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May 22, 2023

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

In the Matter of the Application of Dodge County Wind, LLC for a Certificate of Need, a Site Permit, and a Route Permit for the up to 259 MW Large Wind Energy Conversion System and associated 161 kV Transmission Line in Dodge, Mower and Steele Counties, Minnesota

PUC Docket Numbers: IP6981/CN-20-865 (certificate of need); IP6981/WS-20-866 (site permit); IP6981/TL-20-867 (route permit)

Dear Consumer Affairs Staff,

On May 2<sup>nd</sup>, 2023, the Minnesota Public Utilities Commission (Commission) issued a Notice of Comment Period on the Certificate of Need, Site Permit and Route Permit Applications for the Dodge County Wind, LLC (Applicant) for their proposed 259-megawatt (MW) wind generation project and 161kV Transmission Line in Dodge, Mower and Steele Counties. The Minnesota Department of Transportation (MnDOT) has reviewed the topics open for comment and submits the following for Commission consideration in response to the Notice.

Exclusively as a pilot project, MnDOT has determined that Applicant's Dodge County Wind 161kV Gen-Tie<sup>1</sup> line can be accommodated within right-of-way under our purview, to the extent possible. This accommodation will have the same level of scrutiny and expected Utility Accommodation Policy adherence as any other registered Public Utility within the state seeking utility placement within MnDOT rights-of-way. This determination has the potential to mitigate, minimize and aid in avoiding potential impacts of routes currently on the record. Should the option to place any part of the proposed Gen-Tie line longitudinally within MnDOT right-of-way move forward for consideration, MnDOT would like to take this opportunity to address downstream permitting requirements, functional group considerations, special permit conditions and other expectations.

Most of the Gen-Tie line route and route alternatives propose to utilize existing road rights-of-way under the jurisdiction of several different road authorities. While lessening environmental, human, and other impacts of the project, the sharing of such established corridors has the potential to negatively affect the intended use of finite resources such as roadways. Because of the extent of this potential use, MnDOT believes that specific information should be provided to assist road authorities in a thorough review of the project's effects and to ultimately help inform the Commission on an authority's ability to issue downstream permits or agreements.

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<sup>1</sup> [Glossary - U.S. Energy Information Administration \(EIA\)](#) **Tie line (electric):** A circuit connecting two Balancing Authority Areas. Also, describes circuits within an individual electrical system.

Specifically, where the route plans to utilize road right-of-way, the Applicant should provide detailed sketches to the affected authorities showing the Gen-Tie alignment including pole placement. This information should be supplied within a timeframe that allows road authorities to review and report back on the feasibility of any given route prior to the granting of permits by the Commission.

Placement of aerial lines within trunk highway right-of-way is also guided by [MN Rules 8810.3500](#) stating “There shall be only a single pole line on the trunk highway right-of-way on either side of the center line thereof, unless otherwise authorized in the special provisions of the permit for construction.” Considering this guidance, the Applicant should make every effort to collocate with or otherwise ensure that MnDOT trunk highways are not “boxed in” by existing above ground utility infrastructure for the length of any line that may parallel within road right-of-way.

Because this Gen-Tie line will be constructed to serve the single purpose of supplying power from the Dodge County Wind Farm to Great River Energy’s Pleasant Valley Substation, MnDOT permit applications seeking to use this line for future transmission distribution will not be permitted. Conversely, MnDOT would be supportive of the Applicant choosing to pursue a double-circuit option for this line with the intended use of accommodating future Public Utility placement. MnDOT believes that double-circuit capable Gen-Tie lines would be a wise use of resources as well as lessening overall impacts of future electrical grid expansion.

#### Office of Environmental Stewardship

As a standard part of our permit review process, all applicable MnDOT utility permit applications are subject to review by our Office of Environmental Stewardship (OES). These reviews may result in additional construction criteria and/or a request to move portions of a planned project outside of any given area of concern. MnDOT has identified the following locations in the Draft Route Permit where the route or segment alternatives cross or are collocated with Trunk Highways under our jurisdiction.

