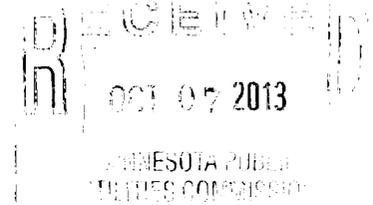




12-1245

DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL MN 55101-1678



October 3, 2013

REPLY TO  
ATTENTION OF

Programs and Project Management Division  
Project Management Branch (PM-B)

SUBJECT: Request for Comment Regarding 115kV Transmission Line Project, Elko New Market and Cleary Lake Areas, Scott and Rice Counties, Minnesota

Mr. Burl W. Haar  
Executive Secretary  
State of Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
Saint Paul, Minnesota 55101-2147

Dear Mr. Haar:

We are replying to your September 23, 2013, letter regarding the application for a Certificate of Need concerning the 115kV Transmission Line Project in the Elko New Market and Cleary Lake areas in Scott and Rice Counties, Minnesota.

No St. Paul District real estate, completed projects, or ongoing civil works projects would be affected by the proposed project.

The proposed project is located within the Saint Paul District's Regulatory jurisdiction. You should coordinate with Mr. Jeff Olson at the Saint Paul Regulatory Office, Corps of Engineers, 180 5th Street East, Saint Paul, Minnesota 55101-1678, concerning permit requirements for the Saint Paul District.

A copy of your letter has been forwarded to Mr. Olson of the Saint Paul District Regulatory office. Please note that this letter does not eliminate the need for State, local, or other authorizations, such as those of the Minnesota Department of Natural Resources.

Sincerely,

Joseph H. Mose  
Chief, Project Management Branch (PM-B)

# Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40\_\_



October 15, 2013

David Birkholz, Environmental Review Manager  
Minnesota Department of Commerce  
85 7th Place East, Suite 500  
St. Paul MN 55101

Re: Application 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, Minnesota  
MN PUC Docket Number: ET-2/TL-12-1245  
MN DNR ERDB # 20140054

Dear Mr. Birkholz:

The Minnesota Department of Natural Resources (DNR) has reviewed the Application for a Route Permit for the 115kV Transmission Line in the Elko New Market and Cleary Lake Areas in Scott and Rice Counties. The following comments regarding rare species, avian flight diverters and vegetation management are provided regarding the Application and scoping for the Environmental Assessment (EA).

The proposed project is within, or adjacent to, an area of statewide importance to the Blanding's turtle (*Emydoidea blandingii*), a state-listed threatened species. There are 15 of these Blanding's Turtle Priority Areas in the state. These areas are relied upon to maintain the species' security within Minnesota, and the DNR considers them of the highest priority for Blanding's turtle research and management activities. A Blanding's turtle fact sheet that describes the habitat use and life history of this species is attached. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. The first list is relevant for all areas inhabited by Blanding's turtles while the second list contains additional protective measures for areas known to be of statewide importance to this species. Because the proposed project is within one of these areas, please refer to both lists of recommendations. In addition, if erosion control is needed, we recommend wildlife friendly erosion control (see attached document). The attached Blanding's turtle flyer should also be given to all contractors working in the area.

If Blanding's turtles are encountered on site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm's way, otherwise they should be left undisturbed.

The Route Permit Application includes a rare species list. For the EA, this list should be updated to reflect changes to Minnesota's list of Endangered, Threatened, and Special Concern Species. Updates to the list, including a summary document with status changes, are located at the following link: [linkhttp://www.dnr.state.mn.us/ets/rulesrevision.html](http://www.dnr.state.mn.us/ets/rulesrevision.html)

The EA should include a map with avian flight diverter locations, type and spacing proposed by the project developer.

For forested areas, providing detail in the Environmental Assessment about construction and maintenance clearing methods is encouraged. For example, if lower growing vegetation is allowed to remain along the outer edges of the right of way, any guidelines routinely given to construction personnel regarding the heights of vegetation allowed to remain at certain distances should be included in the EA. Vegetation management practices such mechanical clearing or herbicide use, particularly near public waters should also be described in the EA.

The DNR appreciates the opportunity to provide input regarding the Elko New Market and Cleary Lake Areas Transmission Line Project. Please contact me with any questions.

