

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 a 115 kV Transmission Line Project
in the Elko New Market and Cleary
Lake Areas in Scott and Rice Counties

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION**

A public hearing was held before Administrative Law Judge Steve M. Mihalchick on March 4, 2014, at the Elko New Market Public Library in Elko New Market, Minnesota and at Prior Lake High School in Savage, Minnesota.

Kodi Jean Church, Briggs and Morgan, P.A., appeared as counsel for Great River Energy (Applicant or the Company). Peter Schaub, Senior Field Representative; Carole Schmidt, Supervisor, Transmission Permitting and Compliance; Steve Lawler, Project Manager; Yewulsew Atnafu, Planning Engineer; and Kerby Nester, Transmission Line Design Engineer, also attended on behalf of Great River Energy.

David Birkholz, Environmental Review Manager, appeared on behalf of the Department of Commerce, Energy Environmental Review & Analysis (EERA).

Hwikwon Ham, Staff Analyst, and Tricia DeBleeckere, Energy Facility Planner, appeared on behalf of the staff of the Public Utilities Commission (Commission or PUC).

STATEMENT OF ISSUE

Has Applicant satisfied the factors set forth in Minnesota Statutes Section 216E.03¹ and Minnesota Rules Chapter 7850 for a Route Permit for the Elko New Market and Cleary Lake Areas 115 kilovolt (kV) transmission line project in Scott and Rice Counties, Minnesota (the Project)?

SUMMARY OF RECOMMENDATION

The Administrative Law Judge recommends that the Commission issue Great River Energy a Route Permit for a 115 kV transmission line along Great River Energy's Proposed Route, including the Existing Line Segment and the West Option, as depicted

¹ Unless otherwise noted, all Minnesota Statutes and Minnesota Rules referenced are to the 2012 editions.

in Appendix A of the Environmental Assessment, in Scott and Rice Counties, Minnesota.

Based on information in the Route Permit Application to the Commission, the Environmental Assessment (EA), the testimony at the public hearing, written comments, and exhibits received in this proceeding, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Procedural Summary

1. Great River Energy is not-for-profit generation and transmission cooperative based in Maple Grove, Minnesota. Great River Energy provides electrical energy and related services to 28 member cooperatives, including Minnesota Valley Electric Cooperative (MVEC) and Steele-Waseca Cooperative Electric, the distribution cooperatives serving the area to be served by the proposed new and rebuilt transmission lines. Great River Energy's distribution cooperatives, in turn, supply electricity and related services to more than 639,000 residential, commercial, and industrial customers in Minnesota and Wisconsin.²

2. The proposed Project includes a combination of new 115 kV transmission line construction and rebuilding existing 69 kV transmission line to 115 kV operating standards from Prior Lake Junction south to Credit River Junction, to MVEC's Cleary Lake Substation, to Xcel Energy's Credit River Substation, to Xcel Energy's Veseli 69 kV breaker station.³

3. On May 22, 2013, Great River Energy filed a Notice of Intent to Submit a Route Permit Application (Application) pursuant to the Alternative Permitting Process for the Project with the Commission.⁴

4. On June 20, 2013, Great River Energy submitted its Application for the Project.⁵

5. On July 1, 2013, the Commission issued a Notice of Comment Period on Application Completeness.⁶

6. On July 15, 2013, Three Rivers Park District (TRPD) and Scott County filed comments on the Application regarding potential impacts the Project may have on the Murphy-Hanrehan Park Reserve and Cleary Lake Regional Park owned and operated by TRPD.⁷

² Exhibit (Ex.) 2 at 1-1 (Application).

³ Ex. 35 at 2 (Environmental Assessment (EA)).

⁴ Ex. 1 (Notice of Intent to File Application).

⁵ Ex. 2 (Application).

⁶ Ex. 3 (Notice of Comment Period on Application Completeness).

⁷ Ex. 4 (TRPD and Scott County Comments on Completeness).

7. On July 15, 2013, EERA⁸ staff filed its comments and recommendations regarding the completeness of the Application and recommended the Application be found complete.⁹

8. On July 18, 2013, Great River Energy filed comments in reply to the EERA and joint TRPD and Scott County comments on the completeness of the Application.¹⁰

9. On July 18, 2013, Great River Energy filed its affidavits of mailing and affidavits of publication for the Notice of Application, as required under Minn. Stat. § §§ 216E.03, subd. 4; 216E.04, subd. 4; and Minn. R. 7850.2100, subp. 4.¹¹

10. On August 9, 2013, the Commission issued a Notice of Meeting on Application Completeness for August 22, 2013.¹²

11. On August 14, 2013, Commission staff filed Briefing Papers recommending the Commission find the Application complete.¹³

12. On August 22, 2013, the Commission met and found the Application complete.¹⁴

13. On September 9, 2013, the Commission issued its Order Accepting the Application as Complete.¹⁵ In addition to finding the Application complete, the Commission referred the case to the Office of Administrative Hearings under the Alternative Permitting Process in Minn. R. Ch. 7850, and requested that the Administrative Law Judge: 1) emphasize the statutory timeframe for the Commission to make final decisions on the Application; 2) direct Commission staff to contact relevant state agencies to request participation in record development and public hearings; 3) ask the parties whether the Project meets the selection criteria established in Minn. Stat. § 216E.03 and Minn. R. Ch. 7850; and 4) prepare a report setting forth findings, conclusions, and recommendations on the merits of the Project, applying the routing criteria set forth in statute and rule, and provide comments, if any, on the language of the proposed permit.¹⁶ The Commission asked that prior to the public hearing, EERA submit to the Administrative Law Judge with the EA, comments and analysis on the relative merits of the route alternatives and recommend permit language or specific

⁸ At the time of submitting its Comments and Recommendations on Application Completeness, EERA was known as “Energy Facility Permitting.” EERA will be used throughout these findings to refer to this unit of the Department of Commerce.

⁹ Ex. 5 (EERA Comments & Recommendations on Completeness).

¹⁰ Ex. 6 (Applicant Reply Comments on Completeness).

¹¹ Ex. 7 (Notice of Application Filing).

¹² Ex. 10 (Commission Meeting Notice on Completeness).

¹³ Ex. 11 (Staff Briefing Papers on Completeness).

¹⁴ Ex. 14 (Commission Order Accepting Application as Complete).

¹⁵ Ex. 14 at 2 (Completeness Order).

¹⁶ *Id.* at 4 (Completeness Order).

provisions relative to permissible routes.¹⁷ The Commission determined that an advisory task force was not necessary.¹⁸ The Commission designated a public advisor.¹⁹

14. On September 10, 2013, the Commission and EERA issued a Notice of Public Information and EA Scoping Meeting.²⁰ This notice was also published in the *Northfield News* on September 14, 2013, the *Lonsdale News Review* on September 27, 2013, the *Prior Lake American* on September 14, 2013, and the *Savage Pacer* on September 14, 2013, as required under Minn. Stat. §§ 216E.03, subd. 4, and 216E.04, subd. 4; and Minn. R. 7850.2100, subp. 2.²¹

15. On October 1, 2013, the Commission and EERA held a Public Information and EA Scoping Meeting at the Elko New Market Public Library in Elko New Market, Minnesota, from 1:00 p.m. to 3:00 p.m., and at Prior Lake High School in Savage, Minnesota, from 6:00 p.m. to 8:00 p.m.²²

16. On October 15, 2013, the scoping comment period ended.²³

17. On October 15, 2013, Applicant filed a Response to Scoping Comments received by EERA during the Scoping Meeting and comment period.²⁴

18. On October 25, 2013, EERA issued a summary of EA Scoping Process and Alternative Routes to the Commission on the EA scoping process.²⁵

19. On October 29, 2013, the Administrative Law Judge issued a Notice of Prehearing Conference.²⁶

20. On November 8, 2013, the Administrative Law Judge held a prehearing conference via teleconference.²⁷ Carole L. Schmidt, Supervisor, Transmission Permitting and Compliance, Great River Energy and Kodi Jean Church, Briggs and Morgan, P.A. appeared on behalf of Great River Energy. David Birkholz, Environmental Review Manager for EERA, and Hwikwon Ham of the Commission staff were also present.

21. On November 14, 2013, the Commission issued a Notice of Commission Meeting noting that it would consider what action it should take in regard to route alternatives to be evaluated in the EA.²⁸

¹⁷ *Id.*

¹⁸ *Id.* at 5-6 (Completeness Order).

¹⁹ *Id.* at 5 (Completeness Order).

²⁰ Ex. 15 (Notice of Public Information and EA Scoping Meetings Affidavit of Service).

²¹ Ex. 38 (Notice of Public Information and EA Scoping Meetings Affidavit of Publication).

