

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE ROUTE
PERMIT APPLICATION FOR
CAPX2020

TESTIMONY OF
JEFFREY S. BROBERG
On Behalf of
INTERVENOR
ORONOCO TOWNSHIP

June 19, 2012

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Jeffrey S. Broberg, and my business address is McGhie & Betts
3 Environmental Services, Inc., 1648 Third Avenue SE, Rochester, Minnesota 55904.

4
5 **Q. FOR WHOM ARE YOU TESTIFYING?**

6 A. I am providing testimony on behalf of Intervenor Oronoco Township (“Oronoco”), which
7 is opposed to the Minnesota Public Utility’s Commission’s (“Commission”) rejection of
8 Administrative Law Judge Kathleen D. Sheehy’s (“ALJ”) Recommendation of the Power
9 Dam Route, Route 3P-Zumbro-S, as the final route for the Hampton-Rochester-La Crosse
10 345-kV transmission line project (“Project”) in Segment 3 and selection of the White
11 Bridge Route, Route 3P, as the final route for the Project in Segment 3.

12
13 **Q. WHAT HAS BEEN YOUR ROLE IN THIS PROCEEDING?**

14 A. I have previously provided written and oral expert testimony and exhibits on behalf of
15 Intervenor Oronoco in opposition to selection of the White Bridge Route as the final
16 route for the (“Project”).

17 My written testimony can be found in PUC Docket No. 09-1448 as follows:

- 18 • Broberg Rebuttal Testimony and Exhibits 1-9, Doc. ID 20115-62786-03
19 (May 20, 2011);
- 20 • Surrebuttal Testimony and Exhibits of Jeffrey Broberg, Doc. ID20116-
21 63258-04 (June 3, 2011); and
- 22 • Corrected Page 7 of Surrebuttal Testimony of Jeffrey S. Broberg, Doc. ID
23 20116-63395-02 (June 9, 2011).

1 I also appeared as a witness for Oronoco at the evidentiary hearings before the
2 ALJ in June 2011.

3
4 **Q. WHAT EXHIBITS ARE ATTACHED TO YOUR TESTIMONY?**

5 A. **Exhibit 1:** Year-Round Residences on Power Dam Route and White Bridge Route.

6 **Exhibit 2:** Highway Right-of-Way Map on White Bridge Route.

7 **Exhibit 3:** Tree Clearing on Power Dam Route.

8 **Exhibit 4:** Width of Zumbro River at the Power Dam Route River Crossing.

9 **Exhibit 5:** Biodiversity and Floodplain Map on Power Dam Route.

10 **Exhibit 6:** Trees Affected on White Bridge Route.

11 **Exhibit 7:** White Bridge Water Picture Approaching Boat Landing.

12 **Exhibit 8:** Biodiversity and Floodplain Map on White Bridge Route.

13 **Exhibit 9:** Width of Lake Zumbro at the White Bridge Route River Crossing.

14
15 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

16 A. The purpose of my testimony is two-fold: (1) to rebut testimony provided by the Power
17 Dam Group at the April 12, 2012 Commission meeting; and (2) to point out an error in
18 the Commission's May 30, 2012 Order Issuing Route Permit as Amended ("Order"),
19 which granted the Route Permit for Segment 3 of the Hampton-Rochester-La Crosse 345-
20 kV Transmission Line Project ("Project").

21
22 **Q. WHAT TESTIMONY DO YOU WANT TO REBUT?**

23 A. I want to rebut the testimony offered by the Power Dam Group at the April 12, 2012
24 Commission meeting regarding the alleged impact to forests on the Power Dam Route,

1 and specifically, at the crossing of the Zumbro River at the Power Dam. In addition, I
2 want to provide testimony regarding the negative impacts to forests on the White Bridge
3 Route, since the Power Dam Group did not address these impacts.