Sincerely,



Jamie Schrenzel  
Principal Planner  
Environmental Review Unit  
(651) 259-5115

Enclosures: 3

C: Hwikwon Ham, Minnesota Public Utilities Commission  
Carole Schmidt, Great River Energy



## Minnesota Department of Transportation

### Office of Land Management

395 John Ireland Boulevard

Saint Paul, MN 55155

Phone: 651-366-4635

Fax: 651-366-3450

[stacy.kotch@state.mn.us](mailto:stacy.kotch@state.mn.us)

Mailstop 678

October 14, 2013

David Birkholz, Environmental Review Manager

Minnesota Office of Energy Security

85 7th Place East, Suite 500

St. Paul, MN 55101

RE: In the Matter of the Application by Great River Energy for a Route Permit for the Elko, New Market and Cleary Areas 115 kV Transmission Upgrade in Scott and Rice Counties  
PUC Docket Number: ET2/TL-12-1245

Dear Mr. Birkholz,

On September 10<sup>th</sup>, 2013, the Minnesota Department of Commerce Energy Facility Permitting issued a Notice of Public Information and Environmental Scoping meetings and a request for public comment on the scope of the environmental assessment (EA) relating to the route permit application by Great River Energy for the Elko, New Market and Cleary Areas 115 kV Transmission Upgrade in Scott and Rice Counties. The Minnesota Department of Transportation (MnDOT) has reviewed the application regarding the proposed project and submits the following comments in response to the Notice.

MnDOT appreciates the opportunity to comment on the scope of the EA. MnDOT's fundamental interest is to ensure that the EA identifies and quantifies, to the extent possible, any impacts the proposed high voltage transmission line (HVTL) may have on the safety of the transportation system, the effectiveness of the operations or maintenance of the state trunk highway system and any additional costs that may be imposed on the state trunk highway fund as a result of the location of the proposed HVTL.

MnDOT has reviewed the route permit application. At this time, it appears that the proposed transmission lines and associated facilities do not directly abut a state trunk highway. MnDOT requests that our agency be made aware of any changes to the proposed HVTL that may make the project area close enough to occupy a portion of current MnDOT right of way.

An Equal Opportunity Employer



Any HVTL construction work, including delivery or storage of structures, materials or equipment that may affect MnDOT right of way is of concern such that MnDOT should be involved in planning and coordinating such activities. If work is required within MnDOT right of way for temporary or permanent access, please coordinate with Buck Craig for Metro Permits at 651-234-7911 / [Buck.Craig@state.mn.us](mailto:Buck.Craig@state.mn.us) or Terry Condon for District 6B Permits at 507-446-5505 / [Terry.Condon@state.mn.us](mailto:Terry.Condon@state.mn.us) .

We appreciate the opportunity to comment.

Sincerely,



Stacy Kotch  
Utility Transmission Route Coordinator  
Minnesota Department of Transportation

cc:

An Equal Opportunity Employer





# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

October 14, 2013

Mr. David Birkholz  
Environmental Review Manager  
Energy Facility Permitting  
Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101-2198

Re: Elko, New Market and Cleary Lake 115 kV Transmission Line Project  
PUC Docket Number: ET-2/TL-12-1245

Dear Mr. Birkholz:

Thank you for the opportunity to review and comment on the Elko, New Market and Cleary Lake project (Project), a 115 kV transmission line located in Scott and Rice counties, Minnesota. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

### **Section 2.5.3 Federal Approvals**

This section indicates that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts may be necessary. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA CWA Section 401 Water Quality Certification or waiver must also be obtained as part of the permitting process. The Section 401 Water Quality Certification ensures that the activity will comply with the state water quality standards. Any conditions required within the MPCA 401 Certificate are then incorporated into the USACE 404 Permit. You can find additional information about the MPCA's 401 Certification process at [www.pca.state.mn.us/water/401.html](http://www.pca.state.mn.us/water/401.html). For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Bill Wilde at 651-757-2825.

### **Section 9.5.2 Water Resources – Impaired Waters**

Please note that the nutrient/eutrophication and turbidity impairments of certain nearby water bodies as noted in this section will dictate additional increased stormwater treatment during construction and require additional increased permanent treatment post construction. These requirements will be included in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit. The Project proposer should determine that compliance with these increased stormwater water quality treatments can be achieved on the Project site or elsewhere. Information regarding the MPCA's Construction Stormwater Program can be found on the MPCA's website at <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629.

