BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION
SUITE 350
121 SEVENTH PLACE EAST
ST. PAUL, MINNESOTA 55101-2147

Beverly Jones Heydinger	Chair
David Boyd	Commissioner
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
Betsy Wergin	Commissioner

In the Matter of the Application of ITC Midwest LLC for a Route Permit for the Minnesota – Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties, Minnesota	PUC Docket No. ET6675/TL-12-1337 OAH Docket No. 60-2500-30782

DEPARTMENT OF COMMERCE
ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS
EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE'S REPORT

Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) respectfully submits the following exceptions to the Findings of Fact, Conclusions of Law, and Recommendations (ALJ report) issued by Administrative Law Judge James E. LaFave (ALJ) for the proposed Minnesota – Iowa 345 kilovolt (kV) transmission line project (project).

These Exceptions consist of five parts. Part one discusses the application of the routing factors of Minnesota Rule 7850.4100 to the routing options on the record. Part two discusses the timing of the removal of the existing 161 kV line from Fox Lake and Lake Charlotte. Part three discusses the right-of-way for the project. Part four discusses route permit conditions that are appropriate for the project. Part five discusses minor edits for clarity of the record.

I. APPLICATION OF ROUTING FACTORS

The discussion here of routing factors is organized into three parts – (a) discussion of the findings of fact that EERA staff believes are necessary to appropriately reflect the record, (b) the conclusions drawn by EERA staff based on the record, and (c) a discussion of public comment in the record with respect to specific routing options.

A. Findings of Fact

The section of the ALJ report entitled "Application of Routing Factors to the Routes on the Record"[1] does not contain sufficient detail to make a comparison of the routes, route alternatives, and route variations considered for the project relative to the factors of Minnesota Rule 7850.4100, and does not reflect the "relative merits" discussion of the environmental impact statement (EIS).[2] Accordingly, EERA staff recommends exceptions to the ALJ report with respect to the following routing factors:

- Effects on Human Settlements (Aesthetic Impacts)
- Effects on Land-Based Economies (Agricultural Impacts)
- Effects on the Natural Environment (Impacts to Flora and Fauna)
- Effects on Rare and Unique Natural Resources
- Application of Design Options
- Use of Existing Transportation, Pipeline and Electrical Systems Rights-of-Way
- Electrical System Reliability
- Adverse Human and Natural Environmental Effects Which Cannot Be Avoided

[1] Findings of Fact, Conclusions of Law, and Recommendations, Office of Administrative Hearings, Docket Numbers CN-12-1053 and TL-12-1337, September 8, 2014, at 92-109, eDockets Number 20149-102930-01 [hereinafter ALJ Report].
[2] Ex. 117 at 229-248 (FEIS).

These exceptions are necessary to appropriately reflect the record and make possible a comparison of routing options relative to the factors of Minnesota Rule 7850.4100. The facts in the record on which these Exceptions are based can be adopted by the Commission independent of the inferences and routing conclusions one might draw from them.

1. Effects on Human Settlements

EERA staff recommends the following edits and additions to the ALJ report's discussion of aesthetic impacts:

> 438. Modified Route A ~~and~~, Route A, and Route Alternative I90-2 are anticipated to minimize impacts on aesthetics when compared to Route B and other Route Alternatives as they make the greatest use of existing transmission line rights-of-way.[3]
>
> 439. Modified Route A and Route Alternative I90-2, with I90-2's use of the alignment of Modified Route A near Fox Lake, ~~is~~ are anticipated to minimize impacts on aesthetics more than Route A as ~~it~~ they make ~~a~~ greater use of existing transmission line rights-of-way than Route A.[4]
>
> 439a. Route Alternative I90-2, double-circuited with the existing 161 kV line that crosses Fox Lake and Lake Charlotte, is anticipated to minimize impacts on aesthetics more than Modified Route A as it creates one transmission line ROW in the project area, whereas Modified Route A leaves two, and as it follows the largest infrastructure ROW in the project area, I-90.[5]
>
> 439b. Between Fox Lake and the Rutland substation, Modified Route A is near relatively fewer residences than I90-2, with four residences within 500 feet of its anticipated alignment whereas I90-2 has eight residences within 500 feet of its anticipated alignment.[6]
>
> 439c. Because I90-2, double-circuited with the existing 161 kV line that crosses Fox Lake and Lake Charlotte, minimizes aesthetic impacts by minimizing the number of transmission line ROWs between Fox Lake and the Rutland substation and utilizing I-90, and because Modified Route A is near relatively fewer residences between Fox Lake and the Rutland substation, the indicators of the aesthetic impacts of Modified Route A and I90-2 analyzed in the EIS – use of

[3] Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct); Ex. 108A at Appendix J (DEIS); Ex. 117, Section 7.1.1 (FEIS).
[4] Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct); Ex. 117, Section 7.1.2 (FEIS).
[5] Ex. 117, Map 3-8 (FEIS); Ex 24 (Couer Direct).
[6] Ex. 117, Maps 6-1 and 6-2 (FEIS).

existing ROWs and proximity to residences – are mixed.[7]

439d. Aesthetic impacts of the project can be avoided and minimized by double-circuiting the new 345 kV line with the existing 161 kV line across Fox Lake and Lake Charlotte.[8] Aesthetic impacts can also be avoided and minimized by removing the existing 161 kV line from Fox Lake and Lake Charlotte and double-circuiting the new 345 kV line.[9]

439e. The MnDNR believes "feasible and prudent alternative routes exist that avoid Fox Lake and Lake Charlotte" and recommends that double-circuiting the 343 kV and 161 kV line across the lakes "be removed from further consideration and not permitted by the Commission" and that the "existing 161 kV lines be removed from Fox Lake and Lake Charlotte."[10]

439f. The Martin County Board of Commissioners recommends that the new 345 kV line "not span over Fox Lake" and has indicated a preference for routing the project along I-90 in Martin County.[11]

439g. Several citizens expressed a preference for using I-90 or route alternative I90-2 specifically for the project.[12]

439h. The alignment of Modified Route A near the city of Sherburn and south of Fox Lake, crossing to the south side of I-90 in Section 5 of Manyaska Township, Martin County and then back to the north side of I-90 at the western edge of Section 3 of Manyaska Township, and moving an existing 69 kV line to follow this alignment, minimizes aesthetic impacts in this area of the project.[13]

