

May 27, 2025

**VIA eFILING**

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

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

**Re: In the Matter of the Application of Dairyland Power Cooperative for a Route Permit for the Beaver Creek 161-kV Transmission Line in Fillmore County, Minnesota**

**MPUC Docket No. ET3/TL-24-95**  
**OAH Docket No. 23-2500-40403**

Dear Mr. Seuffert and Judge Todnem:

Dairyland Power Cooperative (Dairyland) respectfully submits these comments in response to the oral comments made at the public hearings held on April 22 and 23, 2025, and the written public comments submitted during the public comment period ending May 13, 2025, regarding Dairyland's Application for a Route Permit (Application) for the 161 kilovolt (kV) Beaver Creek Transmission Line Project in Fillmore County, Minnesota (Project). Dairyland maintains its initial comments filed on April 17, 2025 regarding the Environmental Assessment (EA) and the Draft Route Permit,<sup>1</sup> and provides these additional comments.

During the comment period, written comments were submitted by the Minnesota Department of Commerce, Energy Environmental Review and Analysis staff (EERA), Minnesota Department of Natural Resources (DNR), and two members of the public. Dairyland appreciates the agency and public participation in this docket and the opportunity to offer this response. Dairyland responds to EERA's comments in Section I below; in Section II, Dairyland responds to DNR's comments. Section III includes Dairyland's response to other comments.

As an initial matter, the record demonstrates that the Project has been thoughtfully designed and routed to avoid and/or minimize human and environmental impacts to the greatest extent

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<sup>1</sup> In its April 17, 2025 comments, Dairyland provided comments on and recommended edits to the following conditions of the Draft Route Permit: Section 2 (Transmission Facility Description); and Section 3 (Designated Route). Dairyland also stated it has no objection to the following special conditions recommended by EERA in the Draft Route Permit: Section 6.1 (Karst Geology); Section 6.2 (Northern Long-Eared Bats); Section 6.3 (Dust Control); and Section 6.4 (Wildlife-Friendly Erosion Control). Ex. DC-10 (Comments on EA). Dairyland maintains its comments and requested revisions.

practicable. For example, Dairyland's Proposed Route is co-located<sup>2</sup> with existing road and/or utility rights-of-way (ROW) for 100 percent of its length. The Project makes efficient use of available land and existing ROW while minimizing adverse human and environmental impacts, and, overall, the Project complies with the Minnesota Public Utilities Commission's (Commission) routing criteria.

## **I. Response to EERA Comments.**

On behalf of the interagency Vegetation Management Planning Working Group (VMPWG), EERA provided comments on the Project's draft Vegetation Management Plan (VMP).<sup>3</sup> Dairyland appreciates the VMPWG's feedback and will work with the VMPWG regarding the Project's VMP.

## **II. Response to DNR Comments.**

On May 13, 2025, DNR submitted written comments regarding its Natural Heritage Review, calcareous fens, karst, dust control, and erosion control.<sup>4</sup>

DNR recommended special conditions related to karst geology, the northern long-eared bat, dust control, and wildlife-friendly erosion control. EERA included special conditions addressing these items in the Draft Route Permit. As stated in Dairyland's initial comments, Dairyland has no objection to the following special conditions proposed by EERA in the Draft Route Permit: Sections 6.1 (Karst Geology), 6.2 (Northern Long-Eared Bats), 6.3 (Dust Control), and 6.4 (Wildlife-Friendly Erosion Control).<sup>5</sup>

DNR also recommended a special condition requiring the permittee to comply with applicable requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minn. Stat. § 84.0895) and associated Rules (Minn. R. 6212.1800 to 6212.2300 and 6134). Although the state-listed edible valerian (threatened) has been recorded within one mile of the Project, there is no record of a state-listed endangered or threatened species being observed within the Project ROW or Route Width. The EA concluded that Project-related impacts to state-protected species are not anticipated.<sup>6</sup> Additionally, Dairyland is already required to, and will, comply with all applicable statutes and regulations, including Minnesota's Endangered Species Statute and associated rules. Further, Dairyland has committed to coordinating with DNR regarding potential impacts to state-listed rare and unique resources, as needed.<sup>7</sup> However, Dairyland has no objection to the inclusion of the following special condition:

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<sup>2</sup> Co-location is defined as any road or utility located within 200 feet either side of the centerline. Ex. DC-3 at 12 (Application).

<sup>3</sup> VMPWG Comment (May 14, 2025) (eDocket No. [20255-218897-01](#)).

<sup>4</sup> DNR Comment (May 13, 2025) (eDocket No. [20255-218887-01](#) and [20255-218887-02](#)).