- Preferred Route
  - Crossing of Trunk Highway 56 at 700<sup>th</sup> Street
  - Crossing of Trunk Highway 30 at 220<sup>th</sup> Street
- Minnesota Department of Natural Resources (MDNR) South Alternative
  - Crossing of Trunk Highway 30 at 210<sup>th</sup> Street
- MDNR North Alternative
  - Collocation with Trunk Highway 56 for two miles

OES staff conducted a cursory review of the routes and segment alternatives presented in the maps provided in the [Draft Site Permit](#) focusing on the areas listed above. OES understands additional segment alternatives are being discussed and may warrant additional review in the future. A summary of OES comments and recommendations pertaining to various environmental resources is provided in *Attachment 1* of this letter.

#### Planning

As previously stated in the record, MnDOT’s highway construction activities could impact the Applicant’s plans to construct the Gen-Tie line and haul oversize loads to the proposed LWECS site. The Applicant will need to coordinate with MnDOT when planning such loads. These projects can change and therefore, the applicant should regularly check the MnDOT website at [MNDOT District 6 Projects](#) to remain up to date of the latest project information.

#### Expected Permit Requirements

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The Applicant and their contractors should familiarize themselves with both MnDOT's Utility Accommodation on Highway Right of Way Policy and Utility Accommodation and Coordination Manual, both found here: [MnDOT Policy and Guidance Utility Agreements & Permits](#) To avoid sight distance impairment, poles may not be placed within site corners of at-grade road crossings. Poles are to be placed at a 50-foot minimum from any bridge structure. Poles must be placed outside of clear zones<sup>2</sup> and should be expected to exist within the outer 5 feet of the road right-of-way. It is the Applicant's responsibility to use MnDOT mapping to show their proposed work along with all existing utilities within the affected road rights-of-way. These maps should accompany all MnDOT permit applications at the time of submittal - [MnDOT Permit Forms](#).

Should the Commission issue a Site and Route Permit to Dodge County Wind, LLC for this project, continued early coordination with MnDOT staff is strongly encouraged. Any MnDOT permits applied for as a part of this project will not be issued until the Commission has issued approved Site and Route permits for this project. All applicable permitting, traffic control, and construction coordination efforts should be made through MnDOT's District 6B Engineering Specialist Senior, Dave Evans at 507-517-4000 or [david.evans@state.mn.us](mailto:david.evans@state.mn.us). MnDOT District Specialists should be given the opportunity to participate in pre-construction meetings as they apply to MnDOT owned property.

MnDOT has a continuing interest in working with all parties to ensure that possible impacts to the entire state trunk highway system, the traveling public and environmentally significant areas of concern are adequately addressed.

Thank you for the opportunity to provide these comments.

Sincerely,

***Stacy Kotch Egstad***

Utility Routing and Siting Coordinator  
Minnesota Department of Transportation  
Office of Land Management  
[stacy.kotch@state.mn.us](mailto:stacy.kotch@state.mn.us)

Attachment 1: MnDOT OES Comments and Recommendations

cc: Dave Evans – MnDOT District 6 Permits

*Equal Opportunity Employer*

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<sup>2</sup> [Clear Zones | FHWA \(dot.gov\)](#) A Clear Zone is an unobstructed, traversable roadside area that allows a driver to stop safely, or regain control of a vehicle that has left the roadway.

# Attachment 1

MNDOT OES COMMENTS

Summary of OES Comments and Recommendations		
Resource / Topic	Section in Route Permit	Comments / Revisions
Noise	5.3.6	No comments at this time.
Aesthetics	5.3.7	Agree with language regarding minimization of tree removal and land disturbance. At crossings of MnDOT trunk highways (TH), recommend poles be placed as far away from the roadway as feasible. If the route will be collocated within MnDOT ROW, recommend pole placement be decided in consultation with MnDOT to minimize aesthetic and safety impacts.
Soil Erosion and Sediment Control	5.3.8	Given the size of the Project, we assume the Applicant will be required to obtain coverage under the Minnesota Pollution Control Agency's (MPCA) Construction Stormwater General Permit (MNR100001). If a portion of the final alignment is located within MnDOT ROW, we request that the Applicant submit a copy of its Construction Stormwater Pollution Prevention Plan (SWPPP)/ erosion and sediment control details to MnDOT OES for review/approval prior to filing its Notice of Intent for coverage under MPCA's MNR100001. In addition, MnDOT reserves the right to conduct inspections of the project for portions that are within MnDOT ROW during and after construction.