²² Ex. 23 (Comments Received on the Scope of the EA); Ex. 35 at 8 (EA).

²³ Ex. 35 at 8 (EA).

²⁴ Ex. 22 (Great River Energy Response to EA Scoping Comments).

²⁵ Ex. 25 (Summary of EA Scoping Process and Alternative Routes).

²⁶ Ex. 24 (Notice of Prehearing Conference).

²⁷ Ex. 26 (First Prehearing Order).

²⁸ Ex. 27 (Notice of Commission Meeting on Route Alternatives).

22. On October 27, 2013, Great River Energy provided comments to EERA on possible alternatives identified during the EA scoping process.²⁹

23. On November 19, 2013, Commission staff issued Briefing Papers on the EA scoping process and alternative routes.³⁰

24. On November 25, 2013, the Commission filed a Generic Route Permit Template.³¹

25. On December 2, 2013, the Department of Commerce issued its EA Scoping Decision.³²

26. On December 2, 2013, the Administrative Law Judge issued an Amended Scheduling Order moving the public hearing date from March 5, 2014 to March 4, 2014.³³

27. On February 19, 2014, the Commission issued the Notice for the Public Hearing to be held March 4, 2014 at the Elko New Market Public Library at 1:00 p.m., and at Prior Lake High School at 6:00 p.m.³⁴

28. On February 21, 2014, EERA issued the EA for the Project and its Notice of Availability of the EA.³⁵

29. On March 3, 2014, EERA published notice of the EA Availability in the *EQB Monitor* as required by Minn. R. 7850.3700, subp. 6.³⁶

30. On March 11, 2014, Great River Energy filed affidavits of publication of the Notice of Public Hearings, confirming that the notice was published in the *Lonsdale News Review* on February 19, 2014, the *Northfield News* on February 19, 2014, the *Prior Lake American* on February 22, 2014, and the *Savage Pacer* on February 22, 2014.³⁷

31. On March 17, 2014, Great River Energy filed an Affidavit of Mailing of the Notice of Public Hearings, confirming that the notice was mailed to landowners along the routes in the EA on February 19, 2014.³⁸

²⁹ Ex. 28 (Applicant Comments on Possible Alternatives for Scoping) (efiled on November 18, 2013).

³⁰ Ex. 29 (Staff Briefing Papers on EA Scoping Process and Alternative Routes).

³¹ Ex. 30 (Generic Route Permit Template).

³² Ex. 31 (EA Scoping Decision).

³³ Ex. 32 (Amended Scheduling Order).

³⁴ Ex. 33 (Public Hearing Notice and Affidavit of Service).

³⁵ Ex. 34 (Notice of Availability of the EA); Ex. 35 (EA).

³⁶ Ex. 37 (Notice of Availability of EA published in the *EQB Monitor*).

³⁷ Affidavit of Mailing for Notice of Public Hearings, Mar. 11, 2014, (eDocket Document No. 20143-97222-01).

³⁸ Revised Affidavit of Mailing for Notice of Public Hearings, Mar. 17, 2014, eDocket Document No. 20143-97387-01.

32. On March 19, 2014, the public hearing comment period ended.³⁹

Description of the Project

33. The proposed Project includes a combination of new 115 kV transmission line construction and rebuilding of existing 69 kV transmission line to 115 kV operating standards in Scott and Rice Counties, Minnesota. The various segments include:

- In the northern area, rebuild approximately 3.5 miles of the existing Great River Energy 69 kV MV-PN line to 115 kV standards from Prior Lake Junction south along County Road (CR) 75 to Credit River Junction (the Existing Line) or, alternately, detouring a portion in the northern area of the line along CR 27 (Dakota Avenue) (the Deviation Segment);
- Rebuild approximately 0.9 mile of the existing Great River Energy 69 kV MV-CR line to single circuit 115 kV standards with 69 kV underbuild from Credit River Junction west to MVEC's Cleary Lake Substation;
- Rebuild approximately 1.3 miles of the existing Great River Energy single circuit 69 kV MV-CR line to 115 kV standards northwest from MVEC's Cleary Lake Substation to Xcel Energy's Credit River Substation;
- Rebuild approximately 5.6 miles of the existing Great River Energy 69 kV MV-PN line to 115 kV standards from the intersection of CR 62 and Natchez Avenue, south along Natchez Avenue to 250th Street, then west along 250th Street to the New Market Substation at Panama Avenue; and
- In the southern area, construct a new double circuit 115 kV transmission line from the MV-PN line to Xcel Energy's Veseli 69 kV breaker station, either along a 5.4-mile West Option along Panama Avenue, east along 280th Street, and south on Halstad Avenue, or along a 6.5-mile East Option along Texas Avenue, west along 280th Street, and south on Halstad Avenue.⁴⁰

34. Great River Energy proposes to use single pole structures between 52 feet and 92 feet in height for the 115 kV single circuit, 115 kV/115 kV double circuit, and 115 kV with 69 kV or distribution underbuild portions of the Project. Spans for the 115 kV single circuit or 115 kV/115 kV double circuit portions of the Project are proposed to range from 350 feet to 400 feet. For the 115 kV with 69 kV or distribution underbuild portions of the Project, Great River Energy proposes spans ranging from 250 feet to 350 feet. Great River Energy proposes to use H-Frame structures (between 52 and 75 feet in height, spans ranging from 600 to 1000 feet) in areas where longer spans are

³⁹ Ex. 33 (Public Hearing Notice and Affidavit of Service).

⁴⁰ Ex. 35 at 2 (Environmental Assessment (EA)).

required to avoid or minimize impacts to wetlands or waterways, and if the Project crosses the existing Brookings County to Hampton 345 kV transmission line.⁴¹

35. Great River Energy proposes a right-of-way up to 70 feet wide for the Project. For the rebuild portions of the Project, Great River Energy proposes to construct the Project within the existing rights-of-way.⁴²

36. The Project is intended to address low voltage and transmission system overloads in the area. Great River Energy proposes this Project to improve reliability and a long-term load-serving capability transmission system in the area.⁴³

Routes Evaluated

37. In this Alternative Permitting Process, Great River Energy evaluated the Project area and determined that route options were constrained by a need to connect to existing infrastructure, the small geographical area of the proposed Project, and engineering constraints associated with getting proper clearances around existing infrastructure. Only one route was included in the Application, with two route segment options.⁴⁴

38. The Proposed Route, including either of the northern area or southern area options, is located in Scott and Rice Counties in the cities of Savage, Prior Lake, and Elko New Market and the townships of Credit River, Cedar Lake, New Market, Webster, and Wheatland.⁴⁵

39. The Proposed Route includes two route alternatives in both the northern area and the southern area. In the northern area, the Project could either rebuild the existing 69 kV MV-PN transmission line to 115 kV standards (Existing Line) or could be constructed along CR 75/Dakota Avenue in the area between Egan Drive and just south of Overlook Drive (Deviation Segment). In the southern area, the Project could either be constructed south along Texas Avenue, west along 280th Street, and south along Halstad Avenue to the Veseli Breaker Station (East Option) or south along Panama Avenue, east along 280th Street, and south along Halstad Avenue to the Veseli Breaker Station (West Option).⁴⁶

40. No alternative routes, alternative route segments, or alignment modifications were introduced in the EA Scoping Decision and the EA only evaluated the Proposed Route including the northern area and southern area alternatives proposed in the Application.⁴⁷

⁴¹ *Id.* at 14 (EA).

⁴² Ex. 35 at 12 (EA).

⁴³ *Id.* at 5 (EA).

⁴⁴ *Id.* at 19 (EA).

⁴⁵ *Id.* at Figure 1 and Figure 2 (EA).

⁴⁶ *Id.* at Figure 1, Figure 2, and 11-12 (EA).

⁴⁷ Ex. 31 (EA Scoping Decision).

Transmission Line Structure Types and Spans

41. For the Project, Great River Energy proposes to use overhead construction with wood structures. Great River Energy proposes to primarily use single pole structures. Wood poles would be direct embedded and may require guying at, but not limited to, angle locations.⁴⁸

42. H-Frame structures may be used in areas where longer spans are required to avoid or minimize impacts to wetlands or waterways. Additionally, these structures may be used if the Project crosses the existing Brookings County to Hampton 345 kV transmission line.⁴⁹

Transmission Line Conductors

43. For the Project, Great River Energy proposes to use 795 kcmil 26/7 Aluminum Conductor Steel Supported and install a shield wire for lightning protection.⁵⁰

Transmission Line Route Widths

44. For the Project, Great River Energy has requested a route width of 300 feet for the majority of the Proposed Route except for two areas: (1) an area 2,200 feet along Texas Avenue immediately south of 250th Street, where a route width of 800 feet has been requested, and (2) a radius of 250 feet at each intersection with the Brookings County to Hampton 345 kV transmission line.⁵¹

Transmission Line Right-of-Way

45. Great River Energy has requested a right-of-way width of up to 70 feet. Great River Energy, however, believes it can construct the rebuild portions of the Proposed Route within the existing rights-of-way wherever reasonably possible. Where the Proposed Route is adjacent to a roadway, poles would generally be placed approximately five feet outside the public right-of-way. In these locations, the easement required from the adjacent landowner may be of lesser width because a portion of the transmission right-of-way can overlap with the public right-of-way.⁵²

Project Schedule

46. Great River Energy expects to begin construction in spring 2015.⁵³

⁴⁸ Ex. 35 at 13 (EA).

