On August 14 and 20, 2024, the Commission received two written comments from Aaron Jaeger, a homeowner near the Proposed Route. Aaron Jaeger explained that his home already has one powerline along one side of his neighborhood and now there will be a second powerline. He stated his concerns about exposure of people in the area to EMFs, and about property values and home sales near the transmission lines.[97]

70. On September 2, 2024, Art Kalmes submitted written comments asking questions about route widths, removal of trees, and questions about the EA and proposed permit requirements. He also proposed modifications to the Draft Route Permit Section 5.3.10, Vegetation Management to be more consistent with the language in the EA.[98]

71. On September 10, 2024, Great River Energy filed its Post-Hearing Comments.[99] Great River Energy submitted additional responses to public hearing comments. With respect to Aaron Jaeger's comments, Great River Energy stated that the EA concluded that the Project is not anticipated to result in impacts to public health and safety from EMFs, nor is the Project anticipated to result in direct impacts to property values, particularly given that it is the rebuild and upgrade of an existing line. With respect to Art Kalmes' comments, Great River Energy provided explanation regarding vegetation management practices and responded to Mr. Kalmes's comments on the Draft Route Permit.[100]

XIII. FACTORS FOR A ROUTE PERMIT

72. Minn. Stat. § 216E.03, subd. 7(a) (2024), 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

[93] Ex. EER-6 (Public Comment by Shannon Marcus), Ex. EERA-7 (Met Council Comments), Ex. EERA-8 (EERA Comments and Recommendations), MDNR Comments, MnDOT Comments.
[94] In Person Public Hearing Transcript (Sept. 3, 2024).
[95] Remote Public Hearing Transcript (Sept. 3, 2024).
[96] Remote Public Hearing Transcript (Sept. 3, 2024).
[97] Comments by Aaron Jaeger (Aug. 20 and 22, 2024).
[98] Comments by Art Kalmes (Sept. 3, 2024). This comment will be discussed in more detail when discussing the specific language in the Route Permit.
[99] Great River Energy Post-Hearing Response to Comments (Sept. 10, 2024).
[100] *Id.*

ensure the state's electric energy security through efficient, cost-effective power supply and electric transmission infrastructure."[101]

73. Pursuant to Minn. Stat. § 216E.03, subd. 7(b), the following considerations are to guide the Commission's facilitation or the study, research, evaluation, and designation of a route:

> (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;[102]
>
> (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

[101] Minn. Stat. § 216E.03, subd. 7 (2024). While this matter is occurring under the Alternative Review process under Minn. Stat. 216E.04 (2024) that statute requires the Commission to rely on the considerations listed under Minn. Stat. § 216E.03, subd. 7.

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

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, 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.

74. Minn. Stat. § 216E.03, subd. 7(e), 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 right-of-way and, to the extent those are not used for the route, the [C]omission must state the reasons."

75. The Commission must also follow its rule at Minn. R. 7850.4100 (2023), 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;

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;[103]

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.

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

XIV. APPLICATION OF ROUTING FACTORS TO THE PROPOSED ROUTE

A. Effects on Human Settlement.

77. 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.[104]

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

1. Displacement.

78. No residences or businesses are anticipated to be permanently displaced by the Project.[105] During the scoping comment process, members of the public raised comments about the potential for disruption to entrances and exists at local churches and businesses, as well as outages of electrical service during construction.[106] Potential impacts to area businesses and churches would be minimized by coordination of roadway lane closure with local jurisdictions, with landowners regarding private driveway use during construction, and with Dakota Electric Association for electrical service outages.[107]

79. No direct impacts on property values are anticipated.[108]

2. Noise.

80. The Minnesota Pollution Control Agency (MPCA) has established standards for the regulation of noise levels. The most restrictive MPCA noise limits are 60 to 65 A-weighted decibels (dBA) during the daytime and 50 to 55 dBA during the nighttime.[109]

81. Potential noise impacts due to the Project can be grouped into three categories: (1) noise from construction of the transmission line, and (2) noise from operation of the transmission line, and (3) noise from operation of the substation.[110]

82. During the construction of the Project, temporary, localized noise from heavy equipment and increased vehicle traffic is expected to occur along the ROW during daytime hours.[111] 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.[112]

83. Applicant estimates that noise levels for the Project will be approximately 14.2 to 17.7 dBA at the edge of the transmission line ROW and 15.3 to 18.8 dBA directly under the line. These noise levels are within Minnesota noise standards.[113]

84. At the Burnsville Substation, the Project expansion is adjacent to the I-35E freeway, and noise impacts to nearby receptors are not anticipated.[114]

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[105] Ex. EERA-10 at 27 (EA).
[106] Ex. EERA-10 at 27 (EA).
[107] Ex. EERA-10 at 27 (EA).
[108] Ex. EERA-10 at 35 (EA).
[109] Minn. R. 7030.0040 (2023).
[110] Ex. EERA-10 at 30 (EA).
[111] Ex. EERA-10 at 31 (EA).
[112] Ex. EERA-10 at 31 (EA); Ex. GRE-3 at 7-5 to-6 (Application).
[113] Ex. GRE-3 at 7-6 (Application).
[114] Ex. EERA-10 at 31 (EA).

85. Operational noise from the transmission line is not anticipated to significantly contribute to exceedances of the MPCA's total noise standards; therefore, no mitigation is proposed after construction is completed.[115] Mitigation measures during construction may include working with applicable stakeholders if construction required outside of regular daytime hours to minimize impacts and use sound attenuation devices like mufflers on head equipment to minimize noise levels.[116]

3. Aesthetics.

86. The Project will be visible along the Proposed Route, with a very similar alignment to the existing 69-kV system.[117] The existing structure heights range between 55 to 80 feet above ground and will be replaced with structures from 65 to 100 feet tall.[118] The poles will be larger and taller, have larger insulators, and the conductors will be more prominent.[119]

87. The visual effect will depend largely on the perceptions of the observers across these landscapes but will remain similar to current conditions.[120] Tree clearing and trimming may be seen as a visual disruption.[121]

88. While some aesthetic impacts cannot be fully avoided, Great River Energy is committed to working with landowners on pole placement and alignment adjustments.[122]

4. Cultural Values.

89. The City of Eagan hosts several community events throughout the year including the historic Holz Farm, Winter Art Sale, Big Rig Rally, Bow Wow-a-Rama, Food Truck Festival, Halloween Trail Walk, and Craft and Gift shows. The City of Burnsville holds several events throughout the year, including the International Festival, live music at Buck Hill, Canterbury Park Racetrack, and the Burnsville Festival & Fire Muster. Apple Valley hosts several annual community events including Freedom Days, Mid-Winter. Fest, Fall Clean-up Day, Night to Unite and Music in Kelley Park. The Minnesota Zoo is located within the City of Apple Valley.[123]

90. Construction and operation of the Project is not likely to impact cultural values of area. Therefore, no mitigation is proposed.[124]

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[115] Ex. GRE-3 at 7-6 (Application); Ex. EERA-10 at 32 (EA).
[116] Ex. EERA-10 at 32 (EA).
[117] Ex. EERA-10 at 25 (EA).
[118] Ex. GRE-3 at 7-2 (Application).
[119] Ex. EERA-10 at 25 (EA).
[120] Ex. EERA-10 at 26 (EA).
[121] *Id.*
[122] *Id.*
[123] Ex. EERA-10 at 26-27 (EA).
[124] Ex. EERA-10 at 27 (EA).