4
5 **Q. HOW DO YOU REBUT THE POWER DAM GROUP'S TESTIMONY**
6 **REGARDING THE IMPACTS TO FORESTS ON THE POWER DAM ROUTE?**

7 A. By shifting the alignment of the Power Dam Route, as proposed by Applicant Xcel
8 Energy ("Xcel"), the impacts to forests on the Power Dam Route can be almost
9 completely avoided. At the April 12, 2012 Commission meeting, Xcel engineer, Thomas
10 Hillstrom, introduced a detailed aerial photo showing the proposed alignment east of the
11 Power Dam, which was designed to avoid some of the woodland issues. Mr. Hillstrom
12 represented that the Rochester Public Utilities ("RPU") had agreed to the proposed
13 alignment.

14 Exhibit 5, which is attached hereto, shows the alignment shift proposed by Xcel in
15 comparison to the Power Dam Route, which was evaluated in the Route Permit
16 Application and the Final Environmental Impact Statement ("FEIS"). The proposed
17 alignment shift moves the line slightly north of the dam, placing a pole in the floodplain
18 on RPU property, then extending to the top of the bluff and off to the east. (Ex. 5.) This
19 alignment substantially avoids cutting a swath through the trees and reduces the
20 disturbance of "high biodiversity" forest by half in this reach. (See id.) This proposed
21 alignment shift places a substantial length of the transmission line over the Zumbro River
22 instead of the forest. (Id.)

23 It was noted that, on the west side of the Power Dam, the Power Dam Route will
24 follow an existing power line corridor that already has a corridor cut through the forest.

1 (See Ex. 3.) The existing power line, by definition, is not a transmission line, due to the
2 relatively low levels of power transmitted from the Power Dam. However, the effect on
3 the environment is the same as it is for a transmission line because the line still requires a
4 clear span along the route. The Power Dam Route to the west side of the Power Dam
5 will cause little disturbance to the forest, since it utilizes the existing power line
6 alignment where a corridor already exists through the trees. (See id.)
7

8 **Q. HOW DO THE NEGATIVE IMPACTS TO FORESTS ALONG THE POWER
9 DAM ROUTE COMPARE TO THOSE ALONG THE WHITE BRIDGE ROUTE?**

10 A. When we compare forest impacts along the Power Dam Route to those along the White
11 Bridge Route, the White Bridge Route will require a new transmission line corridor cut
12 through the forest on both the west side and the east side of Lake Zumbro, whereas the
13 Power Dam Route will only require a new corridor on the east side of the Power Dam.
14 (See Ex. 3; Ex. 8.) The new transmission line corridors on the White Bridge Route will
15 add to the forest fragmentation in areas designated as having “moderate biodiversity.”
16 (Ex. 8.) On the east side of the White Bridge Route, the transmission line cuts a corridor
17 through the bluffland forest and extends east along the margins of the forest for 1.5 miles,
18 thus having substantially more forest disturbance than the Power Dam Route. (Id.)
19

20 **Q. YOU CONTEND THERE IS AN ERROR IN THE COMMISSION’S ORDER.
21 WHAT IS THE ERROR?**

22 A. The Commission’s statement that “the White Bridge Road Crossing along County Road
23 12 more closely adheres to the statutory objective of using existing highway right-of-
24 way” is not factually accurate and constitutes an error. (Order, p. 11.)

1 **Q. WHY DOES THIS STATEMENT CONSTITUTE AN ERROR?**

2 A. The White Bridge Route is actually located **outside** of the County Road 12 right-of-way
3 (“ROW”) and does not share County Road 12 ROW as it travels east. (See Ex. 2.)
4 Accordingly, placement of the final route for the Project on the White Bridge Route does
5 not follow Minnesota’s non-proliferation policy.

6 After reviewing seven Olmsted County ROW plats to determine the ROW width
7 along County Road 12 and accessing County ROW information from the Olmsted
8 County website, it was determined that County Road 12 has an average ROW of 150
9 feet, or 75 feet from the County Road 12 centerline. As shown on Exhibit 2, which is
10 attached hereto, the White Bridge Route is 209 feet outside of the County Road 12 ROW
11 (from 3P centerline to edge of County Road 12 ROW) at the crossing of Lake Zumbro at
12 White Bridge. Farther to the east, the White Bridge Route is located approximately
13 2,594 feet, or approximately ½ mile, outside of the County Road 12 ROW. As shown on
14 Exhibit 2, the White Bridge Route intersects County Road 12 ROW twice, but does not
15 share any County Road 12 ROW as it travels east.

