COMMERCE DEPARTMENT

September 5, 2024

VIA EDOCKETS

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

RE: EERA Responses to Environmental Assessment Comments on the Northland Reliability 345 kV Transmission Line Project

PUC Docket Nos. E015, ET2/CN-22-416
E015, ET2/TL-22-415
OAH Docket No. 21-2500-39822

Dear Judge Middendorf,

Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff offers the following responses to comments received on the environmental assessment (EA) prepared for the Northland Reliability 345 kV Transmission Line Project (project) proposed by Minnesota Power and Great River Energy (applicants).

Comments on the EA were received during public hearings held on July 22 through July 25, 2024 (in-person) and July 26, 2024 (virtual) and during the associated hearing comment period.[1] Interested persons had the opportunity to provide written and oral comments at the hearings, with additional time to provide written comments through August 5, 2024. Questions and comments posed at the public hearings were answered at the hearing to the extent possible.

Seven public hearings were held for the project as summarized below:

Date	Time	Location
July 22, 2024	6:00 p.m. – 8:00 p.m.	Hill City
July 23, 2024	11:00 a.m. – 1:00 p.m.	Brainerd
July 23, 2024	6:00 p.m. – 8:00 p.m.	Crosby
July 24, 2024	11:00 a.m. – 1:00 p.m.	Pierz
July 24, 2024	6:00 p.m. – 8:00 p.m.	Clear Lake
July 25, 2024	11:00 a.m. – 1:00 p.m.	Sauk Rapids
July 26, 2024	12:00 p.m. – 3:00pm	Remote Access

[1] Public Utilities Commission, June 28, 2024. *Notice of Public Hearings and Availability of Environmental Assessment.* [eDockets No. 20246-208131-02; 20246-208131-01]

Questions and comments were made by members of the public at all of the public hearings. General questions were posed about potential project impacts, including wildlife, habitat, agriculture, electromagnetic fields, displacement, aesthetics, project communication and notice, and property values; however, most comments were not directed to the analysis in the EA. Additionally, comments were received regarding specific route or alignment alternatives, as well as the possible consolidation of existing and new transmission lines. Finally, some questions focused on project need, how the project increased reliability, and whether other system alternatives such as distributed generation would be viable options to the project.

Written comments, those submitted during the hearings and during the associated comment period, were provided by the applicants, the Minnesota Department of Natural Resources, the Minnesota Forest Association, Clean Energy Economy, two labor unions, and approximately 95 members of the public.

The responses here begin with the applicants' comments, followed by those of the Minnesota Department of Natural Resources (DNR). Responses to comments from members of the public are then provided. Any modifications to the EA, along with corrections or additions resulting from these comments, are referenced in the body of this letter, with corresponding attachments detailing EERA's responses.

Applicants

The applicants provided comments on the EA including comments on EA text and analysis, project costs, feasibility, and permit conditions.[2]

1. **Displacements**

   The applicants note that the EA indicates that there are three residences that may be displaced by the applicants' proposed route. The applicants note that though these residences may be located within the right-of-way of the applicants' proposed route, these residences would not be displaced by the project.

   EERA staff has no comment on the applicants' analysis or discussion of possible displacements.

2. **Cuyuna Iron Range Historic Mining Landscape District**

   The applicants comment on the EA's summary of potential impacts to archaeological and historic resources – in particular, impacts to the Cuyuna Iron Range Historic Mining Landscape District. The applicants conclude that the "record demonstrates that the Applicants' Proposed Route is not anticipated to adversely affect this historic resource."[3]

   EERA staff notes that the EA does state that the applicants' proposed route will adversely affect this historic district. The EA notes that it may. Further, the EA notes that there are other routing options, route options 1 and 2, that will have less of an impact on this historic district than the applicants' proposed route.

[2] August 5, 2024, Applicants comment letter [eDockets 20248-209266-02; 20248-209266-01]
[3] Ibid.

3. Scenic Byways

The applicants note that Table 7-7 of the EA indicates that the applicants' proposed route crosses four scenic byways. The EA illustrates two crossings of a scenic byway, the Great River Road, for the applicants' proposed route.

EERA staff has amended Table 7-7 to note that the applicants' proposed route crosses the Great River Road twice, resulting in two crossings of a scenic byway (see Attachment A).

4. Species-Specific Best Management Practices

The applicants assert that species-specific best management practices (BMPs) are not necessary to mitigate potential impacts to rare and unique resources as these impacts will be mitigated by general mitigation measures. The EA notes that species-specific BMPs may be necessary for certain portions of the project and certain species.

EERA staff believes that the text of the EA is appropriate. Whether species-specific BMPs are necessary (or not) will depend on several factors including, but not limited to, the efficacy of general mitigation measures, the route permitted for the project, and the guidance of other state agencies, particularly the Minnesota Department of Natural Resources.

5. Double-Pole Structures

The applicants note that double-pole structures may be used for the project. The applicants indicate that such structures are not mentioned in the EA.

EERA staff has amended Chapter 3.2.2 of the EA to note that double-pole structures could be used for the project (see Attachment A).

6. Wider Route Widths

The applicants have requested relatively wider route widths in several areas of the project. The applicants note that one such area – the "Swatara Area" – was not included in the EA.

EERA staff has amended Chapter 3.3.1 of the EA to include the Swatara Area as an area of the project with a wider route width (see Attachment A).

7. New Plantings

The applicants note that new plantings are relatively less effective at mitigating aesthetic impacts of transmission lines.

EERA staff has no comment on the applicants' observations regarding new plantings.

8. Noise Receptors

The applicants assert that the EA incorrectly interprets the State of Minnesota's noise standards to include individuals working or recreating outdoors as "noise receptors."

EERA notes that the EA finds that potential noise impacts from the project are anticipated to minimal (see Chapter 5.3.6 of the EA). Additionally, noise impacts are not anticipated to vary with routing alternatives (see, e.g., Chapter 6.1.2.1 of the EA). Finally, Commission route permits require permittees to construct and operate their projects in accordance with the state's noise standards (see Appendix H of the EA). Accordingly, potential noise impacts, independent of how the term "noise receptor" might be interpreted, are not relevant to a Commission decision regarding a route permit for the project.

EERA staff believes that the text of the EA is appropriate. Staff finds that the terms "noise receptor" and "receiver" are not defined in Minnesota Rule 7030. Staff notes that the state's noise standards are promulgated and interpreted by the Minnesota Pollution Control Agency (MPCA). Regarding the noise area classifications used for the state's noise standards, MPCA notes – "Noise area classifications (NAC) are based on the land use *at the location of the person who hears the noise*, which does not always correspond with the zoning of an area. Therefore, noise from an industrial facility near a residential area is held to the NAC 1 standards *if it can be heard on a residential property*" (emphasis added).[4] EERA staff notes that MPCA's interpretation of noise area classifications appears to include persons working or recreating outdoors.

9. Wetland Impacts

The applicants note that the text of the EA with respect to potential wetland impacts is overly broad.

EERA staff believes the text of the EA is appropriate. The EA discusses potential impacts to wetlands that may occur due to the project. The EA also discusses measures that can be implemented to mitigate these impacts. Finally, the EA discusses standard permit conditions found in Commission route permits that are designed to mitigate wetland impacts (see Chapter 5.10.1.3. of the EA).

10. Hill City/Quadna Mountain Airport and Route B

The EA discusses the proximity of the Hill City/Quadna airport to route alternative B (Chapter 6.2.2.2). The EA describes the airport and mitigation measures that may be necessary such that the project, were it routed along alternative B, would not impact use of the airport.

The applicants provide a new analysis of the airport and route alternative B conducted by the Capital Airspace Group. The applicants conclude that route alternative B is not feasible due to impacts to the airport. In the alternative, the applicants conclude that alternative B is feasible but that the cost of mitigation measures would be substantial.

EERA staff has amended the EA to indicate that specialty structures or other mitigation measures would be necessary for route alternative B to avoid impacting the airport (see Attachment A). To

[4] A Guide to Noise Control in Minnesota, Minnesota Pollution Control Agency, November 2015, https://www.pca.state.mn.us/sites/default/files/p-gen6-01.pdf.

EERA's staff's understanding, mitigation measures may increase the cost of route alternative B; however, increased costs do not, per se, make the alternative infeasible.

11. Route Alternatives E4 and E5

The applicants note that the right-of-way for route alternatives E4 and E5 would pass through the existing Riverton Substation. The applicants note that this configuration is not constructible.

EERA staff concurs that the alignments for route alternatives E4 and E5 are depicted in the EA as passing through the Riverton Substation (see Maps 6-14 and 6-15; Chapter 6.3.4 of the EA). EERA staff also agrees that such alignments are not constructible. However, there is a route width associated with both alternatives and with the substation itself (Maps 6-14 and 6-15). To EERA staff's understanding, the alignments for E4 and E5 could be adjusted near the substation to allow for safe and proper operation of the substation. Accordingly, EERA staff believes E4 and E5 are feasible routes for the project.

12. Route Alternative B

The applicants reiterate that route alternative is not feasible. In the alternative, the applicants conclude that alternative B is feasible but that the cost of mitigation measures would be substantial.

As noted above, EERA staff has amended the EA to indicate that specialty structures or other mitigation measures would be necessary for route alternative B to avoid impacting the Hill City/Quadna Mountain airport.

13. Costs of Constructing Route Alternatives

During development of the EA, EERA staff worked with the applicants to estimate the costs of routing alternatives analyzed in the EA. After release of the EA, and following further discussion between EERA and the applicants, it was determined that some cost estimates in the EA were incorrectly calculated. The applicants' comment provides revised cost estimates.

EERA staff has amended the EA to incorporate the revised costs estimates provided by the applicants (Tables S-2, 6-22, 6-39, 6-54, 6-58, 6-62, 7-2, and 7-10) (see Attachment A).

14. Permit Conditions – Draft Site Permit, Appendix H of the EA

The applicants provide proposed revisions to select permit conditions in the draft site permit in the EA.

EERA staff has limited comment on the applicants' proposed permit conditions. As a general matter, staff will respond to permit conditions proposed by the applicants in the applicants' proposed findings.

With respect to the applicants' proposed revisions to the draft site permit that indicate that the applicants have already completed a task, e.g., prepared a vegetation management plan, EERA staff notes that the language of Commission permits is almost always prospective – i.e., the permittee shall do X, Y, and Z. This does not preclude the applicants from working on anticipated permit requirements in advance. However, regardless of the work prior to permit issuance, EERA staff finds

that the requirements of Commission permits can only be satisfied in the future, i.e., post permit issuance.

15. Electric and Magnetic Fields – Appendix I of the EA

The applicants note that the EA's discussion of the potential impacts of electric and magnetic fields (Appendix I) does not include summaries of the Commission's decisions regarding this topic over the past fifteen years.

EERA staff believes the text of Appendix I is appropriate. The appendix provides robust discussion of the potential impacts of electric and magnetic fields and of studies conducted regarding these impacts.

16. Line Crossings for Route Alternative B

In their discussion of construction costs for route alternative B (Environmental Assessment Cost Update, Table 6-22), the applicants note that the EA incorrectly indicates that alternative B would have no crossings of existing transmission lines.

EERA staff agrees with the applicants; Table 6-22 and the text in Chapter 6.2.2.7 in the EA have been amended to note that route alternative B would require two crossings of existing transmission lines (see Attachment A).

17. Applicants' Proposed Route with Modifications

In their discussion of construction costs for the example full route options in the EA (Environmental Assessment Cost Update, Table S-2, Table 7-2, and Table 7-10), the applicants note that the full route option named "Applicants' Proposed Route with Modifications" incorrectly includes routing alternatives AA3, AA9, and E1. The applicants note that AA9 and E1 are mutually exclusive and could not be in the same full route option.

EERA staff agrees – AA9 and E1 are mutually exclusive. The inclusion of AA9 in the "Applicants' Proposed Route with Modifications" was in error. EERA staff has amended the EA with a revised Chapter 7 (see Attachment A). The revised chapter includes an "Applicants' Proposed Route with Modifications" that does not include AA9. It also includes an additional full route option ("Example Route Option 3") which does include AA9. The revised Chapter 7 also addresses comments raised by the Minnesota Department of Natural Resources (discussed further, below).

18. Example Full Route Options 1 and 2

In their discussion of construction costs for the example full route options in the EA (Environmental Assessment Cost Update, Table S-2, Table 7-2, and Table 7-10), the applicants note that example full route options 1 and 2 include routing alternatives AA3 and E1. The applicants note that because, per the EA, AA3 and E1 overlap, they are mutually exclusive. The applicants suggest using AA4 in lieu of AA3 for example full route options 1 and 2.