5. Recreation.

91. This area has several year-round parks and recreational areas including trails for hiking, biking, and cross-country skiing, and lakes and rivers for swimming, boating, and fishing.[125]

92. Parks in the area include Highline Trail and Carnelian Park within the City of Eagan, and Terrace Oaks West in the City of Burnsville. Along most of the Project Route, there are bike trails, largely associated with bike lanes within roadways, and trails that intersect the Proposed Route transmission line alignment.[126] The bike trails may need to temporarily close during construction. Great River Energy will work with the cities of Eagan and Burnsville to ensure public safety, coordinate temporary closures or reroutes, and notify the public.[127]

93. Impacts to recreational opportunities from the Project are anticipated to be minimal. The Proposed Route generally parallels the existing 69 kV systems the Project will replace, so new impacts to recreation areas would be minimal.[128]

6. Socioeconomics.

94. Approximately 15 to 25 daily contract workers will be employed during construction of the Project.[129] Great River Energy would also have a construction supervisor onsite throughout the construction phase.[130] Great River Energy expects construction of the Project to take approximately two years.[131]

95. Minor short-term positive economic impacts will result from the construction activity and an influx of contractor employees during construction of the Project.[132] In addition, construction materials may be purchased from local vendors. There would be no permanent positions created as a result of the Project.[133]

96. Impacts to socioeconomics would be generally short-term and beneficial; therefore, no mitigation is proposed.[134]

7. Environmental Justice.

97. Environmental justice is the "fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the

[125] Ex. EERA-10 at 33 (EA).
[126] Ex. EERA-10 at 33 (EA).
[127] Ex. EERA-10 at 33 (EA).
[128] Ex. EERA-10 at 33 (EA).
[129] Ex. EERA-10 at 34 (EA).
[130] Ex. EERA-10 at 20 (EA).
[131] Ex. EERA-10 at 34 (EA).
[132] Ex. EERA-10 at 34 (EA).
[133] Ex. EERA-10 at 33–34 (EA).
[134] Ex. EERA-10 at 34 (EA).

development, implementation, and enforcement of environmental laws, regulations, and policies."[135]

98. Dakota County, where the entire route is located, is not an environmental justice area in the State of Minnesota.[136] No environmental justice impacts are anticipated, and no mitigation is proposed.[137]

8. Public Service and Infrastructure.

99. The Project is in a suburban area. Roadways in the area include interstate highways, multilane suburban arterials, and two-land roads with curb and gutter. The cities of Eagan, Burnsville, and Apple Valley provide police, fire, water, and sewer services in their respective cities. Ambulance services are provided by the fire department or private ambulance services.[138]

100. The Allied Radio Matrix for Emergency Response (ARMER) serves as the primary communications tool for the majority of state, county and local public safety entities in Minnesota. The ARMER radio system can be interrupted if tall objects are proposed within the line-of-sight, typically for structures greater than 150 feet tall. There are no ARMER towers within one mile of the Project; therefore, no mitigation is proposed.[139]

101. Two airports or airstrips are within five miles of the Project. The Minneapolis-St Paul International Airport is approximately 3.5 miles north of the Project. Crystal Lake is 2.5 miles southwest of the Project and has a seaplane base.[140] During final engineering of the pole locations and heights, Great River Energy will file notice with the FAA to determine if the potential for an airport obstruction exists. The FAA will determine if additional safety equipment or measures are needed.[141]

102. The Project will cross an existing Xcel Energy 345 kV transmission line. Three existing natural gas pipelines will also be crossed.[142] Representatives from Met Council commented during scoping that there is a sanitary sewer interceptor near the intersection of Cliff Road and Highway 13 that may be impacted.[143] Because most of the Project will follow the existing 69 kV transmission and road ROW, impacts to existing utilities are anticipated to be minimal.[144] If conflicts with existing utilities arise, Great River Energy will coordinate with the utility companies prior to the start of construction.[145]

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[135] Ex. EERA-10 at 33 (EA).
[136] Ex. EERA-10 at 33 (EA).
[137] Ex. EERA-10 at 34 (EA).
[138] Ex. EERA-10 at 36 (EA).
[139] Ex. EERA-10 at 35–36 (EA).
[140] Ex. EERA-10 at 36 (EA).
[141] Ex. EERA-10 at 37 (EA).
[142] Ex. EERA-10 at 36 (EA).
[143] Ex. EERA-7 (Met Council Comments).
[144] Ex. EERA-10 at 36 (EA).
[145] Ex. EERA-10 at 37 (EA).

103. A member of the public expressed concern during the scoping period regarding electrical service outages that may occur during construction of the Project.[146] Great River Energy will coordinate outages for its system with Dakota Electric Association, the local electric service provider, to minimize service impact to customers.[147]

104. MnDOT provided comments during scoping regarding impacts to its system during construction and operation. Great River Energy will coordinate with and obtain required permits and approvals from MnDOT for use of its ROW for transmission structures and overhead wires, protection of environmental resources within the ROW, and when planning for oversized loads on the State Highway System.[148]

105. Although it is not anticipated that construction activities will have more than minimal traffic impacts, Great River Energy would coordinate with local authorities and emergency services regarding appropriate procedures, signage, and traffic management for lane or road closure. As a result, impacts to emergency response during construction would be minimal.[149]

9. Electronic Interference.

106. Electronic interference refers to an electronic signal disturbance that impairs the proper functioning of an electronic device. HVTLs can interfere with electronic communications (radios, two-way radios, TV, and microwave communication) in two ways. First, corona from transmission line conductors can generate electromagnetic "noise" at the same frequencies that communication signals are transmitted. Second, transmission structures can physically block communication signals through a "shadowing" effect. GPS is typically not affected by transmission lines.[150]

107. During the scoping period, Steve Smith, a member of the public, expressed concern with the Project's interference with antennas associated with AM 980 KKMS on the south side of Cliff Road.[151] Great River Energy has subsequently discussed the interference issue with the radio station regarding clearance requirements from the antennas and the potential for radio interference from the transmission line. Great River Energy confirmed with its construction contractor they can adequately ground the construction equipment while working near the antennas, and both parties have agreed to conduct a joint radio interference study during final engineering, when the locations and height of the transmission equipment along Cliff Road is known.[152]

[146] Ex. EER-6 (Public Comment by Shannon Marcus).
[147] Ex. EERA-10 at 36 (EA); Ex. GRE-3 at 4-5 (Application).
[148] Ex. EERA-10 at 36 (EA).
[149] Ex. EERA-10 at 36-37 (EA).
[150] Ex. EERA-10 at 27-28 (EA).
[151] Ex. EERA-5 (Virtual Information and Scoping Meeting Minutes) (eDocket No. 20243-204045-02).
[152] Ex. EERA-10 at 28 (EA).