Mr. David Birkholz

Page 2

October 14, 2013

Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this Project, please contact Karen Kromar of my staff by email at [karen.kromar@state.mn.us](mailto:karen.kromar@state.mn.us) or by telephone at 651-757-2508.

Sincerely,



Craig Affeldt

Supervisor

Environmental Review Unit

Resource Management and Assistance Division

CA:bt

cc: Carole Schmidt, Great River Energy  
Karen Kromar, MPCA, St. Paul  
Doug Wetzstein, MPCA, St. Paul  
Jim Brist, MPCA, St. Paul  
Roberta Getman, MPCA, St. Paul  
Bob Finley, MPCA, Mankato



October 14, 2013

David Birkholz  
Environmental Review Manager  
Minnesota Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101

RE: Comments of Three Rivers Park District and Scott County in response to the Notice of Public Information and Environmental Scoping Meetings related to the Certificate of Need and a Route Permit for a 115kV Transmission Line Project in the Elko, New Market and Cleary Lake area in Scott and Rice Counties, Minnesota

PUC Docket Number: ET-2/TL-12-1245 and ET-2/TL-12-1235

Dear Mr. Birkholz,

Scott County and Three Rivers Park District work cooperatively to provide regional recreation and open space in Scott County, through the Three Rivers-Scott County Partnership (hereinafter "Partnership"). Three Rivers Park District is a political subdivision of the State of Minnesota. Three Rivers Park District operates a park system in the west suburban Minneapolis/St. Paul metro area. The Park District serves citizens of suburban Hennepin County, the Twin Cities metro area, and the State of Minnesota and manages almost 27,000 acres of park reserves, regional parks, regional trails, and special-use facilities.

The Elko New Market and Cleary Lake areas transmission line upgrade project (hereinafter "Elko New Market/Cleary Lake Upgrade Project") targets an existing transmission line within *Murphy-Hanrehan Park Reserve* and *Cleary Lake Regional Park*, both owned by the Park District and operated through the Partnership. The Elko New Market/Cleary Lake Upgrade Project is also in close proximity to *Doyle-Kennefick Regional Park* and the *Scott West Regional Trail*, owned by Scott County and operated through the Partnership.

Previously the Partnership provided comments (July 15, 2013) on the matter of the Elko New Market/Cleary Lake Upgrade Project to the Public Utilities Commission in relation to Cleary Lake Regional Park and Murphy-Hanrehan Park Reserve. With this second comment letter we:

- A. Reiterate items conveyed previously related to Murphy-Hanrehan Park Reserve and Cleary Lake Regional Park;
- B. Submit comments related to Doyle-Kennefick Regional Park and the Scott West Regional Trail; and
- C. Outline discussion items from a meeting of Partnership and GRE staff on September, 17, 2013 and our understanding of outcomes of that meeting.

A. Murphy Hanrehan Park Reserve and Cleary Lake Regional Park

The route permit application for the Elko New Market/Cleary Lake Rebuild Project identifies a 300' route width in Cleary Lake Regional Park and Murphy-Hanrehan Park Reserve along an existing transmission line; a potential need for up to 70' wide easements and additional easement rights and the potential need for access to these routes through Park District property. Great River Energy (GRE) staff have indicated GRE holds 60-65' wide easements in place along these routes.

The Park District is unable to provide land for additional easement width or construction access outside of the easement areas for the following reasons which are further outlined in the attached comment letter:

- o Conversion of regional park land from its intended purpose is contrary to the mission assigned to Three Rivers Park District by the State of Minnesota.
- o Additional easements and construction access would violate restrictive covenants on Cleary Lake Regional Park and Murphy-Hanrehan Park Reserve.
- o Conversion of regional park land from its intended purpose is contrary to the Park District's policies and practices.
- o Loss of regional park land threatens to incur numerous adverse impacts on Cleary Lake Regional Park and Murphy-Hanrehan.

B. Doyle-Kennefick Regional Park and Scott West Regional Trail

Doyle-Kennefick Regional Park and the Scott West Regional Trail have significant local and regional recreation value with Doyle-Kennefick also having significant natural, cultural, and historic value.