EERA staff notes that AA3 and E1 are not mutually exclusive. They do, as presented in the EA, overlap (see Maps 6-14 and 6-15). This is due to the nature of the project and the routing alternatives suggested during scoping. The length of the project requires the EA to discuss and

analyze the project by regions. However, routing alternatives do not always cleanly break at the beginning or end of a region. This is the case for AA3 and E1.

EERA staff understands the applicants' concern to be: if we use AA3 and E1 for full route options 1 and 2, then it is necessary to remove potential impacts (and costs) that may be double counted where these two routing alternatives overlap. EERA staff agrees with this concern. Staff addressed this concern in Chapter 7 of the EA. Staff has also addressed this concern in revised Chapter 7 (see Attachment A). In assembling full route options 1 and 2, any overlap or potential double counting has been addressed in the tables, text, and analysis.

Minnesota Department of Natural Resources[5]

1. Early Coordination

The DNR highlighted challenges faced during early coordination with the applicants for the Northland Reliability Project. The DNR is committed to balancing Minnesota's energy infrastructure development with natural resource protection, and early coordination is crucial for identifying concerns, adjusting, and selecting appropriate routes before a permit application is submitted.

The comment is noted. EERA does not have a formal role in the consultation activities between the DNR and the applicant. EERA did recommend that DNR proposed route alternatives be included in the scope of the EA, consistent with Minn. Rule 7850.3700.

2. Inconsistent Analysis of Alternatives

The DNR maintains that the EA should ensure consistent and clear content when evaluating and comparing route and alignment alternatives for each region to better guide decision-makers during their final route selection deliberations. They argue that the EA does not effectively use information from supporting appendices to quantify and compare alternatives within each region, with the only detailed analysis provided in Section 7, where the applicants' proposed route is compared to two example routes. DNR asserts that the lack of consistent analysis across all route segments and alignment alternatives prevents the Commission from determining whether the least impactful alternative is chosen for each region. DNR suggests that route selection be conducted on a region-by-region basis, as defined in the EA, and that the more detailed resource criteria from Appendix N, which are used in Section 7, be considered when comparing and selecting the final project route.

EERA believes that the impact analysis for alternatives within regions (Chapter 6 of the EA), is appropriate. For example, in the Iron Range Substation Region, potential impacts associated with the applicants' proposed route within this region are discussed by resources in Section 6.1. The comparison of potential impacts between alternatives A1 through A4 and the applicants' equivalent is discussed by resource in Section 6.1.2. This approach provides the same level of analysis for all segments, developed to allow the reader and the Commission to understand the anticipated impacts for each alternative throughout all the regions. The example full routes presented in Chapter 7 are intended to serve as examples for the Commission to demonstrate how the route alternatives and alignment alternatives, analyzed in Chapter 6, could be connected to create an

[5] August 5, 2024, comment letter from the Minnesota Department of Natural Resources [eDockets 20248-209262-01; 20248-209273-02].

entire route. EERA staff have amended the EA to include a total of seven example full route options to support Commission decision-making (See Attachment A).

3. Modification of DNR's Proposed Alternatives

The DNR prioritized proposing route alternatives during the EA scoping process for areas where the applicants' proposed route would have the most significant natural resource impacts. However, in the EA, the DNR asserts that several of the DNR's proposed alternatives have not been analyzed in a way that reflects their intended benefits to natural resources. Specifically, Alternatives J1 and J3, which are designed to work together to minimize impacts on the Elk River, are instead separated and combined with the applicant's proposed route, leading to increased impacts. The DNR notes that the EA also uses these combinations to compare impacts on wetlands, tree removal, floodplains, and stream crossings, but does so in a way that fails to properly maximize the comparison of natural resource impacts between the suggested alternatives and the applicants' proposed route.

The comment is noted. EERA has amended Chapter 7 to include the J1-J3 route alternative as illustrated in Figure 1 of the DNR comment letter (See Attachment A).

4. Consideration of Alternative Technologies/Modifications

The DNR contends that the EA does not adequately examine the potential for using route modifications, such as stacking or running lines underground, to minimize impacts. While the DNR recognizes the increased costs and maintenance challenges associated with these alternatives and does not recommend their widespread use, it suggests that these options should be more thoroughly analyzed in particularly complex and challenging areas. Regions like the Cuyuna area and the Long Lake area, which have significant siting challenges, are examples where these modifications should be fully considered to avoid substantial natural resource impacts and direct impacts to residences.

The comment is noted. There are multiple examples in the EA of double circuiting (e.g., routing alternatives AA3, AA16, E1). Route alternative E1 is a double-circuit alternative proposed by the applicants for the Cuyuna area. Route alternative E1 is analyzed in the EA and included in several full route options in Chapter 7 of the EA. The use of double-circuiting and undergrounding remain mitigation options for the Commission to consider during their final route selection.

5. Effects on the Environment and Rare and Unique Natural Resources

The DNR expressed concern that the EA does not adequately consider state-listed species and rare natural resources, noting the absence of the June 30, 2023, DNR Natural Heritage Review (NH) letter (MCE# 2023-00324) from the document. DNR explains that the NH letter is important as it outlines measures to avoid impacts on these species, adding that the applicants did not submit any route alternatives to the Minnesota Conservation Explorer (MCE) for evaluation, so impacts on state-listed species have not been assessed, and necessary surveys are incomplete. They conclude that there is a likelihood of significant impacts on state-listed plant species due to the proposed habitat changes, but the full extent of these impacts cannot be accurately compared. Additionally, the criteria for evaluating impacts on state-listed species and rare natural resources are inconsistently and inaccurately applied throughout the EA, noting that some sections of the EA claim there will be no impact on state-listed species, contradicting the DNR's comments and guidance.

EERA included the content of the June 30, 2023, NH Review letter, though it was not specifically cited in the EA, relying instead on the DNR's scoping letter of November 21, 2023, as the primary reference cited. In addition, information from the MCE and the Natural Heritage Information System (NHIS) database were reviewed and analyzed to discuss the potential for protected species impacts in all the Rare and Unique Natural Resources subsections in Section 6.

The need for the applicants' future coordination with the DNR regarding potential impacts to protected species is mentioned several times throughout the EA. For example, Section 5.11.1.3 states: "The applicants may be required to conduct field surveys for protected species in coordination with USFWS and/or DNR to determine the presence of particular species along the permitted route (if the Commission issues a route permit). If a protected species is unavoidable, a takings permit may be required, and other permit conditions may be set." In addition, Section 6.1.1.5.1 and all other relevant Rare and Unique Natural Resources sections of Section 6 state: "The applicants may be required to conduct field surveys for protected species in coordination with the USFWS and/or DNR prior to construction."

Per the Commission's standard route permit conditions, permittees are required to obtain all required permits for their projects (see Appendix H of the EA; Section 5.1.26).

6. Ecologically Significant Areas

The DNR claims that the EA should provide a consistent summary and comparison of ecologically significant areas, where present, between route alternatives, and discuss measures to avoid or minimize impacts on these resources. Specifically, DNR expects that Sites of Biodiversity Significance, Lakes of Biological Significance, and potential Old Growth designations, as noted in the NH Review letter dated June 30, 2023, would be included in this analysis. The DNR also points out that the EA does not quantify or compare the potential impacts on Lakes of Biological Significance or other rare natural resources between alternatives for each region, with such evaluations being limited to Section 7, which compares the applicant's proposed route with two example options. DNR challenged the applicants' statement that environmental impacts are minimized through right-of-way paralleling or sharing, which they argue are not necessarily accurate if the proposed route would further impact these rare and imperiled plant communities.

EERA staff notes that analysis comparing potential impacts to ecologically significant areas (such as Sites of Biodiversity Significance, Lakes of Biological Significance, and Candidate Old Growth Stands) is provided throughout Section 6. For example, in the Iron Range Substation Region, potential impacts to ecologically significant areas associated with the applicants' proposed route within this region are discussed in Section 6.1.1.5.2. The comparison of potential impacts to ecologically significant areas between alternatives A1 through A4 and the applicants' equivalent is discussed in Section 6.1.2.5. Also, EERA notes that some resources considered ecologically significant areas (e.g., Wildlife Management Areas, Important Bird Areas) are discussed under the wildlife subheadings throughout Section 6.

7. ROW Paralleling and Sharing

DNR reminds EERA that when selecting a final route under Minn. Rule 7850.4100, the Commission considers whether the route follows existing road rights-of-way (ROW) to minimize vegetation

clearing. Road ROW, section lines, and field lines are prioritized when evaluating how much the project parallels or shares ROW. The DNR points to applicant statements throughout the EA that their proposed route minimizes potential impacts by paralleling or sharing existing transmission line ROW. However, DNR maintains that many proposed alternatives would minimize impacts more effectively by using existing road ROW to reduce vegetation and natural resource disturbance, a factor not adequately reflected in the alternative comparisons.

EERA staff notes that the aesthetics subsections throughout Section 6 present information on ROW sharing and paralleling, including roads, for all alternatives. ROW sharing and paralleling is also used to assess impacts when relevant to a particular resource, such as vegetation. For example, Section 6.2.3.4.2 states the following: "Both route alternatives would minimize impacts to forest fragmentation by paralleling existing rights-of-way; with the applicants' equivalent paralleling an existing transmission line ROW for its entire length and route alternative C paralleling an existing road corridor for approximately 93 percent of its length."

EERA staff considers the EA's ROW sharing and paralleling to be appropriate and complete. Where information is presented on ROW sharing and paralleling, the information is analyzed by type of ROW and potential impacts are discussed accordingly.

8. License to Cross Public Lands and Waters

The project will require utility licenses from the DNR to cross state lands and public waters. During the utility license review, potential natural resource and recreation concerns will be identified. This review will also determine any deed, contract, funding, or other restrictions on state lands, which could affect the licensing and routing of the transmission line. Some DNR-administered lands have restrictions due to the funding used to purchase them. Before the DNR can grant a utility license over these lands, written approval from the funding provider is needed. The DNR will identify any funding restrictions when the final route is selected, but the approval process from the funding provider can take up to a year or more and is not guaranteed.

The comment is noted. The applicants will be required to follow applicable permitting processes with the DNR and other entities upon the Commission's issuance of a route permit (see Appendix H of the EA, Section 5.1.26).

9. DNR Proposed Route Alternatives

The EA analyzes a number of routing alternatives that could be used for the project. The DNR Lands and Minerals (LAM) staff have not yet conducted a full review of DNR-administered properties affected by these alternatives. LAM staff have indicated that they will wait for the Commission's decision on the final route before pursuing further information on impacted DNR parcels. The review will consider potential aggregate, peat, and ferrous resources, as well as possible funding restrictions on certain properties. Due to the extensive nature of this research, the agency will prioritize staff efforts on the most relevant project components until the route is finalized. It is the permittee's responsibility to relocate infrastructure to access resources if necessary.

The comment is noted. The applicants will be required to follow applicable permitting processes with the DNR and other entities upon the Commission's issuance of a route permit (see Appendix H of the EA, Section 5.1.26).

10. Additional Right-of-way on DNR Administered Lands

The DNR does not support additional ROW on DNR-administered lands. In areas where DNR land crossings already exist, DNR would like to see the infrastructure consolidated or stacked to reduce impacts on the ground. There are 95 proposed crossings of state land in the northern portion of the applicants proposed route. DNR manages a diverse portfolio of School Trust Lands by promoting revenue generation activities that are also protective of the natural resources that Minnesotan's enjoy and value. As the trustee for these lands, the DNR must consider the impacts to these properties now and into the future.

The comment is noted.

11. Mineral and Ferrous Resource Considerations

DNR has fiduciary responsibilities and must consider impacts to three types of parcel ownership: the mineral estate, the surface estate, and personal property in the form of iron- bearing stockpiles and tailings basins when reviewing projects and working with applicants on legal agreements to utilize state administered properties and mineral resources.

The comment is noted.

12. Public Water Wetlands

The DNR notes that Section 2.6.2 State of Minnesota Approvals and Table 2-2 of the EA should be updated to include a DNR Public Waters Work Permit for the crossing of public water wetlands. Although a utility license in not needed in areas where a route crosses public water wetlands that occur on private land, a DNR Public Waters Work Permit is required. The DNR Public Waters Work Permit may be obtained through the Minnesota DNR Permitting and Reporting System (MPARS). In accordance with Minn. R. 6115.0210, our agency permit review process requires an alternative analysis that examines additional routes to minimize impacts to public water wetlands and permit the least impactful alternative.

The comment is noted. The EERA has updated Chapter 2.6.2 and Table 2-2 of the EA to include this information. See Attachment B.

13. Water Appropriation

The DNR notes that Section 2.6.2 State of Minnesota Approvals and Table 2-2 of the EA should be updated to include a DNR Water Appropriation Permit. Dewatering activities may be necessary during construction, and a Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, and/or one million gallons in one year. The DNR General Permit for Temporary Appropriation, with its lower permit application fee and reduced time for review, may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than one year. MPARS can be used to apply for a DNR Water Appropriation Permit.