108. For FM radio, FM radio receivers usually do not pick up interference from transmission lines and FM radio systems have inherent interference rejection properties. There would be no impact to FM radio receivers resulting from the Project.[153]

B. Effects on Public Health and Safety.

109. Minnesota's HVTL routing factors require consideration of the Project's potential effect on health and safety.[154] Impacts to human health and safety are assessed by looking at three main issues: EMF, stray voltage, and induced voltage.[155]

1. EMF.

110. There are no federal regulations regarding allowable electric or magnetic fields produced by transmission lines in the United States. The Commission has imposed a maximum electric field limit of 8 kV per meter (kV/m).[156] The Commission has not adopted a standard for magnetic fields.[157]

111. The highest modeled electric field levels associated with the Project are anticipated to range from 0.25 to 2.37 kV/m directly under the centerline.[158] The maximum magnetic field under expected peak demand conditions is expected to range between 23.45 and 44.9 milligauss (mG) directly under the line. Magnetic field strengths at the edge of ROW during average loading conditions is expected to range from 10 to 22 mG. Because the actual power flow on a transmission line could potentially vary throughout the day depending on electric demand, the actual magnetic field level could also vary widely from hour to hour.[159]

112. 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. Impacts to public health and safety resulting from EMF are not expected.[160]

2. Stray Voltage.

113. Impacts to residences, businesses, or farming operations resulting from neutral to earth voltage are not anticipated. 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.[161]

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[153] Ex. EERA-10 at 28 (EA).
[154] Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100, subp. B.
[155] Ex. EERA-10 at 40 (EA).
[156] Ex. EERA-10 at 40 (EA).
[157] Ex. EERA-10 at 41 (EA).
[158] Ex. EERA-10 at 40–41 (EA).
[159] Ex. EERA-10 at 41 (EA).
[160] Ex. EERA-10 at 41 (EA).
[161] Ex. EERA-10 at 42 (EA).

3. Induced Voltage.

114. 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 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. [162]

C. Effects on Land-Based Economies.

115. Minnesota's HVTL routing factors require consideration of the Project's impacts to land-based economies—specifically, agriculture, forestry, tourism, and mining.[163]

1. Agriculture.

116. The land in northern Dakota County is primarily used for residential and commercial purposes. There would be no impact to agriculture from the Project. Therefore, no mitigation is proposed.[164]

2. Forestry.

117. There are no management plans or reports of forestry resources covering the Twin Cities metro area, including norther Dakota County. As a result, construction and operation of the Project would not affect forestry resources, and no mitigation is proposed.[165]

3. Mining.

118. The Project is located in an area mapped as having many limestone crushed stone quarries, but no mining occurs within the Proposed Route. No impacts to mining are anticipated, and no mitigation is proposed.[166]

4. Tourism.

119. Tourist activities for tourists near the Proposed Route include sporting events, shopping, dining, and accommodations. Burnsville offers attractions such as outdoor activities at Buck Hill and performing arts at the Ames Center. In addition, the Minnesota Zoo is located approximately one mile southeast of the Project in Apple Valley.[167]

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[162] Ex. EERA-10 at 42 (EA).
[163] Minn. Stat. § 216E.03, subd. 7(b)(5); Minn. R. 7850.4100, subp. C.
[164] Ex. EERA-10 at 43 (EA).
[165] Ex. EERA-10 at 43 (EA).
[166] Ex. EERA-10 at 44 (EA).
[167] Ex. EERA-10 at 43 (EA).

120. Project activities avoid areas that would be considered local tourist destinations, and the Project would not preclude tourism activities, or appreciably diminish experiences at tourist destinations. The Project would have minimal impacts on tourism activities and nearby tourist destinations; as such, no mitigation is proposed.[168]

D. Effects on Archaeological and Historic Resources.

121. Minnesota Rule 7850.4100, subparagraph D, requires consideration of the effects of the Project on historic and archaeological resources.

122. A cultural resource literature review of the Project and a one-mile buffer was conducted online through cultural resources sites (archaeological sites and historic structures) and survey files from the SHPO, archaeological site files on the Office of the State Archaeologist (OSA) online portal, as well as the General Land Office maps and available historical aerial photography accessed online through the OSA Portal.[169] According to the OSA and SHPO files, there are no archaeological sites recorded within a half-mile of the proposed alignment.[170]

123. The Applicant requested feedback on the Project from the 11 federally recognized Tribes geographically located within Minnesota and the Minnesota Indian Affairs Council (MIAC). Shakopee Mdewakanton Sioux responded requesting wider notification to all Minnesota Dakota Tribes, completion of a desktop study to identify recorded sites, monitoring ground disturbing activities in areas determined to be sensitive to tribes and preparing an Unanticipated Discovery Plan for the Project.[171]

124. Five historic buildings and structures were located within one-half mile of the Proposed Route, but none of these appear to be impacted by the Project. Two historic cemeteries are within one-half mile of the Proposed Route, with the St. John's Cemetery being potentially impacted with pole placement and tree clearing near the cemetery. Great River Energy will have a qualified archaeologist to monitor construction activity at this pole location.[172]

E. Effect on Natural Environment.

125. Minnesota's HVTL routing factors require consideration of the Project's effect on the natural environment, including effects on air and water quality resources and flora and fauna.[173]

1. Air Quality.

126. There are three air quality monitoring stations in northern Dakota County near the Proposed Route: Lakeville (approximately 4 miles to the south); Apple Valley

[168] Ex. EERA-10 at 43 (EA).
[169] Ex. EERA-10 at 45 (EA).
[170] Ex. EERA-10 at 46 (EA).
[171] Ex. EERA-10 at 45 (EA).
[172] Ex. EERA-10 at 46 (EA).
[173] Minn. Stat. § 216E.03, subd. 7(b)(1)-(2); Minn. R. 7850.4100, subp. E.

(approximately 1.5 miles to the south); and Eagan (approximately 3 miles to the northeast).[174]

127. 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 occur from the operation of construction equipment, vehicular traffic, and soil disturbance. During operation, the annual inspections, maintenance, and emergency repair of the transmission line also would not substantially add to air quality pollutant concentrations in the region.[175]

128. When necessary, dust from construction activities would be controlled using standard construction practices such as watering of exposed surfaces, covering of disturbed areas, reduced speed limits, and the use of chemical dust suppressants. Any adverse impacts are anticipated to be localized, minimal, and temporary.[176]

2. Greenhouse Gas Emissions (GHG).

129. Construction of the Project will result in temporary minor greenhouse gas emissions from fuel combustion in construction equipment, commuter vehicles, and delivery trucks.[177]

130. During the operational stage, the Project would be regularly inspected, maintained, and undergo emergency repair as necessary. These activities would generate a minor amount of greenhouse gas (GHG) emissions. It is estimated approximately 1.7 tons per year carbon dioxide equivalent (CO_2e) would be generated during operation.[178]

131. Currently, no Minnesota-specific thresholds of significance exist for determining impacts of GHG emissions from an individual project on global climate change. In the absence of such a threshold, state regulations establish 100,000 tons per year as the threshold. Projects with GHG emissions below 100,000 tons per year likely do not have the potential to result in significant GHG emissions. Therefore, the Project would have minimal effect to GHG emissions in Minnesota, and as such, no mitigation is proposed.[179]

3. Climate Change.

132. A warming climate is expected to cause increased flooding, storms, and heat wave events. These events, especially an increased number and intensity of storms, could increase risks to the Project through high winds or flooding that could impact the substation and transmission line poles. Heavy rainfall events could also lead to increased

[174] Ex. EERA-10 at 49 (EA).
[175] Ex. EERA-10 at 49–50 (EA).
[176] Ex. EERA-10 at 50 (EA).
[177] Ex. EERA-10 at 50 (EA).
[178] Ex. EERA-10 at 51 (EA).
[179] Ex. EERA-10 at 51 (EA).

soil erosion. The Project as proposed will be designed to withstand these changes and will increase reliability in the Project area. Therefore, no mitigation is proposed.[180]

4. Geology and Topography.

133. Transmission structures will generally be direct embedded in the soil approximately 10 to 20 feet deep and three to five feet in diameter for each pole. No changes to geology or topographic resources are anticipated, and no mitigation is proposed.[181]

5. Soils.

134. Construction activities have the potential to compact the soil as the result of the movement of heavy construction equipment. Vegetation will be cleared to facilitate construction of the Project. This clearing will temporarily expose soils to the elements, which could cause soil erosion. Loss of soils during construction could adversely impact water resources in the area.[182]

135. Potential impacts of construction are compaction or rutting of soil associated with construction equipment and exposing disturbed soils to wind and water erosion. Ground disturbance and soil exposure would be primarily limited to the pole locations. Soil not re-used would be thin spread in the construction area or hauled off-site.[183]

136. Erosion and sediment control methods would be utilized to minimize runoff during construction. Such best management practices may include but are not limited to the installation of sediment barriers (e.g., straw bales, bio-logs), filter socks, mulch, upslope diversions, and slope breakers. Great River Energy prepared a draft Vegetation Management Plan (VMP) for the Project and standard conditions in the Draft Route Permit address erosion and sediment control. Implementation of these measures would reduce impacts to soil resulting from construction of the Project.[184]

6. Water Quality and Resources.

137. There are a variety of water resources in the vicinity of the Project but few within the Proposed Route. The Project lies within the Lower Minnesota River and Vermillion River watersheds.[185]

a) Groundwater.