Doyle-Kennefick contains the highest quality water-lily marsh complex known to exist in Scott County. It provides significant breeding and migration habitat for many waterfowl and shorebird species. The site is believed to support a breeding colony of Black Terns. The Park's oak forest is identified on the Minnesota County Biological Survey. An 1860's pioneer homestead located in the park adjacent to County Road 23 is identified in the Doyle-Kennefick Regional Park Master Plan (2010) for preservation and restoration to fulfill a critical component of the Park's recreation and education concept. The community and technical process that prepared the Plan identified the homestead as being locally valued and having potential statewide historic significance. This process identified the oak forest and water-lily marsh areas as sensitive natural resources for wildlife habitat, water quality protection, and preservation of remnant historic landscapes. These areas were prioritized for protection and designated for minimal

development. Doyle-Kennefick lands were purchased in part with State and Metropolitan Council grant funds. These properties are subject to Metropolitan Council restrictive covenants and state deed restrictions.

The environmental assessment for the Elko New Market/Cleary Lake Upgrade Project should acknowledge Doyle-Kennefick and the Scott West Regional Trail and their important natural, cultural and recreational value. Selection of either park as a route corridor would need to demonstrate why other alternatives are not viable.

Scott County is unable to provide park land for easements or construction for the following reasons:

- o Conversion of regional park land from its intended purpose is contrary to Scott County's mission of providing regional park and open space to the citizens of Scott County and the region.
- o Additional easements or construction access would violate restrictive covenants.
- o Loss of regional park land threatens to incur numerous adverse impacts on Doyle-Kennefick Regional Park and the Scott West Regional Trail.

C. Meeting of Partnership and GRE staff (September 17, 2013).

On September 17, 2013 Partnership staff met with Great River Energy staff to discuss the Elko New Market/Cleary Lake Upgrade Project as it relates Three Rivers Park District and Scott County park lands. The following summarizes our understanding of key items discussed and agreed upon and next steps:

1. **Construction Access and Vegetation Removal** – Great River Energy staff identified construction access and vegetation removal needs as follows:
  - a) Cleary Lake Regional Park –
    - i. Access will be gained to easement areas accessible from County Road 21.
    - ii. Vegetation removal impacts are anticipated to be very minimal, with removal of trees/and or shrubs limited to specific pole replacement areas.
    - iii. GRE will continue to coordinate with Three Rivers Park District Forestry staff related to on-going maintenance of vegetation in this area.
  - b) Murphy-Hanrehan Park Reserve –
    - i. Access will be gained to easement areas accessible by public road (Murphy Lake Road) and via private driveway (with permission).
    - ii. Vegetation impact is anticipated to be limited to cutting of a couple of patches of sumac.
2. **GRE Easement Needs** – Great River Energy staff identified anticipated easement needs as follows:
  - a) Cleary Lake Regional Park –

- i. No additional easement area or easement language modification will be necessary for the Elko New Market/Cleary Lake Upgrade Project.
- b) Murphy-Hanrehan Park Reserve –
- i. No additional easement area will be necessary for the Elko New Market/Cleary Lake Upgrade Project.
  - ii. Great River Energy is seeking to modify an easement (pertaining to properties in the SW ¼ of Section 4 T.114N R. 21W; NW ¼ of Section 9 T. 114N R.21W and the NE ¼ of Section 8 T. 114N R. 21W) to allow for an 115kV facility. The current easement limits rights to a 69kV energy facility. Revisions to easements on Park District lands require Park District Board review and approval. Park District review will require a valuation analysis of the value of land with a 69kV transmission facility versus a 115kV facility.

Please feel free to contact Patricia Freeman (952-496-8752) of the Three Rivers- Scott County Partnership with any questions.

Sincerely,



Kelly Grissman , Director of Planning  
Three Rivers Park District



Mark Themig, General Manager  
Scott County

cc: Cris Gears, Superintendent, Three Rivers Park District  
Gary Shelton, County Administrator, Scott County  
Jonathon Vlaming, Associate Superintendent, Three Rivers Park District  
John Barten, Director of Natural Resources, Three Rivers Park District  
Brad Davis, Planning Manager, Scott County  
Patricia Freeman, Senior Manager, Three Rivers Park District  
Jeff Brauchle, General Counsel, Three Rivers Park District  
Sue McNellis, Assistant County Attorney, Scott County

Enc.