<sup>5</sup> Ex. DC-10 at 4 (Comments on EA).

<sup>6</sup> Ex. DC-10 at 101-102 (Comments on EA).

<sup>7</sup> See Ex. DC-3 at 91 (Application).

### **State-listed Endangered and Threatened Species**

The Permittee shall comply with applicable requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minn. Stat. § 84.0895) and associated Rules (Minn. R. 6212.1800 to 6212.2300 and Ch. 6134).

DNR also recommended a special condition requiring the permittee to work with DNR to determine if any impacts to calcareous fens will occur during any phase of the Project, and if impacts are anticipated to occur, requiring the permittee to develop a Calcareous Fen Management Plan in coordination with DNR, as specified in Minn. Stat. § 103G.223. Although DNR's Natural Heritage Review letter notes that habitat for edible valerian (calcareous fens) may be impacted by nearby activities or even those several miles away, such as activities that affect surface water flows or groundwater hydrology, the letter concluded that "[g]iven the [P]roject details, impacts are not anticipated."<sup>8</sup> The EA also concluded that Project-related impacts to edible valerian are not anticipated and did not recommend any mitigation measures for calcareous fens.<sup>9</sup> Further, Dairyland has committed to consult with DNR if potential impacts to hydrological conditions surrounding calcareous fens may occur, and, if required, complete a botanical survey.<sup>10</sup> However, Dairyland has no objection to the inclusion of the following special condition addressing calcareous fens:

#### **Calcareous Fens**

The Permittee must work with DNR to determine if any impacts to any calcareous fens will occur during any phase of the Project. If the Project is anticipated to impact any calcareous fens, the Permittees must develop a Calcareous Fen Management Plan in coordination with the DNR, as specified in Minn. Stat. § 103G.223. Should a Calcareous Fen Management Plan be required, the approved plan must be submitted concurrently with the plan and profile required in Section 9.2 of the Permit.

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<sup>8</sup> DNR Comment at Natural Heritage Review letter at 2 (May 13, 2025) (eDocket No. [20255-218887-01](#) and [20255-218887-02](#)).

<sup>9</sup> Ex. EERA-6 at 101 (EA).

<sup>10</sup> Ex. DC-3 at 91 (Application).

### III. Response to Other Comments.

#### A. Response to Comments by Guardian Charitable Trust.

Corey Prins (on behalf of Guardian Charitable Trust)<sup>11</sup> provided oral comments and asked questions during the remote public hearing. Mr. Prins and another representative of Guardian Charitable Trust also submitted written comments.<sup>12</sup> Where appropriate, Dairyland provided responses to Mr. Prins' questions and comments during the remote public hearing. Dairyland provides these additional comments in response.

Mr. Prins questioned why only one route is being considered,<sup>13</sup> and Mr. Prins and Guardian Charitable Trust expressed concerns regarding Dairyland's Proposed Route's proximity to residences and potential impact to agricultural land. Mr. Prins also proposed an alternative route and a route segment alternative. Mr. Prins and Guardian Charitable Trust had the opportunity to propose alternative routes during the scoping period, but did not do so. Further, as discussed below, the alternatives raised by Mr. Prins would result in greater impacts than the Proposed Route.

At the remote public hearing and in written comments, Mr. Prins and Guardian Charitable Trust expressed a preference for an alternative route to the west of the Proposed Route that would start at the intersection of the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line and 161st Avenue, follow 161st Avenue south for 0.5 miles then continue south along field lines and the Beaver and York Township border for three miles before crossing into Iowa.<sup>14</sup> This alternative was previously considered and rejected by Dairyland.<sup>15</sup> As discussed in the Application, this route is only partially co-located along an existing road,<sup>16</sup> would result in greater impacts to agricultural operations during both construction and maintenance, and would be more difficult and costly to construct. Additionally, there is one existing agricultural building within approximately 20 feet of the alternative route along the public land survey line and township boundary; as a result, the Project would either need to cut into an agricultural field to avoid the existing building, or the building may need to be removed.<sup>17</sup> This alternative route also offers one mile less geographic isolation between lines carrying capacity of new wind generation that is to be interconnected. For these reasons and the reasons discussed in the Application, Dairyland rejected this route.

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<sup>11</sup> Guardian Charitable Trust owns land along the Proposed Route.

<sup>12</sup> Public Comment (May 2, 2025) (eDocket No. [20255-218547-01](#)) and Public Comment (May 19, 2025) (eDocket No. [20255-219058-01](#)).