138. Eighty-five percent of the Proposed Route is mapped as having depth to groundwater at less than 20 feet. If dewatering is necessary above 10,000 gallons per day or one million gallons per year, Great River Energy would be required to obtain a

[180] Ex. EERA-10 at 52 (EA).
[181] Ex. EERA-10 at 53–54 (EA).
[182] Ex. GRE-2 at 7-54 (Application).
[183] Ex. EERA-10 at 54 (EA).
[184] Ex. EERA-10 at 54-55 (EA).
[185] Ex. EERA-10 at 56 (EA).

Water Appropriation Permit from DNR. If displaced groundwater rises to the surface during pole or foundation installation, Great River Energy would collect the groundwater and dispose of it through a licensed facility. No groundwater is anticipated to be discharged during construction to a storm drain or to surface water without a permit.[186]

139. On August 29, 2023, the Minnesota Department of Health (MDH) provided comments during initial outreach by Great River Energy for the Project. To mitigate the potential impacts associated with introducing groundwater contamination in the event of a spill, or the potential for the Project to limit owners' access to their wells in order to properly maintain and seal wells, MDH identified general potential mitigation measures to allow owners to access the wells with a drill rig without special equipment or de-energizing the line.[187]

140. EERA included these measures in a special condition in the Draft Route Permit summarized to include: Project staging 200 feet from city wells; follow Emergency Response Plans for the cities of Burnsville and Eagan in case of a spill; contact list of well owners located within 200 feet of the transmission line and provide to MDH for notification in the event of a spill or release of hazardous substance; and Locate the transmission lines a sufficient distance from existing wells to allow safe and legal access. This accommodation could include relocation of the well to provide similar chemistry and supply to the owner, and properly abandoning the impacted well.[188]

b) Surface Water.

141. Surface water from the Project area primarily drains toward Carlson Lake (northeast of Pilot Knob Substation), Blackhawk Lake (northern portion of Pilot Knob-Deerwood segment), and Alimagnet Lake (south of Burnsville Substation). These drainage basins have been identified by the State of Minnesota as being impaired waters, meaning the water quality does not meet the standards needed for its designated use.[189]

142. Impacts to surface water resources typically include pollutants entering wetlands and waterbodies from stormwater runoff containing chemicals released onto urban hardscape, used in landscaping, or an excess of sediment from soil erosion.[190]

143. Great River Energy anticipates the Project would disturb less than an acre of soil and would not be required to obtain a National Pollutant Discharge Elimination System permit from the MPCA to discharge stormwater from construction areas. The disturbed area calculation would be based on final engineering of the Project.[191]

[186] Ex. EERA-10 at 53 (EA).
[187] Ex. EERA-10 at 53 (EA).
[188] Ex. EERA-10 at 53 (EA).
[189] Ex. EERA-10 at 56 (EA).
[190] Ex. EERA-10 at 57 (EA).
[191] Ex. EERA-10 at 57 (EA).

c) Wetlands.

144. A jurisdictional delineation has not been conducted for the Project; however, the DNR has mapped 101 wetlands, 121 freshwater ponds, and two lakes within the project vicinity. Focusing on the Proposed Route, 11 freshwater ponds and 13 wetlands have been mapped within the route width.[192]

145. Wetlands would be impacted by the construction and operation of the Project. Great River Energy will manage the ROW to remove vegetation that interferes with the operation and maintenance of the transmission line. Great River Energy will also remove existing trees throughout the entire ROW, including those within forested wetlands. As a result, the forested wetlands will undergo permanent conversion to a different wetland vegetation community type within the ROW. Once design of the project is complete, Great River Energy will seek coverage under USACE's Utility Regional General Permit. Great River Energy does not currently anticipate placing poles within wetlands or waterbodies.[193]

146. Mitigation measures are included in the Draft Route Permit as standard conditions summarized to include construction in wetlands to occur during frozen ground conditions where possible; and soil excavated from the wetlands and riparian areas be contained and managed in accordance with applicable wetland permits.[194]

d) Impaired Waters.

147. The closest impaired waters to the Project are Carlson Lake (northeast of Pilot Knob Substation), Blackhawk Lake (northern portion of Pilot Knob-Deerwood segment), and Alimagnet Lake (south of Burnsville Substation).[195] Alimagnet Lake is 870 feet south of the Burnsville Substation. Carlson Lake is 1,050 feet east of the Pilot Knob Substation.[196]

148. The Project has the potential to contribute pollutants to impaired waters. The VMP prepared for the Project does not include the use of fertilizers or other sources of nutrients as part of vegetation establishment or management within the ROW. However, Great River Energy plans to obtain rights to utilize property for utility purposes only, and the underlying property owner may elect to use fertilizers on their property. The small quantity of fertilizer potentially used is unlikely to affect water quality in the impaired waterbodies.[197]

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[192] Ex. EERA-10 at 57 (EA).
[193] Ex. EERA-10 at 58-59 (EA).
[194] Ex. EERA-10 at 59 (EA).
[195] Ex. EERA-10 at 56 (EA).
[196] Ex. GRE-2 at 7-39 (Application).
[197] Ex. EERA-10 at 57 (EA).

e) Floodplains.

149. The Project footprint crosses areas of minimal flood hazard and will not impact flood planning or development in the area.[198]

7. Flora.

150. Northern Dakota County is largely developed for commercial and residential use. Vegetation typically associated with ornamental and manicured landscaping is predominant in the area. There are some stands of trees in undeveloped areas.[199]

151. Construction and operation of the Project may cause short- or long-term impacts on vegetation. During construction, vegetation may be impacted if invasive or non-native species are introduced into the ROW during construction or restoration, or by changes in soil or stormwater runoff that adversely impacts plant growth.[200]

152. Long-term impacts would primarily result from tree trimming and removal in the ROW. Great River Energy anticipates approximately 9.5 acres of trees would be removed for the Project. Maintenance of the ROW must meet electrical safety standards; therefore, woody vegetation that is removed from the ROW is unlikely to be replaced.[201]

153. Great River Energy filed a VMP with its Application in Appendix I.[202] EERA included a special condition in the Draft Route Permit that Great River Energy will develop a VMP in coordination with the Vegetation Management Plan Working Group using best management practices established by the DNR and Board of Water and Soil Resources.[203]

8. Fauna.

154. During construction, there is a potential to displace wildlife because of ROW clearing and the use of loud equipment. This wildlife is typical of those found in urban developed settings, and would be able to find similar habitat nearby, minimizing impacts resulting from construction.[204]

