

December 23, 2019

Daniel P. Wolf, Executive Secretary  
Minnesota Public Utilities Commission  
127 7th Place East, Suite 350  
St. Paul, MN 55101-2147

**Re: Minor Alteration Application**  
Xcel Energy Line 5702 Reroute  
Docket No. E002/MC-19-758

Dear Mr. Wolf:

Attached are the review and comments of the Minnesota Department of Commerce Energy Environmental Review and Analysis (EERA) staff in the following matter:

**In the Matter of an Application for a Minor Alteration of Xcel Energy's 500 kV Transmission Line 5702 in Chisholm, Minnesota**

Xcel Energy, Inc. (Xcel Energy) filed an Application with the Public Utilities Commission (Commission) for a Minor Alteration (MA) on November 27, 2019 to relocate an approximately 3.0-mile portion of the existing 500 kilovolt (kV) 5702 transmission line.

This filing was made by:

Tom Hillstrom  
Xcel Energy  
414 Nicollet Mall, MP-7B  
Minneapolis, MN 55401

The proposed action is consistent with EERA's interpretation of Minn. Rule 7850.4800. In EERA's opinion, this is a minor alteration of an existing high voltage transmission line that does not result in significant changes in the human or environmental impact of the facility. Therefore, EERA recommends the Minor Alteration Application be approved, and EERA is available to answer any questions the Commission may have.

Sincerely,

William Cole Storm, Environmental Review Manager  
Energy Environmental Review and Analysis  
(651) 539-1844 | bill.storm@state.mn.us



# BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

## COMMENTS AND RECOMMENDATIONS OF THE MINNESOTA DEPARTMENT OF COMMERCE ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS

DOCKET NO. E002/MC-19-758

Date.....December 23, 2019  
EERA Staff..... William Cole Storm (651) 539-1844

**In the Matter of an Application for a Minor Alteration of Xcel Energy's 500 kV Transmission Line 5702 in Chisholm, Minnesota**

**Issues Addressed:** *These comments and recommendations address:*

1. *The definition of a minor alteration;*
2. *Whether the requested modifications are minor; and*
3. *Whether conditions need be applied in granting the Minor Alteration.*

**Additional documents and information can be found on eDockets at:**

<http://www.edockets.state.mn.us/EFiling/search.jsp> (Year "19" and Number "758").

This document can be made available in alternative formats; e.g., large print or audio tape by calling (651) 539-1530.

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**Documents Attached:**

**(1) Figure 1 Project Map – HVTL**

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### **INTRODUCTION AND BACKGROUND**

Xcel Energy, Inc. (Xcel Energy) filed an Application<sup>1</sup> with the Public Utilities Commission (Commission) for a Minor Alteration (MA) on November 27, 2019 to relocate an approximately 3.0-mile portion of the existing 500 kilovolt (kV) 5702 transmission line.

### **REGULATORY PROCESS AND PROCEDURE**

Xcel Energy has filed the Application under Minnesota Rule 7850.4800. In Subp. 1, the rule states that a minor alteration is a change in a large electric power generating plant or high voltage transmission line that does not result in significant changes in the human or environmental impact of the facility.

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<sup>1</sup> Application for a Minor Alteration (Application), Xcel Energy, November 27, 2019, eDocket no. [201911-157913-01](#)

Subp. 2 states that an application shall be in writing and shall describe the alteration in the large electric power generating plant or high voltage transmission line to be made and the explanation why the alteration is minor.

Subp. 3 explains the Commission's role in the proceeding is to determine whether or not the requested changes are minor, whether or not to authorize the alteration and whether or not to apply reasonable conditions on the action. The Commission may also determine the alteration is not minor and needs to be considered under the full permitting process.