### Summary of OES Comments and Recommendations

Resource / Topic	Section in Route Permit	Comments / Revisions
Wetlands and Water Resources	5.3.9	<p>Both potential crossings of TH 30 (see sheet 4 in the mapset provided in the draft Route Permit) may cross state and/or federally regulated wetlands. Ground disturbance of regulated aquatic resources at these (or other) locations must comply with all applicable federal Clean Water Act Section 404 and Minnesota Wetland Conservation Act (WCA) regulations.</p> <ul style="list-style-type: none"> <li>• If ground-disturbing activities are proposed at the crossings of the TH 30 ROW, MnDOT may require a wetland delineation to be performed throughout the areas of proposed disturbance. The delineation would require approval by MnDOT’s OES, as the Local Government Unit (LGU) responsible for administering the WCA within state TH ROW.</li> <li>• The project must avoid, minimize, and mitigate any permanent fill, excavation, or drainage within delineated wetlands to the extent required by state and federal law.</li> </ul> <p>In addition, if the route is sited <i>within</i> MnDOT ROW, we may require the Applicant to conduct wetland and waterbody field delineations and submit data/reports to MnDOT for portions within and adjacent to MnDOT ROW. We recommend utility poles be placed outside of delineated wetlands and waterbodies, where feasible and sediment and erosion controls be installed around wetland/waterbody features during construction activities, consistent with MPCA’s Construction Stormwater General Permit.</p> <p>In addition, we recommend the following revisions to Section 5.3.9 of the draft Route Permit:</p> <ul style="list-style-type: none"> <li>• add <i><u>“and minimize soil disturbance and compaction”</u></i> to the end of this sentence: <i>“When construction during winter is not possible, the Permittee shall use wooden or composite mats to protect wetland vegetation.”</i></li> <li>• Add the following text in &lt;&lt; &gt;&gt; to this sentence: <i>“The Permittee shall assemble power pole structures on upland areas before they are brought to the site for installation. The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions &lt;&lt;, <u>including ground elevations, contours, substrate, plant communities, and hydrological regime.</u>&gt;&gt; in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.”</i></li> <li>• Add MnDOT OES to the list of agencies in the last sentence in this section. MnDOT OES serves as the WCA local unit of government for all activities within TH ROW.</li> </ul>

Summary of OES Comments and Recommendations		
Resource / Topic	Section in Route Permit	Comments / Revisions
Vegetation Management	5.3.10	<p>The majority of the project is located in a Low Potential Zone for the federally-endangered Rusty Patch Bumble Bee (RPBB), and some portions are located in a High Potential Zone for RPBB. The Applicant should consult with the U.S. Fish and Wildlife Service with respect to the species, and limit ground disturbances to the extent practical in areas of semi-natural or natural vegetation.</p> <p>State-listed threatened and endangered species may be located along portions of the route along MnDOT ROW. We recommend the Applicant consult with the MDNR to identify recorded locations and conduct species-specific surveys prior to construction to confirm locations prior to identifying pole placement and temporary workspaces. MnDOT requests copies of all biological field survey data/reports within its ROW be submitted to MnDOT.</p> <p>Recommended revision to Section 5.3.10 of the draft Route Permit:</p> <ul style="list-style-type: none"> <li>Define “tall growing” and “low growing” vegetation/species.</li> </ul>
Pesticides	5.3.11	<p>Require Applicant to develop a Vegetation Management/Pesticide/Revegetation Plan and submit for MnDOT review/approval. Any proposed pesticides and application rates should be submitted to MnDOT for approval (<i>NOTE: Use of herbicides or similar chemistries may be limited to spot treatments via hand tools only [i.e., no equipment mounted broadcast applications]</i>).</p> <ul style="list-style-type: none"> <li>Herbicide used on MnDOT ROW must be labeled for use on rights-of-way.</li> <li>Pesticide applicators must be state-certified in Categories A and J (see: <a href="https://www.mda.state.mn.us/pesticide-fertilizer/pesticide-applicator-license-types">https://www.mda.state.mn.us/pesticide-fertilizer/pesticide-applicator-license-types</a>)</li> <li>Herbicide records for work on MnDOT’s ROW must be provided to the local MnDOT District Office (District 6)</li> </ul> <p>MnDOT reserves the right to conduct post-construction inspections to verify compliance with plans/permit conditions.</p>
Invasive Species	5.3.12	<p>If any part of the Project occurs on MnDOT’s ROW, the Applicant’s Invasive Species Prevention Plan must be submitted to the OES-Roadside Vegetation Management Unit for review and approval.</p>