439i. In Section 23 of Verona Township, Martin County, route A minimizes aesthetic impacts of the project.[14]

439j. Just south of the Faribault Substation, in Section 26 of Jo Daviess Township, Faribault County, the alignment of route variation HI-2 minimizes aesthetic impacts of the project.[15]

[7] Ex. 117, Sections 7.1.1 and 7.1.2 (FEIS).
[8] Ex. 117 at 135-136 and 146-149 (FEIS).
[9] Ex. 117 at 143-145 and 155 (FEIS).
[10] Ex. 116B (Agency Comments Received on DEIS), Comment Letter from the DNR.
[11] Ex. 116C (LGU Comments Received on DEIS), Comment Letter from the Martin County Board of Commissioners.
[12] Ex. 116A (Oral Comments Received on DEIS at Public Information Meetings), Comments of Mr. Douglas Hilgendorf, April 22, 2014, at 58-60, Comments of Mr. Eugene Lehman, April 22, 2014, at 61, Comments of Mr. Maynard Jagodzinske, April 22, 2014, at 137-140; Hearing Comment Letter of Mr. Lyle Ziemann, Public Comment – Amended Batch 1, eDockets Number 20146-100681-01 (inquiring why routing along I-90 is not being seriously considered); Ex. 611 (Submission by Sarah Jagodzinske Rohman, 5-14-14).
[13] Ex. 117, Map 3-12 and Map Sheet LH30 (FEIS).
[14] Ex. 117 at 242-243 (FEIS).
[15] Ex. 117 at 244 (FEIS).

439k. Near the Iowa border, in Sections 26 and 35 of Pilot Grove Township, Faribault County, route variation HI-5 minimizes aesthetic impacts of the project.[16]

2. Effects on Land-Based Economies

EERA staff recommends the following edits and additions to the ALJ report's discussion of agricultural impacts:

468. Construction of the Project along Route A, ~~or~~ Modified Route A, or Route Alternatives I90-1 or I90-2 will replace H-frame structures with single pole structures where the Project follows the existing Lakefield to Border 161 kV Transmission Line between the Lakefield Junction Substation and the Proposed Huntley Substation, while Route B introduces a new transmission line to the area.[17]

468a. Construction of the Project along the I90 route alternatives would replace existing H-frame structures with single poles structures where the Project follows the existing 69 kV transmission line along I-90 between Fox Lake and the city of Fairmont.[18]

469. Construction along I90-1, ~~I90-2 ,~~ I90-3, I90-4, and I90-5 would result in increased impacts to agricultural operations where the existing ~~69 kV or~~ 161 kV transmission line~~s~~ along Interstate 90 would be rebuilt because the Project would need to be placed further into agricultural fields than the existing transmission lines.[19]

The suggested edit to Finding 469 is necessary to accurately reflect the record and make possible a comparison of routing options relative to the factors of Minnesota Rule 7850.4100. The suggested edit to Finding 469 is also necessary to make Finding 469 consistent with Findings 342, 343, 345, 346, and 347, which discuss the uncertainty of these route alternatives following the existing 69 kV line east of Fox Lake, making the consequent placement "further into agricultural fields" equally uncertain.

470. Construction along Route A, ~~or~~ Modified Route A, and I90-2 would minimize impacts to agricultural lands as the routes follow existing transmission

[16] Ex. 117 at 246-247 (FEIS).
[17] Ex. 7 at 162 and 223 (Route Permit Application); Ex. 117, Section 3.6.2 and Map 3-4.
[18] Ex. 117, Map 3-4 and Map 3-10 (FEIS).
[19] Ex. 25 at 26 (Middleton Direct); Ex. 32 at Schedule 29 at 1 (Middleton Rebuttal).

line rights-of-way.[20] Using Interstate 90 for the Project does not mitigate agricultural impacts as well as using transmission line rights-of-way.[21] Modified Route A, Route A, and Route Alternative I90-2 best minimize impacts to agricultural lands.[22]

470a. Route Alternative I90-2, double-circuited with the existing 161 kV line that crosses Fox Lake and Lake Charlotte, would have fewer agricultural impacts than Route A or Modified Route A by consolidating into one ROW, with single pole, triple-circuit structures, transmission lines that currently run along two ROWs with H-frame structures.[23]

470b. Agricultural impacts of the project can be avoided and minimized by double-circuiting the new 345 kV line with the existing 161 kV line across Fox Lake and Lake Charlotte.[24] Agricultural impacts can also be avoided and minimized by removing the existing 161 kV line from Fox Lake and Lake Charlotte and double-circuiting with the new 345 kV line.[25]

470c. In Section 23 of Verona Township, Martin County, route A minimizes agricultural impacts of the project.[26] In this area, Modified Route A minimizes agricultural impacts of the project relative to route variation HI-1, but has greater agricultural impacts that route A.[27]

470d. Just south of the Faribault Substation, in Section 26 of Jo Daviess Township, Faribault County, Modified Route A minimizes agricultural impacts of the project.[28]

470e. Near the Iowa border, in Sections 26 and 35 of Pilot Grove Township, Faribault County, Modified Route A minimizes agricultural impacts of the project.[29]

[20] Ex. 32 at Schedule 29 at 1 (Middleton Rebuttal); Ex. 108A at Figure 7.2 (DEIS).
[21] Ex. 32 at Schedule 29 at 1 (Middleton Rebuttal); Ex. 108A at Figure 7.2 (DEIS).
[22] Ex. 108A at 98 (DEIS). Modified Route A, while not specifically discussed in the DEIS, primarily follows Route A and is anticipated to only have approximately 500 ft^2 of permanent impacts to agricultural land than Route A. Further, Modified Route A is anticipated to only have one more acre of temporary impacts to agricultural land than Route A. Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct).
[23] Ex. 117, Section 7.1.1 and Map 3-10 (FEIS).
[24] Ex. 117 at 138 and 150 (FEIS).
[25] Ex. 117 at 143-145 and 155 (FEIS).
[26] Ex. 117 at 242-243 (FEIS).
[27] *Id.*
[28] Ex. 117 at 244 (FEIS).
[29] Ex. 117 at 246-247 (FEIS).