⁴⁹ *Id.* at 13 (EA); Great River Energy Public Hearing Comment Letter at Exhibit B, Mar. 19, 2014, eDocket Document No. 20143-97449-02.

⁵⁰ Ex. 35 at 14 (EA).

⁵¹ *Id.* at 11 (EA); Great River Energy Public Hearing Comment Letter at 2, Mar. 19, 2014, eDocket Document No. 20143-97449-02.

⁵² Ex. 35 at 13 (EA).

⁵³ Ex. 35 at 15 (EA).

47. Great River Energy anticipates a summer 2016 in-service date for the Project.⁵⁴

Project Costs

48. Great River Energy estimates that installation of the new transmission line and removal of the existing transmission line would cost approximately \$15 million, depending on final route selection and mitigation.⁵⁵

Permittee

49. The permittee for the Project is Great River Energy.⁵⁶

Public and Local Government Participation

Public Comments

50. Approximately 25 people attended the EA Scoping Meeting on October 1, 2013.⁵⁷

51. EERA received written comments from 13 members of the public during the EA scoping comment period.⁵⁸

52. Several comments raised topics consistent with the general scoping document outline used by EERA to include in the EA. Particularly, comments were related to possible health effects of the Project, aesthetics, property values, and natural resource impacts. Alternative routes, alternative route segments, and modifications to the Proposed Route were also discussed during the scoping meeting and in written comments received during the scoping period.⁵⁹

53. Nine members of the public spoke at the public hearing on March 4, 2014. Questions related to potential impacts on natural resources, the potential for health effects, preference for project location along the route alternatives in the northern and southern areas, potential impacts on property values, and the potential effects of stray voltage.⁶⁰ At the March 4, 2014, public hearing, Great River Energy responded to these comments from the public.⁶¹

54. There was discussion during the afternoon session that an aerial photo of a landowner's property was not recent enough to show his new house and grain bins

⁵⁴ *Id.*

⁵⁵ Ex. 35 at 16 (EA).

⁵⁶ Ex. 35 at 1 (EA).

⁵⁷ Ex. 35 at 8 (EA).

⁵⁸ *Id.*; Ex. 13 (Comments Received on the Scope of the EA – Oral Comments).

⁵⁹ Ex. 35 at 8 (EA).

⁶⁰ See Pub. Hrg. Tr. Elko New Market; Pub. Hrg. Tr. Prior Lake High School.

⁶¹ *Id.*

and a more recent photograph was requested.⁶² On March 19, 2014, Great River Energy filed a comment letter that included an updated aerial photograph of the area.⁶³

55. Four members of the public provided written comments during the public hearing comment period.⁶⁴ Two comment letters expressed a preference to use the Existing Line Option in the northern area of the Proposed Route.⁶⁵ One comment letter expressed concerns over general construction practices used when road work on CR 27 was completed along the East Option.⁶⁶ One comment letter expressed concerns over the potential impact of the Project on agricultural operations on Halstad Avenue.⁶⁷

Local Government and State Agency Participation

56. During the EA scoping comment period, EERA received written comments from five federal and state agencies.⁶⁸

57. During the public hearing and subsequent comment period, written comments were received from two local units of government, one federal agency, and one state agency.⁶⁹

United States Army Corps of Engineers

58. On October 3, 2013, the United States Army Corps of Engineers (USACE) provided information that no St. Paul District real estate, completed projects, or ongoing civil works project would be affected by the proposed Project. Additionally, USACE provided contact information for permitting requirements for the St. Paul District.⁷⁰

Minnesota Department of Transportation

59. On October 14, 2013, the Minnesota Department of Transportation (MnDOT) provided written comments on the scope of the EA. MnDOT commented that the Proposed Route does not directly abut a state trunk highway, MnDOT requested that it be notified of any changes that may modify the Project area close enough to occupy a portion of current MnDOT right-of-way.⁷¹

⁶² See Pub. Hrg. Tr. Elko New Market at 31 – 33.

⁶³ Great River Energy Public Hearing Comment Letter, Mar. 19, 2014, Attachment A (eDocket Document No. 20143-97449-02).

⁶⁴ Exs. 42-48 (Public Hearing Written Comments).

⁶⁵ Ex. 43 (Mishuk Public Hearing Written Comments); Ex. 45 (Running Public Hearing Written Comments).

⁶⁶ Ex. 42 (Chlan Public Hearing Written Comments).

⁶⁷ Ex. 46 (Tupy Public Hearing Written Comments).

⁶⁸ Ex. 35 at 8 (EA).

⁶⁹ Ex. 41 (Elko New Market Written Comments); Ex. 44 (Scott County Public Hearing Written Comments); Ex. 47 (USFWS Public Hearing Written Comments); Ex. 48 (MnDNR Public Hearing Written Comments).

⁷⁰ Ex. 18 (USACE EA Scoping Comments).

⁷¹ Ex. 20 (MnDOT EA Scoping Comments).

Minnesota Pollution Control Agency

60. On October 14, 2014, Craig Affeldt with the Minnesota Pollution Control Agency (MPCA) provided comments on the scope of the EA. The MPCA provided general information on Section 401 Water Quality Certification and National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) permit requirements.⁷²

Metropolitan Council

61. On August 19, 2013, LisaBeth Barajas, Manager for Local Planning Assistance of the Metropolitan Council, filed a written comment explaining that the Metropolitan Council oversees the metropolitan area's regional parks system and recommending that Great River Energy work with TRPD and Scott County to ensure the Project does not negatively impact regional park system facilities.⁷³

Minnesota Department of Natural Resources

62. On October 15, 2013, Jamie Schrenzel, Principal Planner for the Environmental Review Unit of the Minnesota Department of Natural Resources (MnDNR), submitted written comments on the scope of the EA. The MnDNR comments identified that the Proposed Route is within or adjacent to an area of statewide importance to the Blanding's turtle (*Emydoidea blandingii*), a state-listed threatened species and included a fact sheet on the Blanding's turtle. The MnDNR requested that the fact sheet be given to all contractors working in the area during Project construction. The MnDNR requested that the EA include a map with avian flight diverter locations, type, and spacing. Finally, the MnDNR requested that in forested areas, Great River Energy evaluate whether lower growing vegetation may be permitted to remain in the outer edges of the right-of-way.⁷⁴

63. On March 19, 2014, Ms. Schrenzel filed comments on the Project. Ms. Schrenzel again requested that the Blanding's turtle fact sheets be used when planning for construction along the Proposed Route and that wildlife-friendly erosion mesh be used where feasible. Ms. Schrenzel also stated that winter construction in wetlands helps significantly reduce impacts to wetlands. The MnDNR requested that a condition be added to the Route Permit requiring coordination with the MnDNR regarding rare species, including determining the need for surveys. These comments also identified that native plant species seed should be used throughout park reserve land. Ms. Schrenzel also commented that the MnDNR was concerned about the Deviation Segment Option in the northern area because of wetland and Credit River crossings.⁷⁵

⁷² Ex. 23 (Agency EA Scoping Comments).

⁷³ Ex. 12 (Metropolitan Council Comment Outside Open Comment Period).

⁷⁴ Ex. 21 (MnDNR EA Scoping Comments).

⁷⁵ Ex. 48 (MnDNR Public Hearing Written Comments).