16
17 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

18 A. Yes.

19

EXHIBIT 1

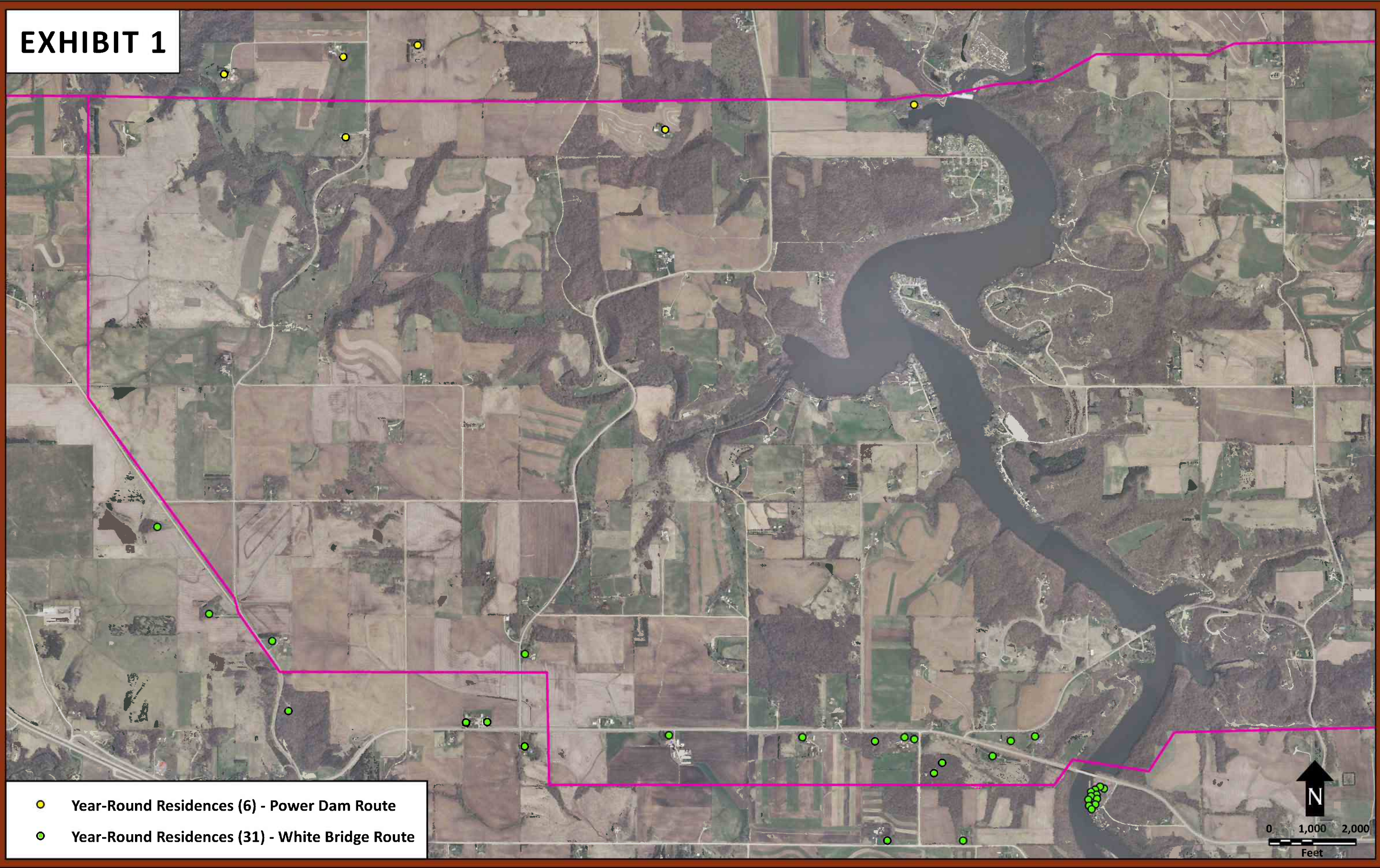
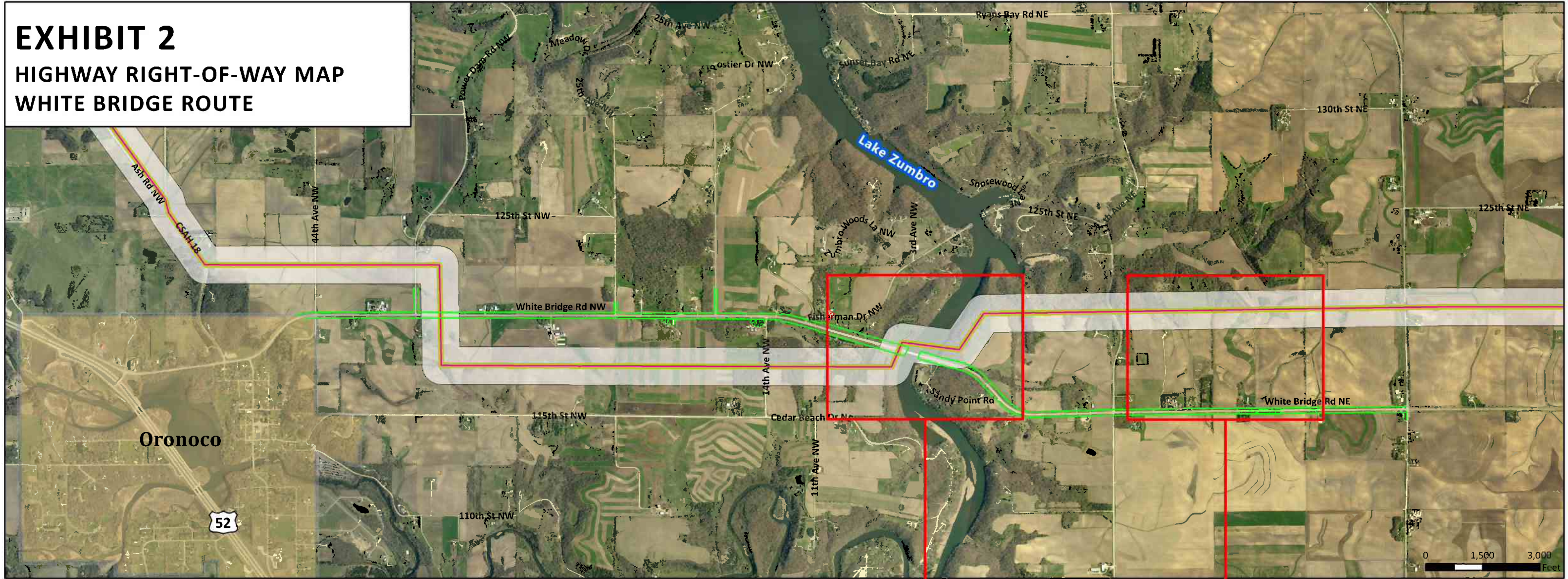