<sup>13</sup> At the remote public hearing, Dairyland explained that the Application was submitted under the alternative process and therefore the applicant only had to propose one route in the Application. Additionally, EERA and Commission staff explained that the public was given an opportunity to suggest alternative routes during the scoping period, and no alternative routes were proposed. See WebEx 12:00 p.m. Public Hearing Transcript at 19 – 21 (Apr. 22, 2025).

<sup>14</sup> This alternative is drawn on the map included with Mr. Prins' comments and is also depicted in Figure 4-1 in the Application.

<sup>15</sup> See Ex. DC-3 at 30-31 (Application).

<sup>16</sup> The existing road this alternative would follow for a portion of its length (161st Avenue) ends at the intersection with 120th Street.

<sup>17</sup> See Ex. DC-3 at 30 (Application).

In his oral comments, Mr. Prins also appeared to suggest a route segment alternative for the southern portion of the route to run down the center of Sections 29 and 32 to reduce impacts to residences. While such a segment alternative appears to follow section lines and/or parcel lines, these sections appear to be contiguously farmed and a route through this area would result in greater temporary impacts to agricultural land and operations during construction and permanent impacts during operations. Additionally, although this route segment alternative may be farther from some residences, it would bisect agricultural fields, resulting in greater impacts to agricultural operations and landowners than Dairyland's Proposed Route, which is designed to minimize those impacts.

In contrast to the alternatives proposed by Mr. Prins, Dairyland's Proposed Route is co-located with existing road (171st Avenue) and/or utility (distribution lines)<sup>18</sup> ROW for 100 percent of its length. Where the transmission line parallels roads, the transmission line structures are typically installed one to ten feet outside of road ROW, resulting in only approximately 55 feet of transmission line ROW needed outside of the road ROW.<sup>19</sup> By sharing ROW with existing infrastructure, the Proposed Route minimizes potential impacts to agricultural operations, landowners, and other environmental resources. Additionally, Dairyland considered locations of existing residences in designing the Proposed Route and has sited the Project to avoid residences, moving the transmission line centerline to the other side of the road when practicable. Further, Dairyland's requested Route Widths provide flexibility to work with landowners around existing residences, as appropriate. Dairyland will work with landowners to address alignment adjustments and structure placement to the extent practicable.<sup>20</sup>

During the remote public hearing, Mr. Prins also expressed concerns regarding "a request for such a large easement navigating the two building sites" between CSAH 44 and 120th Street.<sup>21</sup> Mr. Prins appears to have confused the Route Width and the Project's ROW. A Route Width is a corridor that is defined by the Commission in a route permit. The Proposed Route is wider than the ROW to provide flexibility in the final alignment (centerline) and ROW placement to address human and environmental concerns and physical constraints that arise after a route permit has been issued. For this Project, Dairyland is generally requesting a 500-foot-wide Route Width, with a varied, widened width of up to 1,320 feet for a limited portion of the Project where the line transitions to west side of 171st Avenue to allow flexibility in routing around existing homes, buildings and features along the road.<sup>22</sup> The Route Width requested by Dairyland for this Project

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<sup>18</sup> The Project will be co-located with a MiEnergy 12.47 kV distribution line for approximately two miles, from CSAH 44 south until 110th Street. This distribution line is currently above ground. Dairyland is coordinating with MiEnergy regarding the distribution lines and currently understands that MiEnergy plans to bury the distribution lines where they will be overtaken by the Project. The burial of the distribution lines will be undertaken by MiEnergy and will not be conducted or directed by Dairyland. Dairyland will continue to coordinate with MiEnergy and a final schedule for activities related to the distribution lines will be determined based on coordination with MiEnergy. Dairyland will be responsible for reimbursing MiEnergy for costs incurred to bury their distribution lines where deemed necessary.

<sup>19</sup> Ex. DC-3 at 20 (Application).

<sup>20</sup> See Ex. DC-3 at 43-44 (Application) and Leroy 6:00 p.m. Public Hearing Transcript at 18 (Apr. 23, 2025).

<sup>21</sup> WebEx 12:00 p.m. Public Hearing Transcript at 21 (Apr. 22, 2025).

<sup>22</sup> Ex. DC-3 at 20 (Application).

is described in Section 3.1.3 of the Application and Section 3.2.1 of the EA. In contrast, a ROW is the physical land area that is needed to construct, operate, and maintain a transmission line. Dairyland requires a 100-foot-wide ROW for the Project.