Three Rivers Park District

64. TRPD provided two written comments on the Project before the EA Scoping Meetings requesting continued cooperation between Great River Energy and TRPD throughout the Route Permit process and after a route has been selected by the Commission.⁷⁶

65. On October 14, 2013, TRPD provided comments on the scope of the EA. In its comments, TRPD provided information on potential impacts to the Murphy-Hanrehan Park Reserve and Cleary Lake Regional Park; on the Doyle-Kennefick Regional Park and the Scott West Regional Trail; and a summary of collaboration meetings with Great River Energy. TRPD commented that it was unable to provide additional easement width through TRPD owned and operated properties and that the Project would need to be constructed within existing easements in the Murphy-Hanrehan Park Reserve and Cleary Lake Regional Park. TRPD requested that the EA include information on the Doyle-Kennefick Regional Park and Scott West Regional Trail. Finally, TRPD provided a summary of its meeting with Great River Energy to discuss access to TRPD lands during construction activities and possible vegetation removal considerations.⁷⁷

Scott County

66. On March 19, 2014, Scott County provided comments on the Project and Proposed Route. Scott County provided information on its plans to reconstruct and widen a portion of CR 27, from CR 44 to CR 21 in Credit River Township, which the Proposed Route crosses in the northern area. Scott County requested that the Route Permit include a condition that the Project be “located 5 feet outside of the planned public [right-of-way] along this corridor (approximately 75 feet from the road centerline).” Scott County also provided comments that because of the “long-range importance of” CR 27 (Texas Avenue) between CR 86 to CR 56, it does not support selection of the East Option. Scott County requested that for the portion of the Proposed Route that follows CR 56 between CR 23 and CR 87, the Project be located on only one side of the roadway to accommodate future reconstruction and paving. Finally, Scott County provided comments similar to those of TRPD regarding regional parkland in the County.⁷⁸

City of Elko New Market

67. During the afternoon session of the March 4, 2014 public hearing, the City of Elko New Market provided written comments on the Project. The City stated that it had future plans to expand its municipal boundaries further west, beyond Texas Avenue. The City stated that it believed issuing a Route Permit for the Project along the

⁷⁶ Ex. 4 (TRPD and Scott County Comments); Ex. 9 (TRPD Comments).

⁷⁷ Ex. 23 (Agency EA Scoping Comments).

⁷⁸ Ex. 44 (Scott County Public Hearing Written Comments).

East Route would inhibit development and would act as a barrier to western development.⁷⁹

68. On March 19, 2014, Great River Energy responded to Elko New Market's written comments. Great River Energy commented that it disagreed with the City's comments that constructing the Project along the East Option would impede the City's ability to further expand its municipal boundaries to the west, identifying examples in Scott County of development around transmission infrastructure, including the northern area of the Project.⁸⁰ The construction of a 115 kV line can impede development to some degree, but is not likely to stop it entirely. The City is in a better position than Great River Energy to gauge the impact of the East and West Options on its development and the City's comments should be given substantial weight.

United States Fish and Wildlife Service

69. On March 17, 2014, the United States Fish and Wildlife Service, Ecological Services Office (USFWS) provided comments on the Project. The USFWS stated that the East Option has the potential to impact fewer wetlands (in number and acreage) than the West Option. Further, the USFWS stated that it had two conservation easements adjacent to the West Option and none adjacent to the East Option, but that there were no USFWS conservation easements within either the East Option or the West Option. The USFWS further stated it was clarifying its prior comments and that "bird flight diverters were suggested if the West Option was selected" but that the East Option would alleviate concerns over impacts to USFWS property and migratory birds over the West Option. Additionally, USFWS identified that the Northern Long-Eared Bat (*Myotis septentrionalis*) was proposed for listing as an endangered species under the Endangered Species Act (ESA) and if the final listing is published before construction of the Project, trees greater than three-inch diameter at breast height should be cleared from October 1 to March 31.⁸¹

70. On March 19, 2014, Great River Energy responded to the USFWS comments. Great River Energy stated that both the East Option and the West Option would be constructed entirely outside USFWS conservation easements. Additionally, Great River Energy provided information on the existing three-phase distribution line that would be rebuilt to double circuit 115 kV with distribution underbuild. The existing three-phase distribution line poles are approximately 35 feet to 45 feet in height with spans of approximately 250 feet to 300 feet and the conductors are not marked with bird flight diverters. The Project would be constructed on poles 52 feet to 90 feet in height with spans of approximately 250 feet to 350 feet and the shield wire would be marked with bird flight diverters.⁸²

⁷⁹ Ex. 41 (Elko New Market Written Comments).

⁸⁰ Great River Energy Public Hearing Comment Letter, Mar. 19, 2014 (eDocket Document No. 20143-97449-02).

⁸¹ Ex. 47 (USFWS Public Hearing Written Comments).

⁸² Great River Energy Public Hearing Comment Letter, Mar. 19, 2014 (eDocket Document No. 20143-97449-02).

Statutory and Rule Routing Factors for a Route Permit

71. The Power Plant Siting Act (PPSA), Minn. Stat. Ch. 216E, requires that route permit determinations “be guided by the state’s goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state’s electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.”⁸³

72. Under the PPSA, the Commission and the Administrative Law Judge must be guided by the following responsibilities, procedures, and considerations:

- (1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;
- (2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
- (3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;
- (4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;⁸⁴
- (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;

⁸³ Minn. Stat. § 216E.03, subd. 7.

⁸⁴ Factor 4 is not applicable because Great River Energy is not proposing to site a large electric generating plant.

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

(10) evaluation of 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; and

(12) when appropriate, consideration of problems raised by other state and federal agencies and local entities.⁸⁵

73. In addition, 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 route and the use of parallel existing highway right-of-way and, to the extent those are not used for the route, the [C]ommission must state the reasons.”

74. In addition to the PPSA, the Commission and the Administrative Law Judge are governed by Minn. R. 7850.4100, which mandates consideration of the following factors when determining whether to issue a route permit for a high voltage transmission line:

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;

⁸⁵ Minn. Stat. § 216E.03, subd. 7.

- 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;⁸⁶
- 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.⁸⁷

75. There is sufficient evidence on the record for the Administrative Law Judge to assess the Proposed Route using the criteria and factors set out above.

Application of Routing Factors to the Proposed Routes

76. The only route under consideration in this proceeding is Great River Energy's Proposed Route.⁸⁸

Effects on Human Settlement

77. Minnesota statutory and rule HVTL routing factors require consideration of the proposed transmission line route's effect on human settlement, including displacement of residences and business; noise created during construction and by operation of the Project; and impacts to aesthetics, cultural values, recreation, and public services.⁸⁹

78. The land along the Proposed Route is primarily a mixture of residential and agricultural in Scott and Rice Counties and two commercial uses in Scott County.⁹⁰

Displacement

79. In the northern area of the Proposed Route, there are two residences within the existing right-of-way along the Existing Line. There are no residences within

⁸⁶ This factor is not applicable because it applies only to power plant siting.

⁸⁷ Minn. R. 7850.4100.

⁸⁸ Ex. 35 (EA).

⁸⁹ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100 A.

⁹⁰ Ex. 35 at 44 (EA).

zero to 50 feet of the Deviation Segment.⁹¹ The residences within the route width along the Existing Line were constructed after the Existing Line was constructed.⁹²

80. In the southern area of the Proposed Route there is one residence within 36 feet to 50 feet of the rebuild portion of the Project between the Elko Substation and the New Market Substation. For the new construction portion of the Project, there are no residences or businesses within 0 feet to 50 feet of either the West Option or the East Option.⁹³

81. No residential or commercial displacement will occur as a result of the Project.⁹⁴

Noise

82. The MPCA has established standards for the regulation of noise levels.⁹⁵

83. The most restrictive MPCA noise limits are 60-65 A-weighted decibel (dBA) during the daytime and 50-55 dBA during the nighttime.⁹⁶

84. Noise concerns for the Project may be associated with construction and operation of the transmission lines. Transmission lines produce noise under certain conditions. The level of noise depends on conductor conditions, voltage level, and weather conditions. Generally, activity related noise levels during the operation and maintenance of transmission lines are minimal and do not exceed the MPCA Noise Limits outside the right-of-way.⁹⁷

85. The audible noise levels for the Proposed Route are not predicted to exceed the MPCA Noise Limits.⁹⁸

Aesthetics

86. Much of the Proposed Route would follow an existing 69 kV transmission line route and would have nominal, incremental effects on the visual and aesthetic character of the area.⁹⁹

87. In the northern area, if the Deviation Segment is selected over the Existing Line, the Project would be constructed along Dakota Avenue and a 1,700-foot cross-country segment where no transmission infrastructure exists.¹⁰⁰

⁹¹ *Id.*

⁹² Pub. Hrg. Tr. Prior Lake High School 27:10-15 (Schaub).

⁹³ Ex. 35 at 44 (EA).

⁹⁴ *Id.* at 27 (EA).

⁹⁵ Ex. 35 at 27 (EA).

⁹⁶ *Id.*

⁹⁷ *Id.* at 28 (EA).

⁹⁸ *Id.* at 28-29 (EA).

⁹⁹ Ex. 35 at 30 (EA).

¹⁰⁰ *Id.* at 30 and 58 (EA).