The comment is noted. The EERA has updated Chapter 2.6.2 and Table 2-2 of the EA to include this information. See Attachment B.

14. Natural History Information System license

Minnesota's endangered species law, found in Minnesota Statutes section 84.0895 and associated rules (Minnesota Rules parts 6212.1800 to 6212.2300 and 6134), prohibits the taking of threatened or endangered species without a permit. The NH Information System (NHIS) license can help identify rare features and state-listed species within an area. If such features are found within one mile of a project, further coordination with the Department of Natural Resources (DNR) is necessary to assess impacts and obtain recommendations. Only the DNR can determine if a project may affect state-listed species.

The comment is noted. The applicants will be required to follow applicable permitting processes with the DNR and other entities upon the Commission's issuance of a route permit (see Appendix H of the EA, Section 5.1.26).

15. June 30, 2023, DNR Natural Heritage Letter and DNR Takings Permit

DNR indicates that the EA does not reference the June 30, 2023, NH Review letter (MCE# 2023-00324) concerning state-listed species and avoidance measures. This letter, along with DNR comments, highlights potential impacts to state-listed species and ecologically significant areas. The project will require extensive rare plant surveys, avoidance plans, and possibly a Takings Permit. The Commission is requested to include permit conditions requiring coordination with the DNR, including the Takings Permit process if necessary, before starting project activities.

The comment is noted. See EERA response to DNR Comment #5, above, regarding the June 30, 2023, DNR Natural Heritage Letter. The applicants will be required to follow applicable permitting processes with the DNR and other entities upon the Commission's issuance of a route permit.

16. Qualified Surveyor and DNR Takings Permit

For state-listed threatened and endangered plant species, a qualified surveyor must conduct a habitat assessment within the project boundary. This assessment aims to identify where these species may occur to help formulate an avoidance plan. If avoiding these species is not possible, botanical surveys and potentially a Takings Permit will be needed. Known occurrences of rare plants within the project area must be resurveyed to determine their current extent.

The comment is noted. The applicants will be required to follow applicable permitting processes with the DNR and other entities upon the Commission's issuance of route permit.

17. Avoidance Plans

Blanding's turtles, a state-listed threatened species, and loggerhead shrikes, a state-listed endangered bird, have been documented near the project site. The project could impact Blanding's turtles through habitat disturbance and direct fatalities, requiring an avoidance plan. Loggerhead shrikes may be present in the project area, necessitating the avoidance of tree and shrub removal during their breeding season from April through July in Sherburne and Benton counties.

The comment is noted. The applicants will be required to follow applicable permitting processes with the DNR and other entities upon the Commission's issuance of a route permit.

18. Species Survey Proposal and Final Route evaluation

The NH Review team requires a species survey proposal submitted at least two weeks before initial surveys. The applicant has not yet provided alternative routes for evaluation or completed rare plant surveys for the proposed route. The final selected route and any access or staging areas must be submitted for evaluation, with additional surveys or avoidance plans potentially required for any route changes.

The comment is noted. The applicants will be required to follow applicable permitting processes with the DNR and other entities upon the Commission's issuance of a route permit.

19. Table S-2 (page xxxii) - Rare and Unique Natural Resources (page xli).

DNR notes that the consideration of state-listed and federally-listed species is not accurate since alternate routes have not yet been evaluated for impacts to state-listed species, and survey results are not yet undertaken or complete. It is likely there will be significant impacts to state-listed plant species based on the habitat impacts being proposed by the applicant. DNR indicates that resource impacts are unable to be compared and considered based upon the amount of coordination that has occurred to date.

EERA notes that the information from the MCE and the NHIS databases was reviewed and analyzed to discuss the potential impacts to protected species for all alternatives throughout the Rare and Unique Natural Resources Section 6 subsections. Information from the DNR's scoping letter, which included the June 30, 2023, NH Review letter, was also incorporated into the EA.

Applicants' future coordination with the DNR regarding potential impacts to protected species is mentioned several times throughout the EA, such as in Section 5.11.1.3, which states: "The applicants may be required to conduct field surveys for protected species in coordination with USFWS and/or DNR to determine the presence of particular species along the permitted route (if the Commission issues a route permit). If a protected species is unavoidable, a takings permit may be required, and other permit conditions may be set."

20. Water Resources (page xl)

DNR notes that text in EA regarding floodplains -- "Impacts to floodplains and groundwater are anticipated to be minimal and independent of the route selected for the project" – is not accurate, as there are significant differences in potential impacts to river corridors and floodplains depending on which route is selected, especially along the Elk River corridor in Benton County.

EERA believes the text of the EA is appropriate and accurate. Potential impacts to floodplains and groundwater are anticipated to be minimal; impacts to vegetation, wildlife, and unique resources that exist in floodplains, particularly the Elk River floodplain, are not (see Chapter 6.6.2 of the EA).

21. DNR Permits (Page 14, Table 2-2; Page 15, Section 2.6.2)

The DNR notes that the EA should reflect the need for the applicants to obtain a DNR Takings Permit and mitigation if state-listed threatened or endangered species cannot be avoided. Additionally, a Public Waters Work Permit is required for crossing public water wetlands, and a DNR Water Appropriation Permit should be included in the list of necessary DNR permits and approvals.

The comment is noted. EERA has added these changes to Table 2-2 and Chapter 2.6.2 of the EA. See Attachment B.

22. Route Alternative J1 (Page 37, Section 3.1.6.2)

DNR proposed the small segment of Alternative J1 that departs from the applicant's proposed route along the Elk River and turns west to connect to Alternative J2. DNR proposed this small section of route alternative to be used in conjunction with Alternative J3 to bypass the two most impactful sections of the applicant's proposed route through the Elk River corridor. The DNR refers EERA to *Figure 1: DNR Alternatives Proposed During Scoping (J1 and J3 Combined Alternatives)* in their comment letter.

The comment is noted. EERA staff has amended Chapter 7 of EA to include an example full route option that utilizes route alternatives J1 and J3 ("Example Route Option 5") (See Attachment A).

23. Route Alternative J1 and Right of Way

The DNR notes that route alternative J1 closely follows existing road ROW to the greatest extent possible to limit vegetation clearing. DNR indicates that road ROW paralleling and sharing is one of the 14 factors the Commission considers under Minn. Rule 7850.4100 when selecting a final route and should be given equal priority in siting. In this section of the route, running parallel or sharing ROW with the existing line located within the Elk River corridor would have far greater natural resource impacts than sharing road ROW in a transportation corridor. DNR has also encountered ongoing issues with the stability of pole structures placed within the Elk River floodplain and along the banks.

The comment is noted.

24. J1 and J3 Route Alternatives and Wetland Crossing Acreage Calculation

DNR notes that it is not clear if the acreage totals presented in Appendix N and Section 7 of the EA incorporate the entire half-mile wide corridor when considering wetland crossings, which would be considerably greater than the final total number of crossing and impacts once a final route is identified through the corridor. By including the applicant's proposed route in the southern portion of the alternative rather than combining this alternative with J3 as proposed, the wetland, floodplain, river crossing, and tree removal impacts are far greater than what was proposed during scoping. We strongly recommend considering Alternatives J1 and J3 as a combined alternative.

The comment is noted. Wetland crossings were calculated using the anticipated alignment and transmission line ROW. The region of influence for wetland impacts is the transmission line ROW (see Chapter 5.1.1 of the EA). See EERA response to DNR Comment #22 regarding the evaluation of route alternatives J1 and J3.

25. Route width and the J1 Route Alternative

The DNR notes that the half-mile wide route width proposed for sections of Alternative J1 provides flexibility in siting the line to accommodate landowners as well as allow for flexibility in angles and other infrastructure considerations. While some portions of the half-mile wide corridor are needed to consider a route that avoids residences, DNR does not recommend routes within the corridor that

cross streams outside of an existing bridge crossing. We also do not support placing the route in wooded areas that would require significant tree removal (See Figure 1, DNR Comment letter).[6]

The comment is noted.

26. Route Alternative J2 (Page 37, Section 3.1.6.3)

Route Alternative J1 closely follows existing road ROW to the greatest extent possible to limit vegetation clearing. The DNR notes that road ROW sharing is one of the 14 factors the Commission considers under Minn. Rule 7850.4100 when selecting a final route and should be given equal priority in siting. In this section of the route, running parallel or sharing ROW with the existing line located within the Elk River corridor would have far greater natural resource impacts than sharing road ROW in a transportation corridor. DNR has also encountered ongoing issues with the stability of pole structures placed within the Elk River floodplain and along the banks.

The comment is noted.

27. Route Alternative J2 Route Width and Stream Crossings

DNR notes that while some portions of the half-mile wide corridor are needed to consider a route that avoids residences, we do not recommend routes within the corridor that cross streams outside of an existing bridge crossing. We also do not support placing the route in wooded areas that would require significant tree removal.

The comment is noted.

28. Route Alternative J3 (Page 37, Section 3.1.6.4)

DNR proposed the small segment of Alternative J3 that works in conjunction with Alternative J1 as originally proposed by DNR. DNR does not support the extension of Alternative J3 north of 35th Street NE (T36N, R30W, Section 11) along the applicant's proposed route. By adding significant portions of the applicants' route along with this alternative, the analysis of alternatives is no longer accurate when comparing the number of stream crossings, wetland impacts, and tree clearings. We proposed this small section of route alternative to be used in conjunction with Alternative J1 to bypass the two most impactful sections of the applicants' proposed route through the Elk River corridor (See Figure 1, DNR comment letter).[7]

The comment is noted. See EERA response to DNR Comment #22 regarding the evaluation of route alternatives J1 and J3.

29. Route Alternative J3 and existing ROW

Route Alternative J3 closely follows existing ROW to the greatest extent possible to limit vegetation clearing. DNR notes that road ROW sharing is one of the 14 factors the Commission considers under Minn. Rule 7850.4100 when selecting a final route and should be given equal priority in siting. In this section of the route, running parallel or sharing ROW with the existing line located within the Elk River corridor would have far greater natural resource impacts than sharing road ROW in a

[6] August 5, 2024, comment letter from the Minnesota Department of Natural Resources [eDockets 20248-209262-01; 20248-209273-02]. See Figure 1, page 11.
[7] Ibid.

transportation corridor. DNR has also encountered ongoing issues with the stability of pole structures placed within the Elk River floodplain and along the banks.

The comment is noted.

30. Route Alternative J3 and Wetland Crossing Acreage

DNR notes that it is not clear if the acre totals presented in Appendix N and Section 7, use the entire half-mile wide corridor when considering wetland crossings, which would be considerably greater than the final total number of crossing and impacts once a final route is identified through the corridor. By including the applicant's proposed route in the northern portion of the alternative rather than combining this alternative with J1 as proposed, the wetland, floodplain, river crossing, and tree removal impacts are far greater than what was proposed during scoping. We strongly recommend considering the J1 and J3 as a combined alternative.

The comment is noted. Wetland crossings were calculated using the transmission line ROW as the region of influence. See EERA response to DNR Comment #22 regarding the evaluation of route alternatives J1 and J3.

31. Route Alternative J3 and Route Width

The half-mile wide route width proposed for sections of Alternative J3 provide flexibility in siting the line to accommodate landowners as well as allow for flexibility in angles and other infrastructure considerations. While some portions of the half-mile wide corridor are needed to consider a route that avoids residences, DNR does not recommend routes within the corridor that cross streams outside of an existing bridge crossing. DNR also does not support placing the route in wooded areas that would require significant tree removal (See Figure 1, DNR comment letter).[8]

The comment is noted.

32. Restoration and Cleanup (Page 53, Section 3.4.5)

DNR notes that the transmission line will cross high quality habitat within MBS Sites, Native Plant Communities (NPCs), state land, and areas containing threatened and endangered species. It will be important that restoration efforts identify these sensitive areas and use appropriate native seed mixes to limit the introduction and establishment of invasive and non-native species. There may also be required avoidance measures, depending on the results of rare plant surveys. There may also be specific timing required for construction activities to achieve avoidance for state-listed species. Please note that all construction, restoration, and maintenance activities will be subject to required avoidance plans as indicated in the NH Review letter. These plans must be incorporated into relevant construction plans, SWPPP's, vegetation management plans, etc. to achieve compliance with MN Endangered Species laws.

The comment is noted.

[8] Ibid.

33. Project Costs (Page 54, Section 3.5)

Project surveys and coordination for state-listed species are not yet complete, but impacts are expected given the level and type of habitat disturbance proposed for the project. If a Takings Permit and mitigation is required, this will raise the project costs associated with the applicants proposed route and potentially the selected final route.