Mr. Prins and Guardian Charitable Trust also expressed concerns regarding impacts to agricultural land from the Project. As discussed in the Application and EA, areas disturbed by construction of the Project will be restored to their original condition to the maximum extent practicable, or as negotiated with the landowner. Additionally, Dairyland will contact landowners after construction is complete to determine if the clean-up measures have been to their satisfaction and if any other damage may have occurred. If damage has occurred, Dairyland will compensate the landowner.<sup>23</sup>

Dairyland appreciates Mr. Prins' and Guardian Charitable Trust's participation in this process. Dairyland has reached out to Mr. Prins and Guardian Charitable Trust multiple times regarding the Project and is available to answer any further questions they may have as the Project proceeds.

B. Response to Other Comments.

Four members of the public made oral comments and asked questions during the in-person public hearing on April 23, 2025.<sup>24</sup> Where appropriate, Dairyland provided responses to questions and comments during the public hearing.

A member of the public asked about potential impacts to roads used during construction of the Project. As noted in Dairyland's response during the public hearing and in a conversation afterwards, Dairyland will work with the appropriate road authorities to ensure that roads used by the Project during construction are repaired to at least pre-construction conditions, at Dairyland's expense. Further, Section 5.3.14 of the Draft Route Permit requires the permittee to inform road authorities of roads that will be used during construction and obtain all necessary road-related permits and approvals for use of the roads.

A landowner also provided comments requesting certain pole placements or alignments with the designated route. As noted in Dairyland's response during the public hearing, Dairyland will work with landowners regarding these potential minimization measures as part of the easement negotiation process and as the design is finalized.<sup>25</sup>

Members of the public asked about Dairyland's plans regarding the retirement of a portion of the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line. At the time the Application was submitted, Dairyland anticipated retiring a portion of the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line. However, since the Application was filed, Dairyland's plans as to retirement have changed, and a final decision as to retirement of any portion of the existing 161

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<sup>23</sup> See Ex. DC-3 at 38-39 (Application) and Ex. EERA-6 at 35 (EA).

<sup>24</sup> See WebEx 12:00 p.m. Public Hearing Transcript (Apr. 22, 2025) and Leroy 6:00 p.m. Public Hearing Transcript (Apr. 23, 2025).

<sup>25</sup> See Ex. DC-3 at 44 (Application); Leroy 6:00 p.m. Public Hearing Transcript at 18 (Apr. 23, 2025).

kV LQ8A Harmony to Beaver Creek Tap Line has not yet been made.<sup>26</sup> Additionally, Dairyland notes that activities related to the existing 161 kV LQ8A Harmony to Beaver Creek Tap Line beyond the modifications necessary to accommodate the Project's new interconnecting structure are not part of this Project. The existing line was constructed in the late 1960s and predates the Commission's routing requirements. However, as Dairyland has stated, if a portion of the line is retired, Dairyland will obtain all necessary permits and approvals for those activities.

#### **IV. Conclusion.**

Dairyland appreciates this opportunity to provide comments on the proposed route permit conditions and to reply to the oral comments at the public hearings and the written comments submitted during the public comment period. Because the record supports doing so, Dairyland respectfully requests that the Administrative Law Judge recommend that the Commission issue a route permit for the Project for Dairyland's Proposed Route with the conditions in the Draft Route Permit as modified by Dairyland's proposed edits to Sections 2 and 3 and the two additional special conditions discussed above.

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

Sincerely,

FREDRIKSON & BYRON, P.A.

*/s/ Bridget A. Duffus*

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<sup>26</sup> See Leroy 6:00 p.m. Public Scoping & Information Meeting Transcript at 19 (Nov. 12, 2024); Ex. DC-10 at 2 (Comments on EA); Leroy 6:00 p.m. Public Hearing Transcript at 20 – 23, 34 – 36 (Apr. 23, 2025).

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**In the Matter of the Application of  
Dairyland Power Cooperative for a Route  
Permit for the Beaver Creek 161-kV  
Transmission Line in Fillmore County,  
Minnesota**

**CERTIFICATE OF SERVICE**

**MPUC Docket No. ET3/TL-24-95  
OAH Docket No. 23-2500-40403**

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Breann L. Jurek certifies that on the 27<sup>th</sup> day of May, 2025, she e-filed on behalf of Dairyland Power Cooperative a true and correct copy of its Response to Comments to the Minnesota Public Utilities Commission, via edockets ([www.edockets.state.mn.us](http://www.edockets.state.mn.us)). Said document was also served on the Official Service List on file with the Minnesota Public Utilities Commission, as attached hereto.

Executed on: May 27, 2025

*Signed: /s/ Breann L. Jurek*

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9	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		No	24-95Official CC Service List
10	Jessica A.	Sandry	jessica.sandry@dairylandpower.com	Dairyland Power Cooperative		3200 East Ave. S. PO Box 817 La Crosse WI, 54602-0817 United States	Electronic Service		No	24-95Official CC Service List
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