## **PROJECT DESCRIPTION**

The Project is located southwest of the City of Chisholm, St. Louis County, Minnesota. Transmission line 5702 travels from the Canadian border near the City of Warroad to the Chisago County Substation, and passes between the City of Chisholm and the existing Hibbing Taconite Mine (HibTac). The Minnesota portion of Transmission Line 5702 is approximately 250 miles long.

Xcel Energy is proposing to relocate an approximately 3.0-mile segment of the transmission line in an area where the line will interfere with HibTac's planned mining operations. The existing transmission line was permitted by the Minnesota Environmental Quality Council in 1977 (Docket No. NSP-TR-1) and was built on right-of-way (ROW) authorized by a license agreement rather than an easement. The license agreement includes provisions that the Company would move the transmission line if requested by licensor. On January 15, 2017 HibTac formally requested that the Company remove the line from six parcels to allow expansion of the HibTac Mine.

The Project will remove 16 steel lattice towers which will be replaced by 13 new lattice towers and 2 tubular steel structures, one at each end of the re-route. Right-of-way for the new section of line will be uniform with the existing line with a width of 200 feet. The proposed towers will be 130 to 140 feet tall and be spaced approximately 450 to 1,690 feet apart.

## **EERA ANALYSIS AND COMMENTS**

EERA staff met with Xcel Energy on several occasions concerning the project, as well as reviewing and commenting on a draft MA application. EERA staff has since reviewed Xcel Energy's formal MA Application. Based on this record, EERA staff believes that the proposed project is an alteration of an existing facility, would not result in significant changes in the human or environmental impacts of that facility and is eligible for authorization as a minor alteration.

### ***Minor Alteration***

The first step in authorizing a minor alteration is determining that it is an alteration of an existing facility, rather than a new transmission line requiring review under the full or alternative review permitting process. The rule is clear that a minor alteration is a change in an existing facility. It is not clear as to the parameters; the nature or extent of that change.

EERA understands this Project to be an alteration of an existing line and that it will maintain the existing circuit and function. Xcel Energy's 500 kV Transmission Line 5702 was permitted by the Minnesota Environmental Quality Council in 1977 (Docket No. NSP-TR-1).

### ***Significance of Impacts***

Minnesota Rule 7850.4800 provides a rather succinct standard for evaluating minor alteration applications – whether the changes to the facility will result in significant changes in the human and environment impacts of the existing facility. To flesh out this standard, EERA staff uses the routing factors of Minn. Rule 7850.4100. These are the issues considered by the Commission in permitting a new high voltage transmission line. These factors provide appropriate detail for evaluating the significance of potential human and environmental impacts. For example, Minn. Rule 7850.4100 A. notes that an evaluation of impacts to human settlements should include impacts related to displacement, noise, aesthetics, cultural values, recreation, and public services.<sup>2</sup>

The Minor Alteration Application contains tables summarizing the anticipated impacts of the proposed project, assessing the human and environmental impacts of the project based on analysis of the factors in Minn. Rule 7850.4100. These data and analysis provide EERA, and eventually the Commission, with the information necessary to evaluate if the modifications requested result in significant changes to the impacts of the facility.

### ***Factors to Consider***

EERA staff believes that for the factors in Minn. Rule 7850.4100, the anticipated change in impacts of Xcel Energy’s proposed project will be minimal. These factors address impacts related to:

- Human settlements (displacement, noise, cultural values, recreation, public services),
- Public health and safety,
- Land-based economies (agriculture, forestry, tourism, and mining),
- Archaeological and historic resources,
- Natural environment (air quality, flora, fauna, wetlands), and
- Rare and unique natural resources.

A summary of the environmental impacts of the proposed transmission line reroute are provided below.

