

October 24, 2016

Mr. Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission
127 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

**RE: Comments Received on the Comparative Environmental Analysis
Rochester Natural Gas Pipeline Project
eDockets No. G-011/GP-15-858**

Dear Mr. Wolf:

Attached are written comments received from Olmsted County during the public comment period regarding the draft comparative environmental analysis prepared for the Rochester Natural Gas Pipeline Project. Staff unintentionally forgot to include these comments as part of its October 17, 2016, filing.

Sincerely,



Andrew Levi
Environmental Review Specialist
Energy Environmental Review and Analysis

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September 27, 2016

Larry Hartman
Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East Suite 500
St. Paul, MN 55101-2198

Re: Comments by Olmsted County Public Works Department on Potential
Impacts of MERC Pipeline Expansion on Olmsted County Right of Ways

Dear Mr. Hartman:

I am a Senior Assistant County Attorney with the Olmsted County Attorney's Office and I am assisting the Olmsted County Public Works Department with their response to the solicitation from the Minnesota Department of Commerce seeking public comment on the planned expansion of Minnesota Energy Resources Corporation around the southern and western perimeter of the City of Rochester in Olmsted County. The Public Works staff reviewed the original project plans and route earlier in 2016 and based on the plans submitted at that time, it opted not to comment then because it did not feel there would be a significant impact on County right of ways. Now that it has received the revised plan proposed by MERC and the Department of Commerce following the original public comment period, the Public Works staff has some significant concerns about the impact of this revised route on some of the County's right of ways.

The revised route shown in purple on the most recent project plan shows the pipeline expansion running south along the 60th Ave. S.W. corridor until it reaches 40th St. S.W. It then heads east for a distance before turning south until it reaches a point approximately ¼ mile north of 48th St. S.W. and turns east on an alignment heading towards U.S. Highway 63. These three segments of revised alignment all highways under the jurisdiction of Olmsted County; 60th Ave. S.W. is designated as County Road 104; the segment of 40th St. S.W. along the proposed pipeline corridor is designated as County Road 117; and the right of way where the pipeline would travel south between 40th St. S.W. and 48th St. S.W. is CSAH 8. See Figure 1 for an illustration of the Olmsted County right of ways which may be impacted by the project.

County Road 117 (40th St. S.W.) and County Road 104 (60th Ave SW) run along the southern and western perimeter of the City of Rochester urban growth area. These corridors have been identified as part of a future arterial street network on the County's

Long Range Transportation Plan which has also been adopted by the Rochester Olmsted Council of Governments, the metropolitan planning organization for the Rochester area comprised of County, City of Rochester and township representatives in the County. Figure 2 provides an illustration of the Major Street Plan for this area. The right of way of these roadways is currently substandard as they have narrow shoulders which do not provide an adequate safety buffer for disabled vehicles nor adequate accommodations for pedestrian and bicycle traffic. There are also drainage issues which need to be addressed which are created by the narrow right of way that currently exists. The roadway will need upgrades in capacity and ongoing maintenance at some point in the future as Rochester continues to grow with added population attributable to the Destination Medical Center initiative. As shown in the table in Figure 2, the typical right of way for arterial street corridors is recommended to be a minimum of 100' to 110', with potential additional width needed where grades or topography make use of standard cross section design problematic.

The information which has been provided to the County indicates that MERC seeks a route permit for a "500 foot wide route" along the proposed pipeline corridor, as well as up to a "1.25 mile buffer area in select locations to site the pipeline"¹. The CEA goes on to say that MERC will be seeking a 50 foot wide permanent right of way easement for the pipeline as well as an additional 50 foot wide temporary easement during the construction phase.

It's unclear to the County at this point what property rights MERC would obtain through a permit for a "500 foot wide route" or in connection with this "1.25 mile buffer area". More specifically, however, the County is concerned with the potential location of the 50 foot wide permanent easement for the pipeline alignment due to the potential for significant problems when the County needs to expand County Road 104 or County Road 117 and acquire additional right of way from adjoining properties once a project is ready to go. Locating the permanent 50 foot easement directly abutting the County right of way will be effectively block any option to expand the right of way on the side of the road where the pipeline is located. Based on the information provided, which states the pipeline will need only 4.5 feet of cover over the top of the pipeline, it will be disturbed in the context of any right of way expansion and therefore the roadway cannot be built over the top of the pipeline without moving it.

Because any road improvement project is expected to be several years away, no significant environmental analysis has been undertaken to date as to the suitability of expanding the road on either the north or the south side of the current right of ways. Also, if the pipeline is located outside of the current right of way and the County ends up determining the future road expansion must be extended into that area, the County will in all likelihood be required to pay MERC to move its pipeline. This could significantly increase the cost of the project and cause additional inconvenience for adjoining property owners. The issue of the potential impact of this pipeline expansion on any other utilities already located in that area ought to be considered as well, assuming that the MERC easement will be exclusive precluding other utilities from being co-located there. Given that there is currently only a 66 foot wide right of way, there is also no way that the pipeline could be located within the current right of way footprint either.

