

Minnesota Department of Natural Resources

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May 9, 2014

Ray Kirsch, Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, Minnesota, 55101

Re: Draft Environmental Impact Statement for the Minnesota to Iowa 345 kV Transmission Line Project proposed by ITC Midwest, LLC in Jackson, Martin and Faribault Counties
PUC Docket Number: ET6675/TL-12-1337

Dear Mr. Kirsch:

The Minnesota Department of Natural Resources (DNR) has reviewed the Draft Environmental Impact Statement for the Minnesota to Iowa 345 kV Transmission Line Project proposed by ITC Midwest, LLC in Jackson, Martin and Faribault Counties. We appreciate the high level of responsiveness and coordination from both ITC Midwest, LLC and the Department of Commerce regarding natural resources for this project. Please consider the following input regarding the DEIS, route options, and rare species.

Routing Analyzed in DEIS

Map 3-10, page 38, depicts the routes by the Des Moines River and North of the Jackson Municipal Airport Runway. The JA-2 route would most minimize impacts to the flora and fauna associated with the Des Moines River.

Map 3-12, page 40 and Map 3-14, page 42, depicts the removal of the existing 161 kV lines from Fox Lake and Lake Charlotte. As indicated in the DEIS, "the removal would positively impact aesthetics at both lakes, and generally in the area, by creating one transmission line ROW instead of two near the lakes. The removal would have a positive impact on agricultural operations along the 161 kV line. The removal would decrease avian impacts at both lakes." Also note that Fox Lake, and associated upland areas, is a designated State Game Refuge. Waterfowl use can be significantly higher within the State Game Refuge due to the prohibition of waterfowl hunting. Higher waterfowl use increases the risk of avian collisions with transmission lines. The removal of the existing 161 kV line from Fox Lake would also result in removing the existing transmission line by Rooney Run WMA. In addition, having the existing 161 kV line and potentially the 345 kV line crossing a public water with high recreational use could create a hazardous condition if the lines were to be in contact with the water.

Minnesota Rules Chapter 6135, Licenses For Utility Crossings Of Public Lands and Waters, includes criteria for minimizing the environmental impact of public water crossings in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from utility crossings. Minnesota Rules, 6135.1100 Standards for Route Design, Subp. 1 states: "avoid scenic intrusions into stream valleys and open exposures of water." Minnesota Rules 6135.1100, Subp. 4, Crossing Public Waters, states: "avoid lakes, but where there is no feasible and prudent



alternative route, minimize the extent of encroachment by crossing under the water.” The DNR believes feasible and prudent alternative routes exist that avoid Fox Lake and Lake Charlotte. The DNR recommends the routes that co-locate the 345 kV line with the existing 161 kV lines be removed from further consideration and not be permitted by the PUC. In addition, the DNR recommends that the existing 161 kV lines be removed from Fox Lake and Lake Charlotte.

Rooney Run WMA should be avoided by running any Routes under consideration to the south of the WMA. The WMA contains intact wildlife habitat, including wetlands, while the area to the south has an existing transmission line and it is a heavily grazed pasture.

Map 3-12, page 40 depicts various Routes near Fox Lake, Four Corners WMA, and the Fox Lake Game Refuge. The DNR is concerned about impacts to this area due to the complex of wetlands that support high use by waterfowl and other wetland dependent species. The use of FL-6 as a connector may be a viable option for minimizing impacts to this area.

Map 3-15, page 43: the DNR can support either Route CC-1 or B in the Center Creek area. The permitted Route width should not include Center Creek WMA.

Map 3-15, page 43, shows the Route B Alternative on the north side of 150th Street. State-listed plants may be present on either side of 150th Street. If there is ground disturbance in this area, surveys may be required. Depending on the survey results, Route B might need to be located on the north or south side of 150th Street. The permitted Route width should include both sides of 150th Street to allow for flexible routing in this area.

Map 3-16, page 44, depicts the removal of the existing transmission line that would eliminate two crossings of the Blue Earth River and impacts to parcels in Reinvest in Minnesota Conservation Easements. Co-locating the 345 kV and existing 161 kV lines would increase the right-of-way and associated impacts to the Blue Earth River corridor. Removing the existing transmission line will restore the area back to a more natural and less fragmented wildlife corridor. The DNR supports the removal of the existing 161 kV transmission line. Use of Route HI-1 or B would reduce natural resource impacts in this area.