<b>Criteria</b>	<b>Units</b>	<b>New Alignment and ROW (200 feet)</b>	<b>Comments</b>
<b>Proposed Infrastructure</b>			
Length of Transmission Line	Feet (miles)	15,117.40 (2.86)	
Length that is within or Parallel to Existing Rights-of-Way	Feet (miles)	0	
Number of Roads Crossed	Number	3	

<sup>2</sup> Minn. Rule 7850.4100, <https://www.revisor.mn.gov/rules/?id=7850.4100>

Criteria	Units	New Alignment and ROW (200 feet)	Comments
Number of Parcels Crossed	Number	14	
Relationship to Structures			
Number of Residences within 1,000 feet	Number	0	
Number of Non-Residential Buildings	Number	0	
Land Cover			
Area of Agricultural Land Crossed	Acres	0	Minnesota Land Cover Classification and Impervious Surface Area by Landsat and Lidar:  Row Crops
Area of Forested Land Crossed	Acres	55.1	Minnesota Land Cover Classification and Impervious Surface Area by Landsat and Lidar:  Deciduous forest, Conifer forest, Mixed forest
Area of Open Land Crossed	Acres	1.8	Minnesota Land Cover Classification and Impervious Surface Area by Landsat and Lidar:  Managed Grass, Natural Grass
Area of Developed Land Crossed	Acres	5.1	Minnesota Land Cover Classification and Impervious Surface Area by Landsat and Lidar:  Impervious (Roads, parking lots, building rooftops)
Area of Wetlands Crossed	Acres	12.8	Field determined wetlands

Criteria	Units	New Alignment and ROW (200 feet)	Comments
Area of Permanent Wetland Impact	Acres	Less than 0.01	Field determined wetlands
Area of Forested Wetland Clearing	Acres	0.1	Field determined wetlands
Transmission Line Distance across a Lake, Stream, Drainage, or Other Waterway	Feet	0.0	
		0.0	Field determined waterways
<b>Conservation and Recreational Lands</b>			
Wildlife Management Areas	Acres	0	
National Wildlife Refuges	Acres	0	
Waterfowl Production Areas	Acres	0	
State Wildlife Refuges	Acres	0	
County Parks and Trails	Acres	0	
<b>Mineral Resources</b>			
Mineral Resources	Acres	70.1	ROW entirely within Mesabi Iron Range
Metal Mining Resources	Acres	70.1	ROW entirely within Mesabi Iron Range
<b>Sensitive Natural Resources</b>			
Native Plant Communities	Acres	0	
Railroad ROW Prairie	Acres	0	
Sites of Biodiversity Significance	Acres	0	

Criteria	Units	New Alignment and ROW (200 feet)	Comments
Number Known Federally Endangered or Threatened Species	Number of Species	4	No adverse impacts to federally listed species are anticipated.
Number of state listed rare species or significant natural features	Number of Species	0	DNR recommended botanical surveys within the ROW prior to construction. Barr Engineering completed a botanical survey in June 2019 and found no state listed vascular plant species.
Known Cultural Resources			
National Register Historic Places	Number	0	
Inventoried Historic Resources	Number	0	
Inventoried Archeological Sites	Number	0	

Xcel Energy indicates that it has met with landowners and stakeholders along the proposed reroute. The Project will affect a total of 14 individual parcels. Mineral rights in these parcels are owned by 19 parties. Stockpiles present on 8 parcels are owned by 23 parties (see **Application, Table 2**).

Additionally, on September 17, 2019, Xcel Energy held an open house at the Minnesota Discovery Center in Chisholm to solicit comments from the public.

Xcel Energy states that it is not aware of any landowner objections to the project.

Xcel Energy consulted with various resource agencies, including the U.S. Army Corps of Engineers (USACE), the U.S. Fish and Wildlife Service (USFWS), the Minnesota Department of Natural Resources (MNDNR), and the Minnesota Department of Transportation (MNDOT).

**State Agencies**

Following these consultations, the MNDNR indicated support for the proposed reroute and recommended continued coordination regarding rare and unique resources, flight diverter locations, and a crossing of a public water.



The proposed Project configuration at Highway 169 was reviewed by MNDOT and found to be satisfactory.