The comment is noted.

34. Alternatives to the Proposed Project (Page 71, Section 4.8)

DNR notes that the widespread use of the underground alternative would have many barriers, including cost. There may be line segments where the cost to natural resources, displacement of homes, or other factors, is high enough to warrant its consideration, such as in the Cuyuna or Long Lake areas. Given this information, it does not seem consistent to show this alternative to have a maximum impact on Table 4-2 (page 74).

EERA staff believes Table 4-2 and its analysis are appropriate. Impacts related to undergrounding extend beyond costs. Undergrounding requires the entire length of the ROW being undergrounded to be dug up and cleared. By comparison, an overhead transmission requires construction impacts only at structure locations and clearing is limited to tall-growing species that are incompatible with the transmission line. EERA staff agrees that there may be some instances where the trade-offs between underground and overhead lines argue for the use of undergrounding.

35. Alternatives to the Proposed Project (Page 71, Section 4.8)

DNR notes that the widespread use of infrastructure stacking and/or consolidation would have barriers such as cost. There are a couple of alternatives that were evaluated in the EA that incorporated this method, such as AA4, AA16, and E1. DNR is supportive of these alternatives and use of this method. There are additional routes that could use this method as an avoidance measure in select sensitive locations such as in Route Alternative B and C where there are potential impacts to Old Growth Forest, floodplains, or near lakes of high or outstanding biological significance.

The comment is noted.

36. Zoning and Land-Use Compatibility (Page 85, Section 5.3.3)

DNR notes that this section does not address the zoning incompatibilities that would result from extensive shoreland and floodplain impacts in Benton, Aitkin, and Crow Wing Counties. There is particular concern about the impacts in and around the Riverton/Cuyuna area for all proposed routes and alternatives. Shoreland, public waters, and floodplain impacts should be carefully considered for the selected route, with avoidance and mitigation measures implemented as much as possible. Additionally, the area has mining potential, and if future access to mineral resources necessitates relocating infrastructure, the associated costs would be the responsibility of the company.

The comment is noted. Zoning and floodplain impacts are discussed generally in Chapter 5 of the EA and for specific regions in Chapter 6 of the EA.

37. Climate Resilience (Page 115, Section 5.6.2)

DNR notes that this section of the EA identifies increased flood risks as well as wildfire risks but does not discuss how the project would account for these factors. The applicant's proposed route does not minimize these risks by siting the route within a river corridor and by proposing to place the route in ecologically significant forested systems.

The comment is noted. It is not anticipated that the presence of a transmission line ROW within a river corridor or ecologically sensitive forested system would significantly influence flood risks or wildfire risk. Section 5.6.2.1 discusses how the project would be routed and designed to be resilient under changing climatic factors.

38. Natural Environment (Section 5.10)

DNR notes that this section of the EA does not accurately reflect the extensive natural resource impacts of the proposed 180-mile transmission line and provides very little data to help reviewers understand the size and scope of the natural resource impacts or compare alternatives. This section should utilize the information from Appendix N, Northland Reliability Project Analytical Data Summary, and give an accurate representation of the number, type, and acres of wetlands, public waters, floodplains, MBS Sites, acres of tree removal, and many of the other resources impacts that are proposed for the project as is provided in Section 7. DNR notes that the EA does not quantify the impact or compare impacts between alternatives and is insufficient for the purpose of informing permitting and siting decisions for specific regions of the transmission line.

The comment is noted. Chapter 5 of the EA is intended to provide a broad overview of the resources within the vicinity of the project and a general analysis of impacts. The impact analysis for alternatives within regions is provided in Section 6. For example, in the Iron Range Substation Region, potential impacts associated with the applicants' proposed route within this region are discussed by resource in Section 6.1. The comparison of potential impacts between alternatives A1 through A4 and the applicants' equivalent is discussed by resource in Section 6.1.2. This approach allows the reader and the Commission to select route alternatives or alignment alternatives based on impacts throughout each of the regions. The information in Appendix N is reflected in Chapters 6 and 7 of the EA.

39. Canada Lynx (Section 5.11.1.3.1)

The DNR notes, for informational purposes, the NHIS does not track Canada lynx observations.

The comment is noted. No Canada lynx have been formally documented within a mile of the routing alternatives in the EA; however, information provided by the public indicates the existence of a Canada lynx population in the project area.

40. State Species (Section 5.11.1.3.2)

DNR notes that this section of the EA lacks detail on avoidance measures for potential habitats of state-protected species. The document suggests that avoiding impacts on these habitats would be a good strategy but given the project's scope and the variety of habitats involved, it is unlikely that all potential habitats can be avoided. The NH Review letter recommended conducting surveys of potential habitats for state-protected plant species that may be affected by the project, as well as surveys near known records of state-protected species. The project documentation should at least

address the NH Review letter dated June 30, 2023 (MCE #2023-00324) and the conditions outlined in it. Additionally, since NH Review letters are valid for one year, any future steps in this project should include a new NH Review request through the Minnesota Conservation Explorer.

The comment is noted. The need for species-specific surveys and mitigation measures and the applicants' future coordination with the DNR regarding potential impacts to protected species is mentioned several times throughout the EA.

41. Public Water (Page 130, Section 5.10.1.1.2)

The DNR notes that a DNR Public Waters Work Permit is required to cross public water wetlands. For example, the applicant's proposed route crosses Hay Lake in Crow Wing County along one of the longest stretches of the lake possible, resulting in greater public water impacts than necessary, as there are lower impact options in other locations. In accordance with Minn. R. 6115.0210 our agency permit review process requires an alternative analysis that examines additional routes to minimize impacts to public water wetlands and permit the least impactful feasible alternative.

The comment is noted. See EERA response to DNR Comment #12 regarding public waters work permits. Route alternatives E1, E3, E4, and E5 all provide alternatives to crossing Hay Lake.

42. Floodplains, Potential Impacts and Mitigation Measures (Page 131, Section 5.10.1.2.1)

DNR notes that this section of the EA misrepresents the floodplain impacts of the applicant's proposed route and fails to identify the extensive floodplain impacts as well as the potential risks to pole structures. Vegetation clearing, especially tree removal, within a floodplain can greatly destabilize the area and make it more prone to ongoing erosion and sediment issues and can also destabilize the riverbank further contributing to water quality issues. Once the soil within a floodplain and along the riverbank is destabilized, it can lead to pole stability issues and create long-term maintenance challenges. These issues have already occurred in pole structures located within the Elk River corridor, and DNR permitting and coordination has been required to address these ongoing challenges. Further impacting the floodplains and river corridor in this area by clearing an additional 120- 150 feet of vegetation would be a significant impact and pose long-term risk to both the river and the transmission line infrastructure.

The comment is noted. EERA believes the text of the EA is appropriate and accurate. Potential impacts to floodplains and groundwater are anticipated to be minimal; impacts to vegetation, wildlife, and unique resources that exist in floodplains, particularly the Elk River floodplain, are not (see Chapter 6.6.2 of the EA).

43. Wildlife (Page 138, Section 5.10.5)

DNR notes that this section of the EA does not reference to the information provided in the June 30, 2023, NH Review letter, or the information available regarding species list from Important Bird Areas, or state parks and forests. An avoidance plan has been required for this project and should be described in detail and incorporated into project plans and documents. Once a final route is selected, the temporary access roads and staging areas will also need to be submitted to MCE to be evaluated for potential impacts to rare features. Please consider that rare plant surveys and work restrictions could apply to these areas as well, and so it is in the applicant's best interest to coordinate with DNR

as soon as the final route is identified. Please work with DNR on the placement of flight diverters once a final route is selected.

The comment is noted. As discussed above, the June 30, 2023, NH Review letter was not specifically cited in the document; however, information from the DNR's scoping letter, which included the NH Review letter, was incorporated into the EA. In addition, publicly available data sources pertaining to wildlife resources, including Important Bird Areas, were reviewed and analyzed to create this section of the EA. As noted in section 5.10.5.2, the project would be constructed in accordance with the Avian Power Line Interaction Committee's safety recommendations. In addition, the need for the applicants' future coordination with the DNR is mentioned throughout the EA.

44. Rare and Unique Resources (Page 140, Section 5.11)

DNR notes that this section of the EA does not reference the June 30, 2023, NH Review letter, nor does it describe the potential impacts to state-listed species that were identified by DNR. It does not reference the extensive coordination that is required due to these potential impacts to rare features, including habitat and species surveys, avoidance plans, and potentially Takings Permits. Please see the attached NH Review letter.

The comment is noted. See previous EERA comment regarding the use of the June 30, 2023, NH Review letter. Information from the MCE and the NHIS databases was reviewed and analyzed to discuss the potential impacts to protected species in all of the Rare and Unique Natural Resources subsections in Section 6.

The need for the applicants' future coordination with the DNR regarding potential impacts to protected species is mentioned several times throughout the EA. Section 5.11.1.3 states: "The applicants may be required to conduct field surveys for protected species in coordination with USFWS and/or DNR to determine the presence of particular species along the permitted route (if the Commission issues a route permit). If a protected species is unavoidable, a takings permit may be required, and other permit conditions may be set." In addition, Section 6.1.1.5.1 and all other relevant Rare and Unique Natural Resources sections of Section 6 state: "The applicants may be required to conduct field surveys for protected species in coordination with the USFWS and/or DNR prior to construction."

45. Federal Species (Page 143, Section 5.11.1.3.1)

DNR notes that it is unclear if the applicant has sufficiently coordinated with U.S. Fish and Wildlife Service (USFWS) given the extensive scope of the project and tree removal within natural areas. Given the extent of the impacts to habitat, surveys and even a takings permit could be required for the impacts to federally protected species. DNR recommends that coordination with USFWS on the selected route be included as a permit condition.

The comment is noted.

46. Sensitive Ecological Impacts, Potential Impacts and Mitigation Measures (Page 147, Section 5.11.2.1)

DNR notes that this section of the EA states, "Potential project impacts to sensitive ecological resources are anticipated to be minimal, as these resources can often be avoided and/or spanned."

DNR indicates that this statement is not supported with any data. Permanent conversion by clear-cutting trees and maintaining an open state in sensitive forests is a significant impact. The EA does not discuss or address the extensive impacts to sensitive ecological areas that are proposed by the project. The EA does not quantify the impact or compare impacts between alternatives and is insufficient for the purpose of informing permitting and siting decisions. The information that is presented in Appendix N that was used to complete Section 7 example alternatives should be the same criteria that is used to compare alternatives in specific regions.

The comment is noted. EERA staff believes that the text of Chapter 5.11.2.1 is appropriate. Chapter 5 is a *general* discussion of resources in the project area, potential impacts, and mitigation measures. Generally, impacts to sensitive ecological resources can be mitigate by prudent routing. Chapter 6 of the EA provides a more specific discussion of potential impacts. Chapter 6 of the EA compares and quantifies the potential impacts to sensitive ecological resources for routing alternatives within each of the regions. For example, in the Iron Range Substation Region, potential impacts to sensitive ecological resources associated with the applicants' proposed route within this region are discussed in Section 6.1.1.5. The comparison of potential impacts to sensitive ecological resources between alternatives A1 through A4 and the applicants' equivalent is discussed in Section 6.1.2.5. The information in Appendix N was used to prepare Chapters 6 and 7 of the EA.

47. Rare and Unique Natural Resources (Page 154, Section 5.15.8)

DNR notes that in this and other related sections of the EA, the applicant states that impacts to rare and unique natural resources are expected to be minimal without providing any data to support this claim. The project proposes significant and extensive tree clearing as well as new ROW through sensitive ecological areas. The EA narrative does not accurately convey or characterize these permanent impacts.

The comment is noted. Similar to the previous response, Section 6 of the EA compares and quantifies the potential impacts to rare and unique natural resources for all alternatives within each of the regions. For example, in the Iron Range Substation Region, potential impacts to rare and unique natural resources associated with the applicants' proposed route within this region are discussed in Section 6.1.1.5. The comparison of potential impacts to sensitive ecological resources between alternatives A1 through A4 and the applicants' equivalent is discussed in Section 6.1.2.5.

48. Impacts and Mitigation Measures by Region (Section 6)

DNR notes that this chapter of the EA does not use or summarize the information presented in Appendix N to accurately compare resource impacts for alternatives in specific regions. It would be useful to quantify the number of wetlands >1,000 feet where spanning is not possible. It would also be helpful to show all MBS Sites of High and Outstanding Biodiversity and NPCs with a ranking of S1-S3 to better understand the difference in impacts to rare features and sensitive ecological resources.