155. Construction also has the potential for erosion and sediment control products that 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

[198] Ex. EERA-10 at 59 (EA).
[199] Ex. EERA-10 at 59 (EA).
[200] Ex. EERA-10 at 59 (EA).
[201] Ex. EERA-10 at 59 (EA).
[202] Ex. GRE-7, at Appendix I (Vegetation Management Plan).
[203] Ex. EERA-10 at Appendix C at 16-17 (Draft Permit).
[204] Ex. EERA-10 at 61 (EA).

netting or other plastic components.[205] EERA included a special condition in the Draft Route Permit reflecting this comment. [206]

156. To minimize impacts to bird species, Great River Energy will design and construct the transmission line in accordance with Avian Power Line Interaction Committee guidelines.[207] In addition, the Draft Route Permit requires Great River Energy to coordinate with DNR regarding the potential for bird flight diverters for the Project.[208]

F. Rare and Unique Natural Resources.

157. Minnesota's HVTL routing factors require consideration of the Project's effect on rare and unique natural resources.[209]

158. Great River Energy submitted a request to the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website, as well as the DNR's Natural Heritage Information System for documented occurrences of federally listed species, designated critical habitat, and state-listed species within a minimum 250 feet of the proposed centerline.[210]

159. According to Great River Energy's review of the USFWS IPaC, two species are federally listed as threatened or endangered under the federal Endangered Species Act (northern long-eared bat and rusty patched bumble bee); one species proposed for listing as endangered (tricolored bat); and one candidate species (monarch butterfly) that may be present within the Proposed Route. No designated critical habitat for protected species is identified. In addition, for state protected species, one species listed as threatened (Blanding's turtle) may be present within the Proposed Route.[211]

160. The Minnesota Valley National Wildlife Refuge is approximately one mile from the Project. Due to its distance from the Project, this resource will not be affected by Project construction or operation.[212]

161. The Project plans the removal of approximately 9.5 acres of trees, which may affect both the northern long-eared bat and tricolored bat. During the wetlands permitting process, the USACE will consult with the USFWS regarding the potential effects to protected plants and wildlife that could result from the permitted activities, and protective measures to avoid impacts to these species may be required. Additionally, the DNR recommends tree removal take place outside the pup rearing season (June 1

[205] Ex. EERA-10 at 61 (EA).
[206] EERA Comments on Draft Route Permit (Sept. 3, 2024).
[207] Ex. EERA-10 at 61 (EA).
[208] Ex. EERA-12, Appendix C (Draft Permit) at 11.
[209] Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100, subp. F
[210] Ex. EERA-10 at 62 (EA).
[211] Ex. EERA-10 at 64 (EA).
[212] Ex. EERA-10 at 64 (EA).

through August 15) when females are forming maternity roosting colonies and the pups cannot yet fly.[213]

162. Suitable habitat for the rusty-patched bumble bee is present within the Proposed Route. Great River Energy will work with USFWS during the wetland permitting process to develop avoidance and conservation measures to minimize impacts to this species.[214]

163. Suitable habitat for monarchs is present within the Project area. The monarch butterfly is a candidate species for protection but does not have federal protective requirements. Impacts to monarch butterflies would be reduced by minimizing disturbance of flowering plants during construction, and where property owners are amenable within the ROW, revegetating with flowering plants after construction.[215]

164. Suitable habitat for the Blanding's turtle may be present within the Proposed Route. The DNR has proposed protective measures to reduce the potential to affect Blanding's turtle by project activities.[216] These protective measures have been included as special condition in the Draft Route Permit.[217]

165. The Bell's vireo has been documented in the vicinity of the Project. The Bell's vireo is a species of song bird of special concern in Minnesota, but does not have statutory protective requirements.[218] The DNR recommends avoiding tree and shrub removal from May 15 through August 15 to avoid disturbance of nesting birds, and it has been as special condition in the Draft Route Permit.[219] Additionally, Great River Energy will report migratory bird nests discovered during survey of the line prior to construction or maintenance to the USFWS in accordance with the Migratory Bird Treaty Act, and adhere to guidance provided.[220]

166. There are two Minnesota Biological Survey Sites of Biodiversity Significance (SOBS) near the Project. Thomas Lake Park SOBS is located approximately 100 feet southwest of the Pilot Knob Substation. The area is presently utilized as a park by the City of Eagan and as a housing development. The eastern portion of Burnsville 19 SOBS is approximately 300 feet east of the Project. The area is presently utilized as a housing development. The natural landscape of these two SOBS has been modified, and construction and operation of the Project would not modify it further.[221]

167. Calcareous fens depend on a constant supply of upwelling groundwater rich in calcium and other minerals. There are 13 locations associated with four calcareous

[213] Ex. EERA-10 at 64 (EA).
[214] Ex. EERA-10 at 64 (EA).
[215] Ex. EERA-10 at 64 (EA).
[216] Ex. EERA-10 at 65 (EA).
[217] Ex. EERA-12, Appendix C (Draft Permit) at 17.
[218] Ex. EERA-10 at 65 (EA).
[219] Ex. EERA-12, Appendix C (Draft Permit) at 17.
[220] Ex. EERA-10 at 65 (EA).
[221] Ex. EERA-10 at 65 (EA).

fens within five miles of the Project.[222] Two groups of designated calcareous fens are located approximately 1 mile and 1.5 miles, respectively, from the Proposed Route within the Minnesota Valley National Wildlife Refuge and Recreation Area. A third fen group is located 3.25 miles southwest of the Burnsville Substation within the 150-acre City of Burnsville Kelleher Park.[223] Because of this dependence on groundwater hydrology, calcareous fens can be affected by activities impacting groundwater or surface water.[224] Based on the Applicant's review of the DNR's Calcareous Fen geospatial dataset, there are two groups of designated calcareous fens located approximately 1 mile and 1.5 miles, respectively, from the Proposed Route within the Minnesota Valley National Wildlife Refuge and Recreation Area, located to the northwest of the Project along the Minnesota River. A third fen group is located 3.25 miles southwest of the Burnsville substation within the 150-acre City of Burnsville Kelleher Park.[225] Minimal loss of groundwater during construction is unlikely to affect the calcareous fens identified. Great River Energy will continue to coordinate with the DNR on this issue as the Project develops.[226]

G. Application of Various Design Considerations.

168. Minnesota's HVTL routing factors require consideration of the Project's applied design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of the transmission system in the area.[227]

169. The Project is an upgrade and rebuild of an existing 69 kV transmission line to a transmission line capable of operating at 115 kV in the future.[228] The ability to operate at the higher voltage will ensure that there is sufficient electrical capability to serve increased electrical demand in the future for the area.[229]

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

170. Minnesota's HVTL routing factors require consideration of the Project's use of or paralleling of existing ROWs, survey lines, natural division lines, and agricultural field boundaries.[230]

171. The Proposed Route largely follows existing ROW. New ROW and easements would be required for the rerouted section along Blackhawk Road and its intersection with I-35E.[231]

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[222] Ex. EERA-10 at 65 (EA).
[223] Ex. GRE-2 at 7-41 (Application).
[224] Ex. EERA-10 at 65 (EA).
[225] Ex. GRE-2 at 7-41 (Application).
[226] Ex. EERA-10 at 66 (EA).
[227] Minn. Stat. § 216E.03, subd. 7(b)(2); Minn. R. 7850.4100(G).
[228] Ex. EERA-10 at 15 (EA).
[229] Ex. GRE-3 at 1-1 (Application).
[230] Minn. Stat. § 216E.03, subd. 7(b)(9); Minn. R. 7850.4100(H).
[231] Ex. EERA-10 at 3 (EA).

