COMMERCE DEPARTMENT

June 6, 2025

Mr. Will Seuffert

Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: Vegetation Management Plan
Forks-Rost 161 kV HVTL Project
PUC Docket No. ET6675/TL-24-232
OAH Docket No. 5-2500-40519

Mr. Seuffert:

EERA, on behalf of the interagency Vegetation Management Planning Working Group (VMPWG), respectfully submits comments on the Vegetation Management Plan (VMP) proposed ITC Midwest, LLC (ITC) (Applicant).

The VMPWG has reviewed the draft VMP for the proposed Forks-Rost 161 kV Transmission Line Project (Project) included as Appendix K of the Route Permit Application filed September 30, 2024.[1] The VMPWG does not recommend any action by the Minnesota Public Utilities Commission (Commission) at this time, but is providing comments to facilitate transparency in the record as the VMPWG works with ITC to arrive at a VMP that is adequate to meet pre-construction compliance filing requirements.

Overall, the plan for site restoration and implementation appears to be achievable and includes a range of potential seed mixes that can meet the applicant's objectives of vegetation management that will:

- Develop and maintain cooperative relationships with landowners along the ROW to accommodate reasonable requests and preferences related to ROW vegetation management.
- Comply with applicable requirements in federal, state, and local permits, licenses, and/or easements.
- Limit the introduction and spread of noxious weeds and invasive species (NWIS) due to the Project.

[1] ITC Midwest LLC, *Route Permit Application: Forks-Rost 161 kV Transmission Line Project and Switching Station. Appendix K, Vegetation Management Plan (pp. 25-38)*. September 30, 2024, eDocket No. 20249-210582-06.

The VMPWG is committed to working with applicants and permittees to ensure that site restoration is successful and meets the objectives laid out in the management plan. The VMPWG provides these specific comments on the plan and recommends that ITC address these comments in its pre-construction VMP submittal:

Goals and Objectives

- The applicant should connect their management objectives to the corresponding VMP goals. Short-term and long-term management goals and objectives are also necessary for each management section.

Management Sections

- The VMPWG recommends the applicant define Project "management sections" based on the different vegetation communities that planned for restoration along the route (e.g., residential turfgrass, inslopes, pollinator habitat, stormwater ponds, wetlands etc.). The Construction, Restoration, and Maintenance sections of the VMP should include general BMPs that will apply to all areas within the route, such as the clearing of dangerous trees, and be further split by management section for the discussion of any section-specific BMPs, such as the establishment requirements of pollinator habitat.

Environmental Setting and Existing Conditions

- The VMP must comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The applicant must keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.
- In addition to state-listed and endangered species, consider the following sensitive areas in your environmental setting section:
    - Crossing lands with tribal interest.
    - Lands with cultural or historic interest.
    - Identify calcareous fens and rare natural communities under WCA.

Rare and Sensitive Resources

- The VMPWG requests the applicant identify and address any rare species or sensitive resources within the proposed route. The following information should be included in the environmental setting section of the VMP:
    - A conservation planning project report from MN DNR Minnesota Conservation Explorer tool (https://mce.dnr.state.mn.us/) to identify conservation areas of concern along the proposed route.
    - The rare species requirements from DNR Natural Heritage Review.

Vegetation Clearing

- Project clearing should be designed to avoid impacts to bats, nesting birds, and migratory birds in preparation for route-specific permit conditions and avoidance measures. The applicant is advised that coordination with DNR may be necessary to ensure impacts are appropriately avoided. The VMP should include additional detail about tree removal timing and anticipated acreage to minimize impacts and comply with avoidance plans. The VMP should include species-specific identification and monitoring to ensure consistency with applicable avoidance measures (e.g., NHIS or USFWS) or special permit conditions.
- The applicant should clarify if any mitigative strategies will take place to reduce the impacts of tree removal. (e.g., providing brush piles for wildlife habitat, following guidance for seed mixes under wire area, harvesting forage/hay as a management tactic with landowner agreement.)
- The applicant should clarify if there will be herbicide application to stumps and identify the type and application method of said herbicides.

ROW Preparation and Construction

- The VMP should further describe the different pre-construction activities planned for the ROW including surveying, establishing laydown areas, and installing temporary roads and travel lanes.
- The applicant should describe the activities, steps, and equipment required for the construction of the transmission line.

Erosion and Sediment Control BMPs

- The Project BMPs are designed to be consistent with DNR's wildlife-friendly erosion control standards.
- The applicant should develop an erosion monitoring plan for wet soil conditions that identifies the factors to be monitored and the appropriate responses in erosion scenarios.
- The VMP should describe the temporary and permanent erosion and sediment control BMPs that will be used, and describe the conditions/locations where they will be installed.