EXHIBIT 2


HIGHWAY RIGHT-OF-WAY MAP

WHITE BRIDGE ROUTE



LEGEND

-  White Bridge Route
-  County Road 12 Right-of-Way
-  150' Route Corridor
-  1000' Route Width

N


Data Source: Order Issuing Route Permit as Amended for the CapX2020 Hampton-Rochester-La Crosse High Voltage Transmission Line
Docket No. E-002/TL-09-1448
Issue Date: May 30, 2012

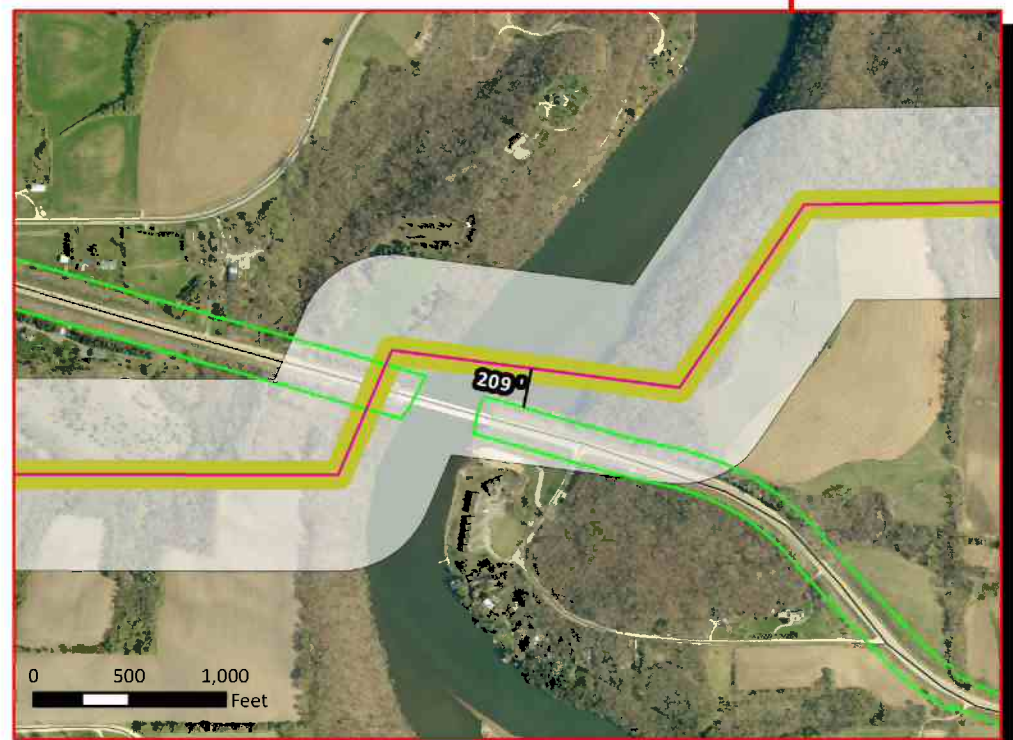


EXHIBIT 3

**Zumbro
River**



— Power Dam Route

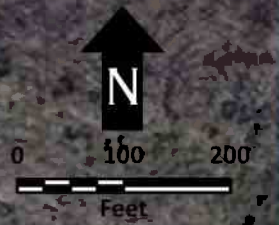


EXHIBIT 4



**Zumbro
River**

140'

547'