3. Effects on the Natural Environment

EERA staff recommends the following additions to the ALJ report's discussion of impacts to the natural environment:

> 502a. In Section 23 of Verona Township, Martin County, Modified Route A minimizes impacts to flora by removing the existing 161 kV line and placing the 161 kV line and new 345 kV line outside of the Blue Earth River's riparian area.[30]
>
> 505a. Because Route Alternative I90-2 follows an existing 69 kV transmission line across the Krahmer WMA, the impacts to fauna in the WMA are anticipated to be incremental and minimal.[31]
>
> 505b. The MnDNR has indicated that crossing the Krahmer WMA along the alignment of the existing 69 kV line would be permittable.[32]
>
> 506a. Impacts to avian species due to the project can be avoided and minimized by double-circuiting the new 345 kV line with the existing 161 kV line across Fox Lake and Lake Charlotte and through the use of specialty structures to flatten the transmission line profile across the lakes.[33] Avian impacts can also be avoided and minimized by removing the existing 161 kV line from Fox Lake and Lake Charlotte and double-circuiting with the new 345 kV line.[34]
>
> 506b. Impacts to avian species near the Des Moines River crossing can be mitigated by following the alignment of Modified Route A across the river, as this route has the shortest and most perpendicular crossing of the river.[35]
>
> 506c. In Section 23 of Verona Township, Martin County, Modified Route A minimizes impacts to fauna by removing the existing 161 kV line and placing the 161 kV line and new 345 kV line outside of the Blue Earth River's riparian area.[36]

[30] Ex. 117 at 242-243 (FEIS).
[31] Ex.117 at 115-115, Map 6-7, and Map Sheet LH42 (FEIS).
[32] Ex. 116B (Agency Comments Received on DEIS), Comment Letter from the DNR. The DNR notes that the Krahmer Lake WMA "may need to be impacted if the I-90 route is selected in order to reduce other impacts by increasing utilization of a disturbed interstate corridor." See also the Public Hearing Testimony of Ms. Jamie Schrenzel (DNR) at 32-34, May 13, 2014, eDockets Number 20145-99815-01.
[33] Ex. 117 at 141-142 and 154 (FEIS).
[34] Ex. 117 at 143-145 and 155 (FEIS).
[35] Ex. 117 at 234-236 (FEIS).
[36] Ex. 117 at 242-243 (FEIS).

4. Effects on Rare and Unique Natural Resources

EERA staff recommends the following additions to the ALJ report's discussion of impacts on rare and unique natural resources:

> 510a. There is a rare Oak-Basswood forest along the Des Moines River that would be crossed by Modified Route A where there is currently no existing ROW.[37]
>
> 510b. The MnDNR recommends crossing the Des Moines River using the alignment of the existing 161 kV line across the Des Moines River unless it is feasible to avoid or mitigate the impacts to the rare Oak-Basswood forest along Modified Route A.[38]

5. Application of Design Options

EERA staff recommends the following edits and additions to the ALJ report's discussion of the application of various design considerations:

> 513. The evidence on the record demonstrates that Modified Route A and Route Alternatives I90-1 and I90-2 best satisfy this factor. ~~Modified Route A~~ These Routes and Route Alternatives make~~s~~ the greatest use of ~~the~~ existing ~~Lakefield to Border 161 kV Transmission Line~~ transmission line rights-of-way and also provide~~s~~ for the co-location of other transmission lines with the Project.[39]
>
> 514. While Route B provides the greatest ability to accommodate expansion of transmission capacity through its 345 kV/161kV double-circuit capable design, Modified Route A and Route Alternatives I90-1 and I90-2 best utilize~~s~~ existing transmission line rights-of-way and co-location opportunities along existing transmission line centerlines to minimize impacts to human settlement and the natural environment.[40]
>
> 515. Further, ~~even~~ in areas where Modified Route A and Route Alternatives I90-1 and I90-2 ~~is~~ are not proposed to be co-located with another transmission line or where ~~Modified Route A~~ these routing options ~~is~~ are proposed to be co-located with a 69 kV transmission line, the structures will have an open position for a 161 kV transmission line in the future when conditions warrant.[41]

[37] Ex. 117 at 234-236 (FEIS).
[38] Hearing Comment Letter from the DNR, May 30, 2014, eDockets Numbers 20145-100021-01, 20145-100021-02.
[39] Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct), Ex. 117 at 95-98.
[40] Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct), Ex. 117 at 95-98
[41] Ex. 7 at 10 (Route Permit Application); Ex. 24 at 33 (Coeur Direct); Ex. 25 at 28 and 30 (Middleton Direct); Ex. 32 at 16 (Middleton Rebuttal).

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

EERA staff recommends the following edits and additions to the ALJ report's discussion of the use of existing infrastructure rights-of-way:

> 523. The evidence on the record demonstrates that Modified Route A and Route Alternatives I90-1 and I90-2 make the greatest use of existing high voltage transmission line rights-of-way.[42]
>
> 523a. The evidence on the record demonstrates that the I90 Route Alternatives make the greatest use of existing transportation ROW and transmission line ROW.[43]

7. Electrical Systems Reliability

EERA staff recommends the following edits and additions to the ALJ report's discussion of electrical system reliability:

> 533. East of Fox Lake, Route Alternatives I90-1, I90-2, I90-3, I90-4, and I90-5 ~~could not~~ may or may not be able to be constructed along the same centerline as the existing 69 kV transmission line because of the proximity of the existing line to the MnDOT right-of-way.[44] ~~This is likely to increase impacts on agricultural operations in this are along Interstate 90~~.
>
> 534a. ITCM disfavors triple-circuiting due to the relatively greater risk of multiple outages and difficulties in performing maintenance.[45] ITCM indicates that triple-circuit structures along Modified Route A and Route Alternatives I90-1 and I90-2 are constructible.[46]
>
> 536a. The evidence on the record demonstrates that there is likely a greater risk of negative impacts on electrical system reliability with I90-1 and I90-2 compared with Modified Route A, Route A, or Route B due to the relatively greater length of triple-circuiting with I90-1 and I90-2, but the magnitude of this risk is uncertain.

