

Appendix S –  
Comments from Agencies and Tribes

**F-001-001**

Comment noted.

From: Bethaney.Bacher-Gresock@dot.gov [mailto:Bethaney.Bacher-Gresock@dot.gov]  
Sent: Monday, February 13, 2012 12:11 PM  
To: Strength, Stephanie - RD, Washington, DC  
Subject: USDA - RUS DEIS for the CapX 2020 Hampton-LaCrosse 345-kV Transmission Line Proposal

Stephanie Strength  
Environmental Protection Specialist  
USDA, Rural Utility Service

Stephanie,

**F-001-001**

The Federal Highway Administration does not have any comments on the DEIS for the CapX 2020 Hampton-Rochester-LaCrosse 345-kV Transmission Line Proposal.

Sincerely,

Bethaney

*Bethaney Bacher-Gresock*

Environmental Program Manager  
FHWA - Wisconsin Division Office  
City Center West  
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Madison WI 53717

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REPLY TO  
ATTENTION

DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MINNESOTA 55101-1678

FEB 13 2011

Operations  
Regulatory (2008-01307-DAS)

Ms. Stephanie A. Strength  
USDA, Rural Development, Utilities Program  
1400 Independence Avenue SW, Mail Stop 1571, Room 2244  
Washington, D.C. 20250-1571

Dear Ms. Strength:

We have received and reviewed the document entitled "Draft Environmental Impact Statement (DEIS) Financing Assistance for Proposed Hampton-Rochester-La Crosse 345 KV Transmission System Improvement Project" dated December 2011. As a cooperating agency, please consider the following general information concerning our regulatory program. Additional comments specific to the DEIS are also provided below.

As noted in the DEIS, the Mississippi River and Black Rivers are subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit. Detailed design plans of the river crossings will be required for the work to be authorized under Section 10.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps' evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

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## F-002-001

The USACE involvement regarding the Section 10 and Section 404 permits is summarized in Section 1.2.2.1, Table 1-1 and Section 3.2.2.3. A statement about the USACE multiple analyses for evaluation of Section 10/404 permits has been added to Section 1.2.2.1. Section 404 permitting is discussed in more detail in Section 3.5.1.3 and Section 3.5.3.3.

F-002-001

F-002-002

The Corps concurs with the stated project purpose and need to improve community and regional reliability, and to increase generation outlet capacity, as described in the DEIS. We concur with the purpose and need of the Q1 rebuild as well, which would address age and degradation of existing transmission structures and conductors.

F-002-003

F-002-004

The Corps concurs with the range of alternatives carried forward for further study. We agree with the elimination from further study of the Winona and La Crescent crossings of the Mississippi River and the Q1 Route through the Black River Bottoms of the Upper Mississippi River National Wildlife and Fish Refuge.

F-002-005

The Section 404(b)(1) guidelines require that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. The DEIS indicates that the Arcadia Route, Arcadia-Alma Route Option, and Q1-Galesville Route have significantly less wetland conversion impacts by acreage when compared to the other Segment 4 alternatives considered in the DEIS. Selection of a preferred alternative that would include appreciably more wetland impact would require the applicant to demonstrate that less damaging alternatives to the aquatic environment are not practicable or would result in other significant adverse environmental consequences before any Corps authorization could be issued.

F-002-006

The DEIS identifies the steps that RUS has taken to address federal responsibilities under Section 106 of the National Historic Preservation Act including consultation with federally recognized Indian tribes. Because our agency must also comply with Section 106, including tribal consultation, we would like additional information regarding the steps taken to involve Indian tribes. Please provide a list of tribes that were invited to consult and a copy of that initial invitation letter, a description of efforts to follow up with tribes that have not responded, and a description of any consultation meetings that have taken place. We also request a copy of the Programmatic Agreement that is being developed. In order for the Corps to satisfy its responsibilities under Section 106 and formally recognize RUS as the lead federal agency for the purpose of this project, the Corps needs to be a signatory to the Programmatic Agreement.

F-002-007

We recommend that the applicant consult our agency in advance of submitting an application. Specifically, our agency is concerned that additional regulated impacts may result from staging, laydown areas, and grading of areas with greater than 10% slope. Further, advanced consultation will allow our agency to inform the applicant in more detail regarding our informational needs. For instance, the applicant is required to submit detailed permanent and temporary impact and compensatory mitigation information as part of the permit application.

## F-002-002

Comment noted.

## F-002-003

Comment noted.

## F-002-004

Comment noted.

## F-002-005

Federal regulations regarding practicability have been added to Section 3.5.3.3 (Under subheading *Permit Considerations*).

Regarding the differences in wetland impacts among the Wisconsin routes, these criteria are taken into account in identification of the preferred alternative. The PSC in its permitting process is essentially bound by the same considerations, as the WDNR water quality certification has essentially the same standards as the Section 404(b)(1) guidelines regarding practicability [Wis Adm Code NR103.08(4)(a)(1).]

## F-002-006

RUS previously responded to these requests, in March 2012. The requested information is included in Appendix Y. The draft programmatic agreement, with revisions based on comments, is included in Appendix W.

## F-002-007

We understand that Tom Hillstrom of Xcel has initiated correspondence with the USACE regarding the requirements of the permit application.



Operations  
Regulatory (2008-01307-DAS)

- 3 -

We anticipate continuing to work with you to meet both of our agencies' requirements. If you have questions, please contact Mr. David Studenski at (507) 895-2064.

Sincerely,



Tamara E. Cameron  
Chief, Regulatory Branch

Copy furnished:

Mr. Tom Hillstrom  
Xcel Energy  
414 Nicollet Mall MP8A  
Minneapolis, Minnesota 55401

Mr. Chuck Thompson  
Dairyland Power Cooperative  
3200 East Avenue South  
La Crosse, Wisconsin 54601

Ms. Mary Ann Heidemann  
Government Programs and Compliance  
State Historic Preservation Office  
345 Kellogg Boulevard West  
Saint Paul, Minnesota 55102

Mr. Tony Sullins  
US Fish and Wildlife Service  
4101 American Boulevard East  
Bloomington, Minnesota 55425-1665

Ms. Cheryl Laatsch  
Wisconsin Department of Natural Resources  
101 South Webster Street  
Madison, Wisconsin 53707-7921

Mr. Jamie Schrenzel  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, Minnesota 55155

US EPA REGION 5  
ATTN: Wendy Melgin  
77 W. Jackson Blvd WW-16J  
Chicago, Illinois 60604-3507



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3580

FEB 18 2012

REPLY TO THE ATTENTION OF:

E-19J

Stephanie Strength  
U.S. Department of Agriculture  
Rural Development, Rural Utilities Service  
1400 Independence Avenue SW  
Mail Stop 1571, Room 2244  
Washington, D.C. 20250-1571

Re: **Draft Environmental Impact Statement for Hampton-Rochester-La Crosse  
Transmission System Improvement Project, Minnesota and Wisconsin –  
CEQ No. 20110422**

Dear Ms. Strength:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) prepared by the U.S. Department of Agriculture (USDA), Rural Utilities Service (RUS) and the Dairyland Power Cooperative (Dairyland). The U.S. Army Corps of Engineers (USACE) and U.S. Fish and Wildlife Service (USFWS) are cooperating agencies. EPA conducted this review pursuant to our authorities under the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act.

In December 2011, Dairyland applied for financial assistance from the RUS for funding to construct approximately 124-148 miles of 345 kV transmission line and related facilities between Hampton, Minnesota and La Crosse, Wisconsin (the proposal). The proposal also includes construction of two connecting 161 kV lines in the Rochester, Minnesota area, with a total length of 44-49 miles. The stated purpose of the proposal is to: 1) improve community reliability of the transmission system in Rochester, Winona, La Crosse and surrounding areas; 2) improve regional reliability of the transmission system; and 3) increase generation outlet capacity.

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F-003-001	Based upon the documentation provided, EPA has rated the overall Draft EIS as <b>Environmental Objections - Insufficient Information (EO-2)</b> . The Draft EIS does not identify a preferred route. In such cases, EPA rates the environmental impacts of all included potential alternatives. Based primarily on potential impacts to wetlands and wildlife refuges, we have rated the proposed and alternative routes for both Minnesota and Wisconsin as "Environmental Objections" (EO). The No-Action alternative is rated as "Lack of Objections" (LO). With regard to the adequacy of the analysis, we have rated the Draft EIS as "Insufficient Information" (2). Please see the enclosed summary of the rating system used in EPA's evaluation of the document.
F-003-002	The Draft EIS does not fully evaluate and characterize environmental impacts, or define and illustrate the scope of the project as a whole. In our enclosed detailed comments, we identify a number of areas where the Final EIS can better analyze predicted impacts of the practicable alternatives. We are particularly concerned that the route alternatives presented in the Draft EIS do not appear to be analyzed using a consistent set of criteria for including and eliminating alternatives. EPA recommends that the Final EIS clearly identify these criteria.
F-003-003	
F-003-004	We also recommend that the Final EIS provide additional information on route alternatives, including a comprehensive discussion of the impacts of each alternative. We also advise that USDA re-evaluate the decision to eliminate the Blair Route as a reasonable alternative, especially as this route alternative could reduce impacts to the Upper Mississippi River National Fish and Wildlife Refuge and the Van Loon State Park. Based on discussions with USDA, we understand that USDA and Dairyland have different preferred routes. If this is the case, EPA advises that the Final EIS clearly state USDA's and Dairyland's preferred route for each segment.
F-003-005	
F-003-006	
F-003-007	EPA advises that the Final EIS provide additional information on avoidance, minimization and mitigation measures. For unavoidable impacts – including impacts to wetlands, floodplains, sensitive habitat, and National Wildlife Refuge properties – it is essential to discuss actions to minimize, mitigate, and/or compensate for potential impacts. As part of that discussion, EPA recommends that the Final EIS clearly identify the ecological and recreational value of impacted areas and the ability of proposed mitigation measures to replace or offset lost function and values of the impacted resources.
F-003-008	The Final EIS should also more clearly present information on the project and its impacts. We recommend more succinct narrative discussions; improved cross-references; clearer charts, tables and maps describing route alternatives; and references to pertinent information contained in the appendices. We also recommend structuring the Final EIS to reduce its reliance on references to external documents, such as the Minnesota and Wisconsin state EIS documents, the Macro Corridor Study, and the CapX2020 documents. While we recognize that appendices may be included for supplemental reference, we strongly advise that the Final EIS be a stand-alone document that precisely defines the project's purpose and need, describes the alternative route selection process, evaluates the environmental consequences associated with each alternative, and considers appropriate mitigation measures.

## F-003-001

**Wetlands.** As discussed in the Draft EIS, transmission lines can be constructed with very little wetland impact because of the small footprint of the poles and the ability to span wetlands that are less than 1,000 feet across. The total discharge of dredged or fill material to waters of the U.S. as defined in 40 CFR 230.10(a), and requiring a permit under Section 404 of the Clean Water Act for the Proposal would be approximately 0.2 acre. In addition, the Proposal would also result in temporary impacts to between 13.7 and 16.3 acres of wetlands, and conversion of approximately 52 to 80 acres of forested wetland to emergent wetland. In almost all cases the impacts to forested wetlands would result from widening of an existing transmission line corridor. Locations and acreages of the permanent and conversion impacts are illustrated and tabulated in the Draft EIS. Mitigation will be implemented, as described in the Draft EIS.

Wetland resources and impacts are detailed in the Draft EIS. See responses below to items under EPA heading Wetland/Waters Concerns for details. RUS is cooperating fully with the USACE (a cooperating agency on the Draft EIS) to ensure full compliance with Section 404 of the Clean Water Act.

**Wildlife Refuges.** The only direct impact to a wildlife refuge from the Proposal would be the crossing at an existing transmission line located at Dairyland's Alma generating plant, which is adjacent to the Upper Mississippi River National Wildlife and Fish Refuge (UMRNW&FR). (As discussed elsewhere in these responses, the Q1 Rebuild, which was included in the Draft EIS, and currently crosses the UMRNW&FR, is not included in the Final EIS).