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

172. Minnesota HVTL routing factors require consideration of the Project's use of existing transportation, pipeline, and electrical transmission system ROWs.[232]

173. The Project is proposed to upgrade and rebuild existing lines largely within the existing right-of-way.[233] As such, the Proposed Route maximizes the use of existing ROW.

J. Electrical System Reliability.

174. Minnesota's HVTL routing factors require consideration of the Project's impact on electrical system reliability.[234]

175. The Project will maintain reliability requirements in the area, and to have the ability to operate the system at 115-kV when electric loads increase.[235] Accordingly, the Project is anticipated to have a positive impact on electrical system reliability.

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

176. Minnesota's HVTL routing factors require consideration of the Project's cost of construction, operation, and maintenance.[236]

177. Applicant estimates that the Project will cost approximately $32.8 million. Applicant estimates the annual operation and maintenance costs for the Project to be approximately $2,000 per mile.[237]

L. Adverse Human and Natural Environmental Effects that Cannot be Avoided.

178. Minnesota's HVTL routing factors require consideration of the adverse human and natural environmental effects that cannot be avoided.[238]

179. Unavoidable adverse impacts include the physical impacts to the land due to construction of the Project. The adverse impacts from construction activities will include soil compaction and erosion, short-term traffic delays, short-term disruption of recreational activities, vegetative clearing, visual impacts, habitat loss, and temporary disturbance and displacement of wildlife. The adverse impacts from operations will cause visual impact from taller structures, injury or death to avian species, and ongoing

[232] Minn. Stat. § 216E.03, subd. 7(b)(8); Minn. R. 7850.4100(J).
[233] Ex. EERA-10 at 36 (EA).
[234] Minn. Stat. § 216E.03, subd. 7(b)(5)–(6); Minn. R. 7850.4100(K).
[235] Ex. EERA-10 at 17 (EA).
[236] Minn. R. 7850.4100(L).
[237] Ex. EERA-10 at 5-6 (EA).
[238] Minn. Stat. § 216E.03, subd. 7(b)(6); Minn. R. 7850.4100(M).

maintenance of woody vegetation.[239] However, as detailed in the Application and the EA, the Applicant will employ avoidance, minimization, and mitigation measures to limit Project impacts.[240]

M. Irreversible and Irretrievable Commitments of Resources.

180. Minnesota's HVTL routing factors require consideration of the irreversible and irretrievable commitments of resources that are necessary for the Project.[241]

181. The Project will require only minimal commitments of resources that are irreversible and irretrievable. Irreversible commitments of resources are those that result from the use or destruction of a specific resource that cannot be replaced within a reasonable timeframe. Irretrievable resource commitments are those that result from the loss in value of a resource that cannot be restored after the action. For the Project, those commitments that do exist are primarily related to construction. Construction resources will include aggregate resources, concrete, steel, and hydrocarbon fuel. During construction, vehicles necessary for these activities will be deployed on site and will need to travel to and from the construction area, consuming hydrocarbon fuels. Other resources will be used in pole construction, pole placement, and other construction activities.[242]

182. The Proposed Route will upgrade and rebuild existing transmission lines largely within the existing right-of-way.[243]

XV. ROUTE PERMIT CONDITIONS

183. The EA and Draft Route Permit prepared by EERA includes a number of proposed permit conditions.

184. On September 3, 2024, Great River Energy proposed modification to sections of the Draft Route Permit.[244]

185. Great River Energy proposes modifications five sections of the Draft Route Permit and EERA confirmed it had no objection to the proposed changes:

- Section 1: Route Permit
- Section 2: Transmission Facility Description
- Section 2.2: Conductors

[239] Ex. EERA-10 at 68 (EA).
[240] Ex. GRE-3 at 7-56 (Application).
[241] Minn. Stat. § 216E.03, subd. 7(b)(11); Minn. R. 7850.4100(N).
[242] Ex. GRE-3 at 7-56 (Application); Ex. EERA-10 at 68 (EA).
[243] Ex. EERA-10 at 36 (EA).
[244] Great River Energy Comments on the EA and Draft Route Permit.

- Section 3: Designated Route
- Section 4: Right-Of-Way.[245]

186. The Judge finds Great River Energy's proposed changes to these five sections of the Draft Route Permit are reasonable.

187. Great River Energy proposes edits to Section 5.2, Access to Property, stating the way the language is written imposes different requirements for the Project than what MnDOT may require.[246] Great River Energy language change is:

> The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of ~~compliance with this section~~ making such notifications to landowners and provide them upon the request of the Minnesota Department of Commerce (Commerce) or Commission staff.[247]

EERA responded that it did not see the difference in language with the modification and asked that the language remain what was originally proposed.[248]

188. The Judge finds the proposed language of the Draft Route Permit for Section 5.2 should remain as originally proposed.

189. Great River Energy proposes edits to Section 5.3.1, Field Representative, stating it will consolidate the timing of certain required landowner mailings.[249] Great River Energy's language change is:

> **Section 5.3.1, Field Representative**
>
> The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre- construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee need only provide the field representative's contact information to those landowners that are the subject of the Permittee's vegetation clearing or plan and profile submission, and additional landowners may be notified separately when the Permittees are ready to proceed with a vegetation clearing or plan and profile filing for other Transmission Facility areas. The Permittee may

[245] Great River Energy Comments on the EA and Draft Route Permit at 4; EERA Comments on Draft Route Permit at 2.
[246] Great River Energy Comments on the EA and Draft Route Permit at 6-7.
[247] Great River Energy Comments on the EA and Draft Route Permit, attached Draft Route Permit (GRE edits).
[248] EERA Comments on Draft Route Permit at 2.
[249] Great River Energy Comments on the EA and Draft Route Permit at 4.

> change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to ~~the pre-construction meeting~~ commencing construction and upon changes to the field representative.[250]

EERA agreed the changed language would more clearly target notice to landowners in affected sections as construction progresses incrementally, but also noted the change is not necessary.[251]

190. The Judge finds Great River Energy's proposed changes to these Section 5.3.1 of the Draft Route Permit are reasonable.

191. Great River Energy proposes edits to Section 5.3.8, Soil Erosion and Sediment Control:

> The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the Transmission Facility shall be returned to pre-construction conditions to the greatest extent practicable or as otherwise agreed to by the landowner.[252]

EERA responded that erosion and sediment control concerns are broader than just the landowner and asked that the language remain what was originally proposed.[253]

192. The Judge agrees with the EERA and finds the proposed language of the Draft Route Permit for Section 5.3.8 should remain as originally proposed.

193. Great River Energy proposes edits to Section 5.3.11, Application of Pesticides. EERA agrees with the additional language:[254]

> The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental

[250] Great River Energy Comments on the EA and Draft Route Permit, attached Draft Route Permit (GRE edits).
[251] EERA Comments on Draft Route Permit at 2-3.
[252] Great River Energy Comments on the EA and Draft Route Permit, attached Draft Route Permit (GRE edits).
[253] EERA Comments on Draft Route Permit at 3.
[254] EERA Comments on Draft Route Permit at 3-4.

Protection Agency. Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commerce or Commission staff.[255]

194. The Judge finds Great River Energy's proposed change to Section 5.3.11 of the Draft Route Permit is reasonable.

195. Great River Energy proposes edits to Section 5.3.12, Invasive Species:

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Transmission Facility construction activities.