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[42] Ex. 25 at Schedule 2 and Schedule 12 (Middleton Direct); Ex. 32 at Schedule 26 (Middleton Rebuttal); Ex. 35 at 35-B through 35-F (Large Format Maps); Ex. 108A at Appendix J at J-10 (DEIS), Ex. 117 at 95-98.
[43] Ex. 117 at 95-98 (FEIS); Ex. 32 at Schedule 27 (Middleton Rebuttal).
[44] Ex. 32 at Schedule 29 (Middleton Rebuttal).
[45] Ev. Hrg. Tr. at 26-27 (Ashbacker).
[46] *Id.*

8. Adverse Human and Natural Environmental Effects Which Cannot Be Avoided

Finding 542 is conclusory while Finding 541 adequately describes the facts in the record relative to impacts of the project that cannot be avoided. Thus, EERA staff recommends removing Finding 542 from the ALJ report:

> ~~542. The evidence on the record demonstrates that Modified Route A will have fewer unavoidable adverse human and natural environment impacts than the other route options.~~

B. Conclusions of Law

As discussed in EERA staff's Initial Comments, the record supports the use of Modified Route A (MRA) for the project, with the exception of that portion of the project between the Fox Lake substation and the Rutland substation, where EERA staff believes route alternative I90-2 best satisfies the routing factors of Minnesota Rule 7850.4100, and two sections in the Huntley to Iowa segment of the project where EERA staff believes route variations HI-2 and HI-5 best satisfy the routing factors of Minnesota Rule 7850.4100.[47]

The ALJ report concludes that using MRA is the best alternative for the entirety of the project.[48] EERA staff respectfully disagrees with this conclusion. EERA staff notes that the ALJ report's treatment of MRA as a unitary route confounds a proper analysis of routing options for the project (discussed further below) and is inconsistent with the segment analysis in the EIS. Thus, EERA staff recommends that the Commission's conclusions regarding the appropriate route for the project be written in at least two separate paragraphs – one for the segment of the project from the Lakefield substation to the Huntley substation and a second for the segment of

[47] Initial Comments of Department of Commerce, Energy Environmental Review and Analysis Staff, July 11, 2014, at 1-17, eDockets Number 20147-101373-01, 20147-101373-02 [hereinafter EERA Initial Comments].
[48] ALJ Report at Conclusion 17.

the project from the Huntley substation to the Iowa border. EERA staff recommends the following edits and additions to the conclusions of law and recommendations in the ALJ report:

17. The record evidence demonstrates that all routing options and all substation locations and associated facilities analyzed in the EIS, with the exception of Route Variations FL-1 and LC-4, are permittable and ~~Modified Route A, including the Lakefield Junction Substation expansion, decommissioning of the Winnebago Junction Substation and returning the site to a more natural state, the Proposed Huntley substation, and the 161 kV Associated Facilities~~ satisfi~~es~~y the Route Permit criteria set forth in Minnesota Statutes Section 216E.03, subdivision 7(a) and Minnesota Rule 7850.4100 based on the factors in Minnesota Statues Section 216E.03, subdivision 7 and Minnesota Rule 7850.4000.

18. The evidence on the record demonstrates that constructing the Project along Modified Route A, Route Alternative I90-2, Route Variation HI-2 or Route Variation HI-5 does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act, Minnesota Statutes Sections 116B.01-116B.13, and the Minnesota Environmental Policy Act, Minnesota Statutes Sections 116D.01-116D.11.

19. The record evidence demonstrates that Modified Route A~~, as shown on Attachment 1,~~ and I90-2 following the alignment of Modified Route A near Fox Lake, best avoid and minimize potential impacts of the project, and that of these two routing options I90-2 has the greatest merit relative to the routing factors of Minnesota Rule 7850.4100, and ~~is the best alternative for the Project~~ is the most appropriate route for the Lakefield to Huntley segment of the Project.

19a. The record evidence demonstrates that Modified Route A with alignment variation HI-2 and route variation HI-5 best avoids and minimizes potential impacts of the project, has the greatest merit relative to the routing factors of Minnesota Rule 7850.4100, and is the most appropriate route for the Huntley to Iowa Border segment of the project.

RECOMMENDATIONS

2. That the Commission concludes that all relevant statutory and rule criteria necessary to obtain a Route Permit ~~for Modified Route A~~ have been satisfied and that there are no statutory or other requirements that preclude granting a Route Permit based on the record.

3. The Commission should grant ITC Midwest a Route Permit for the Minnesota – Iowa 345 kV Transmission Line Project and Associated Facilities in Jackson, Martin, and Faribault Counties, Minnesota to construct the Project along ~~Modified Route A.~~ Route Alternative I90-2 and following the alignment of the existing 161 kV line across the Des Moines River and the alignment of Modified Route A near Fox Lake for the Lakefield to Huntley segment of the Project.

3a. The Commission should grant ITC Midwest a Route Permit for the Minnesota – Iowa 345 kV Transmission Line Project and Associated Facilities in Jackson, Martin, and Faribault Counties, Minnesota to construct the Project along Modified Route A with alignment variation HI-2 and route variation HI-5 for the Huntley to Iowa Border segment of the Project.

C. Public Comment with Respect to Specific Routing Options

The ALJ report includes a memorandum that discusses the use of MRA versus Route Alternative I90-2 (I90-2) in the Lakefield to Huntley segment of the project, specifically in that area of the project between the Fox Lake substation and the Rutland substation.[49] The ALJ report notes two reasons why the ALJ concluded that MRA is the preferable route – (1) reliability, particularly reliability concerns related to I90-2's relatively greater use of triple-circuiting, and (2) overwhelming public support for Modified Route A.[50]

Reliability concerns could be a reason to prefer MRA over I90-2. As discussed in EERA staff's Initial Comments (and presented above, Section I.A), the record demonstrates that the aesthetic impacts of I90-2 and MRA are similar, that I90-2 minimizes agricultural impacts of the project, that impacts to the natural environment are similar, that I90-2 likely represents a greater risk with respect to electrical system reliability but the magnitude of this risk in uncertain, and that I90-2 makes the best use of existing highway and transmission line ROW.[51] Thus, several routing factors of Minnesota Rule 7850.4100 must be considered and balanced, one against the other, to come to a conclusion as to the most appropriate route for the project. Reasonable persons may disagree on the results of this balancing. As the ALJ report notes, EERA staff believes the choice between I90-2 and Modified Route A in the area between the Fox Lake substation and the Rutland substation is a very close call.[52]

[49] ALJ Report at 122-123.
[50] *Id.*
[51] EERA Initial Comments at 1-6.
[52] ALJ Report at Finding 548.

