

April 18, 2024

Via eDockets

Consumer Affairs Office
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: EERA Hearing Comments
345 kV Brookings County – Lyon County and Helena – Hampton Second Circuit Transmission Project
PUC Docket No. E-002/TL-08-1474
OAH Docket No. 82-2500-30742

Dear Consumer Affairs Office:

Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff offers the following comments on the Brookings County – Lyon County and Helena – Hampton Second Circuit Transmission Project (Project) proposed by Xcel Energy on behalf of itself, Central Minnesota Municipal Power Agency, Treat River Energy, Otter Tail Power Company, and Western Minnesota Municipal Power Agency (collectively, Applicants).

In these comments EERA staff recommends that the Commission approve the Applicants' request for a minor alteration to the existing route permit with conditions.

Project Background

In 2010, the Commission issued a high voltage transmission line route permit (Original Brookings Permit) for the Original Brookings Line in Commission Docket 08-1474.¹ The route permit authorized construction of approximately 229 miles of new 345 kV transmission line between the Minnesota-South Dakota border and the Hampton Substation in Dakota County, Minnesota.² The Original Brookings Line was constructed in phases and was fully energized in 2015. The 141-mile segment between the Lyon County Substation and Helena Substation was constructed with the second circuit installed. The Commission approved construction of double-circuit capable structures for the Minnesota portion of the Brookings County – Lyon County (Western Segment) and Helena – Hampton segment (Eastern Segment)

¹ Commission, *Order Granting Route Permit in the Matter of the Route Permit Application for a 345 kV Transmission Line from Brookings County, South Dakota to Hampton, Minnesota*, September 14, 2010, eDocket ID: [20109-54429-01](#); Permit Addendum, March 1, 2011, eDocket ID: [20113-60003-01](#)

² The length of the Original Brookings Line between the Brookings County Substation in South Dakota and the Hampton Substation in Dakota County, Minnesota is 240 miles, the western most 10.9 miles of the line are in South Dakota.

but required the utilities to obtain a certificate of need to add a second circuit to the Western and Eastern segments. This change would also require a change to the existing route permit.

The Applicants propose to install a second 345 kV circuit on double-circuit-capable structures on the Minnesota portion of the Western Segment and the Eastern Segment of the Original Brookings Line. While the Project largely consists of adding the additional circuit, the Applicants will also add 11 new structures to facilitate the addition of the new circuit.

Minor Alteration Request

The Applicants filed an application for a minor alteration to the existing route permit on November 13, 2023³. A minor alteration is a change to a large energy facility (either a generating facility or high voltage transmission line) that does not result in major changes to the human or environmental impacts.⁴

Under the minor alteration procedure in Minnesota Rule 7850.4800, the Commission may authorize such alterations if the Commission finds that they do not result in significant changes in the human or environmental impacts of a project. The Commission may authorize the minor alteration but impose reasonable conditions on the approval.

With respect to potential human impacts, the Project will not displace any homes or businesses and does not place the line closer to human residences. While the project will result in additional noise during construction (largely due to helicopters), these impacts will be temporary. The project's design minimizes aesthetic impacts by making use of existing structures and minimizing the need for new structures. The addition of 11 new structures will not result in significant aesthetic impacts. The project will not result in appreciable land use changes. While there may be temporary impacts to roads during construction, the existing permit requires the permittees to cooperate with local road authorities to develop appropriate mitigation measures to minimize impacts.

With respect to impacts to natural resource, the Project will not result in significant changes to vegetation, wildlife, water resources, soils, or geology.

EERA staff believes that, with appropriate mitigation measures, the proposed modifications will not result in significant changes in the human or environmental impacts of the project and recommends that the Commission approve Xcel Energy's minor alteration request with conditions.

³ Applicants, *Application for a Minor Alteration of CaxX2020 Brookings Hampton Route Permit to Add the Brookings County – Lyon County and Helena – Hampton Second Circuit Project*, November 13, 2023, eDocket No: [202311-200430-01](#), [202311-200430-02](#), [202311-200430-03](#), [202311-200430-04](#), [202311-200430-05](#), [202311-200430-06](#), [202311-200430-07](#), and [202311-200430-08](#) (herein after, MA Application)

⁴ Minnesota Rule, [part 7850.4800](#)

Recommended Route Permit Conditions

Since the issuance of the permit nearly 15 years ago, the Commission has made several revisions to the standard route permit and routinely includes a number of special conditions as warranted by the location, design, and other unique factors related to each individual project.

In these comments, EERA staff proposes modifications to two special conditions of the 2010 permit and the inclusion of seven new special conditions. Together these recommendations are intended to make the permit more consistent with recently issued permits and to minimize the potential for impacts to rare and unique natural resources, ensure safety for construction crews and to ensure that the permittees will implement surveys recommended by the State Historic Preservation Office.

A. *Blanding's Turtle*

The Blanding's turtle is listed as a Minnesota threatened species. The species has been documented in the vicinity of the Project in Dakota and Scott counties. The 2010 route permit includes a special condition for the Blanding's turtle:

The DNR indicated occurrences of Blanding's turtles near the project area. The Blanding's turtle is considered a species in greatest need of conservation in Minnesota. Mitigation measures for potential impacts to the Blanding's turtle and its habitat shall include measures and recommendations outlined in the Minnesota DNR Division of Ecological Resources Environmental Review Fact Sheet Series. Blanding's Turtle (attached). Construction and maintenance personnel will be made aware of the Blanding's turtle and their habitat during pre-construction meetings in an effort to minimize possible disturbance. Permittees will span, where possible, rivers, streams and wetlands, and any habitats where prairie remnants and rock outcrops have been recorded or are likely to occur. Wherever it is not feasible to span, a survey will be conducted to determine the presence of special status species or suitability of habitat for such species. Where the survey shows such species or habitat, Permittees will coordinate with the MnDNR and other appropriate agencies to avoid and minimize any impact.

EERA staff recommends this condition be amended to be more consistent with recent permits:

Blanding's Turtle

The Permittee shall initiate the following measures during construction to avoid and or mitigate for impacts to the Blanding's turtle during construction:

- *Avoid wetland impacts during hibernation season, between October 15th and April 15th, unless the area is unsuitable for hibernation.*
- *Provide DNR's most current Blanding's turtle flyer to all contractors working in the area.*
- *Monitor for turtles during construction and report any sightings to the DNR Nongame Specialist.*
- *If turtles are in imminent danger, they must be moved by hand out of harm's way, otherwise they are to be left undisturbed.*

B. Agricultural Impact Mitigation Plan

Section IV.B.8 (p. 11) of the 2010 permit requires the permittees to follow requirements outlined in the Agricultural Impact Mitigation Plan (AIMP) attached to the permit. The applicants have revised the AIMP⁵ and the Minnesota Department of Agriculture supports the revised AIMP.⁶ EERA recommends the route permit be amended to include or reference the revised December 2023 AIMP.

C. Wildlife-Friendly Erosion Control

The Minnesota Department of Natural Resources (DNR) recommends the use of wildlife-friendly erosion control. Based on the DNR recommendation, EERA proposes a special condition that has been included in recently issued site and route permits for large energy facilities:

Wildlife-Friendly Erosion Control

The Permittees shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives.

D. Dust Control

The DNR also recommends avoiding the use of chloride-based dust control chemicals. Based on the DNR recommendation, EERA recommends a special condition that has been included in recently issued site and route permits for large energy facilities:

Dust Control

The Permittees shall minimize and avoid, if possible, the use of chloride-based dust control chemicals (i.e., calcium chloride, magnesium chloride).

E. Northern Long-Eared Bat

The Northern long-eared bat (NLEB) is a federally-listed endangered species and state-listed species of concern. Activities that might impact this species include, but are not limited to, any disturbance to hibernacula and destruction or degradation of habitat (including tree removal). Although the Applicants indicate they have designed the Project to minimize the need for tree removal, EERA staff recommends a special condition requiring the permittees to comply with the USFWS guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable. This special condition is typically included in recently issued site and route permits for large energy facilities

Northern Long-Eared Bat

For Project construction, the Permittees shall comply with the U.S. Fish and Wildlife Service guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.

⁵ Xcel Energy, Agricultural Impact Mitigation Plan, March 26, 2024, eDocket no: [20243-204662-02](#)

⁶ Minnesota Department of Agriculture, Comments, November 15, 2023, eDocket no: [202311-200525-01](#)

F. Loggerhead Shrike

The Loggerhead shrike is a state-listed endangered species. The species has been documented in the Project vicinity in Lincoln and Dakota counties. The DNR recommends avoiding tree and shrub removal in April through July in Lincoln and Dakota counties. EERA staff recommends the following permit condition to minimize impacts to the species:

Loggerhead Shrike

The Permittees shall avoid tree and shrub removal within suitable Loggerhead Shrike habitat during the April through July breeding season. If tree or shrub removal will occur during the breeding season, the Permittees shall coordinate with DNR to identify potentially suitable habitat and ensure that a qualified surveyor inspects the trees/shrubs for active nests prior to removal.

G. Henslow's Sparrow

Henslow's sparrow is known to occur in Lincoln, Lyon, and Scott counties and has been documented along a portion of the Western Segment in Lincoln County. DNR recommends avoiding disturbance in suitable nesting habitat in these areas between May 15 and July 15. EERA staff recommends the following permit condition to minimize impacts to the species:

Henslow's Sparrow

The Permittee shall avoid construction within undisturbed mesic and dry prairie areas between May 15 and July 15. If construction activities will occur in these areas during this period, the Permittees shall coordinate with DNR to identify suitable habitat for Henslow's sparrow and ensure that a qualified surveyor conducts a presence/absence studies and rules out the actual presence of the Henslow's sparrow.

H. Walk-in Access Easement

There is one Minnesota Walk-In Access (WIA) easement in a wetland restoration area within a temporary workspace located along the Western Segment in Lincoln County. The WIA program provides public hunting opportunities on private land that is enrolled in a conservation program or has high quality natural cover.

EERA staff recommends a special permit condition requiring the permittees to coordinate with DNR to ensure safety for construction personnel while ensuring access for hunters. These mitigation measures could include construction timing or appropriate signage.

Walk-in Access Easement

The Permittees shall coordinate with DNR to identify mitigation measures related to Walk-in Access easements that ensure safety for workers in the area as well as access for hunters.

I. State Historic Preservation Office Concurrence

Section IV.J.2 (p. 16) of the 2010 permit requires the Applicants to conduct Phase I surveys of areas that are known or reported as historic and/or archaeologically significant sites prior to construction. The Applicants have indicated that they intend to follow SHPO's recommendation for additional surveys or

other mitigation following SHPO's review of the Phase Ia Cultural Resource Review. EERA staff understands that the Applicants have provided the Phase Ia Cultural Resource Review to SHPO, but to EERA staff's knowledge, SHPO has not yet issued a letter either concurring with the Applicants' recommendations or recommending different mitigation measures. EERA staff recommends a special permit condition requiring the Applicants to file SHPO's concurrence in the docket once received.

State Historic Preservation Office Recommendations

The Permittees shall file correspondence from the State Historic Preservation Office (SHPO) containing recommendations for surveys or other mitigation measures related to the Project promptly upon receipt by the Permittees.

EERA appreciates the opportunity to comment on the proposed project.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Steinhauer". The signature is written in black ink and is positioned above the printed name and title.

Suzanne Lamb Steinhauer
EERA Environmental Review Manager