The Permittee shall develop an Invasive Species Prevention Plan, which may be part of its Vegetation Management Plan, and file it with the Commission at least 14 days prior to the pre- construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.[256]

EERA does not object to this change.[257]

196. The Judge finds Great River Energy's proposed change to Section 5.3.12 of the Draft Route Permit is reasonable.

197. Great River Energy proposes edits to Section 9.1, Pre-Construction Meeting, stating the changes will better document that the Project will have multiple phases and as a result, multiple pre-construction meetings and related compliance filings may occur.[258] Great River Energy language change is:

Section 9.1, Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Commerce and Commission staff to review

[255] Great River Energy Comments on the EA and Draft Route Permit, attached Draft Route Permit (GRE edits).
[256] Great River Energy Comments on the EA and Draft Route Permit, attached Draft Route Permit (GRE edits).
[257] EERA Comments on Draft Route Permit at 4.
[258] Great River Energy Comments on the EA and Draft Route Permit at 4.

pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Because the Project will be developed and constructed in distinct phases, multiple pre-construction meetings and submissions under Section 9.2 are allowed. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.[259]

EERA responded with a modification to the proposed changes to Section 9.1:

> Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Because the Project **~~will~~ may be** developed and constructed in distinct phases, multiple pre- construction meetings and submissions under Section 9.2 are allowed. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.[260]

198. The Applicant is in the best position to know how it will proceed with the Project once approved. Therefore, the Judge finds the Applicant's proposed changes to the Section 9.1 of the Draft Route Permit reasonable without the additional change proposed by EERA.

199. Great River Energy proposes edits to Section 9.2, Plan and Profile, stating that providing the plan and profile to counties has not been historically required and proposes to remove the language.[261] Great River Energy language change is:

> **Section 9.2, Plan and Profile**
>
> At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, ~~and the counties where the Transmission Facility, or portion of the Transmission Facility, will be constructed~~ with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, structure specifications and locations, cleanup, and restoration for the Transmission Facility. The documentation shall include maps depicting the

[259] Great River Energy Comments on the EA and Draft Route Permit, attached Draft Route Permit (GRE edits).
[260] EERA Comments on Draft Route Permit at 5.
[261] Great River Energy Comments on the EA and Draft Route Permit at 5.

plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per this route permit.[262]

EERA states that this is a requirement and consistent with permits issued by the Commission for other energy facilities.[263]

200. The Judge finds the proposed language of the Draft Route Permit for Section 9.2 should remain as originally proposed, except by using the singular "county."

201. Great River Energy proposes edits to Section 9.6, GPS Data:

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Transmission Facility and each substation connected. <u>The Permittee shall provide information regarding the location of structures associated with the Transmission Facility to each county where the Transmission Facility is constructed upon request.</u>[264]

EERA states that for the same reasons it objects to the change to Section 9.1, it asks that Section 9.6 stay as originally proposed.[265]

202. The Judge finds the proposed language of the Draft Route Permit for Section 9.6 should remain as originally proposed.

203. Great River Energy proposed changes to a number of Special Conditions:

- Section 6.3: Minimize Effects to Existing Wells
- Section 6.4: Wildlife-friendly Erosion Control
- Section 6.6: Facility Lighting
- Section 6.7: Vegetation Management Plan
- Section 6.8: Protection of Bats
- Section 6.9: Protection of Blanding's Turtle.[266]

[262] Great River Energy Comments on the EA and Draft Route Permit, attached Draft Route Permit (GRE edits).
[263] EERA Comments on Draft Route Permit at 5-6.
[264] Great River Energy Comments on the EA and Draft Route Permit, attached Draft Route Permit (GRE edits).
[265] EERA Comments on Draft Route Permit at 6.
[266] Great River Energy Comments on the EA and Draft Route Permit, attached Draft Route Permit (GRE edits).

204. EERA states that the changes proposed by Great River Energy to the Special Conditions listed above accomplish the necessary mitigation. As a result, EERA supports the changes to the special conditions.[267]

205. The Judge finds that Great River Energy's modifications to the following Special Condition Sections are reasonable:

- **Section 6.2: Wells** (previously Section 6.3 Minimize Effects of Existing Wells)
- **Section 6.3: Wildlife-friendly Erosion Control** (previously Section 6.4)
- **Section 6.5: Facility** Lighting (previously Section 6.6)
- **Section 6.6: Vegetation Management Plan** (previously Section 6.7)
- **Section 6.8: Northern Long-Eared Bats** (previously Section 6.8 Protection of Bats)
- **Section 6.9: Blanding's Turtle** (previously Section 6.3 Protection of Blanding's Turtle)

206. Great River Energy proposes the addition of a new Special Condition Section 6.7, Vegetation Clearing to reflect the phased construction planned for the Project.[268] Great River Energy explains the proposed new Section 6.7 will respond to issues with vegetation clearing restrictions related to protected species that have the potential to result in construction schedule constraints. [269] The proposed new language is:

> **6.7 Vegetation Clearing:**
>
> If the Permittee proposes to clear vegetation for any portion of the Transmission Facility prior to completion of the design necessary to provide a plan and profile contemplated under Section 9.2, the Permittee shall file with the Commission at least 14 days prior to such vegetation clearing activities:
>
> - The Vegetation Management Plan contemplated under Section 6.6 of this Route Permit that is applicable to any portion of the Transmission Facility being proposed for vegetation clearing;

[267] EERA Comments on Draft Route Permit at 6.
[268] Great River Energy Comments on the EA and Draft Route Permit, at 10-11, attached Draft Route Permit (GRE edits).
[269] Great River Energy Comments on the EA and Draft Route Permit, at 10.

- A map showing the area proposed for vegetation removal and its location within the Designated Route and compared to the right-of-way identified in this route permit;

- A statement of confirmation that the Permittee has obtained, or will obtain before commencing, all necessary land rights and agency permits for the vegetation removal in this area;

- If the Permittee has made any modifications to the right-of-way or alignment within the Designated Route from that identified in this route permit, as required by Section 4 of this route permit, the Permittee shall demonstrate that the right-of-way to be cleared of vegetation will be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit.[270]

EERA supports adding this new section to the special conditions.[271]

207. The Judge finds the addition of Special Condition Section 6.7, Vegetation Clearing, is reasonable.

208. Great River Energy requests the removal of Section 6.10, Protection of Nesting Birds, which addresses the Bell's vireo. Great River Energy states that although the Bell's vireo is a special concern species, it is without legal protections.[272] Great River Energy maintains that imposing restrictions because of the Bell's vireo on the timing of clearing of lower-growing vegetation could complicate construction schedules with little corresponding benefit given that the Project is a rebuild through a developed area.[273] The language requested for removal is:

> **6.10 Protection of Nesting Birds**
>
> The Bell's vireo (Vireo bellii) is a state-listed bird species of special concern has been documented in the vicinity of the project. In Minnesota, Bell's vireo prefers shrub thickets within or bordering open habitats such as grasslands or wetlands. This bird suspends its nests from forks of low branches of small trees or shrubs. The Permittee shall avoid tree and shrub removal from May 15th through August 15th. If tree and shrub removal occurs during this timeframe, the Permittee shall conduct a nesting survey to avoid disturbance of nesting birds. The Permittee shall keep records of

[270] Great River Energy Comments on the EA and Draft Route Permit at 15-16 (eDocket No. 20249-209943-01).
[271] EERA Comments on Draft Route Permit at 6.
[272] Great River Energy Comments on the EA and Draft Route Permit, at 12-13.
[273] *Id.*

compliance with this section and provide them upon the request of Department of Commerce or Commission staff.[274]

EERA did not provide any specific response to Great River Energy's request to removal of this Special Condition Section 6.10. EERA states it noted Great River Energy "has substantially edited the special condition text proposed by EERA staff in the environmental assessment. However, staff finds that GRE's proposed special permit conditions will accomplish the necessary mitigation."[275]

209. Given the Bell's vireo currently lacks legal protections and the Applicant's concerns about the timing of vegetation removal, the project schedule should control and Applicant's request to remove Special Condition Section 6.10, as written, is reasonable.