We are available to discuss these comments at your convenience. Please feel free to contact me at 312-353-8894, or Shanna Horvatin of my staff at 312-886-7887 or via e-mail at [horvatin.shanna@epa.gov](mailto:horvatin.shanna@epa.gov). Thank you for considering our recommendations to reduce environmental impacts from the project and to improve the quality of the final EIS.

Sincerely,



Alan Walts  
Director, Office of Enforcement and Compliance Assurance

Enclosures: Ratings Definitions  
USEPA Detailed Comments

cc: Thomas Melius, Regional Director, US Fish and Wildlife Service  
Kevin Foerster, Refuge Manager, UMNWFR, US Fish and Wildlife Service  
David Studenski, USACE-St. Paul District  
Dave Schad, Minnesota Department of Natural Resources  
Matthew Langan, Minnesota Dept. of Commerce  
Kevin Molloy, Minnesota Pollution Control Agency  
Robert Fasick, Wisconsin Department of Transportation  
Cheryl Laatsch, Wisconsin Department of Natural Resources  
Kenneth Rineer, Wisconsin Public Service Commission

Page 3 of 20

A crossing of the UMRNW&FR is unavoidable, as the refuge follows the river for 261 miles, the Proposal must cross the river, and a bypass of the refuge is not feasible. The Draft EIS includes an evaluation of placing the line underground at the river. All impacts associated the proposed Mississippi River crossing are detailed in the Draft EIS, and summaries of impacts are included in Tables ES-1, ES-2, and ES-3 in the Executive Summary (the same tables are in Section 2). This same information is included in the Final EIS.

The USFWS' main concern with the Proposal, as expressed in letters and oral communication, is the potential for impacts to birds (both on and near the refuge), as the Upper Mississippi Refuge is an internationally recognized important bird area (IBA). Over the past several years RUS and the Applicants have worked closely with Refuge personnel to develop various alternative plans for the Mississippi River crossing that will minimize the potential for impacts to birds. The results of these efforts are summarized in the analysis of the three potential river crossings (Draft EIS Section 2.3.1.1, pp. 94-99) and in the analysis of the alternative structure types and details that would be used at the crossing (Draft EIS Section 2.4.2.1, pp. 114-118 and Appendix M). This same information is included in the Final EIS.

In response to USFWS comments on the preliminary Draft EIS that USFWS reviewed, RUS prepared, and included in the Draft EIS, an in-depth evaluation of potential impacts to Refuge-monitored bird species (note that as described on p. 223 of the Draft EIS, the USFWS is required by law to monitor species on refuges). This analysis is included in Section 3.5.1.4 (affected environment), pp. 214-236; Section 3.5.2.4 (consequences), pp. 257-267 and Appendix N; and Section 3.5.3.4 (measures incorporated into the Proposal to reduce impacts and additional potential mitigation), pp. 271-273. This same information is

## US EPA Detailed Comments

### USDA Rural Utilities Service - Draft Environmental Impact Statement for Hampton-Rochester-La Crosse Transmission System Improvement Project, Minnesota and Wisconsin

February 13, 2012

#### PURPOSE AND NEED

- F-003-009** | 1. Page 4 of the Draft EIS states: “*Dairyland identified participation in the Hampton-Rochester-Lacrosse transmission line project as its best course of action in meeting future needs for reliable electric service in the Rochester and Lacrosse area.*”
- **RECOMMENDATION:** Clarify and provide additional information in the Final EIS on the specific future needs. This includes information regarding timeframes of the future needs which the project is intended to address.
- F-003-010** | 2. Discussions on reliability (p. 55-56) are not clear and discernable. The only information provided is reference testimony (p. 56) to the [“Wisconsin” or “Minnesota”] Public Utilities Commission.
- **RECOMMENDATION:** Clarify the discussion on reliability in the Final EIS. Provide specific information that relates these issues clearly to the project’s purpose and need. Summarize the referenced testimony in addition to citing an external document.
- F-003-011** | 3. Page 56 of the Draft EIS indicates the “top 10 binding constraints” are the congestion points limiting the usefulness of the (existing) system. However, there is no further discussion in the Draft EIS as to what these congestion points are, where they are located in the system, or how they relate to the proposed project.
- **RECOMMENDATION:** Clarify how the congestion points relate to reliability and to the project’s purpose and need. Provide a clear location map of the congestion points in order to allow reviewers to understand the congestion points and how they affect reliability as well as the proposed project’s purpose and need.

included in the Final EIS. In addition, the Applicants have conducted an assessment of golden eagles, bald eagles and herons at the direction of Margaret Rheude, the USFWS eagle permits coordinator. In comments on the Draft EIS, the Department of Interior recommended that the Applicants continue to work with Ms. Rheude. The results of this work has been incorporated into the Final EIS. RUS has received comments on the Draft EIS from the Department of Interior, and has addressed those comments in the Final EIS.

#### **F-003-002**

Based on the detailed comments provided, it appears that the reviewer’s conclusion that the “Draft EIS does not fully evaluate and characterize environmental impacts” may have resulted from the reviewer’s difficulty finding information in the Draft EIS and/or a misunderstanding of the information presented. Similarly, it appears that the reviewer’s conclusion that the Draft EIS does not “define and illustrate the scope of the project as a whole” may be based on a misunderstanding of information presented. All components of the Proposal were described in the Draft EIS Executive Summary, pp. 5-6, and shown in Figure ES-1 (same for Final EIS). The same information is included in Section 1.1.1 (in both the Draft and Final).

To respond to these concerns, in the Final EIS, where applicable, RUS has added repetition of information, more cross-references and other small edits to help make navigation of the document easier. See also the responses to detailed comments below.

In addition, as explained in the responses to the detailed comments, the Q1 Rebuild is not included in the Final EIS. This should help clarify misunderstandings about the scope of the Proposal.

#### **F-003-003**

Note that for elimination of alternative routes from detailed evaluation,

F-003-012

4. The Draft EIS states that the project is focused on (p. 6) :  
“...meeting identified needs for transmission system reliability and efficiency. A reliable transmission system delivers electricity where it is needed even when some lines or generators are out of service. An efficient system reduces the need for new generating facilities. In an inefficient system, electricity can become trapped within the transmission network (grid) because of congestion or outages and cannot be delivered to all the places where the energy is needed in an efficient system. Thus, these needs to deliver energy must be met alternatively by operating generating facilities that would otherwise not be operated but for the inefficiency of the transmission system.”

The Draft EIS does not illustrate what the system inefficiencies are, nor does it describe the reliability issues in thorough detail. Furthermore, the Draft EIS does not discuss or explain the current system's output, what the current need for capacity is, what the new system is predicted to provide, and how the new system will meet the needs and provide the desired reliability and efficiency.

- **RECOMMENDATION:** Provide additional information on reliability issues, including an explanation of existing inefficiencies and the resulting problems that these inefficiencies are causing. Information regarding the current output and use as compared to the desired output should be listed in the Final EIS.

#### ALTERNATIVES AND PRESENTATION OF INFORMATION

F-003-013

1. The Draft EIS does not describe how alternatives were eliminated from detailed consideration, and it is also unclear how many alternatives were considered for each portion of the project. While there are references to Appendix R for other Minnesota route alternatives and references to Appendix L for the Wisconsin alternatives, these appendices do not clearly explain how the range of alternatives to be considered was determined. Moreover, the provided figures are not appropriately scaled to provide adequate information for reviewers on the specific locations of all alternatives.

F-003-014

F-003-015

F-003-016

- **RECOMMENDATION:** Provide further discussion in the Final EIS as to how reasonable alternatives were identified, and information on criteria used to eliminate alternatives from detailed consideration. Clearly depict alternatives for both Minnesota and Wisconsin segments in all relevant maps, charts and graphs. Provide a succinct narrative discussion of each route, the criteria used to evaluate each route, and a summary of the referenced appendices. While the inclusion of appendices is appropriate, pertinent referenced information should be extracted and summarized within the body of the Final EIS.

the same criteria were not necessarily applied in every situation. For example, the Mississippi River crossing alternatives were evaluated using their own set of criteria (summarized in Tables ES-1 and 2-1), because the issues at the river are different from those elsewhere in the Proposal. Another example: the Bluff Route in Wisconsin was eliminated from detailed consideration because it did not meet the legally-enforceable State of Wisconsin criteria for siting a transmission line (Section 2.3.2.1 in the Draft EIS, Section 2.2.6.5 in the Final EIS). It was not necessary in this case to, for example, calculate wetland impacts or determine acres of farmland impact. This approach is consistent with the CEQ regulations (40 CFR 1502.14).

Based on the detailed comments provided (responses below), the reviewer's general statement of concern about elimination of alternative routes appears to be related to the elimination of the Blair Route from detailed consideration, and a misunderstanding regarding the Arcadia-Ettrick and WI-88 routes.

The comment regarding elimination of the Blair Route appears based on the reviewer's belief that the Blair Route would provide some unique benefit to the Upper Mississippi Refuge and "Van Loon State Park" (the reviewer apparently meant to refer to the Van Loon Wildlife Area) that no other alternatives would provide and that the Blair Route is somehow related to the question of whether or not the Q1 161-kV line is likely to remain within its current right-of-way on the Upper Mississippi Refuge. These assumptions are addressed in responses to detailed comments regarding the Blair Route, below.

Comments related to the Arcadia-Ettrick and WI-88 Routes being eliminated from detailed consideration in the Draft EIS are inaccurate, as these alternatives are evaluated in detail in the EIS. See responses to detailed comments below.

F-003-017

2. The Draft EIS states that: 17 route alternatives were studied for the Hampton to North Rochester 345 kV line; 16 route alternatives were studied for the North Rochester to Northern Hills 161 kV line; and 31 route alternatives were studied for the North Rochester to Mississippi River 345 kV line. However, no maps, figures, narrative description, or summary tables of impacts were included in the Draft EIS to provide the reader with information regarding route alternatives, their impacts, and why they were or were not eliminated.

- **RECOMMENDATION:** In the Final EIS, provide detailed information describing the alternatives studied for each section of the proposed transmission line, including the criteria and rationale for inclusion or elimination.

F-003-018

3. It is not clear if the Draft EIS proposes a new 345 kV and/or 161 kV line in Wisconsin along one of the noted alternative routes (Arcadia, Q1, Ettrick, Highway 88 connection) in addition to pursuing re-approval of the existing 161 kV Q1 line in its current route.

- **RECOMMENDATION:** Provide clear, unambiguous narrative information and figures depicting the details of the routes for both the 345 kV and the 161 kV transmission lines in Wisconsin.

F-003-019

4. The U.S. Fish and Wildlife Service (USFWS) stated, in correspondence dated December 7, 2011, and December 22, 2011, that the Blair Route is a viable alternative and should be considered in further detail. While the Draft EIS states that the Blair Route is more costly and will result in "additional impacts," the Draft EIS does not contain information regarding those additional impacts. The USFWS has provided several reasons why the Blair route should be considered, including that it:

- a) Appears to follow existing, established 161kV routes across existing easements (where impacts are already present);
- b) Places the greatest distance possible from the Upper Mississippi River National Fish and Wildlife Refuge and Mississippi River (UMRNFWR) corridor, which will reduce avian mortality; and
- c) Would minimize habitat destruction, wetland impacts, and impacts to state lands (Wisconsin Department of Natural Resources' Van Loon Wildlife Area), while crossing primarily agricultural lands (in lieu of forested uplands and/or wetlands).

- **RECOMMENDATION:** Re-evaluate the inclusion of the Blair Route as a reasonable alternative for the purposes of a NEPA analysis. Provide the criteria and rationale for inclusion or elimination.