The ALJ report's second reason for selecting MRA – overwhelming public support – cannot bear the weight given it by the ALJ. The record indicates that people who commented on the relative merits of MRA and I90-2 between the Fox Lake substation and the Rutland substation preferred the use of I90-2.[53]

As an initial matter, the ALJ report's second reason cannot be read to mean that MRA is the most appropriate route for the project because more persons by a vote, so to speak, voted for MRA. The selection of transmission line routes is guided by a factor analysis set out in statute and rule; it does not provide for a voting system whereby the majority carries the day. Indeed, the point of environmental review and factor analysis is to ensure that decision-makers are aware of potential impacts not only to existing human communities but to future human communities and communities of other species, and that they make decisions cognizant of these potential impacts.[54]

Thus, the ALJ report's second reason must be read to mean that the comments of citizens during the environmental review and hearing process reflect well the potential impacts of the project with respect to the routing factors of Minnesota Rule 7850.4100. That is, the citizen comments map well to the potential impacts of the project.

During the environmental review and hearing process, there was strong public support for MRA; however, this support maps poorly to the potential impacts of the project in certain specific project locations, namely: (1) the project area between the Fox Lake substation and the Rutland substation, and (2) route variations HI-2 and HI-5 in the Huntley to Iowa border segment of the project. The ALJ report improperly fails to distinguish these areas from the remainder of

[53] EERA Initial Comments at 5-6.
[54] Minnesota Statute 116D.02 (noting that it is the policy of the State of Minnesota to use all practicable means to "create and maintain conditions under which human beings and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of the state's people.").

MRA – primarily because the applicant presented MRA as a unitary route and the ALJ report adopts this approach. Thus, the ALJ report appears to infer that any comment in support of MRA was a comment in support of MRA for its entire 75-mile length. This is an erroneous inference. For example, several hundred persons in and near the city of Sherburn commented during the environmental review and hearing process in support of MRA.[55] However, it is clear from the record that these commenters supported MRA only because the route initially preferred route by the applicant, Route A, went through the city of Sherburn, and commenters supported MRA in order to remove this section of the line from their city. These comments cannot reasonably be read to mean that these citizens supported MRA in any other area of the project. Similarly, many citizens in Faribault County supported MRA because they did not support an alternative southern location for the Huntley substation (Route Alternative I90-5, Options 1 and 2).[56] Again, these comments cannot be read to support MRA in any other area of the project.

With respect to the area of the project between the Fox Lake substation and the Rutland substation, the record shows that those people who commented on the relative merits of MRA and I90-2 in this area preferred the use of I90-2.[57] No public comments in the record support the use of MRA between the Fox Lake substation and the Rutland substation.[58] Thus, to the extent the ALJ report is read to imply that there is public support for the use of MRA between the Fox Lake substation and the Rutland substation, such a reading is inaccurate.

With respect to route variations HI-2 and HI-5 in the Huntley to Iowa border segment of the project, no public comments in the record, other than the one scoping period comment by

[55] Ex. 105 at 2-3 (Scoping Decision for EIS); Ex. 117, Appendix M, Volumes 2, 3, and 4 (FEIS).
[56] Ex. 116E (Written Citizen Comments Received on DEIS); see, e.g., Comment Letter of Mr. Jack Heinitz.
[57] EERA Initial Comments at 5-6.
[58] Mr. Lyle Ziemann indicates a preference for MRA, as between MRA and Routes A and B, but also questions why I-90 is not being used for the project instead of MRA. See Hearing Comment Letter of Mr. Lyle Ziemann, Public Comment – Amended Batch 1, June 23, 2014, eDockets Number 20146-100686-01.

Mr. Mastin, addressed route variation HI-2.[59] To the extent the ALJ report is read to imply that there is public support for the use of MRA in the area of route variation HI-2, such a reading is inaccurate.

With respect to route variation HI-5, there are three public comments in the record – two by Mr. Stewart (supporting the use of HI-5) and one by the Rodriguez family (supporting the use of MRA).[60] To the extent the ALJ report is read to imply that there is public support for the use of MRA in the area of route variation HI-5, such a reading is inaccurate.

II. TIMING OF THE REMOVAL OF THE EXISTING 161 KV LINE FROM FOX LAKE AND LAKE CHARLOTTE

The ALJ report includes one finding (Finding 344) concerning the timing of the removal of the existing 161 kV line from Fox Lake and Lake Charlotte and its double-circuiting with the new 345 kV line. Based on this single finding, the ALJ report concludes that it is not appropriate to order the applicant to remove the existing 161 kV line from the lakes at this time (Conclusion 23). The ALJ report does not reflect the record and the guidance of the EIS, the Minnesota Department of Natural Resources, and the Martin County Board of Commissioners.[61] Waiting to remove the existing 161 kV line from the lakes does not implement the mitigation supported by the EIS and would create two transmissions line ROWs very near Fox Lake and Lake Charlotte for an indefinite period of time. Accordingly, EERA staff recommends the following edits and additions to the ALJ report's discussion of the timing of the removal of the existing 161 kV line:

> 344. For Route Alternatives I90-1 and I90-2, the EIS evaluates the possibility of removing the existing Lakefield to Border 161 kV Transmission Line from Fox

[59] Ex. 103E (Written Citizen Comments Received on Scope of EIS), Comment Letter of Mr. Greg Mastin.
[60] Ex. 103E (Written Citizen Comments Received on Scope of EIS), Comment Letter of Mr. John Stewart; Hearing Comment Letter of Mr. John Stewart, Public Comment – Amended Batch 1, eDockets Number 20146-100686-01; Ex. 116E (Written Citizen Comments Received on DEIS), Comment Letter of Frank and Blanche Rodriguez.
[61] EERA Initial Comments at 6-8. See also Reply Comments of Department of Commerce, Energy Environmental Review and Analysis Staff, August 8, 2014, at 4-5, eDockets Number 20148-102140-01, 20148-102140-02, 20148-102140-03, 20148-102140-04 [hereinafter EERA Reply Comments].