### Summary of OES Comments and Recommendations

Resource / Topic	Section in Route Permit	Comments / Revisions
Noxious Weeds	5.3.13	<p>Prior to construction, the Applicant should conduct a field survey for noxious weeds in all project workspaces. If any state prohibited or county designated noxious weeds (<a href="https://www.mda.state.mn.us/plants-insects/minnesota-noxious-weed-list">https://www.mda.state.mn.us/plants-insects/minnesota-noxious-weed-list</a>) are identified, the contractor must clean equipment before leaving and/or entering MnDOT ROW to prevent the spread.. All efforts must be made to prevent transportation of propagative parts to new areas. Movement of propagative parts of these plants is prohibited by Minnesota Statutes, Section 18.82.</p> <p>If transportation of soil or plant parts from the site is necessary, a transportation permit will be required. Questions regarding noxious weed law or noxious weed transportation permits can be directed to the Minnesota Department of Agriculture at <a href="mailto:emilie.justen@state.mn.us">emilie.justen@state.mn.us</a>.</p> <p>MnDOT reserves the right to conduct post-construction inspection to verify compliance with plans/permit conditions.</p>
Roads	5.3.14	No comments at this time.
Archaeological and Historical Resources	5.3.15	Request Applicant prepare an Unanticipated Discoveries Plan (UDP) and submit to MnDOT for review. MnDOT Cultural Resources staff should be notified in the event of an unanticipated find on MnDOT property and contact information for these staff must be included in the UDP.
Avian Protection	5.3.16	Minimize tree clearing/trimming within MnDOT ROW to extent possible. Tree clearing may be restricted to winter months (November 15 - March 31). If construction activities occur within the nesting season for migratory birds, conduct pre-construction nest surveys. If active nests are discovered, implement a Migratory Bird Plan to avoid and minimize impacts.
Restoration	5.3.17	<p>If areas are disturbed on MnDOT's ROW, the area must be restored to a similar vegetation cover, except when that vegetation will endanger safe operation or maintenance of the utility/facility. Seeding should match existing surrounding vegetation, and native seed must have a yellow tag through the Source Identified Native Seed Program. Any seed that is to be planted on MnDOT's ROW must be a mix approved in MnDOT's seeding manual: <a href="https://www.dot.state.mn.us/environment/erosion/pdf/seedingmanual.pdf">https://www.dot.state.mn.us/environment/erosion/pdf/seedingmanual.pdf</a>.</p> <p>MnDOT reserves the right to conduct its own post-construction inspection on MnDOT ROW to verify restoration status prior to the permittee filing their Notification of Restoration Completion with the Commission.</p>



Summary of OES Comments and Recommendations		
Resource / Topic	Section in Route Permit	Comments / Revisions
Cleanup	5.3.18	No comments at this time.
Pollution and Hazardous Wastes	5.3.19	If hazardous wastes are generated, disposal must be at a MnDOT approved waste contractor (see: <a href="http://www.dot.state.mn.us/environment/regulatematerials/wastemgmt.html">http://www.dot.state.mn.us/environment/regulatematerials/wastemgmt.html</a> )
Special Conditions	6.0	MnDOT reserves the right to conduct post-construction inspections on MnDOT ROW to verify compliance with plans/permit conditions. Applicant to be responsible for the cost of relocating utility poles, if required, for future MnDOT construction activities <a href="#">Sec. 161.45 MN Statutes</a> .