88. In the southern area, the Proposed Route from 250th Street south to the Veseli Breaker Station will require construction of the Project along a roadway, whether the East Option or West Option is selected, where no transmission infrastructure exists.¹⁰¹ Selecting the West Option for the Project, however, would rebuild an existing three-phase distribution line to double circuit 115 kV with three-phase distribution underbuild.¹⁰²

89. The Project will use wood poles. Steel poles may be necessary in certain circumstances. Structures will be single pole structures or H-Frame structures.¹⁰³

90. A potential mitigation for the aesthetic impact of transmission lines would be to underground the facility. This is not a practical solution for the Project as it would create a financially impractical system alternative. The same facility placed underground could cost up to 8 to 10 times the estimated cost of the Project.¹⁰⁴

91. Although the transmission line would be visible throughout most of its length, it would be only incrementally different from the existing transmission line that currently runs along the roadways and residential and commercial development in the area of the Proposed Route.¹⁰⁵

Cultural Values

92. The region surrounding the Proposed Route derives from a diverse ethnic heritage. However, a majority of the reported ethnic backgrounds are of German, Norwegian, and Irish origin.¹⁰⁶

93. No impacts are anticipated to cultural values as a result of construction of the Project.¹⁰⁷

Recreation

94. The Proposed Route crosses, following the existing MV-PN 69 kV transmission line, through the Murphy-Hanrehan Park Reserve and Cleary Lake Regional Park, both under the auspices of the TRPD and co-managed with Scott County.¹⁰⁸

¹⁰¹ *Id.* at 58-59 (EA).

¹⁰² Great River Energy Public Hearing Comment Letter, Mar. 19, 2014, eDocket Document No. 20143-97449-02.

¹⁰³ Ex. 35 at 30 (EA).

¹⁰⁴ *Id.* at 31 (EA).

¹⁰⁵ *Id.* at 31 (EA).

¹⁰⁶ Ex. 2 at 9-11 (Application).

¹⁰⁷ *Id.* at 9-12 (Application); see Ex. 35 at 57 (EA).

¹⁰⁸ Ex. 35 at 40 (EA).

95. Great River Energy currently holds easements through these areas ranging from 60 feet to 65 feet in width. Great River Energy intends to design the Project to be constructed within these existing easements.¹⁰⁹

96. Great River Energy has agreed to work with TRPD to devise a phased vegetation removal plan to be implemented by Great River Energy through construction and a TRPD-implemented replanting plan that will include species compatible with the Project.¹¹⁰

97. The MnDNR commented that in these areas, native plant species should be used for seeding wherever possible, including native flowering forbs for butterflies and other native pollinators. Additionally, the MnDNR commented that control of the introduction of invasive species will be particularly important for the Project.¹¹¹

98. The information agreed to by Great River Energy¹¹² regarding developing vegetation removal and replanting plans as requested by the MnDNR could be incorporated into a Vegetation Management Plan for the TRPD-owned properties over which the Project crosses.¹¹³

99. TRPD also mentioned the Doyle-Kennefick Regional Park and the Scott County West Trail in its scoping comments.¹¹⁴

100. The Doyle-Kennefick Regional Park will be located over one mile north of 250th Street in the southern area of the Proposed Route. The Scott County West Trail is located to the west of the western-most terminus of the northern area of the Proposed Route. Neither of these TRPD properties should be impacted by the Project.¹¹⁵

101. The Proposed Route is also situated between the Spartina and Bradshaw Wildlife Management Areas. Both of these areas are outside the Proposed Route.¹¹⁶

102. The Murphy-Hanrehan Park Reserve and Cleary Lake Regional Park already experience an impact from the existing 69 kV transmission line because the easement is within park land along its perimeter. Development of a Vegetation Management Plan for the Project across these properties could address potential impacts along with constructing the Project within existing easements. No other impacts to recreation activities are anticipated as a result of the Project.¹¹⁷

¹⁰⁹ *Id.* at 42 (EA).

¹¹⁰ Great River Energy Public Hearing Comment Letter at 4, Mar. 19, 2014, eDocket Document No. 20143-97449-02.

¹¹¹ Ex. 48 (MnDNR Public Hearing Written Comments).

¹¹² Ex. 2 at 9-34 (Application).

¹¹³ *See* Ex. 35 at 56 (EA).

¹¹⁴ Ex. 23 (Agency EA Scoping Comments).

¹¹⁵ Ex. 35 at 20 (EA).

¹¹⁶ *Id.* at 40 (EA).

¹¹⁷ *Id.* at 40-42 (EA).

Public Service and Infrastructure

103. The majority of properties along the Proposed Route are connected to wells and septic systems, except for along the Deviation Segment and Existing Line in Savage, which does supply sewer and water service. No public utility or road improvement projects are currently planned for the area near the Proposed Route in Savage.¹¹⁸

104. The 2012-2021 Scott County Transportation Improvement Plan indicates that in 2016, 250th Street is slated for reconstruction and repaving from Panama Avenue to Revere Avenue.¹¹⁹

105. For this area of 250th Street, Scott County has requested that Great River Energy be required to install poles approximately "5 feet outside of the planned public [right-of-way] along [250th Street] (approximately 75 feet from road centerline)" between CR 23 [(Panama Avenue)] and CR 87 [(Revere Avenue)] and that Scott County will coordinate with Great River Energy on "joint acquisition of new [right-of-way]" along 250th Street. Scott County has stated it is beginning the preliminary design phase for this reconstruction.¹²⁰

106. Scott County commented that locating transmission lines along its planned reconstruction of CR 27 from CR 44 to CR 21 could negatively impact upon Scott County's long-term plan for CR 27.¹²¹ However, it appears that the proposed Project lies about one mile east of CR 27 for most of that area and then turns west and crosses CR 27 near its intersection with CR 21.¹²² Similarly, Scott County does not support the East Option along CR 27 between CR 86 to CR56 "given the long-range importance of this corridor."¹²³

107. Great River Energy responded that it is continuing to work with Scott County on the timing of the reconstruction and repaving plans and the timing of Project Construction.¹²⁴ Great River Energy should work with Scott County to mitigate impacts of the Project upon the County's plans for CR 27.

108. Direct impacts on public services within the Project area will be avoided.¹²⁵

¹¹⁸ Ex. 35 at 45 (EA).

¹¹⁹ *Id.* (EA).

¹²⁰ Ex. 44 (Scott County Public Hearing Written Comments) (emphasis original).

¹²¹ *Id.* (Scott County Public Hearing Written Comments).

¹²² Ex. 2 at Fig 4-1A (Application).

¹²³ *Id.* (Scott County Public Hearing Written Comments).

¹²⁴ Great River Energy Public Hearing Comment Letter at 5, Mar. 19, 2014 (eDocket Document No. 20143-97449-02).

¹²⁵ Ex. 35 at 45 (EA).

Effects on Public Health and Safety

109. Minnesota high voltage transmission line routing factors require consideration of the Project's effect on health and safety.¹²⁶

Construction and Operation of Facilities

110. The Project will be designed in compliance with local, state, National Electric Safety Code (NESC), and Great River Energy standards regarding clearance to ground, clearance to crossing utilities, clearance to buildings, strength of materials, and right-of-way widths.¹²⁷

111. Great River Energy construction crews and/or contract crews will comply with local, state, NESC, and Great River Energy standards regarding installation of facilities and standard construction practices. Great River Energy and industry safety procedures will be followed during and after installation of the transmission lines. This will include clear signage during all construction activities.¹²⁸

112. The transmission lines will be equipped with protective devices that will de-energize the line if an accident occurs, such as a structure or conductor falling to the ground.¹²⁹

Electric and Magnetic Fields

113. There are no federal standards for transmission line electric fields.¹³⁰

114. The Commission has imposed a maximum electric field limit of 8 kV/m measured at one meter above the ground at the edge of the right-of-way.¹³¹

115. The calculated electric fields for the Project are significantly less than the maximum limit of 8 kV/m that has been imposed by the Commission.¹³²

116. There are no federal or Minnesota state regulations for the permitted strength of magnetic fields from transmission lines. Some states have set magnetic field limits ranging from 150 mG to 250 mG at the edge of the transmission line right-of-way.¹³³

117. Studies regarding extremely low frequency (ELF) magnetic field exposure and childhood leukemia and other cancer have had mixed results.¹³⁴

¹²⁶ Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100 B.

¹²⁷ Ex. 35 at 31 (EA).

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Ex. 35 at 32 (EA).

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.* at 39 (EA).

¹³⁴ *Id.* at 36 (EA).