Lake and Lake Charlotte and possibly from certain areas between the lakes.[62] ITC Midwest has not proposed to remove the crossings at Fox Lake and Lake Charlotte that were rebuilt within the last five years at a cost of $7 million.[63] ITC Midwest has, however, proposed to construct Modified Route A on structures capable of carrying the 161 kV circuit. ~~in the future when conditions warrant its removal from the lake.~~[64] ~~Ordering removal of the existing Lakefield to Border 161 kv Transmission Line from Fox Lake and Lake Charlotte at this time is not necessary as part of the Project. The proposed structure design for the Project has been planned to allow relocation of the Lakefield to Border 161 kV Transmission Line in this area when it needs to be rebuilt due to age or other considerations.~~

407a. On May 9, 2014, the MnDNR provided comments on several routing options for the project.[65] The MnDNR indicated that the alignment of the existing 161 kV line would best minimize impacts to flora and fauna at the Des Moines River.[66] The MnDNR noted that "feasible and prudent alternative routes exist that avoid Fox Lake and Lake Charlotte" and recommended that double-circuiting the 343 kV and 161 kV line across the lakes "be removed from further consideration and not permitted by the Commission" and that the "existing 161 kV lines be removed from Fox Lake and Lake Charlotte."[67]

REMOVAL OF EXISTING 161 KV LINE FROM FOX LAKE AND LAKE CHARLOTTE

553a. The MnDNR recommends that the existing Lakefield to Border 161 kV line be removed from across Fox Lake and Lake Charlotte.[68] The MnDNR does not provide a recommended timing for this removal.[69]

553b. ITCM indicated that it was agreeable to relocating the existing 161 kV line from Fox Lake and Lake Charlotte "in the future when existing 161 kV structure maintenance occurs or other operational conditions warrant or should the Commission require this relocation as part of the Project."[70]

553c. ITCM subsequently indicated that removing the existing 161 kV line from Fox Lake and Lake Charlotte "is not necessary as part of the Project" and that the line can be relocated when the line needs "to be rebuilt due to age or other

[62] Ex. 108A at Map 3-8 (DEIS).
[63] Ex. 24 at 31-32 (Coeur Direct).
[64] Ex. 24 at 33 (Coeur Direct); Ex. 32 at 16 (Middleton Rebuttal).
[65] Ex. 116B (Agency Comments Received on DEIS), Comment Letter from the DNR.
[66] *Id.*
[67] *Id.*
[68] Ex. 116B (Agency Comments Received on DEIS), Comment Letter from the DNR.
[69] *Id.*
[70] Ex. 116D at 15 (Applicant Comments Received on DEIS).

considerations."[71]

553d. Analysis in the EIS indicates that one transmission line ROW at Fox Lake and Lake Charlotte, rather than two ROWs, best avoids and minimizes potential aesthetic, agricultural, and avian impacts of the project.[72]

CONCLUSIONS OF LAW

23. It is ~~not~~ appropriate ~~at this time~~ to order ITC Midwest to remove the existing Lakefield to Border 161 kV Transmission Line ~~between the Fox Lake and Rutland substations or~~ from crossing Fox Lake and Lake Charlotte as part of the Project.

RECOMMENDATIONS

3b. The Commission should order ITC Midwest to remove the existing Lakefield to Border 161 kV Transmission Line from crossing Fox Lake and Lake Charlotte as part of the Project.

III. RIGHT-OF-WAY FOR THE PROJECT

In its route permit application, ITC Midwest (ITCM) proposed that the ROW (easement) for the project consist of two parts – an easement area and an ancillary easement area.[73] ITCM requested a 200 foot ROW for the 345 kV line and 150 foot ROW for the 161 kV associated facilities.[74] In post-hearing briefing EERA staff noted several objections to ITCM's proposed ROW scheme, including that projects of similar size in Minnesota have been permitted by the Commission with smaller ROWs – 150 feet for 345 kV lines and 100 feet for 161 kV lines.[75]

The ALJ report appropriately concludes that ITCM's requested ROWs should be modified as recommended by EERA staff to a ROW for the 345 kV line of 150 feet and for the 161 kV line of 100 feet, and also provides ITCM with the ability, in a 25 foot area immediately adjacent to and outside of the ROW, to trim or remove trees that pose a threat to the reliable

[71] ITC Midwest's Post-Hearing Brief in Support of its Application for a Route Permit at 44, eDockets Number, 20147-101419-07.
[72] Ex. 117 at 134-155 (FEIS).
[73] Ex. 7 at 34 (Route Permit Application).
[74] *Id.*
[75] EERA Initial Comments at 17-21; EERA Reply Comments at 7-9.

operation of the transmission line, consistent with the vegetation management plan for the project (Conclusion 21).

EERA staff recommends the following exceptions to clarify findings and conclusions in the ALJ report regarding the appropriate ROW for the project:

> 123. ITC Midwest ~~It~~ has ~~a~~ proposed a right-of-way of 200 feet for the project. Within the 200-foot right-of-way, ITC Midwest indicates that it will restrict placement of its structures to the center 150-foot area.[76] ITC Midwest indicates that it will have vegetation management rights and will prohibit placement of other structures within the center 150-foot area.[77] In the outer 25 feet on either side of this center 150-foot area of the 200-foot right-of-way, ITC Midwest indicates that it may trim or remove trees that pose a threat to the transmission facility or impede construction.[78] ITC Midwest indicates that ~~T~~this 200-foot width is needed to provide sufficient area to ensure safe and reliable operation of the line in compliance with National Electric Safety Code ("NESC"), North American Reliability Corporation ("NERC"), and ITC Midwest standards.[79]
>
> 367. ITC Midwest will have vegetation management rights subject to the Vegetation Management Plan (VMP), will place its structures on the centerline of the 150-foot right-of-way, and will prohibit placement of other structures within this 150 foot area.[80] In a 25 ~~feet~~ foot area on either side of this ~~center~~ 150-foot ~~area of the 200-foot easement~~ right-of-way, ITC Midwest will trim or remove trees that pose a threat to the safe operation of the transmission facility as outlined in the VMP.[81]
>
> 371. For the 161 kV associated facilities requiring reconfiguration from the Winnebago Junction Substation to the Proposed Huntley Substation that will not be co-located with a 345 kV transmission line, ITC Midwest requires a 100-foot right-of-way.[82] ITC Midwest will have vegetation management rights subject to the VMP, will place its structures in the centerline of the 100-foot right-of-way, and will prohibit placement of other structures within this 100-foot area.[83] In a 25 foot area on either side of this 100-foot right-of-way, ITC Midwest ~~may~~ will trim or remove trees that pose a threat to the transmission facility as outlined in the

[76] Ex. 7 at 34 (Route Permit Application).
[77] *Id.*
[78] *Id.*
[79] Ex. 21 at 8 (Ashbacker Direct); Ev. Hrg. Tr. at 25 (Ashbacker).
[80] Ex. 7 at 34 (Route Permit Application).
[81] *Id.*
[82] Route Permit for North Rochester to Chester 161 kV Transmission Line Project, TL-11-800, eDockets Number 20129-78624-01; Route Permit for the Pleasant Valley to Byron 161 kV Transmission Line Project, TL-09-1315, eDockets Number 20113-60069-01.
[83] Ex. 7 at 34 (Route Permit Application).