¹ Page 2, Comparative Environmental Analysis (CEA)

In light of this, the County would request that MERC sites its pipeline along the Permit Application Preferred Route which was depicted as a brown dotted line on the information provided to the County. Use of this originally planned route would greatly lessen the impact of the pipeline on the County Road 117, County Road 104 and CSAH 8 corridors, and allow the County to plan for future expansion of those right of ways as the City grows without the constraints placed on it by the location of the new pipeline abutting those corridors. It will also greatly reduce the potential relocation costs the County could have to pay MERC if it needs to have MERC move its pipeline in connection with that project.

If however MERC insists on pursuing use of the County Road 104 and 117 corridors, the County is not in position at this point to recommend that MERC locate its pipeline on one specific side of County Road 104 or County Road 117 with the expectation that all necessary future expansion of the roadway by the County can occur on the other side of the road. Given this, if MERC insists on using this corridor, the County would request that the proposed 50 foot wide width of the corridor be reduced to 20 feet wide, which in the County's experience in working with other utility providers located along its right of ways should be sufficient to provide for a natural gas pipeline up to 16 inches in diameter. The County would also like clarification concerning property rights MERC seeks to acquire in its "500 foot wide route" and in its "1.25 mile buffer area in select locations to site" to better understand the potential impact on its County right of ways.

The County looks forward to working with MERC to resolve these issues. If you have additional questions concerning the issues raised in this letter, you may contact County Public Works Director Mike Sheehan at (507) 328-7045. Thank you very much.

Sincerely,

THOMAS M. CANAN
Sr. Assistant Olmsted County Attorney

cc: Mike Sheehan, Olmsted County Director of Public Works Department
Minnesota Energy Resources Corporation