Appendix L, Sheet LH 42 depicts the I-90 Routes crossing Krahmer WMA. Krahmer WMA is located on the north and south sides of I-90. The DNR recognizes that this WMA may need to be impacted if the I-90 Route is selected in order to reduce other project impacts by increasing utilization of a disturbed interstate corridor.

Appendix L, Sheet LH49, depicts the I-90 Route on the north side of the interstate. However, the Route Width extends to the south side of I-90 and into Lake Guckeen WMA. The Route width should be revised so it does not include Lake Guckeen WMA. The DNR can support I-90 Routes on the north side of the interstate near the WMA.

Please note that if federal funds were used for the purchase of WMA, then federal approval may be required. Federal approval may require that replacement lands be provided for unavoidable impacts. Federal approval can be a lengthy process and it should be taken into consideration during the EIS process. For example impacts to Caron WMA, Toe WMA, or Four Corners WMA may result in a

federal funding review process. The DNR can provide additional detail regarding parcels with federal interest.

Bird flight diverters can reduce avian collisions with transmission lines significantly. The DNR requests the opportunity to review proposed bird flight diverter locations along the permitted route with the applicant. A permit condition regarding coordinating flight diverter placement is recommended.

Rare Species

Section 5.7.1 State and Federally Listed Threatened and Endangered Species

Table 5-6: The state status of the bald eagle should be changed from “special concern” to “tracked.”

Section 5.7.2 Rare Communities

For clarity, this list could be limited to communities within or adjacent to the proposed project.

Section 6.0 Impacts and Mitigation Measures

Page 111 states that impacts to and mitigation measures for state-listed species of special concern will not be discussed as they are not legally protected under the Minnesota Endangered Species Act. Regardless of state protection status, rare resources merit consideration during the environmental review process and during licensing and permitting decisions. As such, the Final EIS should discuss potential impacts to mitigation measures for all rare resources, including state-listed species of special concern.

Page 111 states that aquatic species will not be discussed because all watercourses will likely be spanned. If there is any possibility that the watercourses will not be spanned, then potential impacts to and mitigation measures for aquatic organisms should be discussed in the Final EIS. Even if the watercourses will be spanned, there are additional erosion prevention and sediment control measures that could be implemented near watercourses that would help to minimize disturbance to aquatic organisms.

Page 112 states that it is not possible to provide a cumulative acreage of all rare communities within the right-of-way or route width due to the various overlapping data sources. The proposed routes cross less than 20 Minnesota Biological Survey (MBS) Sites of Biodiversity Significance. It would be relatively straightforward to determine the acreage potentially impacted by the proposed project in the FEIS. For clarity, it should be noted that most MBS Native Plant Communities are within MBS Sites of Biodiversity Significance. Sites of Biodiversity Significance can also contain land/wetland/water that has not been identified as a native plant community.

As the MBS Sites of Biodiversity Significance and the MBS Native Plant Communities are also part of the Natural Heritage Information System (NHIS), it is confusing to use the term “NHIS native plant community” in the EIS. Also, it is unclear how the acreage of the “NHIS native plant communities” was determined as this data layer does not include any boundary information. As such, with one exception (noted below), the “NHIS native plant community” designation should be removed from consideration

as it could cause confusion and is represented by MBS Native Plant Communities and MBS Sites of Biodiversity Significance.

In order to be able to effectively compare routes and route alternatives, the EIS should include more written detail on impacts to and mitigation measures for rare communities. For instance, what is the conservation status of the native plant community? Will there be ground disturbance within the community or will the community be spanned?

The DNR recommends avoiding or minimizing disturbance within Sites of Biodiversity Significance, especially within rare native plant communities (conservation status = S1, S2, or S3). Native prairie is a rare native plant community that provides habitat for many state-listed species. Please note that Minnesota's endangered species law (*Minnesota Statutes*, section 84.0895) and associated rules (*Minnesota Rules*, part 6212.1800 to 6212.2300 and 6134) prohibit the taking of threatened or endangered species without a permit. The project proposer should contact Lisa Joyal, Endangered Species Review Coordinator, if there will be any ground disturbance within native prairie, as botanical surveys may be required. The purpose of the surveys would be to reduce the likelihood of an inadvertent taking of a state-protected species and/or to inform the takings permit process if needed. Please coordinate with Lisa Joyal before any survey work is initiated, as the DNR would like the opportunity to provide feedback on surveyor qualifications, survey protocol, and other survey requirements in order to prevent any potential project delays. Project planning should also take into account that botanical surveys need to be conducted during the appropriate time of the year, which may be limited.