VMP ~~or impede construction~~.[84] This 150-foot width ~~is needed~~ for the 161 kV lines will ~~to~~ provide sufficient area to ensure safe and reliable operation of the line in compliance with NESC, NERC, and ITC Midwest standards.[85]

CONCLUSIONS

21. ITC Midwest's request for a right-of-way for the 345 kV transmission lines of 200 feet and for the 161 kV transmission line for 150 feet, with a 25 foot area on either side for vegetation management should be modified as recommended by the EERA to a right-of-way for the 345 kV transmission lines of 150 feet and for the 161 kV transmission lines of 100 feet, and permit ITCM, in a 25 foot area immediately adjacent to and outside of the ROW, to trim or remove trees that pose a threat to the reliable operation of the transmission line, consistent with the VMP for the Project. Standard Route Permit Condition 4.2.5 regarding the right-of-way shall include the following provision: "In a 25 foot area on each side of the right-of-way for the Project, only trees that pose a threat to the transmission facility will be trimmed or removed."

IV. PERMIT CONDITIONS

The ALJ report concludes that several route permit conditions are necessary and appropriate to mitigate potential impacts of the project.[86] This section discusses potential route permit conditions for project and EERA staff's suggested edits and additions.

A. Noise Standards and Project Construction Hours

The ALJ report recommends modifying standard route permit condition 4.2.4 to allow construction of the project outside of daytime working hours for a variety of reasons including "other factors" (Conclusion 24). As noted in EERA's Reply Comments, EERA staff is unaware of any Commission route permit that included a variance for construction activities and associated noises outside of daytime working hours, as such are established by state noise standards (7 a.m. to 10 p.m.), and EERA staff believes that including a variance for impacts due to "other factors" is overly broad.[87] Thus, EERA staff recommends striking Conclusion 24:

[84] *Id.*
[85] Ex. 21 at 8 (Ashbacker Direct); Ev. Hrg. Tr. at 25 (Ashbacker).
[86] ALJ Report at 114-119.
[87] EERA Reply Comments at 12-13.

~~Standard Route Permit Condition 4.2.4 should be modified to acknowledge that occasionally construction activities may occur outside the defined daytime hours of 7 a.m. to 10 p.m. or on a weekend if ITC Midwest is required to work around customer schedules, line outages, or has been significantly impacted due to other factors~~.

B. Interference with Communication Devices

The ALJ report recommends modifying standard route permit condition 4.7.3 regarding interference with communication devices (Conclusion 25) for reasons that are unclear and not supported by the record. Further, no findings in the ALJ Report support such a conclusion. As discussed in EERA staff's Reply Comments, this text – suggested by ITCM and adopted by the ALJ Report – appears to serve no purpose.[88] EERA staff notes that the proposed modification of condition 4.7.3 appears to remove a permittee's responsibility to provide equivalent reception if such reception cannot be restored.[89] EERA staff recommends striking Conclusion 25:

~~25. Standard Route Permit Condition 4.7.3 regarding interference with communication devices should be modified to read:~~

~~Should electronic interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices occur as a result of the presence or operation of the transmission line, Permittee will work with affected landowners on a case-by-case basis to assess the cause of the interference and, to the extent practicable, restore electronic reception to pre-Project quality.~~

C. Agricultural Impact Mitigation Plan

The ALJ report recommends that ITCM comply with the agricultural impact mitigation plan (AIMP) that has been approved for the project (Conclusion 26). EERA staff recommends editing this conclusion to provide permit language that implements this conclusion and to provide for the distribution of the AIMP to landowners with the route permit:

26. A Special Route Permit Condition requiring an AIMP and requiring ITC Midwest's compliance with the AIMP is appropriate for the Project~~.~~:

[88] EERA Reply Comments at 13-14.
[89] *Id.*

The Permittee shall comply with the AIMP prepared for this project and approved by the Minnesota Department of Agriculture. The permittee shall distribute the AIMP with the route permit to all affected landowners in accordance with Section 4.5 of this permit.

D. Vegetation Management Plan

The ALJ report recommends that ITCM prepare a vegetation management plan (VMP) for the project (Conclusion 28). EERA staff recommends editing this conclusion to ensure that it clearly addresses tall trees within and outside of the permitted ROW that could endanger the safe and reliable operation of the transmission line:

28. A Special Route Permit Condition requiring ITC Midwest to prepare a vegetation management plan (VMP) is appropriate for the Project:

Permittee shall develop a VMP. Permittee shall submit the VMP with the Construction Environmental Control Plan and monitor compliance with the VMP in accordance with the procedures set forth in the VMP. The purpose of the VMP shall be to identify measures to minimize the disturbance and removal of vegetation for the Project, prevent the introduction of noxious weeds and invasive species, and revegetate disturbed non-cropland areas with appropriate native species in cooperation with landowners and state, federal, and local resource agencies, in such a way that does not negatively impact the safe and reliable operation of the Project. The VMP shall include:

1. Measures that will be taken to minimize vegetation disturbance and removal during construction of the Project to the extent that such actions do not violate sound engineering principles of system reliability criteria.

2. Measures that will be taken to prevent the introduction of non-native and invasive species.

3. Measures that will be taken to revegetate disturbed non-cropland areas with appropriate native species to the extent that such actions do not violate sound engineering principles or system reliability criteria.

4. Processes by which Permittee will identify landowner and resource agency preferences or requirements regarding vegetation management (e.g., no herbicide application, etc.) and how these preferences or requirements will be addressed.

5. Measures that will be used to manage vegetation during operation and maintenance of the Project, including tall tree species within and outside of the permitted right-of-way that endanger the safe and reliable operation of the

transmission line, in accordance with this permit and any local, state or federal permit licenses, or approvals.

