

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application for a
Route Permit for the Fargo to St. Cloud
345 kV Transmission Line Project

OAH 15-2500-20995-2
PUC No. ET-2,E-002/TL-09-1056

**PETITION TO INTERVENE WITH
FULL PARTY RIGHTS**

Avon Township, for its petition for leave to intervene, states as follows:

1. Avon Township is located in central Minnesota, approximately 15 miles Northwest of St. Cloud, Stearns County. Pursuant to Paragraph 3 of the May 25, 2010 (First) Prehearing Order, the Department served Avon Township with a copy of the Prehearing Order as a Local Governmental Unit that may be affected by this proceeding. Avon Township is a political subdivision of the State of Minnesota.
2. Applicant's preferred routing alternative, which traverses Avon Township, has been specifically identified by OES staff as "difficult." Specifically, OES staff has highlighted "a significant number of impacts encountered in the segment from St. Joseph through Freeport where the Applicants' preferred route does not parallel the Hwy. 94 corridor."
3. The landscape in this area, which was shaped by past glacial activity, is primarily rolling hills interspersed with lakes. The pre-settlement vegetation was largely oak woodlands with scattered lakes, wetlands and prairies.
4. The Township is home to a complex of environmentally, educationally, scenically, and religiously significant assets, each of which complement each other and contribute to the special character of that region. The region's special characteristics attracted Benedictine monks to the Southeast corner of the township and led to the founding of St. John's

Abbey and St. John's University. Only a few miles away, in St. Joseph, Benedictine sisters established St. Benedict's Monastery and the College of St. Benedict. The Lake Wobegon Trail runs east-to-west across the entire the township highlighting the natural beauty of the area.

5. The Avon Hills region, which is impacted by Applicant's preferred route, has been specifically recognized as deserving of special protection by both the Township and by Stearns County's Comprehensive plan as a priority area for natural resource protection. The Avon Hills region is characterized by rolling hills of the St. Croix Moraine, deposited by the glaciers 10,000 years ago, and is dotted with wet depressions, pot holes and lakes. Within the Avon Hills region is located the Avon Hills Forest Scientific and Natural Area (SNA)¹. The SNA contains large tracts of oak forest, forested swamp, marsh, and sedge meadow native plant communities. It is home to two species of rare birds that only inhabit large forests, cerulean warblers and red-shouldered hawks. It is known for hills, lakes and streams, lovely scenery and diverse wildlife habitat.

6. Many conservation organizations and agencies have recognized the unique natural, historic, and cultural significance of the Avon Hills region. Native plant communities of tamarack swamp, oak forest, and maple-basswood forest provide nearly un-altered habitat and significant ecological value as remnants of larger historic forest complexes that are an important yet threatened natural resource to the state.

7. In addition The Avon Hills Initiative (AHI) has been formed as a community

¹ The Scientific & Natural Areas (SNA) program preserves natural features and rare resources of exceptional scientific and educational value. The SNA program seeks to "Preserve and perpetuate the ecological diversity of Minnesota's natural heritage, including landforms, fossil remains, plant and animal communities, rare and endangered species, or other biotic features and geological formations, for scientific study and public edification as components of a healthy environment."

based organization to preserve the rich cultural history, natural beauty, and biological diversity of the Avon Hills region for generations to come.

8. The Township has maintained a unique commitment to preserving the distinctive characteristics of this area. For over 20 years the Township has conducted detailed planning and zoning efforts to protect and preserve the unique resources of the Township and surrounding region. Over those same years, the Township has worked closely with Stearns County's environmental services staff to document the unique natural and cultural aspects of the Avon Hills area.

9. Avon Township has a long history of protecting the natural aspects of the community. For example, the Township has enacted cell tower restrictions and regulations to ensure that towers are responsibly located and impacts to the community and ecology of the area are minimized.

10. With participation from the Township, Stearns County has recently enacted a new Comprehensive Plan for the County. The new plan anticipates an environmental overlay district encompassing substantial portions of Avon Township, including areas affected by the route alternatives under consideration.

11. The Comprehensive Plan notes that Avon Township "includes the largest concentration in the county of steep slopes, wooded areas, erodible soils, wetland complexes and high-quality native plant communities."

12. The Comprehensive Plan is one more recognition of the biological importance of the area and the need to ensure that wise development is a priority including the construction of power transmission lines.

13. The Township is the political subdivision most closely associated with the

residents of the impacted area and has undertaken the responsibility on behalf of its residents to assure that the unique resources found within the Township are protected. No other party can adequately represent this interest. The Township has developed experience and knowledge that is most likely to provide valuable information to the Commission in evaluating the impact on this region.

14. In addition, the Township has retained specialized professional expert assistance for the purpose of presenting an analysis of the route alternatives utilizing the standards applicable to the route decisions. We seek to provide this testimony and other relevant testimony which will connect facts with the legal criteria for route selection. We seek to intervene with full rights and responsibilities as a party to these proceedings.

WHEREFORE, Avon Township requests that it be granted leave to intervene with full rights as a party.

Dated: October 7, 2010

RINKE NOONAN

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