Power Dam Route River Crossing

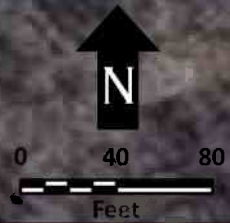
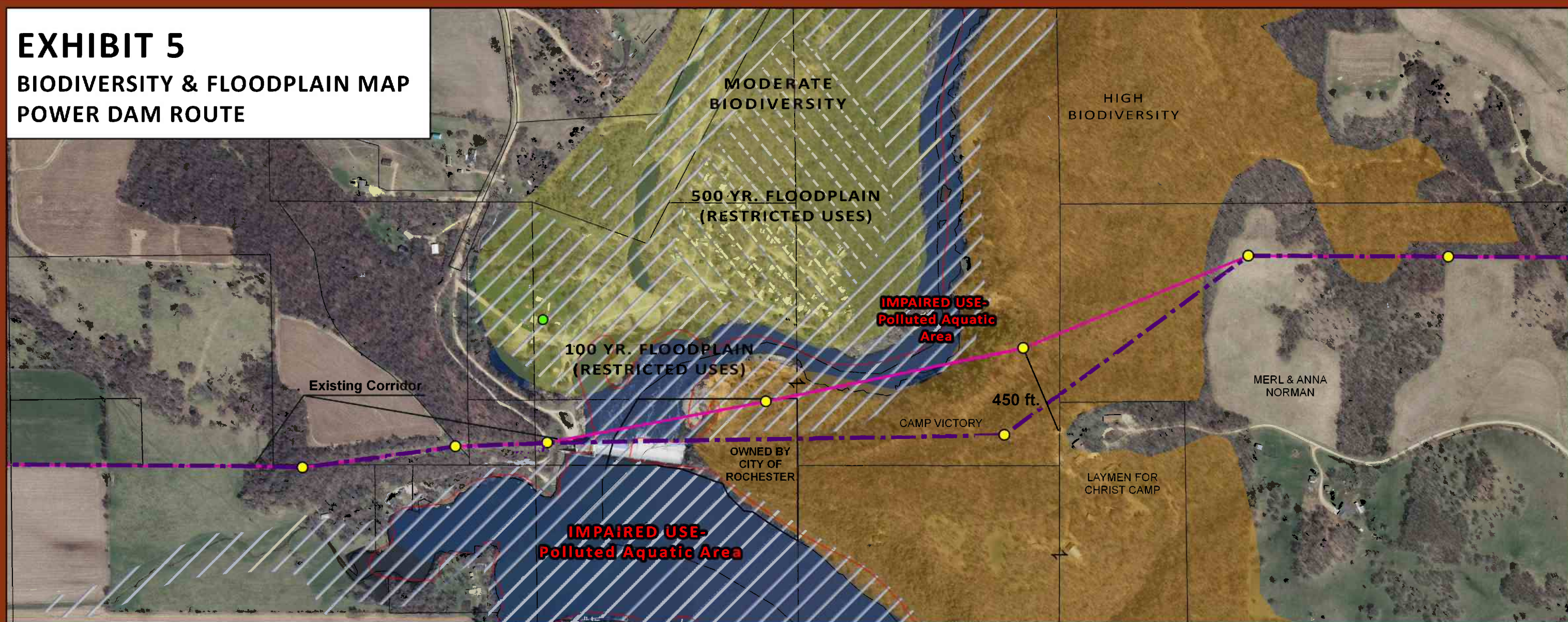


EXHIBIT 5

BIODIVERSITY & FLOODPLAIN MAP POWER DAM ROUTE



LEGEND

- 345kV Power Dam Route
- Best Power Dam Route per Applicant and MnDNR
- Impaired Water
- Q3 FEMA Floodplain**
 - 100
 - 500
- Biodiversity Rank**
 - Moderate
 - High
- Mac's Park Place Campground