E. Stormwater Pollution Prevention Plan

The ALJ report recommends, as a special permit condition, that ITCM prepare a stormwater pollution prevention plan (SWPPP) for the project (Conclusion 29). As discussed in EERA staff's Reply Comments, such a plan will be required for the project by the Minnesota Pollution Control Agency (MPCA), so such a condition in the Commission's route permit is redundant.[90] Thus, EERA staff recommends striking Conclusion 29:

~~29. A Special Route Permit Condition requiring ITC Midwest to prepare a SWPPP is appropriate for the Project.~~

F. Construction Environmental Control Plan

The ALJ report recommends that ITCM prepare a construction environmental control plan (CECP) for the project (Conclusion 30). EERA staff recommends editing this conclusion to clarify that the CECP must be filed prior to the submittal of the plan and profile for any segment of the project, and to provide for regular reporting not only on construction status but also on the results of construction inspection and monitoring:

30. A Special Route Permit Condition requiring a Construction Environmental Control Plan worded as follows is appropriate:

Permittee shall develop a Construction Environmental Control Plan. The Construction Environmental Control Plan shall include all environmental control plans and special conditions imposed by permits or licenses issued by state or federal agencies related to agency-managed resources. Plans within the Construction Environmental Control Plan shall include the Agricultural Impact Mitigation Plan (AIMP), an Avian Mitigation Plan (AMP), a Vegetation Management Plan (VMP), and a Stormwater Pollution Prevention Plan (SWPPP). The Construction Environmental Control Plan shall be filed with the Commission thirty (30) days prior to submitting the Plan and Profile for any segment of the

[90] EERA Reply Comments at 12; see also, Section 4.2.7 of the Commission's generic route permit template (noting that permittees must obtain all necessary MPCA permits), Ex. 117 at Appendix B (FEIS).

Project. The Construction Environmental Control Plan shall include the following:

1. Identification of and contact information for an Environmental Monitor to oversee the construction process and monitor compliance with the Construction Environmental Control Plan and all plans therein.

2. A process for regular reporting on construction status and the results of construction inspection and monitoring to the Commission.

3. A process for reporting the status of permits and licenses or other approvals from local units of government, state agencies, or federal agencies for the Project to the Commission.

4. A process for internal tracking of construction management, including required plan or permit inspection forms.

G. Des Moines River Crossing

The ALJ report recommends a special permit condition regarding the project's alignment across the Des Moines River (Conclusion 31). EERA staff recommends the following edits and additions to require ITCM (1) to consult with the Minnesota Department of Natural Resources (DNR) and jointly agree on the appropriate alignment across the river, (2) to clarify considerations (avian impacts, impacts to the Oak-Basswood forest) that will guide ITCM and DNR's consultation, and (3) to file the work and results of the consultation with the Commission through the project's plan and profile filings:

31. The following Special Route Permit Condition for the Des Moines River crossing is appropriate for the Project:

~~This Route Permit shall allow Permittee to construct the Project across the Des Moines River within Modified Route A along either the existing transmission line centerline (referred to as JA 2 in the EIS) or the Modified Route A alignment without providing additional information on the potential for environmental impacts. Permittee intends to work with the MnDNR and the landowners on the east and west banks of the Des Moines River, to the extent practicable. To accommodate various considerations regarding impacts to environmental features, including an Oak Basswood forest, avian species, and agricultural operations, and to avoid interference with air navigation at the Jackson Municipal Airport, Permittee may use specialty structures if necessary~~.

The Permittee shall consult with the MnDNR regarding the feasibility of mitigation measures for the crossing of the Des Moines River, and shall jointly determine with the MnDNR the alignment and mitigation measures that best mitigate avian impacts and impacts to the Oak-Basswood forest at the Des Moines River crossing. The Permittee shall document this consultation and the alignment and mitigation measures agreed upon by the Permittee and the MnDNR for the crossing. The Permittee shall submit this information with the plan and profile for this section of the Project.

H. Archaeological and Historic Resources

The ALJ report recommends a special permit condition requiring ITCM to consult with the State Historic Preservation Office (SHPO) on a Phase I archaeological survey and appropriate mitigation measures for the project (Conclusion 32). EERA staff recommends editing this conclusion so it is applicable to all routing options under consideration and does not presuppose the use of Modified Route A:

32. It is not appropriate to require ITC Midwest to train construction workers in the handling of archaeological resources but it is appropriate to require ITC Midwest to inform construction workers of known archaeological and historic resource areas along the permitted route for the Project ~~given the limited risk for impact to archaeological and historic resources as Modified Route A primarily follows disturbed areas including agricultural fields~~. The following Special Route Permit Condition is appropriate for the Project:

Permittee shall consult with State Historic Preservation Office (SHPO) concerning the extent of a Phase I archaeological survey and appropriate mitigation measures for the Project. Permittee shall document and submit to the Commission the results of this consultation, including those portions of the Project that will be surveyed and the extent of the survey with the Construction Environmental Control Plan for the Project.

For those portions of the Project that are surveyed, Permittee shall submit, with the plan and profile for these portions, the results of the survey and all applicable avoidance and mitigation measures employed or to be employed.

Permittee shall inform construction personnel of known archaeological resources along the permitted route for the Project and of archaeological survey results. The Permittee shall employ a monitor that reports to and communicates with the Environmental Monitor to identify and report archaeological resources encountered during construction of the Project and to coordinate with SHPO on appropriate mitigation measures.

V. MINOR EDITS FOR CLARITY OF THE RECORD

EERA staff recommends minor edits to the following findings to clarify the record and to correct minor errors:

> 57. The Commission and the DOC EERA held public information and scoping meetings on July 16, 2013 in Fairmont, Minnesota, July 17, 2013 in Jackson, Minnesota, and July 18, 2013 in Blue Earth, Minnesota.[91]
>
> 413. On April 24, 2014, ~~the~~ Minnesota's State Historic Preservation Office (SHPO) provided comments on the project.[92]

EERA staff appreciates the opportunity to submit these exceptions.

Dated: September 23, 2014

Respectfully Submitted,

s/ Linda S. Jensen

LINDA S. JENSEN
Assistant Attorney General
Attorney Reg. No. 0189030
445 Minnesota Street, Suite 1800
St. Paul, Minnesota 55101-2134

Attorney for the
Minnesota Department of Commerce,
Energy Environmental Review and Analysis (EERA)

[91] Ex. 16 (Public Information and Scoping Meeting Presentation).
[92] Ex. 116B (Agency Comments Received on DEIS), Comment Letter from SHPO.