The comment is noted. The impact analysis for alternatives within a region is provided in Section 6. For example, in the Iron Range Substation Region, potential impacts associated with the applicants' proposed route within this region are discussed by resource in Section 6.1. The comparison of potential impacts between alternatives A1 through A4 and the applicants' equivalent is discussed by resource in Section 6.1.2. This approach was taken to allow the reader and the Commission to select an alternative based on impacts throughout each of the regions. The date in Appendix N was used to

prepare Chapter 6 and 7 of the EA.

49. Route Alternatives A1 through A4 - Iron Range Substation Region (Section 6.1.2)

DNR notes that the applicant's proposed route unnecessarily crosses state land, despite owning adjacent property, and all infrastructure should be kept within the company's property to avoid degrading public land. The proposed crossing of the Swan River involves a large area of floodplain, riparian habitat, oxbows, and wetlands. The DNR recommends selecting crossing options that minimize ecological impacts, protect habitats, maintain water quality, and safeguard native mussels downstream. DNR prefers crossing option A2, as both A1 and A2 avoid public land, use existing Swan River crossings, and minimize permanent impacts to riparian areas for right-of-way (ROW) clearing and maintenance. A1 and A2 also follow roadways and reconnect with the existing transmission line corridor. In contrast, options A3 and A4 increase riparian impacts, create more new ROW corridors, and encroach on School Trust Fund Lands, making them less favorable. The DNR encourages the PUC to choose either the A1 or A2 alternatives.

The comment is noted.

50. Hill City to Little Pine (Page 188, Section 6.2.1.5.1)

DNR notes that there are three state-listed threatened plant species within 150-750 feet of centerline; two within the Route Width. Habitat for these species is likely within the Route Width. Surveys are required to verify the extent of the populations so avoidance measures can be developed or, if these are not feasible, a permit to take applied for.

The comment is noted. Section 5.11.1.3 states: “The applicants may be required to conduct field surveys for protected species in coordination with USFWS and/or DNR to determine the presence of particular species along the permitted route (if the Commission issues a route permit). If a protected species is unavoidable, a takings permit may be required, and other permit conditions may be set.” In addition, Section 6.1.1.5.1 and all other relevant Rare and Unique Natural Resources sections of Section 6 state: “The applicants may be required to conduct field surveys for protected species in coordination with the USFWS and/or DNR prior to construction.”

51. Hill City to Little Pine (Page 190, Section 6.2.2 Route B)

The DNR notes that route B was originally proposed as an option by the applicant and was removed with no explanation in early coordination. This route is preferred by DNR as compared to the applicants proposed route**,** as it markedly reduces the amount of state land crossings by over 120 acres, Wildlife Management Area (WMA) crossings, High Conservation Value Forests (HCVF) by over 90 acres, and of MBS Sites by over 100 acres. There are a couple places along this route where the ROW is adjacent to candidate Old Growth forests. In these cases, it would be preferable to utilize alternative methods such as underground or infrastructure stacking and/or consolidation to reduce impacts to these communities. Even though Route B shows an increase in total wetlands, forested wetlands, and forested landcover, these acres are adjacent to the existing ROW. In the most sensitive locations and across state lands, infrastructure stacking, consolidation, and/or underground methods would help to avoid impacts.

The comment is noted.

52. Route C - Mud Brook (Page 203, Section 6.2.3)

DNR notes that route C reduces the number of wetlands crossed within the right-of-way, minimizes impacts to MBS Sites and NPCs, and cuts public water crossings by half. However, the DNR is concerned about installing large structures in floodplain ecosystems due to potential impacts on subsurface water flow, shallow aquifers, sensitive species, and ecosystems. While Route C offers some ecological benefits, creating a new corridor could lead to habitat fragmentation, which is not ideal. The DNR suggests exploring alternative avoidance measures, such as infrastructure stacking or underground lines. If Route B is not chosen, the DNR supports selecting Route C.

The comment is noted.

53. Alternative Alignment AA16: Double circuit alternative alignment in NE corner of Hill City to Little Pine Region (Page 216, Section 6.2.5)

DNR is supportive of efforts to consolidate infrastructure and reduce installing new or wider ROW corridors, including alternative AA16. Alternative AA16 shows a significant decrease in forested land cover acreage from 151 acres to 70 acres. Additionally, a decrease in acreage of MBS Sites from 227 acres (proposed route) to 195 acres (alternative AA16). Other notable items include a reduction in NPCs, a reduction in the amount of affected state forest lands, and a slight decrease in affected homes.

The comment is noted.

54. Protected Species - Cole Lake-Riverton Region (Page 236, Section 6.3.1.5.1)

There are Blanding's turtle records near the proposed project. The applicants note that mobile species may leave project impact areas. While that is possible, Blanding's turtles may also enter workspaces and even be drawn to areas such as bare dirt or sand/gravel piles created by the project, be entrapped by pits or trenches, or otherwise be harmed by project activities. As stated in the NH Review letter of June 30, 2023 (MCE #2023-00324), an avoidance plan should be created to minimize the likelihood of impacts to this state-protected species.

The comment is noted. The need for an avoidance plan was not specifically mentioned in the EA because it is not known whether the chosen route would pose a potential impact on Blanding's turtles. As such, the need for the applicants' future coordination with the DNR regarding potential impacts to protected species is mentioned several times throughout the EA.

55. Route Alternative D3, Alignment Alternatives AA4 and AA6 (Page 238, Section 6.3.2)

AA4 is a preferred route for the DNR because it follows existing transmission lines, resulting in fewer impacts on forestry resources compared to other alternatives. Since AA4 uses an existing cleared and maintained transmission line right-of-way, it reduces impacts on MBS Sites, DNR-managed forestlands, total wetlands, and state trust fund lands. Although the cost for AA4 is higher due to the need for infrastructure consolidation, there may be ways to reduce these costs while maintaining the general alignment. The DNR does not support alternative D3, as it would negatively impact state forest lands, timber production, and forest habitat sustainability.

The comment is noted.

56. Alignment Alternative AA3 Cole lake-Riverton Region (Page 248, Section 6.3.3)

DNR maintains that AA3, like AA4, stays on the existing transmission line corridor in its northern section but extends beyond the Cole Lake area to the newly proposed Cuyuna Substation. By consolidating infrastructure into a smaller footprint and limiting new construction to the existing right-of-way (ROW), AA3 reduces the overall project footprint. This results in less affected forestland, fewer impacts on MBS Sites, and a significant reduction in state-managed forest and school trust fund lands. The DNR supports alternative AA3 because it reduces the amount of ROW needed and consolidates infrastructure in the area.

The comment is noted.

57. Route Alternatives E1 through E5 Cole Lake Riverton Region (Page 255, Section 6.3.4)

E1 is the preferred route for the DNR in the Cole Lake Riverton Region because it consolidates infrastructure and reduces the amount of new right-of-way (ROW). E1 minimizes impacts on wetlands, forested wetlands, water crossings, and overall forested land cover. It also reduces the impact on MBS Sites and NPCs. Spanning high-quality habitats and lakes of high biodiversity is preferred. The applicant's proposed route crosses Hay Lake in a way that requires multiple footings in the lakebed, which would impact this Public Water Wetland. Since this requires a Public Waters Work permit, the DNR maintains that this route needs to be the least impactful feasible alternative, which the applicant's route is not. The DNR does not support the applicant's route and recommends the PUC adopt the E1 alternative. E2 could be an acceptable option if aligned with AA8 along Highway 59, although it slightly increases WMA crossings; these are along an existing transmission line and reduce additional habitat fragmentation, which is better for wildlife.

The comment is noted.

58. Route Alternative F - Cole Lake-Riverton Region (Page 270, Section 6.3.5)

Route segment F creates new corridor unnecessarily. DNR prefers to follow existing infrastructure. This alternative increases the amount of wetland impacts by nearly 20 acres. Additionally, it would negatively impact a greater amount of MBS Sites from 7 to 13, increases NPCs from 5 to 13. DNR prefers applicants' route in this area, rather than Alternative Route F.

The comment is noted.

59. Alignment Alternative AA7 - Cole Lake Riverton Region (Page 283, Section 6.3.7)

DNR supports the use of alternative AA7 which is similar in impacts to the applicant's proposed route but places the route onto the company's own property and off DNR lands. Crossing state land as depicted in the applicant's proposed route is unnecessary since the company owns the adjacent property. All infrastructure should be contained within the applicant's property and not encroach upon, degrade, or de-value public land.

The comment is noted.

60. Alignment Alternatives AA8 (DNR) and AA9 (Applicant) (Page 289, Section 6.3.8)

AA8 runs along County Highway 59, outside the Sagamore Unit of the Cuyuna Recreation Area, while AA9 runs along the west side of Highway 59, within the recreation area. The DNR supports route

alternative E1, which would make alternatives AA8 and AA9 unnecessary, as E1 crosses the area on the west side of the Sagamore Unit. However, if route alternative E2 is chosen, the DNR prefers AA8 to avoid crossing through the Cuyuna Recreation Area, where significant investments have been made to enhance infrastructure and recreational opportunities. The applicant's proposed route crosses Hay Lake at a long stretch, requiring footings in the lakebed, which would impact this Public Water Wetland and necessitate a Public Waters Work permit. The DNR finds that this route is not the least impactful alternative and requires further analysis to minimize impacts. The proposed right-of-way also crosses the Carlson-Nelson Fine Tailings Basin on the Cuyuna Range, potentially affecting valuable personal property with multiple owners. The DNR prefers to focus on expanding existing mineral resource encumbrances rather than creating new ones.

The comment is noted.

61. Long Lake Region – Alternative Routes (Page 301, Section 6.4)

DNR prefers route K overall in this region, however alternatives H1 or H2, or a hybrid could also be acceptable. Avoiding state managed forest land in this area appears to be achievable while avoiding wetland impacts, and large areas of MBS Sites that are present in the applicants' route. Some residential impacts could be mitigated by utilizing a mixture of alternatives at the northern end of the long lake section (where the applicant's route, H1, and H2 begin). Merging the lines back to the main artery of infrastructure as soon as possible after passing the lakes in the Long Lake section is favorable to reduce creation of a new corridor. DNR does not support the applicants' proposed route, or any of the other route alternatives or alternative alignments presented in this area.

The comment is noted.

62. Route Alternative K – Long Lake Region (Page 325, Section 6.4.3)

Route K would be the most favorable route in this area, as it follows existing infrastructure across the entirety of the alternative. However, the amount of wetland impacts is significantly lower along route K. The amount of forested area disturbance with this alternative would be markedly lower than the applicant's route in addition to many MBS Sites. This alternative also avoids all School trust Fund Lands. There could be options such as infrastructure stacking, or underground options that could help mitigate issues with spacing in the narrow corridor between the lakes.

The comment is noted.

63. Protected Species – Morrison County (Page 359, Section 6.5.1.5.1)

There are Blanding's turtle records near the proposed project. The applicants note that mobile species may leave project impact areas. While that is possible, Blanding's turtles may also enter workspaces and even be drawn to areas such as bare dirt or sand/gravel piles created by the project, be entrapped by pits or trenches, or otherwise be harmed by project activities. As stated in the NH Review letter of June 30, 2023 (MCE #2023-00324), an avoidance plan should be created to minimize the likelihood of impacts to this state-protected species.

The comment is noted. The need for an avoidance plan was not specifically mentioned in the EA because it is not known whether the chosen route(s) and alignment(s) would pose a potential

impact on Blanding's turtles. As such, the need for the applicants' future coordination with the DNR regarding potential impacts to protected species is mentioned several times throughout the EA.

64. Alternative Route J2 - Benton County (Page 360, Section 6.6)

The evaluation of Alternative J1 and Alternative J3 as compared to the applicant's proposed route reflect significantly greater natural resource impacts than what was proposed by DNR during scoping. We recommend that Alternatives J1 and J3 be considered as a combined route. If this is not feasible, then DNR considers Alternative J2 to be the only acceptable route through the Benton County Elk River region.

The comment is noted. See EERA response to DNR Comment #22 regarding the evaluation of route alternatives J1 and J3.

65. Water Resources - Benton County (Page 364, 6.6.1.4.1)

This section states that impacts to floodplains are expected to be minimal, however the applicant's route is proposing to locate the route within approximately 40 acres of floodplain requiring extensive tree clearing in the floodplain and along the banks of the Elk River.

The comment is noted. EERA believes the text of the EA is appropriate and accurate. Potential impacts to floodplains and groundwater are anticipated to be minimal; impacts to vegetation, wildlife, and unique resources that exist in floodplains, particularly the Elk River floodplain, are not (see Chapter 6.6.2 of the EA).