118. Research has not been able to establish a cause and effect relationship between exposure to magnetic fields and adverse health effects.¹³⁵

119. The potential impacts of EMF on human health were at issue in the Route Permit proceeding for the Brookings County to Hampton 345 kV transmission line. In that proceeding, Administrative Law Judge Luis found that:

The absence of any demonstrated impact by [ELF-EMF] exposure supports the conclusion that there is no demonstrated impact on human health and safety that is not adequately addressed by the existing State standards for such exposure. The record shows that the current exposure standard for ELF-EMF] is adequately protective of human health and safety.¹³⁶

120. There is no indication that any significant impact on human health or safety will arise from the Project.

Effects on Land-Based Economies and Direct and Indirect Economic Impacts

121. Minnesota's high voltage transmission line routing factors require consideration of the Project's impacts to land-based economies, specifically agriculture, forestry, tourism, and mining.¹³⁷

Agriculture

122. Land along the Proposed Route is generally zoned either residential or agricultural. Much of the northern area is residential while most of the southern area is agricultural. Transmission lines would cross approximately 16 miles of agricultural land, with seven of those miles crossing prime farmland.¹³⁸

123. Great River Energy has agreed to work with the Minnesota Department of Agriculture (MDA) after the Route Permit has been issued to identify mitigation measures that could be utilized during the construction phase of the Project. Any mitigation measures identified by the MDA and Great River Energy would be summarized in the plan and profile compliance filing.¹³⁹

¹³⁵ *Id.* at 37-38 (EA).

¹³⁶ *In the Matter of the Route Permit Application by Great River Energy and Xcel Energy for a 345 kV Transmission Line from Brookings County, South Dakota to Hampton, Minnesota*, Docket No. ET-2/TL-08-1474, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ISSUING AN HVTL ROUTE PERMIT TO GREAT RIVER ENERGY AND XCEL ENERGY adopting ALJ FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION AS AMENDED at Finding 216 (Sept. 14, 2010).

¹³⁷ Minn. Stat. § 216E.03, subd. 7(b)(5); Minn. R. 7850.4100 C.

¹³⁸ Ex. 35 at 42 (EA).

¹³⁹ Great River Energy Public Hearing Comment Letter at 5, Mar. 19, 2014, eDocket Document No. 20143-97449-02.

124. No long-term impacts are anticipated to the agricultural economy from construction of the Project.¹⁴⁰

Forestry

125. The Proposed Route does not impact any forests managed for harvest or any nurseries.¹⁴¹

126. No privately-owned forest production industry would be affected by the Project.¹⁴²

127. The Proposed Route does cross approximately one-tenth of a mile of forested land, nearly all of which is along the edge of Cleary Lake Regional Park.¹⁴³

Mining

128. There are gravel pits, rock quarries, and commercial aggregate sources in the vicinity of the Proposed Route.¹⁴⁴

129. There are no active pits located within the Proposed Route.¹⁴⁵

Effects on Archeological and Historic Resources

130. Minn. R. 7850.4100 D requires consideration of the effects on historic and archaeological resources.

131. During preparation of the Application, the Minnesota State Historic Preservation Office (SHPO) was contacted by Great River Energy's representative and a critical impact analysis of the Proposed Route and Project area was completed. Seven recorded archaeological sites were identified near the Project. Five of the sites are "precontact" sites and two are of the historic time period. The precontact sites include three isolated lithic finds and two lithic scatters. The historic sites are a sawmill and a depression with artifact scatter. Two recorded architectural properties are within the study area, a farmhouse and a farmstead.¹⁴⁶

132. The Project should be able to avoid impacts to identified archaeological and historic architectural properties by following the existing 69 kV transmission line in the northern area.¹⁴⁷

¹⁴⁰ Ex. 35 at 43 (EA).

¹⁴¹ Ex. 35 at 43 (EA).

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ Ex. 35 at 44 (EA).

¹⁴⁵ *Id.*

¹⁴⁶ Ex. 35 at 47 (EA).

¹⁴⁷ *Id.* at 48 (EA).

133. No impacts to previously identified archaeological or historic resources are anticipated as a result of construction of the Project along the Proposed Route.¹⁴⁸

Effects on Natural Environment

134. Minnesota's high voltage transmission line routing factors require consideration of the Proposed Route's effect on the natural environment, including effects on air and water quality resources and flora and fauna.¹⁴⁹

Air Quality

135. Construction of the Project will result in temporary air quality impacts caused by, among other things, construction-vehicle emissions and fugitive dust from right-of-way preparation. Additionally, ozone generation might occur during transmission line operation.¹⁵⁰

136. No significant impacts to air quality are anticipated as part of the Project and the Route Permit will include a condition that construction activities follow best management practices.¹⁵¹

Water Quality and Resources

137. The Project is located within the Minnesota River Basin, generally within the eastern edge of the Lower Minnesota River Watershed.¹⁵²

138. The Proposed Route is proximate (about 380 feet from open water) to only one lake (Cleary Lake). The existing 69 kV MV-PN line to be rebuilt to 115 kV standards as part of the Proposed Route along the Existing Line crosses the Credit River, an unnamed tributary to the Credit River, Porter Creek, and an unnamed tributary to Porter Creek. The East Option in the southern area would result in an additional crossing of Porter Creek.¹⁵³

139. All National Wetland Inventory (NWI) wetlands in the area of the Proposed Route are Palustrine, containing emergent vegetation.¹⁵⁴

140. The USFWS stated that the West Option in the southern area has "at least six large open water areas totaling over 340 acres" within one mile and the East Option has "three open water areas totaling almost 54 acres" within one mile.¹⁵⁵

¹⁴⁸ *Id.*

¹⁴⁹ Minn. Stat. §§ 216E.03, subd. 7(b)(1) and (2); Minn. R. 7850.4100 E.

¹⁵⁰ Ex. 35 at 48-49 (EA).

¹⁵¹ *Id.*

¹⁵² Ex. 35 at 49 (EA).

¹⁵³ *Id.*

¹⁵⁴ *Id.* at 50 (EA).

¹⁵⁵ Ex. 47 (USFWS Public Hearing Comments).

141. Rivers and streams will be spanned by the Project. No lakes will be crossed by the Project.¹⁵⁶

142. In the northern area, the Existing Line will replace an existing transmission line with structures that have a generally similar footprint. In the southern area, the West Option will replace an existing distribution line constructed on structures that have a slightly smaller footprint than the structures proposed for the Project.¹⁵⁷

143. Because of this, the Project should not result in any substantial, permanent wetland impacts or changes.¹⁵⁸

Flora

144. The Project consists of improvements to existing infrastructure. Construction of new transmission lines will be along roadways.¹⁵⁹

145. The significant land cover types along the Proposed Route are residential, wetlands, some deciduous forest, pasture and cultivated crops. Reed canary grass, cattail, cottonwood, sandbar willow, and sedges are the primary species in wetlands. Common species in forested areas include elm, basswood, sugar maples, bur oak, ironwood, northern red oak, and aspen.¹⁶⁰

146. If the Project is built along the existing 69 kV MV-PN right-of-way, no additional impacts are anticipated to native vegetation. No new right-of-way would be cleared in forested areas along the rebuild portions.¹⁶¹

147. Areas disturbed due to construction activities would be restored to pre-construction contours. Seeds certified as weed-free would be used for restoration activities.¹⁶²

148. Significant impacts to flora are not anticipated as part of the Project.¹⁶³

Fauna

149. Croplands, grasslands, wetlands, and woodlands in the area provide habitat for a variety of wildlife.¹⁶⁴

¹⁵⁶ Ex. 35 at 50 (EA).

¹⁵⁷ Ex. 35 at 51 (EA); Great River Energy Public Hearing Comment Letter at 2, Mar. 19, 2014 (eDocket Document No. 20143-97449-02).

¹⁵⁸ Ex. 35 at 51 (EA).

¹⁵⁹ Ex. 35 at 52 (EA).

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ Ex. 35 at 53 (EA).

150. The MnDNR has identified that the area provides habitat for the Blanding's turtle and requested that fact sheets be provided to construction crews.¹⁶⁵

151. The USFWS has identified the area as habitat for the Northern Long-Eared Bat, which has been proposed for listing as an endangered species under the ESA. If it is listed before right-of-way clearing is completed, the USFWS recommends clearing of trees greater than three inches in diameter of breast height between October 1 and March 31. If tree clearing cannot be completed during this timeframe, consultation with the USFWS under the ESA should be initiated.¹⁶⁶

152. The USFWS identified that migratory bird movement "is expected to be more concentrated along the West Option route due to the proximity of conservation easements and large water bodies."¹⁶⁷

153. The USFWS recommended specific locations for installation of bird flight diverters to prevent bird collisions and also placing raptor perch deterrents on top of the transmission poles.¹⁶⁸

154. The USFWS stated that it only provided bird flight diverter locations "if the West Option was selected, assuming a comparison of the environmental impacts would be conducted between the two routing options."¹⁶⁹

155. The EA compares the potential environmental impacts of the West Option and the East Option.¹⁷⁰

156. The shield wire of an overhead transmission line is the most difficult part of the structure for birds to see. Utilities have successfully reduced collisions on certain transmission lines by marking shield wires with bird diverters.¹⁷¹

157. The West Option would follow a three-phase distribution line for its entire length. Construction along this route would replace a line not currently marked with bird flight diverters with a double circuit 115 kV transmission line with distribution underbuild with the shield wire marked with bird flight diverters.¹⁷²

158. Raptors, waterfowl, and other bird species could be impacted by the Project through collision with transmission line conductors.¹⁷³

¹⁶⁵ Ex. 48 (MnDNR Public Hearing Written Comments).