F-003-020

5. USFWS indicated, in correspondence to the Wisconsin Public Service Commission dated December 22, 2011, that USFWS "does not recognize the original Q1 route as a viable alternative." In the Draft EIS, however, Dairyland states that there is "no practicable

#### F-003-004

Refer to Sections 2 and 3 of the EIS, and detailed comment responses below. To further address the reviewers concerns in the Final EIS, *Section 2 Summary of Alternatives* has been re-organized to include all (both transmission and non-transmission) alternatives considered but not studied in detail in Section 2.2, and the descriptions of alternatives studied in detail in Section 2.4. The previous contents of Section 2.3 have been re-allocated to these two sections. In addition, most of the alternatives proposed during the Minnesota DEIS scoping process are not evaluated in detail in the Final EIS. The reasons for the elimination of each of these alternatives are included in Section 2.2..

#### F-003-005

The reviewer recommends re-evaluating the decision to eliminate the Blair Route, "especially as this route alternative could reduce impacts to the Upper Mississippi River National Fish and Wildlife Refuge and the Van Loon State Park." Additional clarification of the rationale for elimination of the Blair Route has been added to Section 2.2.6.4 of the Final EIS; however this information is unrelated to possible reductions in impacts at other locations. The reviewer does not explain the basis for the conclusion that use of the Blair Route could reduce impacts elsewhere, however, this position may be based on earlier statements by USFWS staff; this issue is addressed in detailed comments below. Note that there is no Van Loon State Park; presumably the reviewer is referring to Van Loon Wildlife Area. Also, the refuge is the Upper Mississippi River National *Wildlife and Fish* Refuge (emphasis added).

#### F-003-006

RUS had not identified a preferred route at the time the referenced discussions were held. In accordance with 40 CFR 1502.14(e), RUS has identified its preferred alternative in the Final EIS.

F-003-020

alternative to rebuilding the Q1 line on Refuge property.” It is unclear what is, or is not, proposed to occur in the Black River Bottoms portion of the Upper Mississippi National Fish and Wildlife Refuge (UMRNFWR) property. The Draft EIS is also unclear on whether or not USDA is considering rebuilding the Q1 line in its current location through the Black River Bottoms.

- **RECOMMENDATION:** Clarify whether or not any new construction or rebuilding of the Q1 lines within the Black River Bottoms is proposed. Where USDA and Dairyland disagree regarding the viability of an alternative, those differences should be explicitly identified.

6. During consultation among the USDA project manager, the URS consultant to USDA, and my staff, EPA learned that three alternatives to the existing Q1 route through the Black River Bottoms are being considered (as shown in Figure 2 found in Appendix L of the Draft EIS). USDA also clarified the point that the Draft EIS does not represent a unified opinion between the agency and Dairyland. USDA and Dairyland have varying opinions on the preferred routes.

F-003-021

- **RECOMMENDATION:** The Final EIS should be clear on any alternatives proposed to the existing Q1 route through the Black River Bottoms. The alternatives discussed should be further clarified to ensure transparency. USFWS has indicated, in correspondence to USDA on December 7, 2011, that construction of the 345 kV line on a different route centerline (such as the Blair route) would allow for removal of the existing 161 kV line from Refuge property and is preferred by the USFWS. Additional clarification is needed on proposals for new lines or rebuilding of existing lines to fully evaluate and address impacts to the UMRNWR. The Final EIS needs to represent USDA’s views, as the lead agency issuing the document. Where USDA and Dairyland disagree regarding the viability of an alternative, including differences in preferred routes, those differences should be explicitly identified.

F-003-022

F-003-023

7. Page 130 of the Draft EIS addresses the issues associated with the northern 8 miles of the 161 kV Q1 transmission line corridor near WI-35. This area is designated as the Great River Road (GRR). The Wisconsin Department of Transportation (WisDOT) holds scenic easements for this area. The WDNR, WisDOT, and USFWS have all expressed concerns with this Q1 route particularly relating to aesthetic and environmental impacts along the GRR/WI-35. WisDOT has expressed concerns regarding the feasibility and reluctance to permit the Q1 route along the GRR scenic by-way. Two routes were proposed by the WDNR and WisDOT addressing impacts to the GRR/Wis-35. WisDOT suggested the WI-88 Connector and the WDNR suggested the Arcadia-Ettrick Route alternative. Neither of these route alternatives is examined in detail as a reasonable alternative to the existing Q1 route.

### F-003-007

Revisions to the EIS have been made, related to avoidance, minimization, and/or mitigation. See responses to detailed comments below.

### F-003-008

RUS provides responses to these general issues as they appear in the detailed comments below.

### F-003-009

Please refer to Draft (and Final) EIS Section 1.1.2 and also Section 1.1.2.3, which describes Midwest Independent System Operator (MISO) member transmission owner’s (of which Dairyland is one) legal obligation to “make a good faith effort to design, certify, and build” transmission facilities that MISO has determined are needed. The Alternatives Evaluation Study (AES) and the Macro-Corridor Study (MCS), which were reviewed, modified and approved by RUS and are available on the RUS website (link provided in Executive Summary on p. 4 of Draft EIS), were incorporated by reference into the Draft EIS (p. 54). The AES contains extensive details on project need, including Dairyland’s.

In the Final EIS, more information has been added from the AES, including figures. The information has also been updated with new information that became available after publication of the Draft EIS. The discussion of Jeffrey Webb’s testimony (Section 1.1.2.3) has been expanded to provide more detail.

An estimated schedule has been added as Section 1.1.1.1.

Note that CEQ regulations direct agencies to incorporate by reference when appropriate, to reduce paperwork (40 CFR 1500.4). In compliance with this section and 40 CFR 1502.21, RUS incorporated the AES and MCS by reference into the EIS. In compliance with 40 CFR 1502.21, the



F-003-023	<ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> Re-evaluate the decision to exclude both the WDNR (Arcadia-Ettrick Route) and the WisDOT (WI-88 Route) as reasonable alternatives, and provide a detailed analysis in the Final EIS of both routes. If either agency is not willing to issue a permit for their respective areas, USDA should provide viable options for those segments of the transmission line. For the purposes of a NEPA review, analysis must provide clear information on what criteria were used to make the decision.</li> </ul>
F-003-024	<p>8. Page 272 of the Draft EIS discusses a proposal for rebuilding of 69 kV lines.</p> <ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> Clarify whether reconstruction of any 69 kV lines is part of this proposed project, and if so, describe those proposals and their impacts clearly in the text and accompanying maps.</li> </ul>
F-003-025	<p>9. Discussion of the North Rochester Substation (page 122) does not specify what two locations for this substation are under consideration. The Draft EIS is also not clear why 40 acres are needed for this new substation (and other new substations), even though only 8 acres of fenced/graded land is required for substation construction. The proposed Briggs Road substation is noted in several locations in the Draft EIS; however, on page 121 the Draft EIS states “the proposed Briggs Road Substation would be permitted in a separate proceeding before the PSCW.” The Draft EIS is unclear whether or not the environmental impacts of the construction of the Briggs Road substation have been evaluated.</p>
F-003-026	
F-003-027	
F-003-028	<ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> Provide the possible locations of both the North Rochester Substation and the proposed Briggs Road substation in the Final EIS. Explicit location maps with aerial photo backdrops that show the boundary of each proposed substation location should be included. Information about the environmental impacts, cost analysis and location needs for both the Briggs Road and North Rochester Substations should also be included.</li> </ul>
F-003-029	
F-003-030	<p>10. The North Rochester to Chester scenario is discussed on pages 128-129. Figure 2-6 shows the location of the three proposed “tap” locations associated with this proposal. This map is unclear, and reviewers cannot determine the proposed Tap 1, Tap 2, and Tap 3 locations based on these figures. Furthermore, six sub-alternative routes were rejected; the Draft EIS only references Appendices O and P for additional information, but does not provide summary information in the EIS.</p> <ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> Provide detailed information, impact summary tables, and maps of the three tap locations in the Final EIS.</li> </ul>

AES and MCS were (and still are) “reasonably available for inspection by potentially interested persons within the time allowed for comment.” The AES and MCS were made available for comment during public scoping March-July of 2009. The comment period for the Draft EIS was December 16, 2011 to February 13, 2012.

#### F-003-010

For a definition of reliability and a description of U.S. electric system reliability, see Draft (and Final) EIS Section 1.1.2.1 Electric System Reliability and Planning, which began on p. 47 of the Draft EIS. This section also describes the Midwest ISO’s legal authority and responsibility for “planning, and for directing or arranging, necessary transmission expansions, additions, and upgrades that will enable it to provide efficient, reliable and non-discriminatory transmission services.” The discussion on pp. 55-56 of the Draft EIS actually begins on p. 54, with a cross-reference to Section 1.1.2.1.

The reviewer may have missed the main part of the reliability discussion in the Draft EIS if he/she concluded that the only information provided is reference testimony. The referenced testimony is a single paragraph on p. 56. Because of the centrality of reliability to the need for the project, there are extensive discussions of reliability earlier in the document, as noted above.

Draft EIS Section 1.1.2.1 Electric System Reliability and Planning, (pp. 47 to 53), includes the following references for support (see Draft EIS reference section for full citations):

- NERC 2011a; E
- IA 2011a;
- Energy Policy Act of 2005;
- FERC regulations 18 CFR 35, 39 and 40 (incl. various subsections);

- F-003-031** 11. The Draft EIS does not state if Lake Byllesby Regional Park will be impacted by any proposed Minnesota route.
- **RECOMMENDATION:** Provide information on whether impacts to the Park can be avoided or minimized (e.g., reducing tree or shrub removal).
- F-003-032** 12. Routes 1P and 1A both propose crossing through significant sites, including the Richard J. Dorer State Forest, the Lake McCarthy Wildlife Management Area, several Biodiversity Sites of Medium Significance, and within the influence of two Zoological National Heritage Sites. The Draft EIS states that Land and Water Conservation Funds have been used for portions of these areas, including the Snake Creek Management Unit of the Richard J. Dorer State Forest.
- **RECOMMENDATION:** Provide information describing how these sites can be avoided in the Final EIS. For impacts determined to be unavoidable, provide information on how impacts will be minimized and mitigated.

#### WETLAND/WATERS CONCERNS

- F-003-033** 1. The Draft EIS does not discuss how the mitigation sequence established by the Clean Water Act Section 404(b)(1) Guidelines has been applied. Under the mitigation sequence, potential impacts must first be avoided to the maximum extent practicable; remaining unavoidable impacts must then be minimized, and finally compensated for to the extent appropriate and practicable. The Draft EIS does not contain clear narrative or figures addressing wetland impacts (filling and conversion of forested to non-forested wetland).
- **RECOMMENDATION:** Provide information pertaining to the proper sequence of mitigation for impacts to waters per the Clean Water Act Section 404(b)(1) Guidelines. Mitigation for permanent wetland impacts (fill) and wetland conversion should be discussed.
- F-003-034** 2. The Draft EIS does not succinctly summarize wetland impacts for the entire project. Discussion of wetland impacts, either permanent (due to fill and/or conversion) or temporary, is unclear and is divided into separate discussions for Minnesota and Wisconsin. A summary statement on page 257 refers reviewers to "Table 2- " (sic); however there is no table with summary numbers for wetland impacts for the entire project.
- **RECOMMENDATION:** Provide a complete summary table with detailed wetland impacts for the entire project (and all routes) based on the alternative routing combinations. Provide information on avoidance and minimization measures taken to reduce wetland impacts, specific mitigation ratios for wetland impacts, and conceptual wetland mitigation plans for permanent wetland impacts.
- F-003-035**

- FERC 2006b;
- NERC standards (incl. website);
- Midwest Reliability Organization (MRO) 2010;
- Midwest ISO (referenced as MISO in the Final EIS) 2011a, 2011b;
- INFORMS 2011;
- Minn Rules ch. 7843 and 7848;
- Minn. Stat. 216B.2425;
- Wis. Stat 196.491;
- WI Public Service Commission (PSC) 2011a;
- NREL 2011.