66. Watercourses and Waterbodies - Benton County (Page 365, Section 6.6.1.4.1.1)

The DNR explained that the applicants' proposed route would cross the Elk River 26 times, including six times within a quarter-mile stretch, which is not specified in this section of the EA (stating it would cross only one NHD waterbody). This route would involve significant tree removal along the river corridor, impacting the river, surrounding wetlands, floodplain, and wildlife in this primarily agricultural area. Clear-cutting trees could destabilize the river corridor, leading to erosion, sedimentation, and infrastructure stability issues. The proposed right-of-way (ROW) expansion through Benton County would require clearing at least 120 additional feet of trees along 40 miles of a vital riparian corridor. Although the route follows an existing one, the extensive vegetation clearing closer to the river would result in greater environmental impacts than other potential routes that avoid the river corridor. In Benton County, this route would clear about 40 acres of trees in shoreland or floodplains. In an agricultural region, the riparian corridor is crucial for maintaining water quality, wildlife habitat, erosion control, and flood management.

The comment is noted. Section 6.6.1.4.1.1 states the following: "According to the NHD the applicants' proposed route would cross 30 watercourses in the Benton County Elk River region, including 26 public water watercourses, and one impaired stream: the Elk River." The intent of the EA text is to indicate that it would have "30 watercourse crossings" and not "cross 30 watercourses." Chapters 6.6.1 and 6.6.2 discuss potential impacts to vegetation, wetlands, and wildlife in the Benton County Elk River region.

67. Land Cover Types – Benton County (Page 366, Table 6-132)

The DNR has expressed concerns about the table detailing land cover types within the 150-foot right-of-way (ROW) of the applicant's proposed route in the Benton County Elk River Region. They suggest the table would be more useful to decision-makers if it included information on the amount of floodplain within the ROW and the acres of ROW located within shoreland. This is important because tree removal in these areas is subject to stricter local regulations and has a greater impact on natural resources.

The comment is noted. The landcover types in Table 6-132 are for the applicants' proposed route which runs in and along floodplain in the Benton County Elk River region. This context is clear from the maps and discussion in Chapter 6.6.1 of the EA.

68. Wildlife – Elk River Corridor (Page 366, Section 6.6.1.4.3)

DNR notes that this section of the EA states that paralleling an existing line, the applicant's proposed route would minimize new impacts associated with habitat fragmentation. This statement is not accurate. The Elk River corridor provides some of the only significant wildlife habitat in an area dominated by agriculture, urbanization, and development. The applicant's proposed route would significantly impact wildlife habitat by locating the route extensively within shoreland and further removing the tree canopy.

The comment is noted. EERA staff believes the text of the EA is appropriate. Following an existing transmission line would minimize impacts associated with habitat fragmentation. EERA staff agrees that following the existing transmission line in the Elk River corridor would have other adverse environmental impacts including loss of vegetation and wildlife habitat.

69. Protected Species – Benton County (Page 367, Section 6.6.1.5.1)

DNR notes that there are Blanding's turtle records near the proposed project in the Elk River corridor. The applicants noted that mobile species may leave project impact areas. While that is possible, Blanding's turtles may also enter workspaces and even be drawn to areas such as bare dirt or sand/gravel piles created by the project, be entrapped by pits or trenches, or otherwise be harmed by project activities. As stated in the NH Review letter of June 30, 2023 (MCE #2023-00324), an avoidance plan should be created to minimize the likelihood of impacts to this state-protected species. There are also state-protected plant species documented near the proposed project line. These species may be present in suitable habitat that is impacted by the project. To avoid taking state-protected species, surveys should be done in any potential habitat impacted by project activities. See the NH Review letter of June 30, 2023 (MCE #2024- 00324) for details on survey requirements.

The comment is noted. The need for an avoidance plan was not specifically mentioned in the EA because it is not known whether the chosen route(s) and alignment(s) would pose a potential impact on Blanding's turtles. As such, the need for the applicants' future coordination with the DNR regarding potential impacts to protected species is mentioned several times throughout the EA.

70. Route Alternatives J1 through J3 (Page 368, Section 6.6.2)

DNR notes that this section of the EA remarks that the alternatives proposed do not share ROW with or parallel existing lines but does not describe the extent to which the proposed alternatives follow

or share road ROW, field lines, and section lines, which are also considered and preferred in route siting. Table 6-136 shows that Alternative J3 shares more ROW (99%) than the applicant's proposed route.

The comment is noted. Following existing transmission line and/or road ROW is an important project consideration. The paragraph described by DNR is simply stating whether route alternatives follow existing transmission lines, which represent the same type of project/infrastructure already on the landscape. The EA analyzes various types of paralleling and sharing shown in Table 6-136 and discussed in the subsequent sections.

71. **Human and Environmental Impacts - Table 6-135 Proximity of Residences (Page 369, Table 6-134)**
DNR notes that the proposed J1 through J3 alternatives have a half-mile wide corridor in some areas to allow for finding the best ways to reduce impacts to residences. DNR notes that it is unclear from the tables if a 150-foot ROW was used as a representative for Alternatives J1 through J3. If so, it is difficult to accurately compare these alternatives without knowing what 150-foot corridor was selected to represent each alternative. Also, the number of residents listed within the vicinity of the ROW, and the acres of impacts for each resource are not accurate based on the half-mile corridor width, and the flexibility it provides in selecting a route to reduce impacts.

The comment is noted. The 150-foot ROW used in the table represents 75 feet on each side of a route alternative's anticipated alignment. This is described in Section 5.1.1 of the EA, which provides a summary of the regions of influence for each resource.

72. **Human and Environmental Impacts**
DNR notes that Tables 6-134 and 6-135 use, "75 feet – 250 feet, "proximity to residences as a category for comparing alternatives, but later in Section 6.6.2.1.2, the EA states that Alternatives J1 and J2 do not have any permanent residences, churches, childcare centers, or schools located within the 150-foot ROW that would be displaced. Once again, the corridor in these areas in a half-mile wide to allow for sufficient negotiation with landowners and avoidance of residences. It would be helpful if this information was presented consistently throughout the EA using the information provided in Appendix N and presented in Section 7 to compare alternatives within regions.

The comment is noted. Tables 6-134 and 6-135 provide a range of distances to understand residence proximity to the applicants' proposed route and each of the proposed alternatives in any given region. A consistent, 150-foot region of influence, as described in Chapter 5.1.1 was used for analysis purposes.

EERA staff agrees that the alignments of alternative J1 and J3 could be adjusted to avoid some residences within the route width or move further away from them; however, this is true of all the routing alternatives analyzed in the EA. An alignment within a route width must be assumed to perform an analysis of the alignment's potential impacts.

73. **Pole Structure Maintenance and Repair in Floodplains**
DNR notes that the applicants' route should also reflect the additional maintenance and repair that could be necessary if pole structures are located within the floodplain. The existing transmission line has encountered destabilization after pole structures were built directly in the floodway/floodplain,

on the bank, or in the water of the Elk River. Erosion and meandering occurred around the structures. Placing pole structures in wetlands and floodplain areas creates challenges for building stable foundations that would have to be managed for the entire life of the project. Avoiding these areas is beneficial for wildlife, the water resource, and the applicant.

The comment is noted.

74. Natural Environment J-Route Alternatives (Page 375, Section 6.6.2.4)

The analysis of impacts for Alternatives J1 and J3 does not align with what the DNR proposed during scoping, as the potential benefits have been minimized by combining these alternatives with the applicant's proposed route. The DNR recommends re-evaluating the alternatives as originally proposed, with J1 and J3 combined as shown in Figure 1. The combined J1 and J3 Alternative, as well as the J2 Alternative, best avoid significant impacts to the Elk River Corridor, including wetlands, floodplains, wildlife habitat, tree removal, and the river itself. Both alternatives largely follow road right-of-way and field lines. The DNR advises selecting either the J1 and J3 Combined Alternative or the J2 Alternative, based on which option has the least impact on local residences.

The comment is noted. See EERA response to DNR Comment #22 regarding the evaluation of route alternatives J1 and J3. Route alternative J2 is included as a part of example full route option 4 in the amended version of Chapter 7 (see Attachment A).

75. Relative Merits of the Project as a Whole (Page 388, Section 7)

The DNR believes that factors E. and F. listed in Minn. Rule 7850.4100 as part of the 14 factors for the Commission to consider in its route permitting decisions have not been adequately considered during the development of the route or described within the EA. The project has the potential for significant natural resource impacts to high quality natural areas and rare features.

The comment is noted. Potential impacts to factors E (Effects on the natural environment, including effects on air and water quality resources and flora and fauna) and F (Effects on rare and unique natural resources) are discussed throughout the EA. Section 6 compares every alternative in each of the regions of the project. The impact analysis for all alternatives within each region is provided in Section 6. For example, in the Iron Range Substation Region, potential impacts associated with the applicants' proposed route are discussed by resource in Section 6.1.1. The comparison of potential impacts between alternatives A1 through A4 and the applicants' equivalent is discussed by resource in Section 6.1.2.

In the general comments on the EA (above), the DNR states: "The potential impact to *Lakes of Biological Significance* has not been quantified and compared between alternatives for each region." EERA contends that this is not the case as the potential impacts to Lake of Biological Significance are quantified and compared in the EA sections where they are relevant, including Sections 6.3.1.5.2, 6.3.4.5, 6.3.5.5, 6.4.3.5, and 7.25, which aligns with analyzing unique elements of factors E and F.

76. Section 7.1 Applicant's Proposed Routes and Example Full Route Options (Section 7.1)

DNR notes that using the J1 Alternative in the Example Route 2 does not consider the other alternatives that were proposed to avoid significant impacts to the Elk River corridor, which did not include large sections of the applicant's route as proposed during scoping.

The comment is noted. Route alternatives J1 and J3 have been combined and included as a part of example full route option 5 in the amended version of Chapter 7 (see Attachment A).

77. Human and Environmental Impacts for the Applicant's Proposed Route and Example Full Route Options (Page 397, Table 7-2)

DNR notes that Table 7-2 of the EA includes a breakdown of water resources that is helpful to compare alternatives. The resources listed in the table should be used consistently throughout the EA to compare all alternatives in specific regions.

The comment is noted. While not shown in a single table, all the water resources sections compare these same resources when they are present for a particular group of route alternatives. For example, see Table 6-27 in Section 6.2.2.5.1.1.

78. Human and Environmental Impacts for the Applicant's Proposed Route and Example Full Route Options (Page 397, Table 7-2)

DNR notes that this table does not accurately address potential impacts to state-listed species. Table 7-2 only identifies the number of species identified within the corridor but should consider the entire project area. This is not in line with DNR NH practices and training. This criterion is not applied consistently throughout the EA making it difficult to analyze the differences between routes. DNR must determine what is an impact to a state-listed species. The alternatives must be submitted to Minnesota Conservation Explorer for coordination on the need for surveys, avoidance plans, or a Takings Permit. This information is not available and so this part of the analysis is not complete.

The comment is noted. Table 7-2 serves as an overall summary, as stated at the beginning of Section 7.2. Section 7.2.5 provides detail on potential impacts to rare and unique natural resources and does in fact name those three species that the table summarizes. In addition, as stated in the text, there is an appendix (Appendix N) that lists all the NHIS records within the ROW, route width, and 1 mile of all route alternatives analyzed in the EA.

79. ROW Paralleling and Sharing of Applicants' Proposed Routes and Example Full Route Options (Page 400, Table 7-4 and Figure 7-2)

DNR notes that throughout the EA, the applicants states that they are minimizing natural resource impacts through paralleling and sharing of ROW. Figure 7-2 and Table 7-4 show that the Example 1 and Example 2 routes are shorter and utilize more existing ROW paralleling and sharing than the applicant's proposed routes, therefore, this argument is not sufficient to justify extensive natural resource impacts.

The comment is noted.

80. Relative Merits of Applicants' Proposed Routes and Example Full Route Options (Page 410, Table 7-10)

DNR notes that Table 7-10 does not accurately depict the size and scale of the natural resource impacts of the project or compare them across alternatives.

The comment is noted. Table 7-10 is a summary of the relative merits information that has been provided in the text preceding it. The table focuses on the general differences between the full routes, in particular, what differentiates them in terms of rare and unique natural resources. Section 7.2.5 provides the basis for this row in Table 7-10.

81. Summary of DNR Preferred Alternatives

As part of their August 5, 2024, comment letter, the DNR has provided a table, by EA study region, of their preferred route and alignment choices, along with those they oppose.[9]

EERA has reviewed the table and does not have additional comments.

82. DNR Permit Condition Requests - Natural Heritage Review: Minnesota Conservation Explorer (MCE)

The NH Review letter (attached to the DNR comment letter) is based on the applicant's proposed route. The final route may need to be re-evaluated and any route changes would require an updated NH Review via MCE to identify rare resources and mitigate potential impacts. The applicant should also submit plans for temporary access roads and staging areas. We request that required avoidance measures, plans, surveys, habitat assessments and/or DNR Takings Permit be listed as a permit requirement.