Herbicide Application

- Herbicide should be applied as a spot treatment to limit the likelihood of spray drift. If broadcast spray applications are anticipated, the applicant should include a plan in the VMP to prevent herbicide spray drift from entering existing native plant communities, sensitive areas, or landowner properties.
- The applicant should provide additional information regarding herbicide use, including herbicide type, surfactant rate, and frequency.

Restoration and Establishment

- Additional information regarding the management, movement, removal, and disposal of soil during restoration is needed.
- The applicant should provide more detail about how areas will be identified for natural revegetation vs. seed installation.
- The discussion of site preparation should include more details about soil preparation prior to seeding, including methods for decompaction and loosening soils.

Seed Mixes

- The VMPWG encourages the applicant's intended use of diverse, native perennial seed mixes in the route to the maximum extent possible, such as landowner-approved pollinator vegetation, as they provide maximal wildlife and ecosystem benefits. Additionally, the VMPWG appreciates the use of BWSR and MnDOT seed mixes, and recommends that seed mixes should be considered to address site-specific needs.
- Project seed mixes should be chosen with the following considerations, with the acknowledgement that they may not be applicable to the management sections that are restored to agricultural or residential lawn use:
    - Plant species should be consistent with the surrounding vegetation, and both seed mixes and management should be tailored to geography, native ecosystem, and soil type. The applicant is advised to consider the effects of sunlight exposure, moisture levels, topography, and climate resilience on plant establishment when selecting seed mixes.
    - The applicant should utilize native seed mixes when appropriate or required by permit. Native seed mixes should be used on borders with Native Plant Communities, Minnesota Biological Survey Sites of Biodiversity Significance, and/or sensitive natural areas. Transmission line routes can provide habitat and act as dispersal corridors for wildlife, and the applicant is encouraged to promote the creation and restoration of wildlife habitat along the route.
- EERA and partner agencies request that the applicant provide a list of species substitutions for each seed mix. The applicant can work directly with EERA, BWSR, and DNR or use the seed substitution list provided by BWSR. The goal is to ensure that the ecological niche and guild of a plant species is retained when substitutions are necessary.

Vegetation Management

- The applicant should describe the periodic vegetation management techniques that will be utilized during the Project's Operation and Maintenance phase. Vegetation management methods should be timed to avoid impacts to ground-nesting birds, bats, pollinators, and other wildlife. Vegetation management methods should also be tailored to the specific management

section and the appropriate land use type, such as the management of pollinator vegetation vs. turf grass.

Herbicide Use and Weed Control

- Mowing can increase the presence of noxious weeds, and the mower can spread these species throughout the site. The use of mowing to prevent the development of noxious, invasive, and woody plants should be approached with caution.
- Managing weeds is important in vegetation restoration. Weed control through herbicide management should only include spot treatments, not broadcast spray, and the VMPWG recommends that spot treatments be required, not preferred, as a management technique. The VMP should include a description of steps that will be taken to ensure that spray drift will not impact nearby land. The applicant is advised that widespread application of herbicides may act as a pre-emergent and reduce germination of desired vegetation.

Monitoring and Inspections

- The VMPWG recommends that monitoring and inspections be conducted by a qualified, third-party monitor with sufficient botanical experience in identifying native plants, native plant communities, invasive species, and non-native species typical of Minnesota.
- The applicant should describe the monitoring plan for areas where seeding and erosion control measures have been implemented. The monitoring plan should define the threshold upon which reseeding measures will be needed.
- An annual monitoring report allows for revisions to the Project VMP based on any shortcomings or challenges experienced during implementation. The VMPWG recommends the adoption of an annual reporting approach to keep the VMP “alive” and on track for successful implementation and long-term success. The contents of annual monitoring reports should be defined, and a submission protocol should be established within the VMP.

Updates to the Vegetation Management Plan

- The VMPWG understands that ITC is still finalizing aspects of the VMP and requests that ITC continue to coordinate with EERA and other state agencies as the VMP is finalized prior to construction.

In summary, EERA recommends that the applicant continue to coordinate with the VMPWG as it finalizes the vegetation management plan, including the identification of existing rare and sensitive resources, refinement of the installation, management, and monitoring plans to fit the anticipated goals and objectives, and an updated monitoring and inspection reporting plan. The VMPWG looks forward to the successful site restoration of the Forks-Rost 161 kV Transmission Project. The VMPWG will provide additional review and recommendations to the Commission as part of EERA’s pre-construction compliance review.

The VMPWG appreciates the opportunity to comment on the proposed Forks-Rost 161 kV Transmission Project and Switching Station.

Sincerely,

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EERA Environmental Review Manager

CC:

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