The reliability discussion specific to Dairyland, on pp. 55-58 of the Draft EIS, is supported with the following references:

- Midwest ISO 2008, 2010a, 2006, 2007
- NERC 2011b
- Webb 2008 (the testimony referenced in the EPA comment)

To help clarify, in the Final EIS, the sentence with the cross reference to Section 1.1.2.1 (on Draft EIS p. 54) was begun with a new paragraph so that it stands out more, and a second sentence with additional detail of the contents of Section 1.1.2.1 was added.

#### **F-003-011**

RUS was unable to locate the requested map in any of the referenced MISO documents or on MISO website. It's unlikely that such a map would be informative to anyone but a highly specialized expert. We considered including in the Draft EIS the tabulation of the top 10 binding constraints, which was included in the MISO 2008 reference, however, this information would likely be meaningful only to a specialist. RUS could provide this table to EPA, if desired. It is within RUS' purview to question Dairyland's stake in the Hampton – Rochester – La Crosse project, and its share. However, because of MISO's legal authority and responsibility for transmission (as described in Sections 1.1.2 and 1.1.2.3 of the Draft and Final EIS, and summarized in a response

F-003-036	<p>3. Temporary and/or permanent impacts to streams, rivers, lakes, wetlands, and other waters of the U.S. are expected during construction. Approximately 1,000 acres could or will be disturbed during construction (p. 180). Construction impacts include access roads, staging areas, grading, upgrading or creating routes, etc.</p> <ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> Include an estimation of impacts associated with these temporary construction/access needs in the Final EIS.</li> </ul>
F-003-037	<p>4. Limited or no information is available in the Draft EIS pertaining to:</p>
F-003-038	<p>1) <u>Floodplains</u> (Section 3.2.3.2, p. 193);</p>
F-003-039	<p>2) <u>Sensitive Wetlands</u> (Table 3-4, p. 211-213) <i>This section only provides information for wetlands impacts associated with the Q1/Hwy 35, Arcadia and Q1/Galesville routes. There is no indication if there are sensitive wetlands impacted by other routes;</i></p>
F-003-040	<p>3) <u>Cumulative Effects</u> (Section 4.4.2, p. 244). <i>No information is provided, particularly in areas of prior wetland conversion and/or filling;</i></p>
	<p>4) <u>Surface Water, General</u> (p. 183) <i>This section mentions only large rivers, and does not mention crossings of smaller streams/tributaries, including temporary crossings;</i></p>
F-003-041	<p>The Draft EIS fails to provide a complete and comprehensive analysis of wetlands and water bodies. There is not enough information in the above-listed sections to determine if there will be impacts and what the extent of those impacts might be. Floodplains, sensitive wetlands (such as Ramsar Wetlands of International Importance), and cumulative impacts to wetlands are not adequately discussed in the Draft.</p> <ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> Provide a comprehensive analysis of impacts to waters of the U.S., including wetlands, in the Final EIS.</li> </ul>
F-003-042	<p>5. The existing Chester substation is proposed to be expanded by one acre (p. 123). The existing substation is located on the east side of 50<sup>th</sup> Ave SE (Route 11), north of Highway 14 East and north of railroad tracks, which is not clear in the Draft EIS. EPA's review of aerial photography and the National Wetland Inventory (NWI) Maps shows that wetland impacts may occur to due substation expansion. The NWI maps show wetlands to the north and east of the existing substation; additionally, wetland signatures were shown in aerial photography. However, the Draft EIS does not discuss wetland impacts associated with this substation expansion, or with construction of any new substations.</p> <ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> Clearly describe all aquatic impacts associated with expanding the Chester Substation.</li> </ul>

above), it is not within RUS's purview to question MISO's decisions regarding the need for new transmission systems. Transmission systems are highly complex, governed by thousands of pages of standards and tariffs, and run by many trained and specialized technical experts. The Draft EIS, in Section 1.1.2.3, explains, on a conceptual level, the needs that the MISO has identified. This approach appears to be consistent with the CEQ directive of "emphasizing the portions of the environmental impact statement that are useful to decisionmakers and the public...and reducing emphasis on background material" [(40 CFR 1500.4(f)).

#### F-003-012

As noted in earlier comments, it appears the reviewer may have overlooked the discussion in Section 1.1.1.2.1 *Electric System Reliability* and the discussion in Section 1.1.2.3 under *Community Reliability*. In particular, see the discussion of Category B and C events in the *Community Reliability* discussion. In the Final EIS, the *Community Reliability* discussion has been expanded to incorporate more information from the AES, including figures, and 2012 information has been added.

#### F-003-013

Regarding alternatives eliminated from detailed consideration: This is included in the Draft EIS. The re-organization of Section 2 of the Final EIS, as described in Response F-003-004 above, should assist the reviewer in finding the information. Refer to the table of contents for the various categories of alternatives considered but not studied in detail. Note that except for the Mississippi River crossing, route options are discussed by state. Alternatives eliminated from detailed consideration are discussed in Section 2.2.6.3 for Minnesota and in Section 2.2.6.4 for Wisconsin. Regarding the number of alternatives considered for each portion of the project: We assume "portion" refers to the four segments

F-003-043	<p>6. In Section 3.2.1.3 (Impaired Waters, p. 185), the Draft EIS does not determine if any impacted water bodies listed under Section 303(d) of the Clean Water Act are present in the project boundaries.</p> <ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> Provide a list of impaired water bodies that may potentially be impacted by the project. Explain how those impacts may affect water quality in the surrounding vicinity.</li> </ul>
F-003-044	<p>7. In Section 3.2.2.2 (Construction Impacts on Water Quality and Streams, Page 190), the Draft EIS does not clearly discuss potential impacts to rivers, streams, and wetlands resulting from the installation of transmission line poles, from construction of access roads and temporary stream crossings, and from temporary wetland fill/crossings, etc. Restoration measures for temporary impacts were also not included in the Draft EIS.</p> <ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> In the Final EIS, discuss potential impacts to rivers, streams, and wetlands due to the installation of poles, from the construction of access roads and temporary stream crossings, and from temporary wetland fill/crossings, etc. Include a discussion of restoration measures for temporary impacts.</li> </ul> <p>8. Section 3.2.3.1 (Streams, p. 193) of the Draft EIS does not discuss avoidance of, and minimization of, temporary impacts to streams from construction of access roads and temporary stream crossings, and from temporary wetland fill/crossings, etc.</p> <ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> Provide a discussion on potential temporary stream crossing and temporary stream impacts, including measures to restore temporary impacts.</li> </ul>
F-003-045	<p>9. Section 4.2.2 (Water Resources, unavoidable adverse impacts, Page 334) of the Draft EIS states, "the proposal will not result in discharges to water resources..." This statement appears to be inaccurate, as the Draft EIS indicates elsewhere that there will be impacts (fill) to wetlands and possibly to rivers/streams or other regulated water bodies.</p> <ul style="list-style-type: none"> <li>• <b>RECOMMENDATION:</b> The Final EIS should clarify this statement and accurately discuss proposed discharges of pollutants to wetlands, streams, rivers, lakes, and other regulated water bodies.</li> </ul>
F-003-046	<p>10. The Draft EIS is unclear if any wetland delineation studies have been completed to determine potential acreages of impact for any of the proposed routes. It appears that potential wetland locations, and therefore potential wetland impact acreages, have been based on the National Wetland Inventory maps. Wetland and waterway delineations should be completed for all alternatives so potential impacts can be accurately assessed.</p>

of route alternatives. See Draft EIS p. 126 for Segments 1 and 2, p. 128 for Segment 3 and p. 130 for Segment 4. This information is also included in the Final EIS; however, since most of the Minnesota DEIS scoping alternatives are not evaluated in detail, the total numbers have changed.

#### F-003-014

**Appendix R - Rationale and Comparative Information for MN DEIS Scoping Alternative Routes.** This appendix includes information on route alternatives that were developed during the Minnesota DEIS scoping process. The Minnesota scoping process provides the opportunity for the public to propose alternative routes. As discussed in Section 1.4.2.2, forty-four alternative routes from the Minnesota scoping process were retained for detailed analysis by the State of Minnesota for evaluation in the Minnesota EIS. For the most part, these alternatives are short segments that would replace a portion of Route P or A (the routes identified by the utilities, through the process described in Section 2). For consistency with the Minnesota process, and because a few of these alternatives appeared to potentially have overall reductions in impacts compared to the section they would replace, these alternatives were included in the detailed analysis in the Draft EIS (however, for clarity and to reduce bulk they are not included in the main summary tables in the Executive Summary and Section 2 but are rather summarized separately in Appendix R). The Draft Executive Summary (pp. 16 and 17) identifies and summarizes the few (among 44) of these alternatives that may represent reduced impact in comparison to the section of Route P or A they would replace. RUS attempted to determine the rationale for the MN DEIS scoping alternatives through review of documents in the Minnesota Public Utilities Commission docket for the route permit application, but this information was not always available. The rationale for these routes was not addressed in the Minnesota EIS. To the extent that rationale information was available, it was summarized

F-003-046

In discussions between EPA and USACE on February 2, 2012, EPA learned that a meeting will likely be scheduled with USACE, Dairyland, and their consultant(s) at some point in February 2012 to discuss delineation requirements and expectations.

- **RECOMMENDATION:** Provide more detailed wetland and waterway delineations for all alternatives in the Final EIS to ensure that potential impacts can be accurately assessed. Include information pertaining to coordination with USACE.

#### PRESENT ENVIRONMENT AND EFFECTS OF ALTERNATIVES – Biological Resources

F-003-047

1. The Draft EIS notes that the project area encompasses several “Important Bird Areas” (IBAs), in addition to other important bird habitat types, such as upland forests, the Mississippi River corridor and its associated floodplains, and other lake and riverine areas, such as Lake Byllesby and the Black River Bottoms. The Draft EIS also states, “The primary potential impacts for birds are loss of habitat through tree clearing and collision with power lines.” (p. 257) and “Since these are high quality habitat areas, forest removal at these areas would likely have the most potential impact on other wildlife as well” (p. 257). The proposed project would involve permanent impacts to several of these habitats, including IBAs, sites designated by MnDNR as biodiversity sites of medium, high or outstanding significance, and/or Natural Heritage Sites.

- **RECOMMENDATION:** Provide a clear discussion of impacts to sensitive habitats, including all measures employed to avoid or minimize impacts to these areas.

F-003-048

2. USFWS refuge lands protect “irreplaceable” (p. 222) habitats and species. The Draft EIS does not include an exhibit showing USFWS’s Resource Classifications. Without an exhibit showing the USFWS Resource Classifications in relation to the proposed routes, reviewers cannot determine the extent of impacts to high value and “irreplaceable” resources.

- **RECOMMENDATION:** Include in the Final EIS an exhibit of Resource Classification lands in relation to proposed routes, and discuss measures taken to avoid impacts to USFWS refuge lands.

in Table R-1 in Appendix R. To help clarify, a cross reference to Section 2.5.1, where the MN DEIS scoping alternatives are described (and Appendix R is first mentioned), has been added to Section 1.4.2.2 *Scoping for the MN DEIS*. In addition, in the Final EIS, only those Minnesota DEIS scoping alternatives identified in the Draft EIS Executive Summary as potentially having reduced impacts were included for detailed analysis in the Final EIS. The rationale for eliminating the majority of the Minnesota DEIS scoping alternatives from detailed consideration is included in Section 2.2.6.3 of the Final EIS.