July 15, 2013

Dr. Burl W Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
171 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101-2147

RE: Comments of Three Rivers Park District and Scott County on the Route Permit Application for the Elko New Market and Cleary Lake Areas Transmission Line Rebuild and New 115 kV Transmission Line

PUC Docket Number: ET-2/TL-12-1245

Dear Mr. Burl,

Three Rivers Park District is a Political subdivision of the State of Minnesota. Three Rivers Park District operates a park system in the west suburban Minneapolis/St. Paul metro area including Scott County. The Park District serves citizens of suburban Hennepin County, Scott County, the Twin Cities metro area, and the State of Minnesota and manages almost 27,000 acres of park reserves, regional parks, regional trails, and special-use facilities. The Elko New Market and Cleary Lake areas transmission line upgrade project (hereinafter "Elko New Market/Cleary Lake Upgrade Project") targets an existing transmission line within Murphy-Hanrehan Park Reserve and Cleary Lake Regional Park, both owned and operated by the Park District.

Scott County and the Park District work cooperatively to provide regional recreation and open space in Scott County. The County and the Park District consider the route permit application incomplete for the Elko New Market/Cleary Lake Upgrade Project. Information submitted to Great River Energy by the Park District during the scoping phase is not included in the application. In response to a January 16, 2013, Great River Energy open house for the Elko New Market/Cleary Lake Upgrade Project and a subsequent meeting with Great River Energy project staff during the scoping phase, the Park District submitted email comments to GRE for inclusion in the route permit application (see attached). Scott County and the Park District request that this comment letter be added to the application along with the attached email documentation.

The route permit application for the Elko New Market/Cleary Lake Rebuild Project identifies a 300' route width in Cleary Lake Regional Park and Murphy-Hanrehan Park Reserve along an existing transmission line. In addition, the application states a potential need for up to 70' wide easements, potential revisions to existing easements to allow for the proposed upgrade and pole modifications, and the potential need for access to these routes through Park District property. Great River Energy (GRE) staff have indicated GRE holds 60-65' wide easements in place along these routes; however, GRE staff have not provided documentation as requested by Park District staff on several occasions.

The Park District is unable to provide land for additional easement width or construction access for the following reasons:

- A. Conversion of regional park land from its intended purpose is contrary to the mission assigned to Three Rivers Park District by the State of Minnesota.
  - B. Additional easements and construction access would violate restrictive covenants on Cleary Lake Regional Park and Murphy-Hanrehan Park Reserve.
  - C. Conversion of regional park land from its intended purpose is contrary to the Park District's policies and practices.
  - D. Loss of regional park land threatens to adversely impact Cleary Lake Regional Park and Murphy-Hanrehan.
- A. Conversion of regional park land from its intended purpose is contrary to the mission assigned to Three Rivers Park District by the State of Minnesota.

Conversion of regional park land from its intended purpose is in direct conflict with the Three Rivers Park District's and Metropolitan Regional Park System's mission as defined by the State of Minnesota. The Minnesota State Legislature enabled Three Rivers Park District as an independent, special park district in 1957. The Park District is governed under Minnesota Statute 398 and charged with the mission and primary duties of acquisition, development and maintenance of large parks, wild life sanctuaries, forest and other reservations, and means for public access to historic sites and to lakes, rivers, and streams and to other natural phenomena<sup>1</sup>.

Three Rivers Park District works cooperatively with the Metropolitan Parks and Open Space Commission, Metropolitan Council, and State Legislature as one of ten implementing agencies of the Metropolitan Regional Park System. The Metropolitan Regional Parks System was established in 1974 by the Minnesota State Legislature to provide outdoor education, recreational facilities, services, and programs. Park reserves, a component of the Metropolitan Regional Parks System, are intended to provide, protect and manage representative areas of the original major landscape types within the metropolitan area and contain a diversity of natural resources with adequate space for protection and management of natural resources. To

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<sup>1</sup>Minnesota Statute 398.07

achieve this purpose, 80 percent of park reserves, including Murphy-Hanrehan Park Reserve, must be managed as wild lands that protect the ecological functions of the native landscape and establish and maintain an uncompromised sense of nature and high-quality natural resources. Collectively, the system serves more than 40 million park guests per year in the seven-county metro.

B. Additional easements and construction access would violate restrictive covenants on Cleary Lake Regional Park and Murphy-Hanrehan Park Reserve.