The comment is noted.

83. DNR Permit Condition Requests - Coordination with the USFWS

We recommend that coordination with USFWS regarding avoidance and permitting of federally protected species on the selected route be included as a permit condition.

The comment is noted.

84. DNR Permit Condition Requests - Facility Lighting

The DNR advises that LED lighting is often high in blue light, which is harmful to birds, insects, and other animals. Potential project impacts related to illuminated facilities can be avoided or minimized by using shielded and downward facing lighting and lighting that minimizes blue light.

The comment is noted.

85. DNR Permit Condition Requests - Dust Control

Our agency recommends avoiding products containing calcium chloride or magnesium chloride, which are often used for dust control. Chloride products that are released into the environment do not break down, and instead accumulate to levels that are toxic to plants and wildlife.

The comment is noted.

[9] August 5, 2024, comment letter from the Minnesota Department of Natural Resources [eDockets 20248-209262-01; 20248-209273-02]. See Table 1, pages 27 and 28.

86. DNR Permit Condition Requests - Wildlife-Friendly Erosion Control

Due to entanglement issues with small animals, the DNR recommends that erosion control blankets be limited to "bio-netting" or "natural netting" types, and specifically not products containing plastic mesh netting or other plastic components. Hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into waterways.

The comment is noted.

Minnesota Forestry Association (MFA)[10]

1. Use of the Term "Undeveloped" in the EA

MFA raises concern over the term 'undeveloped' used throughout the EA which they maintain implies the landscape must be "developed." It is MFA's position that from a forestry perspective, forests do not need to be "developed," arguing that they are a source to grow and store carbon to help mitigate climate change. MFA recognizes that the transmission line may help provide reliability of electric service; however, they assert that the EA document does a poor job at truly recognizing the role forests play in the EA document as well as our society.

The comment is noted.

2. Upgrading Existing Power lines

MFA claims that the EA does not consider replacing the existing power lines through an upgrade while also reducing leakage, citing to a website in support of their claim: https://www. volts. wtf/p/one-easy-way-to-boost-the-grid-upgrade.

The comment is noted. Chapter 4 of the EA discusses system alternatives – alternatives to the project itself. The website noted by MFA discusses reconductoring. Reconductoring of existing transmission lines, i.e., replacing existing conductors with new conductors, can enable existing lines to transmit more electrical energy. As discussed in Chapter 4, there is a not an existing 345 kV transmission line that connects the endpoints proposed by the applicants. Thus, there is not a line to be reconductored. Further Chapter 4 discusses that lower voltages, e.g., 230 kV, 115 kV, would not meet the need for the project.

3. Board of Soil and Water Resources section

MFA has stated that the report has a small Board of Soil and Water Resources section pertaining to the project wetland impacts and regulatory responsibilities, arguing that the section should be much larger and detailed throughout the report.

The comment is noted. Chapter 2.6 of the EA discusses regulatory approvals for the project and the agencies involved in these approvals including the Board of Soil and Water Resources.

[10] July 22, 2024, comment letter provided by the Minnesota Forestry Association as Exhibit B during the Hill City public hearing. [eDocket 20248-209508-03; 20248-209508-04].

4. **Existing Power Lines**
   MFA states that the EA maps do not show competitor (Xcel Energy) high voltage power line routes.

   The comment is noted. The EA presents existing transmission lines on maps irrespective of ownership.

5. **Map Clarity (Page 24)**
   MFA notes that a map (on page 24 of the EA) should show the size of existing transmission lines for better comparisons and decision making.

   The comment is noted. EERA assumes that this comment is referring to Map S-1 on page 23 of the EA, which is a project overview map. Due to the scale of this map, the size of existing transmission lines is not included. However, this map shows only transmission lines with a voltage greater than 69 kV.

6. **Vegetation (Page 38)**
   MFA notes that the maps in the EA do not have private forest inventories because neither the state nor the nation have a private forest inventory map which shows species, size and densities. NLCD [National Land Cover Database] is a coarse landcover map and does not accurately reflect the complex makeup of our vegetation landscape. The writeup does note that NLCD is an approximation.

   The comment is noted.

7. **Routing Factors (Page 25 and Page 56)**
   MFA maintains that there are 15 factors (rather than 14), that the PUC must consider in their routing decision. MFA argues that the EA should have included "Forest Carbon loss over the life of the transmission corridor due to removal of the existing forest with the new transmission ROW," which they designate as Factor O.

   The comment is noted. The PUC must use the current version of Minn. Rule 7850.4100, which features only 14 routing factors. Accordingly, the EA uses these same 14 factors.

8. **Wetland Mitigation and Forest Removal (Page 34)**
   MFA notes that the applicants are required to provide wetland mitigation for the conversion of forested wetlands to non-forested wetlands.

   The comment is noted. Chapter 5.10.1.3 of the EA discusses potential wetland impacts and mitigation measures.

9. **Wetland Regulation**
   The report is a little 'light' on the wetland regulation responsibilities by both the locals, state, and feds.

   The comment is noted. Table 2-2 of the EA summarizes permits and licenses needed for the project.

10. Vegetation (Page 32)

MFA notes that the EA went into detail on water and wetland crossings yet condensed vegetation into one row and would like to see more detail that includes forest and vegetation species, heights, and densities. They request this additional information to better inform decisions that would reduce forest fire potential because of powerline-related forest fires akin to those in California and Hawaii. MFA claims that this should be a required element for any new powerline transmission corridor because the vegetation will be a factor in time during any failure of the transmission line.

The comment is noted. Details regarding potential impacts to forestry and vegetation are included throughout Chapter 6 of the EA.

11. Vegetation (Page 46)

The MFA maintains that the EA "Natural Environment – Vegetation" ratings are incorrect, as the ROW is a permanent removal of both the forest and any potential for future growth and carbon storage. They conclude that all options should have a major impact.

The comment is noted. EERA staff believes that Table S-10 and the accompanying text are appropriate.

12. Wildlife (Pages 41-42)

MFA notes that there are no mention of migratory bird strike impacts to the power lines or towers. Even the design of the tower should be mentioned as a potential way to minimize impacts.

The comment is noted. Impacts to avian species and mitigation measures are discussed in Chapter 5.10.5.2 of the EA.

13. EMF, Noise, and Wildlife Habitat Impacts (Page 132-137)

MFA indicates there is no mention of electromagnetic interference and noise impacts to wildlife habitat. The EA should at least acknowledge this is an area that needs further monitoring.

The comment is noted. Electromagnetic fields (EMF) and noise are discussed as potential human impacts in the EA (see, Chapters 5.5.11 and 5.3.6 of the EA). Potential impacts to wildlife from EMF and noise are outside the scope of the EA (see Appendix A of the EA).

14. Permanence of Forestry Impacts (Page 37)

From the EA, MFA identified "Forestry Impacts to designated forestry resources in the 150-foot ROW of the full route options would be relatively similar (Table S-2). Forestry land within the ROW of these options ranges between 472 acres (example route option 1) to 590 acres (applicants' proposed route)." MFA maintains that the forestry impacts are permanent because forest crops cannot be grown under powerlines as compared to farming. They may be similar in terms of acres but over time, it is much more drastic.

The comment is noted.

15. Region of Influence on Forestry Impacts (Page 124)

MFA notes that the region of influence for forestry impacts is much more than the 150 for forest vegetation. Over time when trees grow, the species, size and densities will influence the ROW during wildfire events. Not all forests are the same.

The comment is noted. EERA staff believes that the region of influence for forestry impacts, as described in Chapter 5.1.1. of the EA, is appropriate.

16. Woodland and Farmland Value Impacts (Page 129)

MFA presents language to address and clarify woodland and farmland value impacts.
Add: *The value of woodland property decreases when transmission line structures interfere with forestry operations.* Then fix this section: *5.3.2.1 Potential Impacts and Mitigation Measures. Placing transmission lines out of agriculture fields into the forests does not solve the problem. It just shifts it to woodland owners.* [Italics added]

The comment is noted. EERA staff notes that the text is Chapter 5.3.2.1 discusses mitigation measures for property value impacts including maximizing the use of existing ROW and placing transmission lines away from residences and agricultural fields. The text does not state, or imply, that transmission lines placed away from residences or agricultural fields are necessarily placed in forests. Placing transmission lines in forested lands would impact property values for woodland owners.

17. Wildfire Risk (Page 22: Table 5-11)

MFA notes that Table 5-11 is based on past assumptions. Wildfire risk should be elevated to "major" for any portion of the line going through forests. We just had a snowless winter in the region. Will that continue into a multi-year drought?

The comment is noted. EERA staff notes that Table 5-11 was created using current data from the EPA and the EPA's most up-to-date climate prediction tools.

18. Carbon Accounting (Page 60)

MN DNR and MN PCA should be added to the EA as they have major forest carbon accounting responsibilities.

The comment is noted. To EERA staff's understanding, there are no existing state level permits or licenses from the DNR or MPCA governing forest carbon accounting responsibilities. Please see Table 2-2, which summarizes existing permits and licenses.

19. Graph Addition (Pages 112)

MFA appreciates the climate narrative and requests that the EA include a climate change graphic provided by the Minnesota Pollution Control Agency.[11]

The comment is noted. EERA staff believes the discussion of climate change and climate resiliency in Chapter 5.6 of the EA is appropriate.

[11] MFA cites to a 2018 Minnesota Greenhouse Gas Emissions and Sequestration by Economic Sector graph created by the Minnesota Pollution Control Agency on page 5 of their exhibit. [eDockets 20248-209508-03; 20248-209508-04]

20. Impacts to Forestry Operations (Page 25)

MFA disagrees with the EA text that states "Impacts to forestry operations are anticipated to be minimal to moderate." They maintain that the action of permanently removing forests for centuries is a major impact. Given this is a permanent loss to the forestry sector which is the only sector which grows and stores carbon, MFA argues that this is a major EA omission. Additionally, they state that the EA, on page 315, discusses the project's "Unavoidable Impacts," explaining that not one word was offered about the permanent removal of forests for the life of the power line (at least a century) resulting in net carbon loss.

The comment is noted. Chapter 7.4 of the EA discusses unavoidable impacts of the project. The EA notes that tree removal is an unavoidable impact of the project and that this impact will be maintained over the life of the transmission line through clearing and maintenance of the transmission line right-of-way.

21. Carbon Storage and Credits Loss (Page 26, 5.8.2.)

MFA notes that there is no mention of forest carbon storage/credits loss in the writeup of climate change.

The comment is noted. Chapter 5.6 of the EA discusses climate change and climate resiliency. Chapter 5.6 notes that calculations for greenhouse gas (GHG) emissions are in Appendix K of the EA. Emissions calculations in Appendix K include changes in land use, including changes to forested lands.

22. Route Alternatives (Page 69)

MFA alleges that there is another alternative that was missed and should be proposed to bypass the town of Swatara. Specifically, MFA suggests that alternative B could be run to the west of the town of Swatara and then back on the Line 3 pipeline corridor back to the proposed route which would minimize impacts on that community. The pipeline should also be added to your maps since it is a PUC ROW.

The comment is noted. All of the alternatives analyzed in the EA are described in the scoping decision for the EA (see Appendix A of the EA). The scoping decision excludes routes, route segments, or alignment alternatives not specifically identified for study in the scoping decision.

23. Route Alternatives (Page 83)

MFA claims that Route Alternatives Jl-J3 should be the primary route and that the applicants' proposed route should be moved to the J-routes to restore and remove the damage over the Elk River habitats.

The comment is noted.

24. Pole Structure Construction (Page 89)

The concrete piers are to be 7-10 feet in diameter. More importantly, there is not any discussion if the construction of the pier damages local aquifers and what mitigation will take place. Given the poor performance of the PUC during the Line 3 construction, this should have been included in any future infrastructure projects. MFA claims that the write up should at least mention potential

aquifer breaches that could occur and the engineers and contractors should do a better job at siting the tower foundations and avoid piercing the shallow aquifers that are in the area.

The comment is noted. Chapter 5.10.1.4.1 of the EA includes a discussion of structure depth: "Structure foundations will generally range from 25 to 60 feet in depth."

25. Landowner Compensation for Carbon Credits

The MFA notes that the EA does not discuss landowner compensation for carbon credits because of land clearing to develop the right of way. Of interest is the pricing scheme and whether a "fair price is offered since this action will result in a permanent loss of the ability to grow trees for centuries as compared to farmers who can still grow crops under high voltage Power lines."

The comment is noted. Chapter 3.4.1 of the EA discusses the right-of-way (ROW) acquisition process and the requirement for landowners to be provided just compensation for any ROW.

26. Easement Acquisition (Page 62, Section 2.6.5)

MFA requests more information on how land or easement acquisition will occur between landowners enrolled in Carbon Credit programs and how they will be compensated for this loss, as the EA did not describe this interaction.