### ***Federal Agencies***

Based on conversations with the USACE Regional Project Manager, the USACE indicated that the Project would likely be approved under a Regional General Permit. Xcel Energy has stated that it will submit a pre-construction notice and continue to coordinate with USACE on any permit conditions.

The USFWS provided a list of federally threatened, endangered, and proposed and candidate species that may occur in the Project area. The species list included three mammals and one bird; the proposed project is not expected to have any long-term detrimental impacts on these species.

### ***Conditions***

Even though the overall impacts should be minimal, Xcel Energy is proposing a 345 kV construction project, including clearing of a 200-foot wide ROW and placement of large high voltage transmission line towers. Accordingly, EERA staff believes it would be appropriate to include conditions on an authorization of the minor alteration request. Specifically, EERA recommends imposing conditions similar those found in the Commission's typical HVTL Route Permit Generic Template:

1. **Best Management Practices.** Xcel Energy shall take precautions to avoid the spread of invasive plants by heavy equipment during construction and maintenance activities; use wildlife-friendly erosion control materials (<http://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf>) to reduce mortality to small nongame species; work with landowners to preserve, wherever possible, low-growing shrub species that can provide wildlife habitat; and use only native seed mixes where reseeding of vegetated areas is needed.
2. **Complaint Procedures.** Prior to the start of construction, Xcel Energy shall submit to the Commission the procedure that will be used to receive and respond to complaints. The procedure shall be in accordance with the requirements set forth in the Commission's standard complaint handling procedures.
3. **Notification to Landowners.** Xcel Energy shall provide all affected landowners with a copy of the Commission's order authorizing a minor alteration. Xcel Energy shall also provide all affected landowners with a copy of the complaint procedure upon contacting landowners to begin construction.
4. **Notification to Commission.** At least three days before the line is to be placed into service, Xcel Energy shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete. Within 60 days after completion of construction, Xcel Energy shall submit to the Commission geo-spatial information for all above ground structures associated with the project.
5. **Plan and Profile.** At least 30 calendar days before right-of-way preparation for construction begins on any segment or portion of the project, Xcel Energy shall provide the Commission 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 line. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures. Xcel Energy may not commence construction until

the Commission has advised Xcel Energy in writing that it has completed its review of the documents and determined that the planned construction is consistent with the authorized minor alteration. If Xcel Energy intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, it shall notify the Commission at least five days before implementing the changes.

6. **Field Representative.** At least 14 days prior to commencing construction, Xcel Energy shall advise the Commission in writing of the person or persons designated to be the field representative. The field representative's address, phone number, emergency phone number, and email shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons.