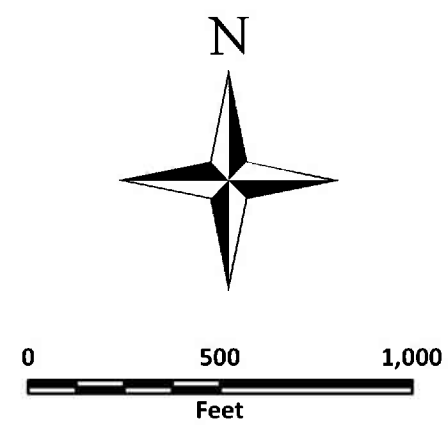


EXHIBIT 6



— White Bridge Route

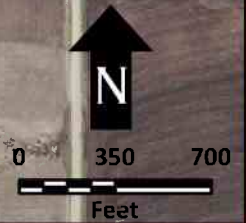


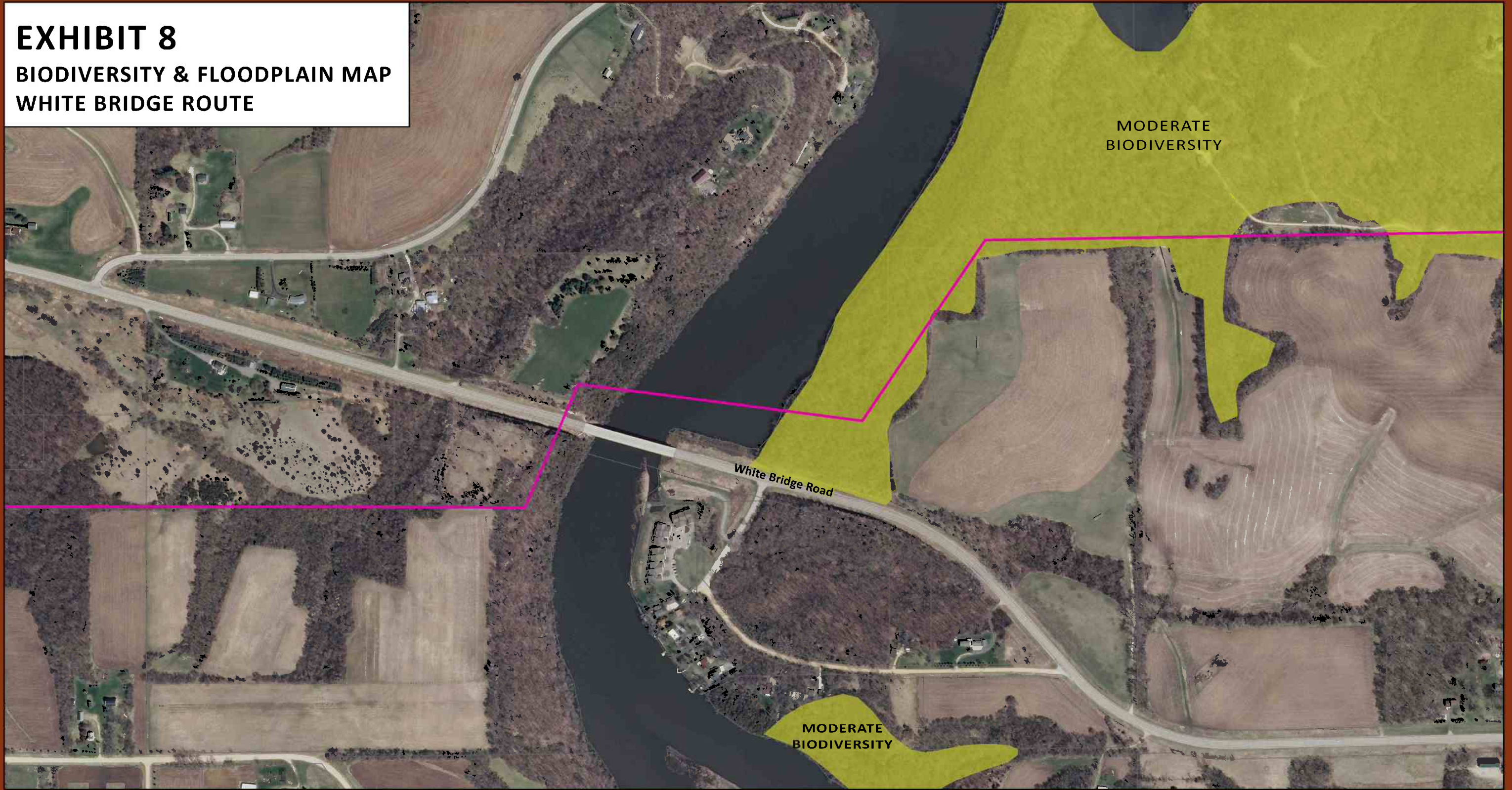
Exhibit 7

White Bridge water picture approaching boat landing.



EXHIBIT 8

BIODIVERSITY & FLOODPLAIN MAP WHITE BRIDGE ROUTE



LEGEND

- 345kv Route
- White Bridge Route
- Biodiversity Rank
- Moderate

GIS Mapping & Spatial Analysis
Wetland Delineation & Permitting
Geological Hazards
Environmental Assessment Worksheet & Impact Statements



Environmental Site Investigations, Management & Design
Indoor Air Quality
Landscape Architecture
1648 Third Ave. S.E.
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email: mbi@meghiebetts.com