Conversion of regional park land is in conflict with Metropolitan Council restrictive covenants. Metropolitan Council restrictive covenants limit the use of regional parkland to regional recreation and open space in perpetuity. In order to convert regional parkland to other uses, the 2030 Regional Parks Policy Plan requires Metropolitan Council approval for the release of the restrictive covenant. The release of restrictive covenants is only granted under certain exceptional circumstances and when equally valuable land or facility is exchanged. 'Equally valuable land' is defined as land that is contiguous to the regional parks system unit containing the land proposed to be exchanged and the land has comparable or better natural resource characteristics and could provide comparable or better recreation opportunities than the land being released from the covenant. 'Equally valuable facility' is defined as an exchange of land for facilities when recreational benefits and/or natural resource benefits are increased as a result of the exchange.<sup>2</sup>

State funding may have been used to purchase a portion of the properties targeted by the Elko New Market/Cleary Lake Upgrade Project. The applicant may contact Joe Hiller of the Minnesota Department of Natural Resources to confirm any additional related restrictions that may apply.

C. Conversion of regional park land from its intended purpose is contrary to the Park District's policies and practices.

Conversion of regional park land to other uses is contrary to Three Rivers Park District's policies and practices. The Three Rivers Park District Board strongly opposes diversion of Park District property by any individual, institution or organization, public or private, for any purpose other than those for which the lands were acquired. The Park District has enacted a policy to clarify the mission given to the Park District by the State of Minnesota. Park District Policy XII states that diversion of Park District property must be in the best interest of the Park District and where all other alternatives have been exhausted, and where diversion poses no threat to the Park District natural or recreation resources, and only under these conditions, will requests be considered by the Three Rivers Park District Board of Commissioners. In these circumstances the Board of Commissioners may require:

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<sup>2</sup>Minnesota Department of Natural Resources Land and Water Conservation Fund Summary

- 1) Restoration of any physical or natural property removed or damaged, or equivalent monetary compensation shall be provided;
- 2) Compensation will reflect the impact of the intrusion on the aesthetic and recreational values of the parkland as well as the market value of affected land measured by its highest and best use, and for associated administrative costs; and
- 3) Applicants must first satisfy Metropolitan Council policies governing such conversions, including, but not limited to, the requirement that equally valuable land or facilities be exchanged.

D. Loss of regional park land threatens to adversely impact Cleary Lake Regional Park and Murphy-Hanrehan.

The Elko New Market/Cleary Lake Upgrade Project route is proposed near a major recreational amenity and natural resource within Cleary Lake Regional Park. Murphy-Hanrehan Park Reserve contains among the most important wildlife, oak forests and prairie habitat areas in the Twin Cities metro area. The Park District will further examine the issue of expanding easement rights to allow for a higher voltage transmission and will comment on this matter during the next phase of the project.

The park district respectfully requests copies of the existing easements as well as identification of where additional easements would be required in an effort to better understand and evaluate the potential impact to Park District land and natural, cultural, and recreation resources.

Sincerely,



Jonathon Vlaming, Associate Superintendent  
Three Rivers Park District



Mark Themig, General Manager  
Scott County

- C:
- Cris Gears, Superintendent, Three Rivers Park District
  - Gary Shelton, County Administrator, Scott County
  - Kelly Grissman, Director of Planning, Three Rivers Park District
  - John Barten, Director of Natural Resources, Three Rivers Park District
  - Patricia Freeman, Senior Manager, Three Rivers Park District
  - Jeff Braucle, General Counsel, Three Rivers Park District
  - Sue McNellis, Assistant County Attorney, Scott County

**From:** [Freeman, Patricia](#)  
**To:** [Schaub, Peter GRE-MG](#)  
**Cc:** [KGrissman@threeriversparkdistrict.org](mailto:KGrissman@threeriversparkdistrict.org)  
**Subject:** RE: Elko NewMarket/Cleary Lake project: TRPD property  
**Date:** Thursday, March 21, 2013 3:12:00 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Hi Peter,

In light of the possibility that GRE will want to modify its existing easements on Park District property and possibly to expand them, I wanted to make you aware of the Park District's policy on diversions of parkland. It states:

The Board strongly opposes diversion of Park District property by any individual, institution or organization, public or private, for any purpose other than those for which the lands were acquired. Where proposed diversions of park property appear to be in the best interest of the Park District and where all other alternatives have been exhausted, and where the diversion poses no threat to the Park District's natural or recreational resources, and only under these conditions, requests will be taken under consideration by the Board on an individual basis.