¹⁶⁶ Ex. 47 (USFWS Public Hearing Written Comments).

¹⁶⁷ *Id.*

¹⁶⁸ Ex. 35 at 53 (EA).

¹⁶⁹ Ex. 47 (USFWS Public Hearing Written Comments).

¹⁷⁰ Ex. 35 at 53 and 64-66 (EA).

¹⁷¹ *Id.* at 53 (EA).

¹⁷² Great River Energy Public Hearing Comment Letter at 2, Mar. 19, 2014 (eDocket Document No. 20143-97449-02).

¹⁷³ Ex 35 at 53 (EA).

159. The electrocution of large birds, such as raptors, is more commonly associated with small distribution lines than large transmission lines. In addition, Great River Energy's transmission line design standards provide adequate spacing to eliminate the risk of electrocution of large birds.¹⁷⁴

160. Such design standards are provided in the Generic Route Permit Template and are reasonable and appropriate for the Project.¹⁷⁵

161. The MnDNR has requested that biodegradable erosion control materials be used where practicable to minimize impact on wildlife.¹⁷⁶

162. There is minimal potential for the displacement of wildlife and loss of habitat from construction of the Project.¹⁷⁷

Effects on Rare and Unique Natural Resources

163. Minnesota's high voltage transmission line routing factors require consideration of the Proposed Route's effect on rare and unique natural resources.¹⁷⁸

164. A review of the MnDNR's Natural Heritage Information System identified 10 occurrences of rare and unique species within one mile of the Proposed Route. None of the occurrences were within the 300-foot route width requested.¹⁷⁹

165. The MnDNR identified the Blanding's turtle, a state-listed threatened species within or adjacent to the Proposed Route. MnDNR recommends that the fact sheets and recommended list of measures for avoiding impacts to rare turtles, included in the EA appendices, be incorporated into the Route Permit.¹⁸⁰

166. The USFWS provided comments that the Northern Long-Eared Bat was proposed for listing as an endangered species under the ESA. If the Project clearing has not been completed by the time the bat is listed, the USFWS recommends clearing of trees greater than a three-inch diameter at breast height be completed between October 1 and March 31 to avoid the summer maternity season.¹⁸¹

167. In general, impacts to rare and unique natural resources would be avoided because the Project is primarily a rebuild of an existing line within an existing utility right-of-way for much of the route. If rare species or unique natural resources are identified that will be affected, the HVTL Route Permit will require that Great River

¹⁷⁴ *Id.*

¹⁷⁵ Ex. 35 at Appendix E (Generic Route Permit Template).

¹⁷⁶ Ex. 48 (MnDNR Public Hearing Written Comments).

¹⁷⁷ Ex. 35 at 53 (EA).

¹⁷⁸ Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100 F.

¹⁷⁹ Ex. 35 at 54 (EA).

¹⁸⁰ Ex. 48 (MnDNR Public Hearing Written Comments).

¹⁸¹ Ex. 47 (USFWS Public Hearing Written Comments).

Energy coordinate with MnDNR and consider modifying either the construction footprint or the construction practices to minimize impacts.¹⁸²

Application of Various Design Considerations

168. Minnesota's high voltage transmission line routing factors require consideration of the Project's applied design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity.¹⁸³

169. The Proposed Route is designed with sufficient capacity to meet both existing and anticipated needs of the transmission system in the Project area and in the Scott-Faribault System.¹⁸⁴

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

170. Minnesota's high voltage transmission line routing factors require consideration of the Proposed Route's use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries.¹⁸⁵

171. The Proposed Route using the Existing Line in the northern area maximizes the use of existing road rights-of-way and existing transmission line rights-of-way.¹⁸⁶

172. The Proposed Route using the Deviation Segment in the northern area is adjacent to existing road rights-of-way for its entire length, except for 1,700 feet.¹⁸⁷

173. Using existing corridors reduces and minimizes impacts on planned future residential areas, commercial properties, and environmental and sensitive resources.¹⁸⁸

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

174. Minnesota's high voltage transmission line routing factors require consideration of the Proposed Route's use of existing transportation, pipeline and electrical transmission system rights-of-way.¹⁸⁹

¹⁸² Ex. 35 at 54 (EA).

¹⁸³ Minn. Stat. § 216E.03, subd. 7(a) and (b); Minn. R. 7850.1900, subp. 2 L.

¹⁸⁴ Ex. 35 at 5 (EA).

¹⁸⁵ Minn. Stat. § 216E.03, subd. 7(b)(9); Minn. R. 7850.4100 H.

¹⁸⁶ Ex. 35 at 58 (EA).

¹⁸⁷ *Id.* at 58 (EA).

¹⁸⁸ *Id.*

¹⁸⁹ Minn. Stat. § 216E.03, subd. 7(b)(8); Minn. R. 7850.4100 J.

175. The Proposed Route parallels existing infrastructure rights-of-way for its entire length, except for 1,700 feet if the Deviation Segment is selected in the northern area over the Existing Line.¹⁹⁰

Electrical System Reliability

176. Minnesota's high voltage transmission line routing factors require consideration of the Project's impact on electrical system reliability.¹⁹¹

177. The Project will be constructed to meet reliability requirements.¹⁹²

Costs of Constructing, Operating, and Maintaining the Facility

178. Minnesota's high voltage transmission line routing factors require consideration of the Proposed Route's cost of construction, operation, and maintenance.¹⁹³

179. The estimated cost of the Project along the Proposed Route is \$15 million, depending on final route selection and mitigation.¹⁹⁴

180. In the northern area, construction along the Proposed Route, including the Deviation Segment, would cost approximately \$440,000 more than along the Existing Line.¹⁹⁵

181. In the southern area, construction along the Proposed Route, including the East Option, would cost approximately \$747,000 more than along the Proposed Route including the West Option.¹⁹⁶

182. For all of the overhead designs, operating and maintenance costs for the transmission line will be nominal for several years because the line will be new, and minimal vegetation maintenance will be required. Annual operating and maintenance costs for the 115 kV wooden transmission structures across Great River Energy's Minnesota system average approximately \$2,000 per mile of transmission right-of-way for scheduled maintenance. The Applicant's practice provides for the inspection of 115 kV transmission lines every two years. Right-of-way clearing practices include a combination of mechanical and hand clearing, along with herbicide application where allowed. Noxious weed control with herbicides, where permitted by landowners, around structures and anchors is planned on a two-year cycle.¹⁹⁷

¹⁹⁰ Ex. 35 at 58 (EA).

¹⁹¹ Minn. Stat. § 216E.03, subd. 7(b)(10); Minn. R. 7850.4100 K.

¹⁹² Ex. 35 at 9 (EA).

¹⁹³ Minn. R. 7850.4100 L.

¹⁹⁴ Ex. 35 at 16 (EA).

¹⁹⁵ See Ex. 35 at 61 (EA).

¹⁹⁶ *Id.* at 65 (EA).

¹⁹⁷ *Id.* at 15 (EA).

Adverse Human and Natural Environmental Effects which Cannot be Avoided

183. Minnesota's high voltage transmission line routing factors require consideration of the adverse human and natural environmental effects, which cannot be avoided, for each proposed route.¹⁹⁸

184. Unavoidable adverse impacts include the temporary physical impacts to the land due to the construction of the Project and those that may last the life of Project. Such impacts may include the addition of the towers and lines to the visual landscape, habitat changes, and avian collisions.¹⁹⁹

185. Great River Energy will implement measures as identified by regulatory agencies to minimize unavoidable impacts.²⁰⁰

Irreversible and Irretrievable Commitments of Resources

186. Minnesota's high voltage transmission line routing factors require consideration of the irreversible and irretrievable commitments of resources that are necessary for each proposed route.²⁰¹

187. Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effects that the use of those resources have on future generations. Irreversible effects result primarily from the use or destruction of a specific resource that cannot be replaced within a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored as a result of action.²⁰²

188. The majority of the Proposed Route proposes to rebuild the existing 69 kV MV-PN line to 115 kV standards on land that has already been committed to transmission line right-of-way.²⁰³

189. There are few commitments of resources associated with this Project that are irreversible and irretrievable, but those few resources relate primarily to construction of the Project. Only construction resources, such as concrete, steel, and hydrocarbon fuels, will be irreversibly and irretrievably committed to this Project.²⁰⁴

¹⁹⁸ Minn. Stat. §§ 216E.03, subd. 7(b)(5) and (6); Minn. R. 7850.4100 M.