White Bridge Route Lake Zumbro

Map By: BMO
Map Scale: 1" = 500'
Date: Friday, June 15, 2012

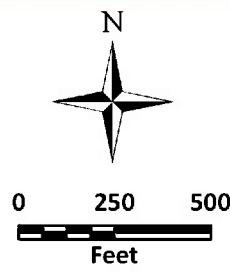
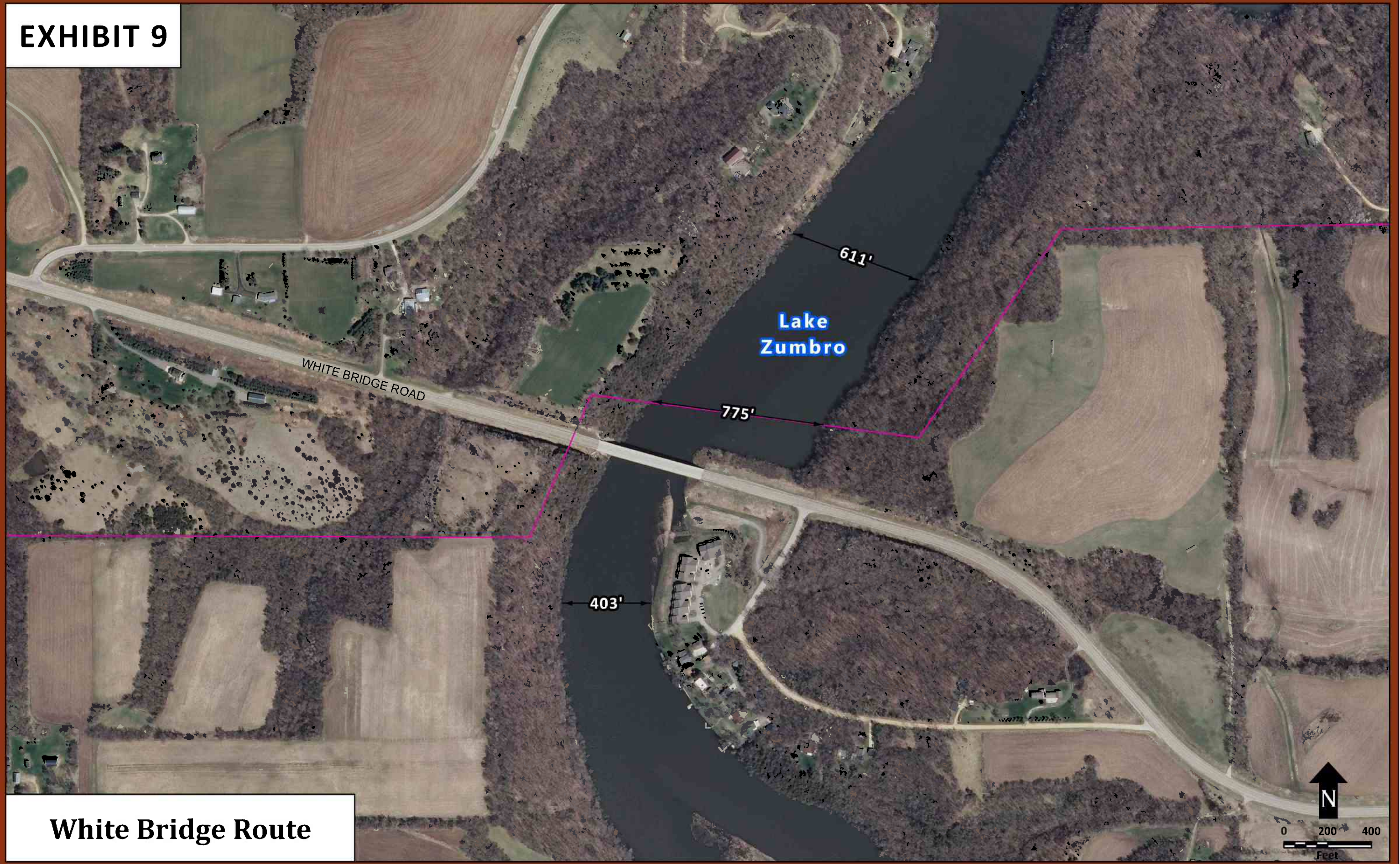


EXHIBIT 9



White Bridge Route