In those instances where the Board determines that a proposed diversion upon Park District property may meet these conditions, easement, permits or conversions may be granted which include the following requirements:

- Restoration of any physical or natural property removed or damaged, or equivalent monetary compensation shall be provided.
- Compensation will reflect the impact of the intrusion on the aesthetic and recreational values of parkland as well as the market value of affected land measured by its highest and best use, and for associated administrative costs.
- In any case where conversion of Park District land to other uses is proposed, applicants must satisfy Metropolitan Council policies governing such conversions, including but not limited to the requirement that equally valuable land or facilities be exchanged.

Additionally, there are Metropolitan Council restrictive covenants on at least two of the properties. Metropolitan Council restrictive covenants limit the use of regional parkland to regional recreation and open space in perpetuity. In order to convert regional parkland to other uses, the 2030 Regional Park Policy Plan requires Metropolitan Council approval for the release of the restrictive covenant. The release of restrictive covenants is only granted under certain exceptional circumstances and when equally valuable land of facility is exchanged. 'Equally valuable land' is defined as land that is contiguous to the regional parks system unit containing the land proposed to be exchanged and the land has comparable or better natural resource characteristics and could provide comparable or better recreation opportunities than the land being released from the covenant. 'Equally valuable facility' is defined as an exchange of land for facilities when recreational benefits and/or natural resource benefits are increased as a result of the exchange.

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The Park District and Met Council policies should be taken into consideration and noted in your application.

I'd be happy to set up a meeting if you have questions or if you have more information to share now regarding easements.

Also, can you send me a copy of the easements you have related to Cleary Lake Regional Park and Murphy-Hanrehan?

Thanks Peter,  
Patty



Patricia Freeman, Senior Manager of Natural Resources  
200 Fourth Avenue West, Shakopee, Minnesota 55379  
952-496-8752  
[www.threeriversparks.org](http://www.threeriversparks.org) \* [www.co.scott.mn.us/parkstrails](http://www.co.scott.mn.us/parkstrails)

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**From:** Schaub, Peter GRE-MG [mailto:pschaub@GREnergy.com]  
**Sent:** Thursday, February 07, 2013 3:50 PM  
**To:** Freeman, Patricia  
**Subject:** RE: Elko NewMarket/Cleary Lake project: TRPD property

*Hello Patricia:*

*Sorry I haven't responded before now. I looked at the easements several months ago and don't recall specifics so, I will double check and get back to you with answers to your questions next week.*

*We hope to submit our application to the PUC by the end of March so, there is time to address any easement concerns in our application.*

*Thank you,*

*Peter*

*Peter M. Schaub*  
Sr. Field Representative  
Great River Energy  
12300 Elm Creek Blvd.  
Maple Grove, MN 55369  
direct: 763.445.5976 / Fax: 763.445.6776 / cell: 612.801.7370  
Toll Free: 800-442-3013 ext. 5976  
Email: [pschaub@GREnergy.com](mailto:pschaub@GREnergy.com)

---

**From:** Freeman, Patricia [mailto:[PFreeman@co.scott.mn.us](mailto:PFreeman@co.scott.mn.us)]  
**Sent:** Tuesday, February 05, 2013 3:52 PM  
**To:** Schaub, Peter GRE-MG  
**Cc:** Davis, Brad  
**Subject:** Elko NewMarket/Cleary Lake project: TRPD property

Hi Peter,

We met at the Scott County meeting last Tuesday (I conferenced in). Couple of follow up items and questions for you:

1. You indicated during the meeting that GRE will not be seeking new or additional easements *for the upgrade portions* of this project except in cases where the easement is less than 28'. Did I get that correct, is it 28' total?
2. Have you reviewed GRE easement records in relation to Three Rivers Park District property to determine if you will be seeking additional easement; and,
3. If this determination depends on further study/design, please tell me the expected timing this determination will be made. Is it weeks away, months, next year...?
4. My understanding at the end of that meeting was that you were going to get to me details on the existing easements that GRE holds in relation to Three Rivers Park District property along the project route. When can I expect that information?

Thanks Peter,

Patricia



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