Please see the attached table titled: "Potential Impacts to Sites of Biodiversity / Native Plant Communities." The table describes site location, description, and ranking information, along with questions about the type of impact expected and DNR comments regarding MBS Sites of Biodiversity Significance and MBS Native Plant Communities.

Thank you for the opportunity to provide comments regarding the Draft Environmental Impact Statement for the Minnesota to Iowa Transmission Project proposed by ITC Midwest, LLC. Please contact me with any questions.

Sincerely,



Jamie Schrenzel
Principal Planner
Environmental Review Unit
(651) 259-5115

Enclosure: 1

cc: Scott Ek, MN Public Utilities Commission
David Grover, ITC Midwest LLC

Potential Impacts to Sites of Biodiversity / Native Plant Communities

Route	TRS	Identifying Feature	MBS Site of Biodiversity Significance	MBS Native Plant Community	State Status	Type of Impact	DNR comments
A-LH	T102N R35W S5		None	Mesic Prairie*	S2	Likely able to span if still present?	Survey if ground disturbance
A-LH	T102N R35W S3	Des Moines River crossing	Moderate	Southern Mesic Oak-Basswood Forest	S3	Ground disturbance?	Recommend variation (JA-Var2) that avoids most impact
				Southern Wet-Mesic Hardwood Forest	S2/S3	Looks like avoiding?	
B-LH	T103N R35W S28	West of Des Moines River	Moderate	Dry Hill Prairie	S2	Likely able to span?	Survey if ground disturbance
B-LH	T103N R35W S34	Des Moines River crossing	Moderate	Dry Hill Prairie	S2	Ground disturbance?	Recommend alternative crossing / Survey if ground disturbance
B-LH	T103N R35W S34	Unnamed Stream crossing	Moderate	Dry Hill Prairie	S2	Ground disturbance?	Survey if ground disturbance
B-LH FL-5	T103N R33W S36	West of Four Corners WMA	Moderate	Dry Hill Prairie	S2	Likely able to span?	Survey if ground disturbance
FL-6	T103N R33W S36	West of Four Corners WMA	Moderate	Mesic Prairie	S2	Ground disturbance? / Existing Line	Survey if ground disturbance
B-LH	T103N R32W S34	Railroad Right-of-Way	Moderate	Mesic Prairie	S2	Known occurrences of state-protected plants / likely	Survey if ground disturbance

						able to span?	Survey if ground disturbance
I-90 all	T103N R31W S31	Kraher WMA	Moderate	Dry Hill Prairie	S2	Likely able to span?	Survey if ground disturbance
I-90 all	T103N R30W S32		Moderate	Cattail – Sedge Marsh (Prairie)	S1	Ground disturbance?	
I90-1 I90-2	T103N R30W S28		Moderate	Prairie wetland complex	S1/S2/S3	Ground disturbance?	
B-LH	T103N R29W S21	Near Center Creek WMA	Outstanding	Mesic Prairie	S2	Ground disturbance?	Survey if ground disturbance
A-LH I90-1 I90-2	T103N R28W S15	Center Creek Crossing	Moderate	Prairie Wet Meadow Carr	S3	Ground disturbance?	Survey if ground disturbance
				Southern Wet Prairie	S2	Ground disturbance?	Survey if ground disturbance
				Basswood – Bur Oak – (Green Ash) Forest	S3	Ground disturbance?	Recommend alternative
				Elm – Ash – Basswood Terrace Forest	S2	Ground disturbance?	Recommend alternative
A-HI	T101N R28W S2	Pilot Grove Lake WPA	Moderate	None	-	Ground disturbance? / Existing line	Important Site for waterbirds and trumpeter swans

*not in MBS Native Plant Community layer; EO ID #14056 in Rare Features Data

State Conservation Status: S1 = critically imperiled; S2 = imperiled; S3 = vulnerable to extirpation; S4 = apparently secure, uncommon but not rare; S4 = secure, common, widespread, and abundant