The comment is noted. Chapter 3.4.1 of the EA discusses the right-of-way (ROW) acquisition process and the requirement for landowners to be provided just compensation for any ROW. Chapter 2.6.5 of the EA notes that the applicants will work with the administering agencies to obtain necessary approvals for routing the project through land enrolled in conservation programs.

27. Community Impacts (Page 1, 5.4.1; Page 27)

MFA identified that the project does in fact cross the Amtrak route on the Burlington Northern Santa Fe line (See Page 1: 5.4.1). They also noted that there is no mention of the active dog sledding and kennels directly in the path of transmission line next to Swatara in the Recreation and Tourism section (EA, page 27).

The comment is noted. Chapter 5.4.1 has been updated to include information regarding passenger rail service (See Attachment C).

Members of the Public

Marla Britton and Deb Woitalla[12]

1. Sand Creek Drainage

The commentors note that the applicants' map does not show Sand Creek that runs through the back side of commentor's property.

[12] July 28, 2024, comments from Marla Britton and Deb Woitalla. [eDockets 20247-209045-01; 20248-209165-01; 20248-209256-01; 20247-209043-01; 20247-209044-01; 20247-209046-01].

The comment is noted. The "Sand Creek" drainage as provided by the commentors is listed as an "unnamed stream" in the DNR database and therefore not included in the Public Waters database. This is why it is not depicted as a public water on the maps included in the EA.

2. **Child Care Center (Page 428)**
The commenters note that the EA incorrectly states there are no churches, childcare centers or schools along the applicants' proposed route in the Cole Lake – Riverton region. The commenters note that here is a child care center next door and the proposed route is running right behind it. The commentors indicate that transmission lines can cause child leukemia.

The comment is noted. Text in Chapter 6.3.1.1.2 of the EA has been updated to indicate this childcare center (see Attachment C).

H&W Contractors/H&L LLC[13]

1. **Property Value Impacts and the J2 Route Alternative**
The commentor is a property owner and is highly concerned about the potential impact of the J2 route alternative on the value and use of their properties. They own about 230 acres, including three rental homes and farmland that is currently rented out, all of which would be affected by the route. In support of their concerns, they have provided a property value analysis used by the Wisconsin Public Utilities Commission.

The comment is noted. Chapter 5.3.2 of the EA discusses potential impacts to property values resulting from the project. The EA notes that negative property value impacts generally range from a 1 to 10 percent reduction in property values. Appendix G of the EA discusses the types of studies that have been conducted in an attempt to quantify property value impacts. Appendix G also briefly discusses the results of these studies.

Joel Kersting[14]

1. **Accuracy of Property and Residences identified in the EA**
Mr. Kersting examined all properties on both Alternate B and the applicant's proposed route through aerial viewing, driving to the properties, and using county websites and found that the EA findings do not align his on-the-ground investigation. Mr. Kersting determined that there are 23 possible residences within 1,000 feet of Alternate B and 24 possible residences within 1,000 feet of the applicant's proposed route. Of the 23 residences near Alternate B, only 7 are east of the line, compared to 21 on the applicant's proposed route. Mr. Kersting notes that this is significant because the proposed line is set to run east of the existing lines, meaning the residences east of the existing lines will be closer to the new line.

The comment is noted. Map 6-4 has been updated to indicate the presence of Mr. Kersting's residence and one additional residence (locations provided by Mr. Kersting at the Hill City public

[13] July 23, 2024, comments from H and W Construction. [eDockets 20247-208859-01; 20248-209208-04; 20247-208859-02].
[14] August 1, 2024, comments from Joel Kersting. [eDockets 20248-209216-04; 20248-209216-03].

hearing) within the route width of the applicants' proposed route in the Hill City to Little Pine region (applicants' route B equivalent) (see Attachment C).

Stanley Erickson[15]

1. **Sustainable Forest Incentive Act Program and Potential Land Impacts**
   Mr. Erickson notes that the EA does not discuss forested land that he has enrolled in the Sustainable Forest Incentive Act (SFIA). Mr. Erickson had submitted a comment letter during the EA scoping process noting this land and its enrollment.

   The comment is noted. EERA staff notes that the number of land acres enrolled in the SFIA program located within any given route or alignment alternative were included to the best of EERA's ability based on data provided by the DNR. DNR has indicated that there may be SFIA parcels that are not represented in their data. While noting the presence of land enrolled in the SFIA program provides useful forestry impact detail in the EA, it is up to the Commission to evaluate the weight and relevance of this status.

2. **Wolvert's Aquatic Management Area (AMA)**
   Mr. Erickson notes that the EA fails to include the Wolvert's AMA, an ecological resource near Mr. Erickson's residence. Mr. Erickson also notes the Dagget Brook biodiversity site near his residence.

   The comment is noted. Discussion of the Wolvert's AMA has been added to Chapter 5.10.5 of the EA (see Attachment C). Maps 5H, 6-20, and 6-22 have also been updated to include depiction of the Wolvert's AMA (see Attachment C).

   EERA staff notes that the Dagget Brook MBS site is included in the EA; however, MBS sites are not listed by name in the document. Instead, these sites were analyzed by category of significance, and acreages of potential impact. In the Long Lake Region, Table 6-97 indicates that the applicants' route would impact up to 95 acres of SBS sites, while route alternative H1 would impact up to 55 acres. Further information regarding the significance of the SBS sites for route alternatives H1 through H7 is included in Chapter 6.4.2.5. The SBS ranked "moderate" that is referred to in this Chapter as being intersected by the applicants' equivalent route is the Dagget Brook MBS site.

Don Loehr and Stanley Erickson[16]

1. **Inadequacy of the EA**
   Messrs. Loehr and Erickson maintain that the EA analysis is inadequate, particularly within the Upper South Long Lake region, noting the absence of the Wolvert AMA, the Dagget Brook MBS, and a more thorough evaluation of School Trust Land as missing components of the evaluation.

[15] July 23, 2024, comment letter provided by the Stanley Erickson as Exhibit J during the Brainerd public hearing. [eDockets 20248-209508-15; 20248-209508-16].

[16] July 25, 2024, comment brief provided by Don Loehr and Stanley Erickson as Exhibit BB during the Sauk Rapids hearing. [eDockets 20248-209511-04; 20248-209511-03].

The comment is noted. Please see EERA response to Stanley Erickson comment #2. EERA staff notes that the EA is not the sole indicator of record completeness.[17]

2. Least Impact Prohibition

The commentors claim that the applicants' proposed route is a violation of the "Least Impact Law" under the Minnesota Environmental Policy Act (MEPA), section 116D.04 subdivision 6 (Prohibition).

The comment is noted. Whether the applicants' proposed route is selected by the Commission and whether this route accords with the "Least Impact Law" as described by the commentors are decisions that the Commission must make.

3. Alternative Route Proposal

Using alternative routes H1, H2 or H3, Messrs. Loehr and Erickson describe two routes by combining and fashioning portions of routes H1, H2, and H3. The commentors claim that the two routes avoid potential major environmental impacts to the Wolvert Aquatic Management Area, Erickson's Forest preserve, and the Dagget Brook MBS site, caused by the applicants' proposed route.

The comment is noted. The proposed routing options described by the commentors may be considered and selected by the Commission.

Little Rabbit Lake Property Owners Group (LRLPOG)[18]

1. Project Notice

The LRLPOG maintain that the applicants did not provide proper notice to area property owners, specifically, that the notice lacked transparency, and that it did not constitute a bona fide attempt to comply with statutory notice requirements.

The comment is noted. To EERA staff's understanding the applicants, EERA, and the Commission have provided appropriate notice of the project and the permitting process.

2. Adequacy of the EA

LRLPOG maintains that the EA is inadequate and fails to adequately consider the adverse impacts, both environmental and other, of applicants' equivalent route. They request that the Commission deny the applicants' equivalent route and have the applicants perform a more thorough environmental review.

The comment is noted. EERA staff believes that the EA does describe and analyze the potential adverse impacts of the project, including those of the applicants' proposed route in the Rabbit Lake area (see Chapter 6.3.4 of the EA). EERA staff notes that the decision the Commission must make

[17] Per Minnesota Rule 7850.3900, "At the time the commission makes a final decision on the permit application, the commission shall determine whether the environmental assessment and the record created at the public hearing address the issues identified in the scoping decision."

[18] August 5th and 6th, 2024, comment brief and affidavits submitted by Alan Anderson on behalf of the Little Rabbit Lake Property Owners. [eDockets 20248-209272-01; 20248-209272-02; 20248-209272-03; 20248-209311-01; 20248-209301-14; 20248-209301-13; 20248-209301-12; 20248-209301-11; 20248-209301-10; 20248-209301-09; 20248-209301-08; 20248-209301-07; 20248-209301-06; 20248-209301-05; 20248-209301-04; 20248-209301-03; 20248-209301-02; 20248-209301-01].

regarding the EA is not an adequacy decision. The Commission must "determine whether the environmental assessment and the record created at the public hearing address the issues identified in the scoping decision."[19]

3. Impacts on Wetlands and Waterways

LRLPOG notes that the EA does not fully address the applicants' route construction impact on wetlands and waterways protected by the Clean Water Act, maintaining that the applicants make no real attempt in the EA to address the need to comply with the Clean Water Act or to consider how they will protect and preserve protected waterways. Additionally, they are skeptical of the applicants' construction mitigation measures for any ROW that would cross wetlands and waterways (citing EA Section 5.10.1.3.1).

The comment is noted. Once the Commission makes its final route decision, the applicants will be required to obtain all relevant federal, state, and local permits that will include enforceable mitigation measures. Chapter 2.6 of the EA discusses permits and approvals that will be required for the project, including approvals related to wetland and waterways.

4. Protected and Endangered Wildlife and Plants

LRLPOG notes that the EA does not fully address the applicants' route impact on protected and Endangered Wildlife and Plants, relying on state and federal databases which they maintain wrongly conclude the absence of any federally protected species (including endangered native plants) in the area (citing EA Section 6.3.1.5.1). They present information that they believe can assist the applicants identify state and federally protected species in the area.

The comment is noted. EERA staff recognizes the limits of federal and state databases, recognizing that local knowledge can often supplement public knowledge of wildlife and the natural environment. EERA has reviewed the LRLPOG information, including the affidavits from Little Rabbit Lake property owners, regarding their local experiences with wildlife and the natural environment. Staff acknowledges that they add useful information to the administrative record. Staff notes that in order to avoid impacts to endangered species, species-specific surveys may be required for the project, depending on the route selected by the Commission (see Chapter 5.11 of the EA).

5. Federally Protected Migratory Birds

LRLPOG notes that the EA does not fully address or consider the adverse impact of the applicants' equivalent route on federally protected migratory birds. They maintain that the EA provides only a cursory analysis regarding the variety of migratory wildlife that exist in the area and that the presence of the proposed line may kill or maim wildlife (citing EA Section 5.10.5; 5.10.5.1). LRLPOG expressed concern over the bird flight diverter discussion in EA Section 5.10.5.2, as it does not present information on the effectiveness of this practice.

The comment is noted. The use of bird flight diverters, as noted by the commentor, is discussed in Chapter 5.10.5 of the EA. Commission route permits require permittees to confer with the DNR regarding the placement of bird flight diverters (see Appendix H of the EA; Section 5.1.16). The DNR

[19] Minn. Rule 7850.3900.

and the United States Fish and Wildlife Service recommend diverters, in select transmission line locations, based on their proven mitigation of impacts to avian species.

6. **Impact on Humans and Property Value**
   LRLPOG argues that the applicants' EA does not fairly or adequately consider the effect of their equivalent route on humans, including aesthetics and noise, or the value of impacted property.

   The comment is noted. EERA staff notes that the EA analyzes potential human impacts of the project including aesthetic impacts, noise impacts and impacts to property values (see Chapters 5 and 6 of the EA).

7. **Unacceptable Routing Alternatives**
   LRLPOG notes that alternative routes E1 and E3 do not present viable or lesser alternatives; alignment alternatives AA8 and AA9 are also not acceptable.

   The comment is noted.

8. **Alternative Route E5**
   LRLPOG maintains that Alternative Route E5 is the most viable alternative route in the Rabbit Lake area.

   The comment is noted.

EERA appreciates the opportunity to provide this response to comments on the Northland Reliability Project EA. If you have questions on our responses or the EA, please feel free to contact me directly. I am available to answer any questions you might have.

Sincerely,

James E. Sullivan
EERA Environmental Review Manager

Attachment A: Substantive Changes to the EA based on the Applicants' Comments
Attachment B: Substantive Changes to the EA based on DNR Comments
Attachment C: Substantive Changes to the EA based on Comments from the General Public