

Minnesota Department of Natural Resources

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September 23, 2014

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

Re: ITC Midwest LLC Application for a Route Permit for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties, Minnesota
Exceptions to Findings of Fact, Conclusions of Law and Recommendations
OAH Docket Number: 60-2500-30782
PUC Docket Number: ET-6675/TL-12-1337
DNR ERDB Number: 20130139

Dear Dr. Haar:

The Minnesota Department of Natural Resources (DNR) has reviewed the Findings of Fact, Conclusions of Law, and Recommendations published by the Office of Administrative Hearings and signed September 8, 2014 (OAH Report). The DNR is submitting the following exceptions regarding the OAH Report regarding the removal of transmission lines from Fox Lake and Charlotte Lake.

The OAH Report discusses a DNR letter dated May 30, 2014 to the OAH. Please also consider the attached May 9, 2014 DNR letter regarding the Draft Environmental Impact Statement. The following is an excerpt from the May 9, 2014 DNR letter:

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.

An additional finding after Finding 406 should be included stating:

In DEIS comments, the MnDNR agreed with DEIS analysis that removing lines from Fox Lake and Lake Charlotte would “positively impact aesthetics at both lakes, and generally in the area, by creating one transmission 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.” The DNR added that Fox Lake, and associated upland areas, is a State Game Refuge and stated that waterfowl usage can be significantly higher in a State Game Refuge, increasing collision risk with transmission lines. The DNR also commented that removing the existing transmission line from Fox Lake would result in removing the line near Rooney Run WMA, and commented on possible hazardous conditions if a transmission line contacted water. The DNR discussed current Minnesota Rules regarding avoiding lake crossings and recommended removing existing 161 kV lines from Fox Lake and Charlotte Lake.

Conclusion of Law 23 should be revised to state the following:

23. ~~It is not appropriate at this time to~~ A Special Route Permit Condition requiring order ITC Midwest to remove the existing Lakefield to Border 161 kV Transmission Line ~~between the Fox Lake and Rutland substations or~~ from crossing Fox Lake and Lake Charlotte and co-locating the existing line with the Project is appropriate.

Please note that the above revision to Conclusion 23 removes language regarding the line between Fox Lake and Rutland substations for the purpose of specifically addressing DNR comments. However, the DNR does not have a comment or preference regarding removing the line in the vicinity of the Rutland substation.

Thank you for your time and consideration of these exceptions. Please contact me with any questions.

Sincerely,



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Enclosure: 1

cc: Ray Kirsch, Minnesota Department of Commerce
Scott Ek, Minnesota Public Utilities Commission
David Grover, ITC Midwest LLC
Kevin Mixon, Minnesota Department of Natural Resources