Figure 1

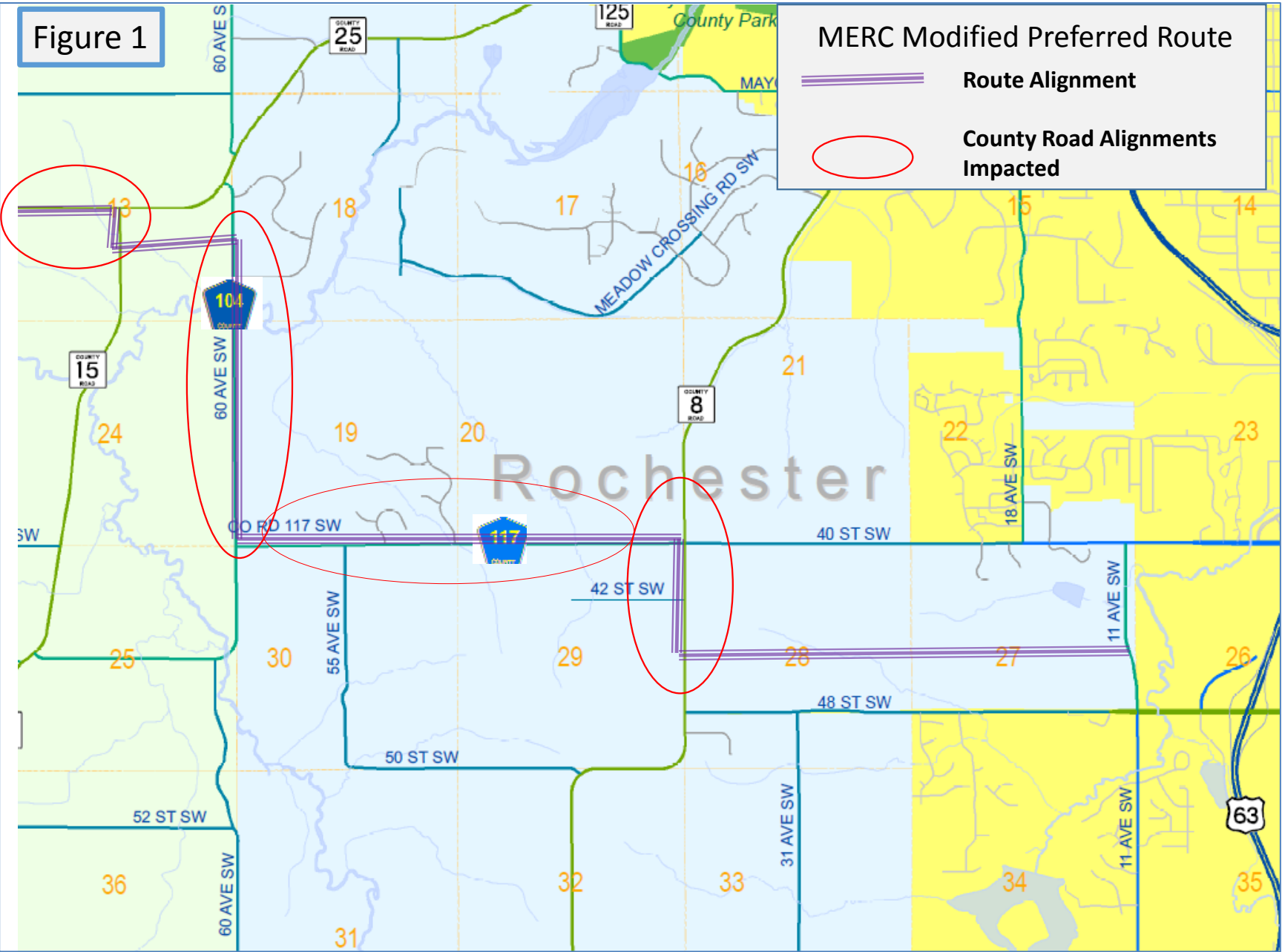
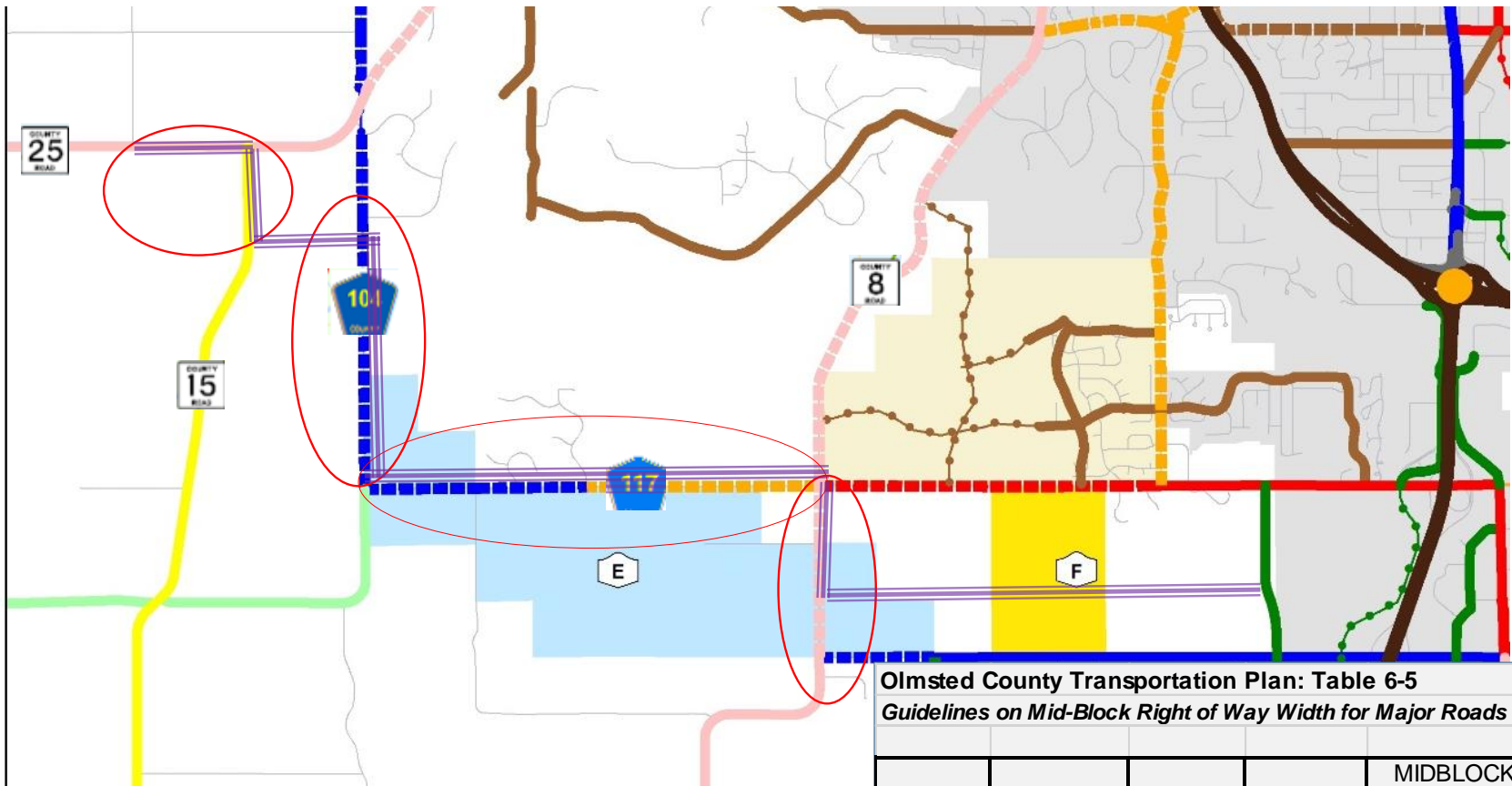


Figure 2

Olmsted County Transportation Plan Functional Classification Map



LEGEND

- Strategic Urb Art - E
- Major Urb Art - E
- Secondary Urb Art - E
- Primary Urb Coll - E
- Local Collector - E
- Strategic Regional Arterial
- Major Regional Arterial
- Secondary Regional Arterial
- **Route Alignment**

Olmsted County Transportation Plan: Table 6-5
Guidelines on Mid-Block Right of Way Width for Major Roads

Design Class	Projected Volumes	Lanes Needed	Type of Median	MIDBLOCK RIGHT OF WAY Swale/Ditch Drainage
Expressway				
CSAH 8	2-10,000	2		100
Roads and Streets				
40th St	2-8,000	2		100
Super 2				
CR 104	<17,500	2	Surface	110