**Appendix L – Q1 Rebuild Comparison of Alternatives.** Appendix L of the Draft EIS does not address the Wisconsin alternatives for the Proposal (as the reviewer seems to suggest), but rather a very small segment of the Q1 Rebuild. As explained in Section 1.1.1 (p. 44) of the Draft EIS, in Wisconsin the Draft EIS includes an evaluation of the rebuild of Dairyland’s existing Q1 line from Alma to La Crosse (Q1 Rebuild). This rebuild was included in the Draft EIS for two reasons: one of the alternatives for the HRL 345 kV project would incorporate the rebuild and 2) Dairyland proposes to apply for financing assistance from RUS for the two projects in a similar timeframe, and location. Because of USFWS concerns about re-issuing a permit for the one-mile portion of the Q1 line through the refuge, the Draft EIS includes a detailed analysis (in Appendix L) of alternative routes that avoid the existing segment that passes through the refuge property (See discussion and references in Draft EIS Section 2.3.2). As explained in the Final EIS, Section 1.1.1, the Q1 Rebuild is not included in the Final EIS. Therefore, the analysis of Q1 Rebuild alternatives and impacts that was included in the Draft EIS is not in the Final EIS. This should help clarify for the reviewer what the Proposal alternatives for Wisconsin are. Because the Q1 Rebuild is not included in the Final EIS, Appendix L is not included in the Final EIS.

**PRESENT ENVIRONMENT AND EFFECTS OF ALTERNATIVES – Federally-Listed Species**

F-003-049

1. The analysis of impacts to federally-threatened or endangered species states: “MRP and CPCN Applicants are responsible for protection of legally-protected species and are working closely with the USFWS, the MnDNR, and WDNR to avoid impacts. Information in the Draft EIS is based on published records and is intended to be a general discussion of potential impacts and not all-inclusive. If USFWS, MnDNR, and WDNR determine that field surveys are needed for any particular species, MRP and/or CPCN Applicants will work with the applicable agency to conduct appropriate surveys.” (p. 237). The Draft EIS indicates that further evaluation for the presence of several federally-listed species under the Endangered Species Act (ESA) (p. 267).

- **RECOMMENDATION:** We recommend that the Final EIS clarify the responsibilities of USDA under Section 7 of the Endangered Species Act, recognizing that federal agencies have different responsibilities than project applicants. EPA recommends that USDA include a Biological Assessment as an Appendix to the Final EIS. At a minimum, the Final EIS should summarize USDA actions taken (to date) as of the Final EIS to comply with the ESA. Including, consulting with USFWS, and should include any conclusions from USFWS regarding potential impacts to threatened and endangered species.

F-003-050

2. The Draft EIS states, “No activity is planned within any watercourses. If this changes, additional evaluation would be needed for federally-listed aquatic species, especially for the Mississippi River and other streams within Upper Mississippi National Wildlife and Fish Refuge and the Trempealeau National Wildlife Refuge.” (p. 238) However, while the Draft EIS states that crossings of most or all smaller stream crossings will be spanned, it appears that transmission line poles may potentially be required to be placed within the Mississippi River.

- **RECOMMENDATION:** The Final EIS should clarify if the entire river can be spanned with no installation of poles required. If any fill (including permanent or temporary crossings) is required within the Mississippi River, the Final EIS should discuss coordination with USFWS regarding the potential for impacts to Federally-listed threatened or endangered aquatic species, such as mussels or fish.

**PRESENT ENVIRONMENT AND EFFECTS OF ALTERNATIVES – State-Listed Species**

F-003-051

1. Table 2-4, Comparison of Minnesota Routes 1P and 1A shows listed species for Minnesota that may be found within the 150’ right-of-way for routes 1P and 1A. This table does not include state-listed species within the 150’ right-of-way for all alternate routes. This information, which was not included for all routes, is necessary to determine potential impacts to state-listed species, and should be taken into account in determining the feasibility of each route.

**F-003-015**

Linear projects present challenges for presentation of information. The typical convention, followed in the Draft EIS (and the Final EIS), is to include small-scale figures to show the overall project and major components, and then to include a series of sheets (letter or ledger size) to show details. With a project as long as the Proposal, where many sheets are needed for details (e.g., more than 100), the detailed sheets are generally included as an attachment or appendix. The detailed sheets are included in Appendix E for Minnesota and in Appendix G for Wisconsin. For consistency and to aid the public and agencies involved in all three EIS documents, the maps in Appendix E are from the Minnesota Final EIS and the maps in Appendix G are from the Utilities CPCN application. To aid the reader, there are more than 75 sheet-specific references to these detailed sheets in Sections 2 and 3 of the Draft EIS. These same appendices are included in the Final EIS.

Note that the use of the exhibits prepared by others and verified is consistent with the requirements of 40 CFR 1506.5(a). Note also that publically available GIS files from agencies are used as-is; there is no practicable way to verify this type of information.

**F-003-016**

The three responses immediately above address the concerns in this item.

**F-003-017**

**Requested information can be found in the Draft EIS as follows:** For the Mississippi River crossing, see Table ES-1 and Table 2-1; Figures 2-3, 2-4 and 2-12; and Appendix M.

For alternatives evaluated in detail:

- Maps and figures: See Table of Contents and Response F-003-

F-003-051

- **RECOMMENDATION:** Table 2-4 should be revised in the Final EIS to include state-listed species information within the 150' right-of-way for all alternate routes in Minnesota.

F-003-052

2. Minimal information is provided concerning state-listed species, including: Loggerhead shrike (*Lanius ludovicianus*); Paddlefish (*Polydon spathula*); Indian-plantain (*Cacalia suaveolens*); Tuberous Indian-plantain (*Arnoglossum plantagineum*); and Timber rattlesnake (*Crotalus horridus*).
- **RECOMMENDATION:** Include an analysis of potential impacts to state-listed species and avoidance measures in the Final EIS, as well as a summary of consultations with the MnDNR and the WDNR.

Additionally, include the following information in the Final EIS:

- 1) A rationale for the statement that “no impacts would be expected” to the paddlefish.
- 2) Information on whether or not habitat for the Indian-plantain, and all other state-listed species, is found within any of the project rights-of-way. If habitat is present for any state-listed species in any rights-of-way, include plans for surveys and coordination with MnDNR and WDNR.
- 3) If species are determined to be present, specify measures that will be taken to protect those species from take (due to both human interaction and construction equipment) during construction.
- 4) For all state-listed species, provide documentation of coordination with MnDNR and WDNR.
- 5) Discuss potential impacts to upland forests, remnant prairies, or other unique habitats and how impacts can be avoided and, where unavoidable, minimized and mitigated.

#### PRESENT ENVIRONMENT AND EFFECTS OF ALTERNATIVES – Natural Communities

F-003-053

1. The Draft EIS states: “Permanent vegetation changes would take place...within the ROW that occurs in the forested communities.”
- **RECOMMENDATION:** Include information to clarify what is meant by “permanent vegetation changes.” Discuss the potential to decrease impacts to forested areas by maintaining woody vegetation to a certain maximum height under the power lines, allowing the majority of woody habitat to remain relatively untouched at the forest floor. While exceptions for access roads and other areas may be required, provide a description of such areas and supporting rationale.

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013.

- Narrative description: See Draft EIS, Section 3.
- Summary tables of impacts: For all routes except the Minnesota scoping routes (discussed in response to EPA Item 1 under *Alternatives and Presentation of Information*) and the Q1 161-kV alternatives at the Black River (also discussed in Item 32), see Tables ES-2, ES-3, 2-4 and 2-5. For Minnesota scoping routes see Tables R-2 through R-7 in Appendix R. For the Q1 161 kV alternatives at the Black River, see Tables 2-7 and 2-8.

For alternatives eliminated from detailed evaluation, see Response F-003-013.

The same information, with changes noted in earlier responses, is included in the Final EIS. Refer to the table of contents.

#### **F-003-018**

In the Draft EIS, see *Description of Proposal* (pp. 5 and 6 and Figure ES-1) in the Executive Summary and Section 1.1.1 *Description of Project Area and Proposed Action* (pp. 45-46). See also Response F-003-013. Note that the Draft EIS did not include “pursuing re-approval of the existing 161 kV Q1 line in its current location.”

The same information is included in the Final EIS. The removal of the Q1 Rebuild from the Final EIS should help the reviewer understand what the Proposal components are.

#### **F-003-019**

The basis for elimination of the Blair Route is described on pp. 103 and 104 of the Draft EIS. Some additional explanatory information has been added to the Final EIS, in the Executive Summary and in Section 2.2.6.4. However, this added information is unrelated to the items outlined in the reviewer’s comment.

**F-003-054** 2. The Draft EIS indicates that in many cases, impacts to areas containing native vegetation communities could be avoided by spanning these areas; however, the Draft EIS also states that this avoidance measure would not apply to forested areas.

- **RECOMMENDATION:** Discuss the ability to decrease impacts to communities such as prairies and non-forested wetlands by spanning these areas. Consider the feasibility of minimizing the number of required structures in order to span native vegetation communities and thus reduce impacts.

**F-003-055** 3. The Draft EIS states that Route 1P would require clearing of 3,000' of the edge of a MnDNR Biodiversity Site of High Significance maple-basswood forest south of Butler Creek on US 52 (page 241). In addition to this significant forest clearing, the project will require clearing of trees in several other areas. Mitigation for the clearing of these forested areas is not discussed in the Draft EIS.

- **RECOMMENDATION:** Discuss a conceptual mitigation plan to compensate for the proposed forest clearing activities. Including strategies for the replanting of appropriate native tree species and age classes in coordination with both the MnDNR and the WDNR.

**F-003-056** 4. The Draft EIS does not discuss potential impacts to MnDNR biodiversity sites, and only mentions the locations of MnDNR biodiversity sites.

- **RECOMMENDATION:** Clarify the potential for impacts to Minnesota biodiversity sites in the Final EIS. Consider the abundance and locations of high-quality habitats when determining potential route locations.

**PRESENT ENVIRONMENT AND EFFECTS OF ALTERNATIVES – Invasive Species and Noxious Weeds**

**F-003-057** 1. The Draft EIS indicates that Wisconsin regulations require implementation of Best Management Practice, including post-construction monitoring and infestation control, to control invasive species. A list of BMPs is included on page 270 to reduce the spread of invasive species and noxious weeds.

- **RECOMMENDATION:** Provide additional documentation regarding BMPs to be used in Minnesota, and consider the feasibility of committing to these BMPs for all construction and maintenance activities.

Note that the USFWS letter did not state that among the routes considered, the Blair Route “will reduce avian mortality,” but rather that it would reduce the risks. The USFWS has no data on avian mortality related to power lines at the UMRNW&FR. Potential impacts to birds are discussed in depth in the EIS in Section 3.5.2.4. Based on the analysis in Section 3.5.2.4, a transmission line near the bird high-use area at the UMRNW&FR may present more of a collision risk to certain collision-prone species. It is USFWS’ opinion that the Blair Route has the lowest risk of negatively impacting birds using the UMRNW&FR, because it is the greatest distance overall from the UMRNW&FR of all the routes.

However, RUS found no basis for any quantitative or qualitative differences between the Arcadia Route and the Blair Route in terms of potential for impact to birds in general.

The USFWS argument for Blair in comment Item a (there is an existing 161 kV line; impacts already present) could as easily be made for the Q1 Route, which USFWS opposes. Regarding Item c of the comment, the USFWS letter prefaced the statement with “As with the Arcadia Route...” (i.e., FWS believes the Arcadia Route, which is evaluated in detail, also has the advantages it lists).

Based on discussions with USFWS at a cooperating agency meeting on January 11, 2011, RUS concluded that the USFWS is not requesting detailed evaluation of the Blair Route. The Department of Interior, Office of the Secretary comments on the Draft EIS (which included input from the USFWS) did not mention the Blair Route.

The Blair Route had the potential for fewer impacts to residences than the Arcadia Route because it did not pass by the populated area at Galesville. At the request of the State of Wisconsin, the Arcadia-Ettrick Route, which is shorter than the Blair Route, but had the fewest residences within 300 feet of the centerline, was included for detailed



**PRESENT ENVIRONMENT AND EFFECTS OF ALTERNATIVES – Power Line Collisions**

- F-003-058** 1. The Draft EIS indicates that guy wires are often used to support poles at locations where the line changes direction and in areas with difficult access (in order to reduce the structure size). However, it is also clear that guy wires can present bird hazards.
- **RECOMMENDATION:** Discuss where guy wires could be used and how their use may detrimentally affect avian species. If impacts to birds are likely due to the guy wires' proximity to habitat used by birds, further discussion should focus on measures to be taken to avoid or minimize impacts.
- F-003-059** 2. The Draft EIS states that birds most often strike shield wire, which is the highest and thinnest wire. These wires are needed to conduct current from lightning strikes to the ground, and removal of the shield wire in the Midwest is not a feasible alternative.
- **RECOMMENDATION:** Discuss whether bird flight diverters or other forms of alerting could be used on the shield wire to alert birds and avoid detrimental impacts to avian species. Consultation with USFWS on this subject is suggested; include information on consultation efforts in the Final EIS.
3. The Draft EIS indicates two areas of concern for potential bird-power line collisions as being the Upper Mississippi/Trempealeau Refuges and Lake Byllesby. It is unclear whether information and analyses provided in the Draft EIS have been reviewed by or received concurrence from USFWS. In particular, the Draft EIS did not specify whether USFWS concurs with conclusions stated on pg. 260 concerning potential impacts from power line collisions and specific conclusions regarding individual species. Furthermore, the conclusions stated in Section 3.5.2.4 - Birds and Other Wildlife Resources are counter to the facts that USFWS stated in correspondence to the Wisconsin Public Service Commission dated December 22, 2011.
- **RECOMMENDATION:** Provide information concerning consultations with USFWS concerning impacts to the Refuges and Lake Byllesby.
- F-003-060** 4. Page 260 of the Draft EIS, regarding the discussion about trumpeter swans and power line collisions, states, "Mitigation measures may be taken if at-risk trumpeter swans are identified in other parts of the Proposal area, especially in Minnesota."
- **RECOMMENDATION:** Discuss the types of impacts that would trigger the need for mitigation measures, and what types of mitigation measures might be employed. Clarify which agencies the applicant would work with to address mitigation requirements for trumpeter swans and/or any other affected avian species.

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analysis in the Utilities' Wisconsin permit application, and in the Draft EIS.

In the Wisconsin Final EIS, the USFWS comment requesting re-evaluation of the Blair Route was acknowledged. The Blair Route was not evaluated in detail in the Wisconsin Final EIS.

CEQ regulations require evaluation of a range of reasonable alternatives. [40 CFR 1505.1(e) and CEQ's 40 FAQs]. RUS believes the Draft EIS (and the Final) demonstrate that the full range of reasonable alternatives has been addressed.

**F-003-020**

This comment reflects a number of misunderstandings related to the Q1 Rebuild. As the Q1 Rebuild is not included in the Final EIS, no clarification is needed.

Note that the Draft EIS does not include an RUS preferred alternative; the various alternatives are described and their impacts are analyzed.

Also, the federal action under consideration is providing financing assistance to Dairyland, not construction transmission lines.

**F-003-021**

The USFWS letter, which is unclear about the difference between the 345 kV alternatives and the Q1 Rebuild, appears to have resulted in confusion on the reviewer's part regarding the alternatives evaluated in the EIS. While the USFWS letter does make the statement noted in the comment, use of the Blair Route for the 345 kV line would have no bearing on the practicability of removal of the 161 kV line from the Refuge property.

**F-003-022**

- F-003-061** 5. Page 264 of the Draft EIS, regarding the discussion about great blue herons and power line collisions, states, “FWS...recommends marking river crossings with bird flight diverters, not only in areas of deep open water, but also in marshy wetlands where herons and egrets are likely to gather.” However, the Draft EIS does not discuss whether “bird flight diverters” will be used for mitigation.
- **RECOMMENDATION:** Discuss the feasibility of using bird flight diverters at all river crossings, including adjacent floodplain wetlands. Include results of discussions with USFWS in the Final EIS, and provide figures and maps illustrating specifically where diverters will be employed.
- F-003-062** 6. The Draft EIS references Edison Electric Institute’s Avian Power Line Interaction Committee (APLIC) guidelines to be instituted for reconstruction of 69 kV lines; use of these guidelines is proposed to prevent electrocution of eagles and other raptors.
- **RECOMMENDATION:** Provide clarification on whether APLIC guidelines will be applied to the proposed reconstruction of 161 kV lines and for construction of new 345 kV lines. Provide clarification whether reconstruction of any 69 kV lines will be required, and provide revised/supplemental figures to depict locations of any necessary reconstruction.
- F-003-063** 7. The proposed project is located within important migratory bird flight paths. However, the Draft EIS does not discuss lights that may be located on the proposed towers.
- **RECOMMENDATION:** Discuss if lights that may be located on proposed towers will impact bird migration; provide information on the color of lights to be used, and whether lighting would be continuous or intermittent. Provide results of coordination with USFWS and the Federal Aviation Administration to ensure that the best possible lighting solutions are employed to reduce avian impacts while ensuring aviation safety.

#### FIGURES AND MAPS

- F-003-064** 1. Figure 2-2 (p. 93) is missing the route of the proposed 161kV line from the proposed North Rochester substation to the existing Chester substation.
- **RECOMMENDATION:** Provide a revised figure in a Final EIS that includes this information.

In accordance with 40 CFR 1502.14(e), RUS’ preferred alternative is identified in the Final EIS.

#### **F-003-023**

The Arcadia-Ettrick and WI-88 alternatives have not been excluded as reasonable alternatives and are evaluated in detail in the Draft EIS. For example, see the Executive Summary, Figure ES-1 and Table ES-3 (impact summary for Wisconsin routes) in the Draft EIS. These alternatives are also evaluated in detail in the Final EIS.

#### **F-003-024**

This refers to existing 69-kV lines within the 345-kV ROW, which would be removed from their existing structures and added to the new structure (as explained in Section 2.4.2.1 *Transmission Lines*). There would be no additional impacts. In the Final EIS, a cross reference to Section 2.4.2.1 has been added at the referenced location. See also Response F-003-062.

#### **F-003-025**

The North Rochester alternative substation locations are shown in the Draft EIS in Figures ES-1, 1-1, 2-13, 2-14 and 2-15. In the Final EIS, a reference to Figure 1-1 (which shows the substation locations) was added to the referenced discussion.

#### **F-003-026**

See Draft EIS, p. 122: “...the Proposal includes approximately 40 acres to provide adequate buffer and to allow for transmission lines to connect to the substation.” This is common practice for substation locations in general, where large vegetated areas typically surround substations.

#### **F-003-027**

The impacts of all parts of the Proposal are evaluated, including the

- F-003-065** | 2. Figure 2-13 (p. 124) is missing the route of the proposed 161 kV line from the proposed North Rochester substation to the existing Chester substation. As this figure shows the “route alternatives evaluated in EIS,” it would appear that the Minnesota state EIS did not study impacts associated with this portion of the proposed line.
- **RECOMMENDATION:** Clarify whether or not impacts associated with this portion of the proposed line have been evaluated in the Draft EIS.
- F-003-066** | 3. An aerial photograph of the Alma Mississippi River crossing was not provided.
- **RECOMMENDATION:** Include an additional figure in the Final EIS containing this information.
- F-003-067** | 4. Appropriately-scaled exhibits are necessary to understand the relation between routes and resources (c.g., habitat, water bodies, wetlands, residences, etc.).
- **RECOMMENDATION:** Include additional figures in the Final EIS depicting this information.

#### AIR QUALITY IMPACTS

- F-003-068** | 1. The Draft EIS states that there will be direct and indirect impacts on air quality, but does not discuss measures to reduce these impacts.
- **RECOMMENDATION:** Provide information on potential mitigation measures, such as the use of low diesel fuel, anti-idling policies, etc., for all construction equipment and vehicles, as well as control measures for fugitive dust during construction. Provide monitoring plans or Best Management Practices (BMPs) for National Ambient Air Quality Standards (NAAQS) criteria pollutants.
- F-003-069** |
- F-003-070** | 2. Air Quality Impacts related to construction traffic, machinery and equipment can affect the surrounding communities, sensitive populations and construction workers exposed to resulting diesel emissions. The National Institute for Occupational Safety and Health (NIOSH) has determined that diesel exhaust is a potential human carcinogen. In addition, acute exposures to diesel exhaust have been linked to health problems such as eye and nose irritation, headaches, nausea, and asthma.
- **RECOMMENDATION:** Although every construction site is unique, common actions can reduce exposure to diesel exhaust. Consider the following measures for periods when machinery or equipment are emitting diesel exhaust for either transmission line or substation construction:
    - Using low-sulfur diesel fuel (less than 0.05% sulfur);

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Briggs Road Substation. The Proposal is described in Section 1.1.1, pp. 44-46. Please refer to Draft EIS p. 46: “Substation construction and modification is also included as part of the Proposal.”

#### **F-003-028**

The North Rochester alternative substation locations are shown in the Draft EIS in Figures ES-1, 1-1, 2-13, 2-14 and 2-15. The Briggs Road location is shown in Figures ES-1 and 1-1. Detailed potential substation locations on aerial photo backdrops are included in the detailed maps (Appendices E and G).

These figures are included in the Final EIS. In the Final EIS, a reference to Figure 1-1 (which shows the substation locations) was added to the referenced discussion.

#### **F-003-029**

The impacts of all parts of the Proposal are evaluated, including the Briggs Road Substation. The Proposal is described in Section 1.1.1, pp. 44-46. Please refer to Draft EIS p. 46: “Substation construction and modification is also included as part of the Proposal.”

#### **F-003-030**

As explained in the Draft EIS, p. 129, the “tap” locations are just points where the 161 kV line would tie into the 345 kV line; these tap points do not have impacts of their own. A small-scale map of the tap locations is shown in Draft EIS Figure 2-16 (Final EIS Figure 2-17) and detailed maps are included in Appendix P.

#### **F-003-031**

The Draft EIS addresses potential impacts to Lake Byllesby Regional Park from various route alternatives in Section 2.5.1.1 (on pp. 133, 134, and 136), in Section 3.5.2.4 (p. 267), and in Section 3.6.2.3 (p. 285).

F-003-070

- Retrofitting engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site;
- Positioning the exhaust pipes so that diesel fumes are directed away from the operator and nearby workers;
- Ensuring adequate ventilation if diesel equipment is operated indoors;
- Using enclosed, climate-controlled cabs pressurized and equipped with high efficiency particulate air (HEPA) filters to reduce operators' exposure to diesel fumes;
- Maintaining all diesel engines, via the manufacturer's recommended maintenance schedule and procedures, to keep exhaust emissions low;
- Turning off engines when vehicles are stopped for more than a few minutes; and training diesel-equipment operators to perform routine inspection and maintenance of filtration devices;
- When purchasing a new vehicle, ensuring that it is equipped with the most advanced emission control systems available;
- With older vehicles, using electric starting aids such as block heaters to warm the engine, avoid difficulty starting, and thereby reduce diesel emissions; and
- Using respirators to control exposure to diesel emissions.

#### NOISE

F-003-071

1. The Acoustic Environment section (Section 3.4) of the Draft EIS addresses noise impacts due to construction and audible noise from high-voltage transmission lines. Minnesota has state noise regulations, while the state of Wisconsin does not. There are various townships and municipalities that have noise ordinances within the proposal area, such as the City of La Crosse (page 137, Section 3.4.1). The Draft EIS states on page 198 that, *"where guidelines are less stringent or less specific, USDA will follow the standards established the U.S. Department of Housing and Urban Development (HUD)."*
  - **RECOMMENDATION:** Provide a list of all sources of noise, including sources due to construction, as well as their anticipated decibel levels. Provide a map of potential receptors, as well as additional information on the locations of noise receptors, in relation to sensitive populations such as schools, nursing homes, hospitals, and residential homes. Provide information as to how the Applicant plans to arbitrate, should the listed receptors find the noise threshold exceed the Minnesota Pollution Control Agency Standards, local township standards, or HUD standards. Construction noise levels should also be taken into consideration for all construction workers, and proper regulatory standards should be adhered to.

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The discussion on p. 285 identifies and describes the 11 route alternatives that would either cross through portions of the park or border the western edge. The Draft EIS addresses potential avoidance measures in Section 3.5.3.4 (p. 273) and Section 3.6.3 (p. 286). RUS' preferred alternative would not impact Lake Byllesby Regional Park.

#### **F-003-032**

In the Draft EIS, the Executive Summary (p. 16) and Section 2.5.1.3 identify Route 3B-003 as an option that avoids the McCarthy Lake Wildlife Management Area (WMA), the associated Biodiversity Sites of High Significance (as designated by the State of Minnesota), and several thousand feet of wetland crossing. It follows MN-42 instead of the existing transmission corridor. As shown in the Final EIS, Figure 3-16, none of the alternatives avoid the statutory boundary of the RJD Forest. The 3B-003 alternative is shown in detail in the sheet maps in Appendix E (Sheets MR37 through MR42).

For Routes P and A, as described in Section 3.6.3, impacts on the RJD State Forest and the McCarthy Lake WMA would be minimized by "following an existing transmission line corridor, by use of the single pole structure, and by maximizing span lengths." In the Final EIS, a statement has been added to Section 3.6.3 indicating that removal of the existing line and placing it on the Proposal line would be an additional mitigation measure.

The biological sites of medium significance (BSMS) are within the RJD State Forest; thus Alternative 3B-003 would avoid these impacts and the measures to minimize impacts to the RJD State Forest would include those sites.

#### **F-003-033**

In the Final EIS, a reference to 40 CFR 230.91(c)(2) has been added in Section 3.5.3.3.

#### OTHER ISSUES

F-003-072

1. Section 3.9.1.3 (Archaeological Resources, p. 304) states that field surveys with State Historic Preservation Office (SHPO) and Tribal Historic Preservation Office (THPO) were conducted, and that several sites along route were identified to be historically or tribally significant. No documentation of these sites or information concerning “ongoing” discussions was provided in the Draft EIS.

- **RECOMMENDATION:** Provide results of consultation with SHPO and THPO in the Final EIS.

F-003-073

2. In the Draft EIS Visual depictions of route corridors, land type identification, residential/commercial areas, roadways and other topographical information was not sufficient.
  - **RECOMMENDATION:** Provide GIS shapefiles/geodatabases outlining all routes, including eliminated routes, on a CD or by download from a provided web link for Final EIS.

Mitigation for permanent wetland impact and for wetland conversion is addressed in the Draft EIS (and Final) in Section 3.5.3.3.

#### **F-003-034**

In the Draft EIS, with 17 alternative routes in Segment 1, 16 in Segment 2, 31 in Segment 3, and 14 in Segment 4, the requested table would have 118,048 columns.

On a project with many possible route alternative combinations, it is practical only to compare impacts segment by segment, as presented in the Draft EIS.

The Final EIS includes a summary table for the preferred alternative.

#### **F-003-035**

Refer to Draft (and Final) EIS Section 3.5.3.3 for a discussion of wetland avoidance, minimization, and mitigation measures for the Proposal. Regarding mitigation measures, as stated in the Draft EIS Section 3.5.3.3, “The required mitigation would be determined based on consultation with the USACE. However, mitigation ratios are likely to be 2:1 for permanent impacts (loss of wetland). For conversions of forested wetland to emergent or shrub/scrub, mitigation is likely to be 0.25:1 for replacement in kind and 0.5:1 for other replacement.” This language was revised slightly for the Final EIS. Note that the USACE is a cooperating agency for the EIS.

Note that, as discussed in the Draft (and Final) EIS, transmission lines can be constructed with very little discharge of dredged or fill material into Waters of the U.S. because of the small footprint of the poles and the ability to span streams and to span wetlands that are less than 1,000 feet across.

**F-003-036**

In the Draft EIS, The estimates are included in Tables ES-2, ES-3, 2-4, and 2-5.

**F-003-037**

As discussed in the Draft EIS Section 3.2.2.5, floodplains less than 1,000 feet wide can be spanned. For all routes, Section 3.2.2.5 lists the floodplain widths greater than 1,000 feet. If the floodplain can be spanned, there will be no permanent impacts to the floodplain, unless it is forested. Impacts to floodplain forests are discussed in Section 3.5. Even when non-forested floodplains cannot be spanned, the only permanent impact is the footprint of the pole. Measures incorporated into the Proposal to reduce impacts and potential additional mitigation for floodplains from pole placement and from construction are discussed in Section 3.2.3.2.

**F-003-038**

Sensitive wetland information is not currently available for the WI-88 connector options or the Arcadia-Ettrick connector options. When the WDNR requested these alternatives be included, they did not require sensitive wetland information. Neither of these options are included in RUS' preferred alternative. If either route is identified as part of the selected alternative, this information would be collected and evaluated, and presented in RUS' Record of Decision. As shown in the Draft EIS Figure ES-1, these options represent a very small percent of the total length of routes under consideration.

**F-003-039**

CEQ regulations define cumulative impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person

undertakes such other action. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7). Regarding wetlands, large losses have occurred in the past. However, based on available data (Section 4.4.1.1) and as a result of regulations requiring mitigation for impacts, wetland areas in the U.S. were unchanged from 1997 to 2007; while more recent data is not available, it is likely that wetland areas have not declined since 2007, and that this situation will continue into the future, assuming existing laws and regulations remain in place. The maximum possible total permanent wetland impacts from the Proposal are approximately 0.2 acre (an area approximately 93 feet square), and will be mitigated. Based on current trends, the minimal impacts from the Proposal, and the mitigation that will be done, the Proposal is not expected to contribute to any cumulative wetland loss. This discussion has been added to the Final EIS, Section 4.4.2.4.

**F-003-040**

There will be no permanent direct impacts to surface water bodies, because they will all be spanned (mentioned at many locations in the Draft EIS, and included in the summary tables (Tables ES-2, ES-3, 2-4, and 2-5). A Section 10 permit will be required for major rivers (as mentioned in several locations and also included in the summary tables) and other permits from the states will be required for crossings (Table 1-2 and 1-3). Potential impacts from construction are discussed in Section 3.2.2.2. Some additional impact information has been added to the Final EIS, in Sections 3.2.2.3 and 3.2.2.4.

**F-003-041**

See responses immediately above.

**F-003-042**

No wetland impacts will occur as a result of the 1-acre expansion of the Chester Substation. This has been added to Section 3.5.2.3.

**F-003-043**

In the Draft EIS, these are discussed in Section 3.2.1.3 Surface Water – Impaired Waters, p. 186, with a reference to Figure 3-3, where they are shown. In the Final EIS, the color of the impaired streams has been changed and labels identifying stream names have been added to all streams, not just the major streams as was done in the Draft EIS.

**F-003-044**

Regarding rivers and streams, as discussed in Draft EIS Section 3.2.3.1, no structures would be placed in streams and no direct impacts to lakes or streams are anticipated (this was revised slightly in the Final EIS as noted below). Surface water impacts are summarized in Tables ES-2, ES-3, 2-4 and 2-5: “Minimal impacts to water resources are expected with any alternative. Some short-term impacts to surface water bodies from runoff from disturbed areas may occur during construction; however, the required SWPPPs and BMPs will minimize these impacts. All water bodies will be spanned, and construction equipment will not enter water bodies. The only potential post-construction impacts would be related to line repair and maintenance, which would not result in any direct impacts to water bodies, but could result in minor soil disturbance that could have short-term and minor impacts on surface water runoff.” Note that the Final EIS has been revised to include potential impacts associated with the use of a barge on the Mississippi River (Section 3.5.1.5).

Additional information in response to this comment has been added to Sections 3.2.2.3, 3.2.3.1, 3.5.2.3 and 3.5.3.3 in the Final EIS.

RUS believes the discussions are consistent with 40 CFR 1502.2(b):



“Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of other than significant issues.”

**F-003-045**

The following has been added to Section 4.2.2: “Construction of the Proposal will require a stormwater discharge permit and a CWA Section 404 permit for discharge of fill to approximately 0.2 acre of wetland. However, once constructed...”

**F-003-046**

In Minnesota alone, there are approximately 300 miles of route alternatives under consideration. Given the 1,000 foot Minnesota permitted route width, the total area in Minnesota under consideration is over 36,000 acres. By comparison, the estimated total maximum area of wetlands to be filled (permanent impacts) in Minnesota is less than 0.1 acre (Tables ES-1 and ES-2). It does not appear that requiring delineation of all the alternative routes would justify the cost and attendant project delays.

RUS recommends continuing the on-going consultation with the USACE, who will be issuing the Section 404 permit, and conducting wetland and Waters of the U.S. delineations as recommended by the USACE. Note that the USACE is a cooperating agency for the EIS.

**F-003-047**

In the Draft EIS, IBAs are discussed in detail in Section 3.5.1.4 (affected environment), 3.5.2.4 (consequences), and 3.5.3.4 (measures incorporated into the Proposal to reduce impacts and other potential mitigation measures). Biodiversity and Natural Heritage sites are discussed in Section 3.5.1.1 (affected environment), 3.5.2.1 (consequences) and 3.5.3.1 (measures incorporated into the Proposal to reduce impacts and other potential mitigation measures).

Additional information on birds and other wildlife issues related to the Upper Mississippi River National Wildlife Refuge has been added to the Final EIS based on comments from the Department of Interior.

**F-003-048**

According to the USFWS Comprehensive Conservation Plan (CCP) for the Upper Mississippi River National Wildlife and Fish Refuge (USFWS 2006 reference in Draft EIS), the resource classification system “was developed in the 1987 Master Plan for the Refuge” (USFWS 2006, Appendix G, p. 547). It’s possible that the system may be out of date or no longer used, as these maps were not included in the 2006 CCP. The 2006 CCP did identify certain species by resource classification, and this was included in the Draft EIS analysis (Sections 3.5.1.4 and 3.5.2.4), but the 2006 CCP did not discuss land-based resource classification. These maps were not requested for inclusion in the Department of Interior comments on the Draft EIS, nor had the USFWS as a cooperating agency mentioned them. RUS requested them from USFWS, based on this comment. The maps provided by the USFWS are included in Appendix Z. These maps are included because EPA has requested them. RUS does not consider the maps necessary for impact assessment.

Measures to avoid impacts to USFWS lands and resources are discussed in Sections 3.5 and 3.6 of the EIS.

**F-003-049**

See Final EIS Section 3.5.1.5, including revisions based on comments from the Department of Interior. Note that the USFWS is a cooperating agency for the EIS.

**F-003-050**

See Draft EIS Figure 2-12 for the location of the Mississippi River crossing, and Appendix M, pdf page 2 of 5, for the pole placement near the river. In the Final EIS, a cross-reference to the figure (now Figure 2-13) and Appendix M has been added to Section 3.5.2.5

**F-003-051**

The routes proposed during the Minnesota EIS scoping process were included in the Draft EIS, but were not evaluated for all the same criteria as the routes proposed by the Applicants. See also Responses F-003-013, F-003-014, F-003-015, and F-003-016 for a discussion of the routes proposed during the Minnesota EIS. State-listed species information was not obtained for these routes.

If any of the routes proposed during the Minnesota EIS scoping process are identified as part of the preferred alternative, they will be evaluated for potential impacts to state-listed species.

**F-003-052**

In the Draft EIS, see Section 3.5.1.5 (pp. 238-239) for information on state listed species that may be present within route corridors. Note that a number of species, including the paddlefish, are present only in streams and would not be impacted because streams will be spanned (p. 239). See Draft EIS Section 3.5.2.5 (p. 268) for impacts and Section 3.5.3.5 for measures incorporated into the Proposal to reduce impacts.