210. Great River Energy requests the removal of Section 6.2, Adherence to MnDOT Requirements because MnDOT will conduct its own permitting to which Great River Energy will comply.[276] That language states:

6.2 Adherence to Minnesota Department of Transportation (MnDOT) Requirements

Intersection related and roadway departure crashes are two of the leading types of fatal and serious injury crashes on Minnesota Roadways. Applicable and enforceable MnDOT Special Provisions are attached to all issued utility permits to minimize impacts. In addition:

1) The Permittee and its contractors shall understand and follow:

a) MnDOT's Utility Accommodation on Highway Right of Way Policy

b) Utility Accommodation and Coordination Manual

c) MnDOT Permitting Policy and Guidance

2) To avoid driver sight distance impairment, the Permittee shall not place poles within sight corners of at-grade road crossings; the Permittee shall meet additional clearance requirements and clear zones relating to the state highway system as specified by MnDOT.

3) The Permittee shall accommodate planned and existing active transportation facilities in design and construction of the Project, and pedestrian access shall be maintained or temporarily re-routed.

[274] Ex. EERA-12, Appendix C (Draft Permit).
[275] EERA Comments on Draft Route Permit at 6.
[276] Great River Energy Comments on the EA and Draft Route Permit at 6-7.

4) The Permittee shall give MnDOT District Specialists the opportunity to participate in preconstruction meetings as they apply to MnDOT-owned property.

5) The Permittee shall conduct construction and restoration activities consistent with:

a) Applicable sections of MnDOT Facility Design Guide

b) MnDOT Seeding Manual

c) MnDOT Approved Products List for Rolled Erosion Prevention products.

6) The Permittee shall coordinate with MnDOT when planning transportation of oversize loads.

The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

211. EERA states a special condition about participating in MnDOT's permitting process is appropriate.[277] EERA proposes different language for a new special condition section:

6.10 Minnesota Department of Transportation Requirements

The permittee will comply with applicable Minnesota Department of Transportation (MnDOT) requirements for the project including but not limited to MnDOT's Utility Accommodation on Highway Right of Way Policy and shall obtain all applicable MnDOT permits. The Permittee shall give MnDOT district specialists the opportunity to participate in pre-construction meetings as they apply to MnDOT-owned property. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

212. The Judge finds the new language proposed by EERA for a new Special Condition Section 6.10, Minnesota Department of Transportation Requirements reasonable as it requires compliance with MnDOT permit requirements and does not duplicate or otherwise complicate those requirements with additional or contrary requirements.

[277] EERA Comments on Draft Route Permit at 7.

XVI. NOTICE

213. Minnesota statutes and rules require an applicant to provide certain notice to the public and local governments before and during the application for a route permit process.[278]

214. Applicant provided notice to the public and local governments in satisfaction of Minnesota statutory and rule requirements.[279]

215. EERA and the Commission likewise provided notices in satisfaction of Minnesota statutes and rules.[280]

XVII. COMPLETENESS OF EA

216. 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.[281]

217. 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.[282]

218. Any of the forgoing findings of fact more properly designated as conclusions of law are hereby adopted as such.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to consider the Application.

2. The Commission determined that the Application was substantially complete and accepted the Application on January 17, 2024.

3. EERA conducted an appropriate EA of the Project for purposes of this proceeding which 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.

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[278] Minn. Stat. § 216E.03, subd 4 (2024); Minn. R. 7850.2100, subps. 2 and 4.
[279] Exs. GRE-1 (Notice of Intent by Great River Energy to Submit an Application under the Alternative Permitting Process); GRE-8 (Rule 7850.2100 Notice of Filing Route Permit); and GRE-9 (Notice of Filing Application).
[280] Exs. PUC-1 (Notice of Comment Period on Application Completeness); PUC-5 (Notice of Public Information and Environmental Assessment Scoping Meetings); PUC-8 (Notice of Public Hearings and Availability).
[281] Minn. R. 4410.4400, subp. 6 (2023); Minn. R. 7850.3900, subp. 2.
[282] Ex. EERA-9 (EERA EA Scoping Decision).

4. Applicant gave notice as required by Minn. Stat. § 216E.04, subd. 4; Minn. R. 7850.2100, subp. 2; and Minn. R. 7850.2100, subp. 4.

5. 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, 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.

6. The evidence in the record demonstrates that the Proposed Route satisfies the Route Permit factors set forth in Minn. Stat. § 216E.04, subd. 8 (referencing Minn. Stat. § 216E.03, subd. 7) and Minn. R. 7850.4100.

7. 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.

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

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

10. The evidence in the record demonstrates that the special conditions identified in Section XV, above, are appropriate for the Project.

11. 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:

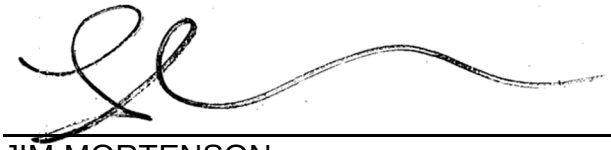
RECOMMENDATION

1. The Commission should conclude that all relevant statutory and rule criteria necessary to obtain a route permit have been satisfied, and there are no statutory or other requirements that preclude granting a route permit based on the record.

2. The Commission should grant Great River Energy a route permit for the Project.

3. The conditions in the Draft Route Permit should be incorporated into the final route permit and included the modifications recommended herein.

Dated: October 24, 2024



JIM MORTENSON
Administrative Law Judge

NOTICE

Notice is hereby given that exceptions to this Report, if any, by any party adversely affected must be filed under the time frames established in the Pre-hearing Order of April 8, 2024, unless otherwise directed by the Commission. Exceptions should be specific and stated and numbered separately. Oral argument before a majority of the Commission will be permitted pursuant to Minn. R. 7829.2700, subp. 3. The Commission will make the final determination of the matter after the expiration of the period for filing exceptions, or after oral argument, if an oral argument is held.

The Commission may, at its own discretion, accept, modify, or reject the Judge's recommendations. The recommendations of the Judge have no legal effect unless expressly adopted by the Commission as its final order.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

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

PH (651) 361-7900

October 24, 2024

See Attached Service List

Re: ***In the Matter of the Application of Great River Energy for a Route Permit for the 115-kV Pilot Knob to Burnsville Rebuild and Upgrade Project in Dakota County, Minnesota***

OAH 5-2500-39898
MPUC ET-2/TL-23-410

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 RECOMMENDATION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, nichole.sletten@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

Nichole Sletten

NICHOLE SLETTEN
Legal Assistant

Enclosure

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 Great River Energy for a Route Permit for the 115-kV Pilot Knob to Burnsville Rebuild and Upgrade Project in Dakota County, Minnesota	OAH Docket No.: 5-2500-39898 MPUC ET-2/TL-23-410

On October 24, 2024, a true and correct copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** was served by eService, and United States mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA
Stacy	Kotch Egstad	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION
James	Mortenson	james.mortenson@state.mn.us	Office of Administrative Hearings
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates
Mark	Strohfus	mstrohfus@grenergy.com	Great River Energy
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources