

March 3, 2025

VIA eFILING

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

The Honorable Jim Mortenson
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, MN 55164-0620

**Re: In the Matter of the Application of Dairyland Power Cooperative for a Route Permit to Relocate an Existing 161 kV Transmission Line in Wabasha County, Minnesota.
MPUC Docket No. ET3/TL-23-388
OAH Docket No. 5-2500-40184**

Dear Mr. Seuffert and Judge Mortenson:

Dairyland Power Cooperative (Dairyland or Applicant) submits these comments on the Environmental Assessment (EA) published on January 30, 2025, and the Revised Appendix D Draft Route Permit (DRP) published on February 4, 2025, for Dairyland's proposed Wabasha 161 kV Transmission Line Relocation Project in Wabasha County, Minnesota (Project). Pursuant to the Prehearing Order, dated September 10, 2024, Dairyland also plans to file a response to public hearing and written comments by March 10, 2025.

Dairyland has reviewed the EA and appreciates the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff's analysis of potential benefits, impacts, and mitigation related to construction and operation of the Project and proposed route alternatives. In these comments, Dairyland provides several corrections and clarifications related to the EA, and specifically responses to conditions proposed in the DRP.

I. Comments on the EA.

In an effort to ensure a clear record in this matter, Dairyland identified several clarifications and minor corrections to the content in the EA. The following paragraphs are organized according to the sections of the EA, not in any order of import. Most of the changes are minor clarifications, and, in a few instances, reflect minor updates to the planned Project substation design.

In Section 1.2 of the EA, the Project Area described in Table 1 is incorrect.¹ Table 1 identifies Section 30 and 31 of Greenfield Township in Range 10 West, but those sections are actually in Range 9 West.²

Section 3.3 of the EA states that the “[t]he Applicant is proposing to develop 4.0 acres of a 10.8-acre property, which will include the fenced area, stormwater pond, parking, access road, and transmission line ROWs that will enter/exit the substation.” Based on additional design information, the Kellogg Substation area will include a stormwater management system and not a stormwater pond. In the following section, Dairyland offers a modification to Section 2.3 of the DRP to reflect this change.

Section 3.7 of the EA states that the “[t]ransformer and reactor secondary oil containment will be a concrete-lined pot filled with stone.” Based on further engineering review, Dairyland is not planning to use a concrete-lined pot filled with stone for containment, but instead Dairyland will use an excavated pit that is referred to as a containment moat. Dairyland again offers a modification to Section 2.3 of the DRP to reflect this change.

Section 3.7 of the EA states that “[t]he ground grid will be installed 18 inches below the subgrade surface throughout the substation pad and extend 4 feet outside the substation security wall.” Dairyland would like to clarify that it will not utilize security walls but will use security fencing instead. Dairyland suggests a change to Section 2.3 of the DRP to reflect this change as well.

Section 4.5.1.1 of the EA states that “[l]ines must have an electric field level of more than 8 kV/m at one meter above ground.”³ This should instead read “[l]ines must have an electric field level of less than 8 kV/m at one meter above ground.” The Minnesota Environmental Quality Board developed a standard of a maximum electric field (EF) limit of 8-kV per meter (kV/m) at one meter (3.28 feet) above ground, and the Commission has adopted this standard.⁴ As stated in the Application, “[t]he peak magnitude of [electric field] associated with the new line (1.2-kV/m) will be significantly less than the maximum [electric field] limit adopted by state regulators (8-kV/m).⁵”

Section 4.9 of the EA states that “[g]iven the lack of previous archaeological survey over much of the ROI, it is recommended that a Phase I archaeological reconnaissance of the final route and substation location be conducted.”⁶ Dairyland agrees with this recommendation and committed to

¹ EA (Jan. 31, 2025) (eDocket No. 20251-214724-01).

² See Dairyland’s Wabasha Relocation Project Certificate of Need and Route Permit Application at 1-5 (March 27, 2024) (eDocket No. 20243-204688-06) (Application).

³ EA at 53.

⁴ Application at 8-25.

⁵ Application at 8-65.

⁶ EA at 75.

completing a Phase I archaeological survey for the route that is designated by the Commission in the route permit in Britta Bergland's Direct Testimony.⁷

Section 4.9.1.3 of the EA states that "[t]he APR [Applicant's Preferred Route] then decreases in elevation sharply from approximately 1,100 feet to 700 feet amsl from MPs 8.5 to 9.7 as the APR descends the bluff on the east side of the Mississippi River valley." For clarification, the APR descends the bluff on the west side, not the east side of the Mississippi River valley. Dairyland also notes that the last sentence of the first paragraph of the section discussing "Geology" appears to be incomplete.

Section 4.9.1.7 of the EA states that "the Applicant will obtain a Floodplain Permit from the DNR and will integrate all stipulations and requirements in the final project design and plans."⁸ Dairyland is not aware of the need for a floodplain permit from the Minnesota Department of Natural Resources (MDNR) for this Project.

Section 4.9.1.10 of the EA states that "[a]ny eagle or other migratory bird nests discovered during survey of the line or in the land acquisition process will be reported to the USFWS, and the Applicant will adhere to guidance provided." This language appears to be an overly broad requirement. Dairyland suggests that this language be revised to state that, "Dairyland will comply with the Bald and Golden Eagle Act and Migratory Bird Treaty Act and coordinate with the USFWS as required."

Section 4.9.1.11 of the EA states that "If the USFWS determines the Monarch Butterfly should be listed and protections for the species coincide with planning, permitting, and/or construction, the Applicant will review project activities for potential impacts to the species and develop appropriate avoidance and mitigation measures. Constructing within and/or adjacent to an existing utility ROW minimizes impacts to suitable habitat for the Monarch Butterfly." Dairyland notes that the Monarch Butterfly has now been proposed for listing as threatened.⁹ This update in status is relevant throughout this section of the EA where the monarch butterfly is discussed (e.g., Table 25, and other mentions).

Section 4.9.1.11 of the EA also states that "[t]he Rolling Prairie Beneficial Use Area is a 100-year plan designed to manage Inland waterway dredged sediments from dredged navigation channels west of the Project along the Mississippi River." The Mississippi River navigation channel is east of the Project, and Dairyland is not aware of any navigation channels west of the Project.

II. Comments on Conditions Proposed in the DRP.

⁷ Direct Testimony of Britta Bergland at 5:9-18 (Jan. 28, 2025) (eDocket No. 20251-214482-03).

⁸ EA at 95.

⁹ <https://www.federalregister.gov/documents/2024/12/12/2024-28855/endangered-and-threatened-wildlife-and-plants-threatened-species-status-with-section-4d-rule-for>

Dairyland provides the following comments on conditions proposed in the DRP.

In Section 2 of the DRP, the Project Location described in the table is incorrect.¹⁰ The table has Section 30 and 31 of Greenfield Township located in Range 10 West, but as stated in the Application, those sections are located in Range 9 West.¹¹ Dairyland proposes the following revisions to Section 2:

The Transmission Facility is located in the following:

| County | Township Name | Township | Range | Section |
|---------|-------------------|------------------|---------------|--------------------------------------|
| Wabasha | Plainview | 108 North | 11 West | 1 and 2 |
| | Watopa | 109 North | 10 West | 4, 5, 7, 8, and 18 |
| | Highland | 109 North | 11 West | 13, 23-26, 34, and 35 |
| | <u>Greenfield</u> | <u>110 North</u> | <u>9 West</u> | <u>30 and 31</u> |
| | Greenfield | 110 North | 10 West | 25-27, 30, 31 , and 33-36 |

Sections 2 and 2.1 of DRP contain different information regarding typical span lengths and pole heights. As stated in the Application and in Sage William's Direct Testimony, typical pole heights for the Project will range from 75 to 140 feet above ground and spans between poles will range from 250 to 1,000 feet. Construction will occur within a typical 100-footwide right-of-way (ROW) easement that Dairyland will obtain to operate the transmission line.¹² Dairyland proposes the following revisions to Section 2:

2 Transmission Facility Description

The Project would involve installation of ~~70~~5- to ~~140~~40-foot-high steel monopoles placed ~~400~~250 to ~~800~~1,000 feet apart within a 100-foot-wide right-of-way and construction of a new 4.0-acre substation located on a 10.8 acre site off of County Road 84, southeast of Kellogg.

Dairyland proposes the following revisions to Section 2.1:

2.1 Structures

¹⁰ EA (Jan. 31, 2025) (eDocket No. 20251-214724-01).

¹¹ Application at 1-5.

¹² Application at 1-4; Direct Testimony of Sage Williams at 3:16-18 and 6:2 (Jan. 28, 2025) (eDocket No. 20251-214482-02).

The majority of the new 161-kV transmission line will consist of single circuit steel structures spaced approximately ~~302~~²⁵⁰ to 1,000 feet apart. Transmission structures will typically range in height from 75 to 140 feet above ground, depending upon the terrain and environmental constraints. The average diameter of the steel structures at ground level is 37 inches. Poles will be oriented in a delta configuration (one overhead ground wire at the top, two phases on one side and a single phase on the other) supported by suspension insulators at tangent structures and strain insulators at tension structures. All tangent poles with a line angle of 2 degrees or less will be directly embedded in the soil. Any structure with a line angle of greater than 2 degrees will be supported on a drilled shaft concrete foundation. Special horizontally configured structures (H-frame or 3 pole structures) may be required to cross under any higher voltage circuits in the corridor.

As noted above, Dairyland has identified three changes to Section 2.3 of the DRP to better reflect the current planned design of the proposed Kellogg Substation. These changes include (1) updating the description of the stormwater pond to instead refer to the stormwater management system, (2) modifying the description of the secondary containment method for the transformer, and (3) changing the reference to the security wall to security fencing. Dairyland proposes the following edits to Section 2.3 of the DRP:

2.3 Substations and Associated Facilities

The Kellogg Substation facilities are proposed to be sited on 4 acres within a larger 10.8-acre parcel of land. Approximately 4 acres of the site will be used for the substation, access road, and stormwater ~~drainage features~~ management systems. Site preparation would include installing erosion and sediment control BMPs, stripping topsoil, and hauling in structural fill to build up the subgrade for the substation pad. Once the substation pad is built to the subgrade, all areas will be restored, and the site will be ready for use. This work will occur the year prior to transmission line and substation construction to allow for one winter to allow the ground to settle. Construction within the newly prepared substation pad will consist of drilled pier foundations ranging in size from three to 7.0 feet in diameter and 10 to 35 feet deep. The foundations will be installed to support transmission line dead-end structures, static masts, and bus and equipment support structures. Slabs-on-grade 8.0-foot square by 2.0 feet thick will be used for 161-kV circuit breakers, and 6.0-foot square by 2.0 feet thick will be used for 69-kV circuit breakers. The control building will be on a 20-foot by 40-foot- by 1-foot-thick

concrete slab. Transformer and reactor secondary oil containment will be installed ~~concrete-lined pot filled with stone~~. Conduit for control and communication cables and grounding conductor will be installed prior to the placement of the final layer of crushed rock surfacing. The ground grid will be installed 18 inches below the subgrade surface throughout the substation pad and extend 4.0 feet outside the substation security ~~wall~~fencing.

Section 4 of the DRP provides that the permittee is authorized to obtain a new permanent ROW for the transmission line up to 100 feet in width. Dairyland requests that this language be revised to allow for limited scenarios in which a ROW larger than 100 feet may be needed. Dairyland proposes the following edits to Section 4 of the DRP:

4 Right-of-Way

This route permit authorizes the Permittee to obtain a new permanent right-of-way for the transmission line ~~up to~~typically 100 feet in width. The permanent right-of-way is typically 50 feet on both sides of the transmission line measured from its centerline or alignment.

The anticipated alignment is intended to minimize potential impacts relative to the criteria identified in Minn. R. 7850.4100. The final alignment must generally conform to the anticipated alignment identified on the route maps unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or as otherwise provided for by this route permit.

Any right-of-way or alignment modifications within the Designated Route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way and alignment identified in this route permit and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.1 of this route permit.

Where the transmission line parallels existing highway and other road rights-of-way, the transmission line right-of-way shall occupy and utilize the existing right-of-way to the maximum extent possible; consistent with the criteria in Minn. R. 7850.4100, and the other requirements of this route permit; and for highways under the

jurisdiction of the Minnesota Department of Transportation (MnDOT), the procedures for accommodating utilities in trunk highway rights-of-way.

Based on its Tribal coordination efforts, Dairyland does not anticipate that all Tribal Historic Preservation Offices (THPOs) are interested in receiving the Phase I Archaeological Survey Report. Dairyland proposes the following edits to Special Condition 6.5 of the DRP:

6.5 Cultural and Archaeological Resources

The Permittee shall conduct a Phase I archaeological survey of the permitted route and substation location ~~be conducted~~. A technical report containing the survey results must be submitted to relevant Minnesota Tribal and State Historic Preservation Offices for review and comments. Survey results, comments on results, and any mitigation measures shall be ~~filed~~ at least 14 days prior to the pre-construction meeting.

Regarding Special Condition 6.6 of the DRP, Dairyland agrees with MDNR's comment from December 16, 2024, requiring the Permittee to re-consult with MDNR for further Natural Heritage Review for the final route selected by the Commission.¹³ Because it is likely that listed species and associated recommendations could be updated between now and construction, Dairyland suggests the following revisions to Special Condition 6.6 of the DRP:

6.6 State-protected Species

Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of BMPs for ~~the following~~ state-protected threatened and endangered species.÷

- ~~Bell's Vireo~~
- ~~Lark Sparrow~~
- ~~Kentucky Coffeetree~~
- ~~Blanding's Turtle and Wood Turtle~~
- ~~Seaside Three-awn, Claspig Milkweed, and Beach Heather~~

During the public hearing, a number of comments addressed potential impacts and mitigation related to stray voltage. Dairyland plans to reply to these comments and recommend modifications to DRP Condition 6.1 in its March 10, 2025 reply comments.

¹³ EA at 231.

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III. Conclusion.

Dairyland appreciates this opportunity to provide these reply comments to the EA and DRP. Consistent with the scheduling order, Dairyland plans to provide responses to public comments on March 10, 2025.

These comments have been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service List of record. Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Christina K. Brusven

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CERTIFICATE OF SERVICE

Maia Martinez certifies that on the 3rd day of March, 2025, she e-filed a true and correct copy of Comments on the Environmental Assessment and the Revised Appendix D Draft Route Permit on behalf of Dairyland Power Cooperative via eDockets (www.edockets.state.mn.us):

Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: March 3, 2025

Signed: /s/ Maia Martinez

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