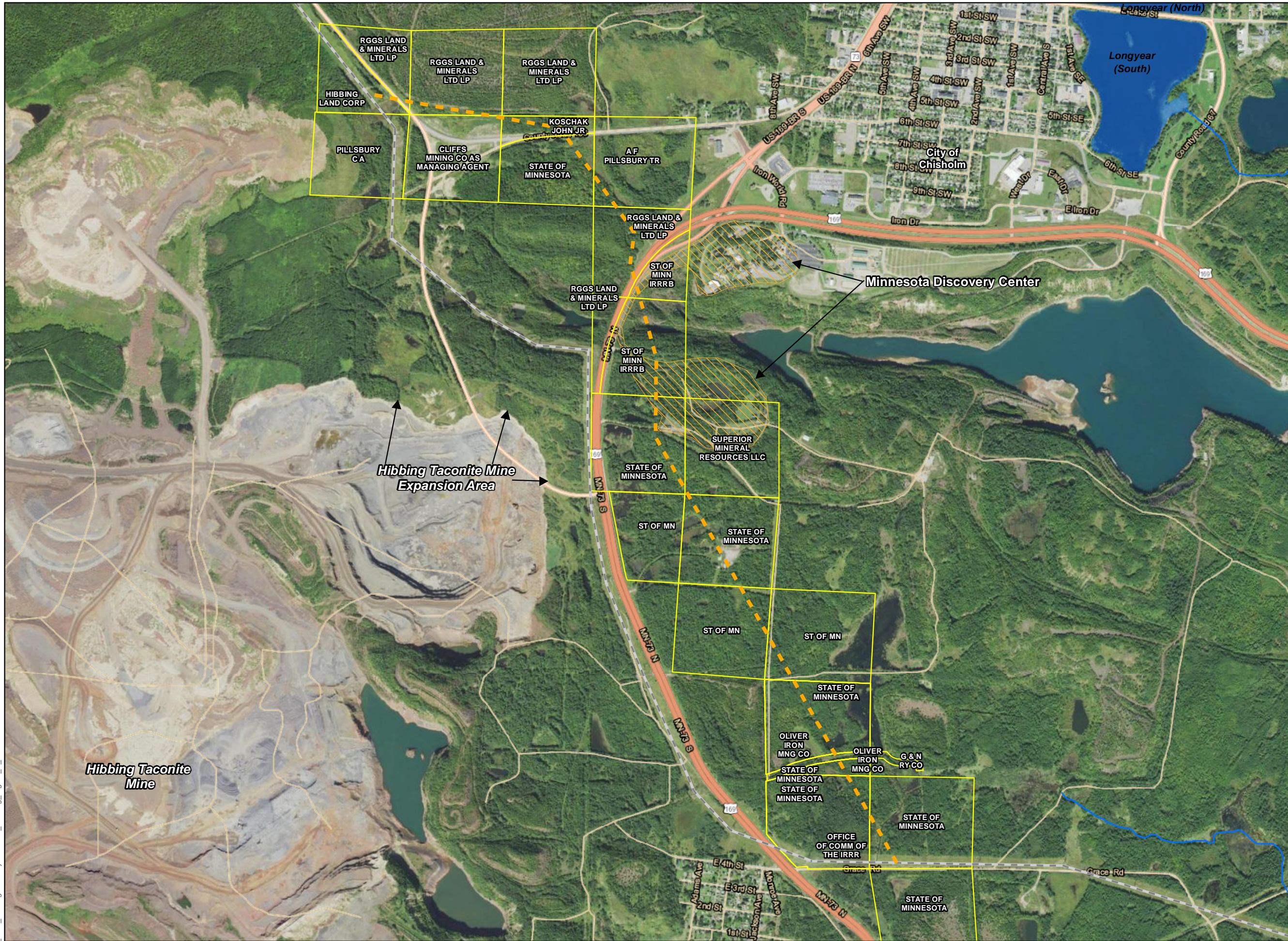
## **EERA CONCLUSIONS AND RECOMMENDATION**

EERA concludes the MA Application requests alterations to an existing facility that do not significantly change the human or environmental impact of the facility and therefore meets the impact threshold of the Minor Alteration Rule.

EERA recommends the Commission approve Xcel Energy's request to relocate Transmission Line 5702 as proposed, with the above conditions.

# Hibbing Relocation Project (Line 5702)

## Figure 1 Project & Parcel Map



- Project Feature**
- Existing 500 kV Transmission Line
  - Proposed Location for Relocated Transmission Line
- Water Feature**
- Public Water Basin
  - Public Water Waterway
- Jurisdiction**
- County Boundary
  - Minnesota Discovery Center
  - Parcel

USDA FSA NAIP Aerial Dated 2018



Disclaimer: The data provided on this map is for assessment and planning purposes only. It is not intended to be used for definition of legal boundary, property title, or construction. This is not a survey product. Tetra Tech is not responsible for the misuse or misrepresentation of the data.

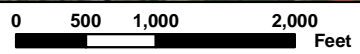
### Reference Map



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1:16,500 NAD 1983 UTM Zone 15N



Source: Xcel Energy, ESRI, MN Geospatial Commons, NAIP Aerial dated 2018.