¹⁹⁹ Ex. 35 at 59 (EA).

²⁰⁰ *Id.* at 59 (EA).

²⁰¹ Minn. Stat. § 216E.03, subd. 7(b)(11); Minn. R. 7850.4100 N.

²⁰² Ex. 35 at 59 (EA).

²⁰³ *Id.*

²⁰⁴ *Id.* at 60 (EA).

COMPLETENESS OF ENVIRONMENTAL ASSESSMENT

190. The Commission is required to determine the completeness of the EA.²⁰⁵ An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.²⁰⁶

191. The evidence on 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.²⁰⁷

192. Any of the foregoing Findings more properly designated Conclusions are hereby adopted as such.

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

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to consider Great River Energy's Application for a Route Permit.

2. The Commission determined that the Application was substantially complete and accepted the Application on September 9, 2013.²⁰⁸

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

4. Great River Energy gave notice as required by applicable statutes and rules, namely, Minn. Stat. §§ 216E.03, subds. 3a and 4; and 216E.04, subd. 4; and Minn. R. 7850.2100, subps. 2 and 4.

5. Notice was provided by EERA and the Commission as required by applicable statutes and rules, namely, Minn. Stat. §§ 216E.03, subd. 6; 216E.04, subd. 6; and Minn. R. 7850.2300, subp. 2; 7850.2500, subps. 2, 7, 8 and 9; 7850.3500, subp 1; 7850.3700, subps. 2, 3, and 6; and 7850.3800.

6. Public hearings were conducted in the communities near the Proposed Route. Proper notice of the public hearing was provided and the public was given the opportunity to speak at the hearings and to submit written comments. All procedural requirements for the Route Permit were met.

²⁰⁵ Minn. R. 7850.3900, subp. 2.

²⁰⁶ *Id.*

²⁰⁷ See Ex. 31 (Scoping Decision); Ex. 35 (EA).

²⁰⁸ Ex. 14 (Completeness Order).

7. The Proposed Route satisfies the Route Permit factors set forth in Minn. Stat. § 216E.04, subd. 8, which incorporates the considerations in Minn. Stat. § 216E.03, subd. 7, and satisfied the factors in Minn. R. 7850.4100.

8. The Proposed Route does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and the Minnesota Environmental Policy Act.

9. The Proposed Route, including rebuilding the Existing Line in the northern area from 69 kV to 115 kV within the existing easements and constructing the new double circuit 115 kV line along the West Option in the southern area, is the best route for the Project, although the East Option in the southern area is also a feasible route for the Project.

10. In the northern area, the “Existing Line” is superior to the “Deviation Segment.” In either case, the line will cross in back of homes of several nearby residents. But, the impact upon nearby residents from an entirely new line in the Deviation Segment will likely be somewhat greater upon those residents than to residents near a rebuilt Existing Line. Moreover, there are wetland and river crossing concerns with the Deviation Segment.

11. In the southern area, the West Option is generally superior to the East Option. The East Option is somewhat shorter, but has negative impacts upon planned road projects, parkland, and possible other environmental impacts. The City of Elko New Market opposes the East Option.

12. The general Route Permit conditions are appropriate for the Project.

13. The Route Permit should contain a condition requiring Great River Energy to submit a summary of its coordination with Scott County and any proposed changes to the Project alignment as a result of Scott County’s design and easement acquisition process for its planned upgrades of CR 27 and of 250th Street, when Great River Energy submits its plan and profile compliance filing.

14. The Route Permit should contain a condition that Great River Energy install bird flight diverters in the locations as specified in Appendix A of the EA.

15. The Route Permit should contain a condition that Great River Energy develop an Avian Mitigation Plan for construction of the Project, including bird flight diverter locations, and allow the MnDNR an opportunity to comment on the plan before Great River Energy submits the plan with its plan and profile compliance filing.

16. The Route Permit should contain a condition that Great River Energy work with TRPD throughout the construction process to develop a phased vegetation removal plan to be implemented by Great River Energy and a TRPD replanting plan that will include species compatible with the safe operation and maintenance of the 115 kV transmission line. The results of these discussions should be reflected in a Vegetation Management Plan for construction of the Project through the TRPD properties. The

condition should require that the MnDNR be provided an opportunity to review and comment on the plan regarding potential impacts on sensitive areas and control of the introduction of invasive species before Great River Energy submits the plan with its plan and profile compliance filing. Any communication from the MnDNR on the Vegetation Management Plan should be included in the compliance filing.

17. The Route Permit should contain a condition that should clearing for the Project not be completed by the time the Northern Long-Eared Bat is listed under the ESA, tree clearing shall be completed between October 1 to March 31. If tree clearing cannot be completed during this timeframe, Great River Energy shall consult with the USFWS under the ESA.

18. The Route Permit should contain a condition that Great River Energy will work with the MDA to determine what, if any, mitigation measures beyond normal construction protocol are necessary to minimize further impact of the Project on agricultural lands. The condition should require that Great River Energy provide the Commission with a summary of its collaboration with the MDA when it submits its plan and profile compliance filing.

19. The Route Permit should contain a condition that Great River Energy coordinate with the MnDNR regarding rare species, including whether further surveys are necessary.

20. The Route Permit should require Great River Energy to obtain all required local, state, and federal permits and licenses, to comply with the terms of those permits or licenses, and to comply with all applicable rules and regulations.

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

RECOMMENDATION

The Commission should issue the following permit to Great River Energy for the Project:

A Route Permit for a 115 kV transmission line along Great River Energy's Proposed Route, including the Existing Line Segment and the West Option, as depicted in Appendix A of the Environmental Assessment, in Scott and Rice Counties, Minnesota.

Dated: May 14, 2014

s/Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge

NOTICES

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

Exceptions to this Report, if any, by any party adversely affected must be filed under the time frames established in the Commission's rules of practice and procedure, Minn. R. 7829.2700 and 7829.3100, 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.



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

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P.O. Box 64620
St. Paul, Minnesota 55164-0620

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May 14, 2014

See Attached Service List

Re: In the Matter of the Application of Great River Energy for a Route Permit for a 115-kV Transmission Line Project in the Elko, New Market & Cleary Lake

**OAH 48-2500-31007
MPUC ET2/TL-12-1245**

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 my legal assistant Kendra McCausland at (651) 361-7870 or kendra.mccausland@state.mn.us.

Sincerely,

s/Steve M. Mihalchick

STEVE M MIHALCHICK
Administrative Law Judge

SMM:klm
Enclosure
cc: Docket Coordinator

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

CERTIFICATE OF SERVICE

In the Matter of the Application of Great River Energy for a Route Permit for a 115-kV Transmission Line Project in the Elko, New Market & Cleary Lake	OAH Docket No.: 48-2500-31007
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Kendra McCausland, certifies that on May 14, 2014 she served the true and correct **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name	Address	Delivery Method
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service
Gina M.	Aulwes	ginaau@bolton-menk.com	Bolton & Menk, Inc.	12224 Nicollet Avenue Burnsville, MN 55337	Electronic Service
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service
Will	Kaul	wkaul@grenergy.com	Great River Energy	12300 Elm Creek Blvd Maple Grove, MN 553694718	Electronic Service
Stacy	Kotch	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul, MN 55155	Electronic Service
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service
Steve	Mihalchick	steve.mihalchick@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 551640620	Electronic Service
Joseph H.	Mose	N/A	Department of the Army	St. Paul District, Corps of Engineers 180 Fifth St E Ste 700 St. Paul, MN 55101-1678	Paper Service
Mark	Nagel	mnagel@ci.enm.mn.us	City of Elko New Market	601 Main Street, PO Box 99 Elko New Market, MN 55020	Electronic Service
Carole	Schmidt	cschmidt@grenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service
Jamie	Schrenzel	jamie.schrenzel@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Saint Paul, MN 55155	Electronic Service
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service
Mark	Themig	N/A	Scott County	Scott County Government Center 200 Fourth Avenue West Shakopee, MN 55379-1220	Paper Service
Jonathan	Vlaming	jvlaming@threeriversparkdistrict.org	Three Rivers Park District	3000 Xenium Ln N Plymouth, MN 55441	Electronic Service