Additional information has been added in the Final EIS, Section 3.5.3.5.

**F-003-053**

See added discussion in Final EIS, Section 3.5.3.1.

**F-003-054**

See Draft EIS Section 3.5.3.1 (p. 269). Note that longer spans also mean taller structures.

**F-003-055**

See added discussion of tree mitigation in Section 3.5.3.1.

**F-003-056**

In the Draft EIS, biodiversity sites are discussed in Section 3.5.1.1 (affected environment), 3.5.2.1 (consequences) and 3.5.3.1 (measures incorporated into the Proposal to reduce impacts and other potential mitigation measures). In Draft EIS Section 3.5.2.1, detailed descriptions of potential impacts to MnDNR biodiversity sites by route alternate are found on pp. 240-249.

**F-003-057**

See added discussion for Minnesota in Section 3.5.3.2.

**F-003-058**

Draft EIS Section 2.4.2.3 discusses power pole installation and where guy wires could be used. However, the proposed method of installation does not require guy wires (Draft EIS Section 2.4.2.3, p. 120 and 3.5.2.4, p. 259). As noted, a few areas with difficult access may require guy wires. As noted in the Draft EIS p. 259, guy wires, similar to other wires, can present bird collision hazards.

In the Final EIS, the use of self-supporting poles has been added to the discussion in Section 3.5.3.4.

**F-003-059**

In the Draft EIS, see discussion of planned use of bird flight diverters in Section 3.5.3.4, p. 272. Additional information has been added to the

Final EIS based on comments from the Department of Interior.

As a cooperating agency for the EIS, USFWS reviewed and provided comment on the preliminary Draft EIS. The Draft EIS includes the revisions based on comments from USFWS. The Department of Interior has provided additional comments on the Draft EIS. Responses to these comments have been incorporated into the Final EIS. The USFWS is particularly concerned about potential impacts to eagles. As discussed in Section 3.5.2.4 the USFWS has worked with RUS and the Applicant to obtain additional information about the eagle areas of concern.

**F-003-060**

The MDNR has not identified any trumpeter swan populations of concern for the Proposal. The referenced sentence has been deleted from the Final EIS.

**F-003-061**

In the Draft EIS, see discussion of planned use of bird flight diverters in Section 3.5.3.4, p. 272. Additional information has been added to the Final EIS based on comments from the Department of Interior.

As a cooperating agency for the EIS, USFWS reviewed and provided comment on the preliminary Draft EIS. The Draft EIS includes the revisions based on comments from USFWS. The Department of Interior has provided additional comments on the Draft EIS. Responses to these comments have been incorporated into the Final EIS. The USFWS is particularly concerned about potential impacts to eagles. As discussed in Section 3.5.2.4 the USFWS has worked with RUS and the Applicant to obtain additional information about the eagle areas of concern.

**F-003-062**

As discussed in the Draft EIS Section 3.5.3.4, APLIC guidance for

mitigation of collisions (APLIC 1994) will be followed in general, and APLIC guidance for mitigation of electrocution (APLIC 2005) will be followed for 69-kV lines. Because of the distance between conductors on the higher-voltage lines, electrocution is not of concern for the 345 kV line.

Refer to the description of the Proposal in Draft EIS Section 2 for locations of rebuild of 69 kV lines. As explained in Section 2.4.2.1, summarized in Table 2-2 and illustrated in Figure 2-11, when the proposed 345-kV (or 161 kV) line is collocated with an existing line (including 69 kV), the existing poles will be removed and the existing line will be placed on the new poles. Locations where alternatives are within 69-kV corridors are identified in Section 2.4.2.5.

In the Final EIS, additional discussion has been added to Section 3.5.3.4 to clarify the difference between the purpose of the APLIC 1994 and 2005 guidance.

**F-003-063**

As discussed in Draft EIS Section 2.4.2.1, all proposed pole heights are less than 200 feet, the height at which FAA regulations require lighting. In the Final EIS, a discussion has also been added to Section 3.5.3.4.

**F-003-064**

The North Rochester to Chester 161-kV line and the Chester Substation have been added to the referenced figure (Figure 2-7 in the Final EIS).

**F-003-065**

All impacts from the Chester line have been included in the Final EIS.

**F-003-066**

In the Draft EIS, see Figure 2-12 for the location of the Mississippi River

crossing (on an aerial photo base), and Appendix M, pdf page 2 of 5, for a more detailed depiction (on an aerial photo base).

**F-003-067**

See Responses F-003-013, F-003-014, F-003-015, and F-003-016, above, regarding figures.

**F-003-068**

In the Final EIS, additional information has been added to Section 3.3.3 regarding dust mitigation during construction and low-sulfur and ultra-low sulfur diesel fuel requirements (assuming this is what the reviewer means by “low diesel fuel”).

**F-003-069**

On March 8, 2012, RUS requested that EPA provide the basis for the concern that the Proposal could potentially result in impacts to the NAAQS and may therefore warrant monitoring or the implementation of “BMPs for NAAQS.” RUS has not received a reply. RUS found no data regarding either the Proposal or the NAAQS attainment status of the Proposal area to suggest potential impacts to the NAAQS.

**F-003-070**

See Responses F-003-068 and F-003-069 above.

**F-003-071**

In the Draft EIS, expected noise levels from operation are presented in Section 3.4.1 and Table 3-3. In the Final EIS, a table of typical construction noise levels has been added.

Given that there are over 400 miles of alternative routes and, as described in the Draft EIS, Section 3.4.1, operational noise is expected to be barely perceptible, the requested level of analysis does not appear

to be warranted and has not been included. See 40 CFR 1502.2(b) and 1502.5.

**F-003-072**

In the Final EIS, agency and tribal consultation is summarized in Section 3.9, with details in Appendix Y.

**F-003-073**

The Draft EIS figures appear to be adequate for analysis. Based on previously addressed comments, it appears that the reviewer may not have noticed the detailed sheet maps included for routes under detailed consideration. See also Responses F-003-013, F-003-014, F-003-015, and F-003-016, above, regarding figures.





IN REPLY REFER TO:

## United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, Pennsylvania 19106-2904



February 16, 2012

ER 11/1152

Ms. Stephanie Strength, Project Manager  
USDA, Rural Development, Utilities Program  
1400 Independence Ave., SW, Room 2244, Mail Stop 1571  
Washington, DC 20250-1571

Dear Ms. Strength:

Please find below Department of Interior's comments on the Draft Environmental Impact Statement (DEIS), Financing Assistance for Proposed Hampton – Rochester – La Crosse 345 kV Transmission System Improvement Project. The DEIS is for "the proposed construction and operation of a 345-kV transmission line project and associated facilities between Hampton, Minnesota and La Crosse, Wisconsin." The purpose of the Proposal is to: (1) Improve community reliability of the transmission system in Rochester and Winona, Minnesota; as well as in La Crosse, Wisconsin and the surrounding areas, which include areas served by Dairyland Power Cooperative (Dairyland); (2) Improve the regional reliability of the transmission system; and (3) Increase generation outlet capacity.

Dairyland may apply for financing assistance from the U.S. Department of Agriculture, Rural Utility Service (RUS) for its share in the construction of the proposed project. The DEIS also considers the impacts of rebuilding Dairyland's North La Crosse – Alma 161 kV line (Q1), which may be at least partly co-located with the 345 kV transmission line. U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service (USFWS) are acting as cooperating agencies for the preparation of the Environmental Impact Statement with RUS as the lead federal agency.

Relative to the Q1-Highway 35 Route, the Q1-Galesville Routes, and the options associated with each of those alternatives, the Arcadia Route would affect the fewest areas where risk of bird collisions may be high. The Arcadia Route would also have the lowest impact to resources of the Upper Mississippi National Wildlife and Fish Refuge and Trempealeau National Wildlife Refuge and would avoid effects to eastern massasauga (*Sistrurus catenatus*), a candidate for listing under the Endangered Species Act of 1973. The Q1-Highway 35 Route would be near potential areas of high bird collision risk along the Mississippi River and the national wildlife refuges and may cause significant impacts to habitat of eastern massasauga. The Arcadia Route's Arcadia-Alma Option would reduce impacts to migratory birds because it would result in less destruction of upland forest.

Finally, we affirm the continued commitment of RUS to eliminate the Q1 Route through the Black River Bottoms of the Upper Mississippi River National Wildlife and Fish Refuge from further consideration as an option for the 345 kV line “because of the potential impacts to high quality resources” (DEIS, p. 13). RUS reaffirmed this position in a 22 December 2012 letter from Mark Plank, Director, Engineering and Environmental Staff – Water and Environmental Programs to USFWS Regional Director, Thomas Melius. Elimination of the Q1 Route from further consideration has allowed us to focus our comments on the viable alternatives presented in the DEIS.

#### **General Comments**

**F-004-001**

#### **Bird Collisions – Line Placement and Marking**

Line placement is the most important factor for minimizing bird collisions with power lines (Martin 2011). An increase in bird mortality is inevitable with the construction of new above-ground power lines, but may be mitigated by avoiding routes that cross through or between high bird-use habitats (APLIC 1994; Henderson et al. 1996; Stake 2009) and areas known to host “high-priority species at elevated collision risk” (Rubolini et al. 2005).

The proposed crossing of the Mississippi River at Alma, WI would have fewer negative impacts to migratory birds and other wildlife than at other locations, but it is important to remain aware that the No Action alternative would be the best for migratory birds. The new power line would cross through a heavily used north-to-south bird migration route on the Upper Mississippi River National Fish and Wildlife Refuge, presenting a very high risk of bird strikes. That risk may be reduced or mitigated by selecting the pole and line configurations with the lowest probability of bird collisions and by installing and maintaining effective marking devices, but the risk is still high.

The Avian Power Line Interaction Committee (APLIC, 1994) recommended keeping lines away from areas where birds are landing and taking off, keeping lines below the height of surrounding vegetation, and avoiding traditional flight corridors. Areas used regularly by birds flying in flocks (Bevanger 1998) should be avoided if feasible, especially if flights occur during low light conditions. Murphy et al. (2009), for example, concluded that most sandhill crane mortality at a power line in Nebraska occurred “during nightfall” when the cranes would “suddenly flush upwards in large flocks” after being disturbed.

APLIC (1994) also suggests that power lines placed between bird use areas and nearby bluffs may create a high collision hazard unless the lines are placed near the bluffs (Fig. 1). Birds gradually gain altitude as they approach power lines (Savereno et al. 1996) and may be more likely to avoid lines placed near the bluffs because they must gain elevation to fly over the bluffs; they may also be less likely to strike the lines on return flights. Birds may be forced to alter behavior to avoid power lines, depending on the distance between their habitat and the lines. Sandhill cranes, for example, had to begin flights directed away from a power line and then make a 180 degree turn to gain altitude sufficient to fly over a power line when it was within 100 meters of their roost site (Stake 2009).

#### **F-004-001**

Potential bird collision impacts are discussed in EIS Section 3.5.2.4 and measures to reduce impacts and other potential mitigation measures are discussed in Section 3.5.3.4. Sections 3.5.2.4 and 3.5.3.4 of the EIS has been expanded to incorporate information from those references provided in the comment that are not already included in the Draft EIS discussion.

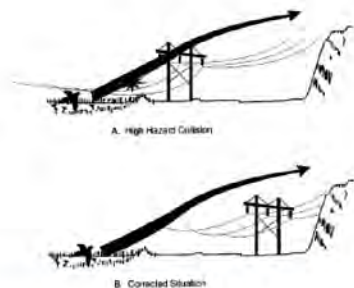


Figure 1. Schematic portrayal of potential hazard of placing lines too near bird use areas and an example of using a nearby bluff to reduce collision risk (adapted from APLIC 1994).

Reducing bird collisions is “more complex than simply installing diverters” on static (ground) wires (Stake 2009), but markers or diverters may reduce the number of birds killed or injured by about 75% (e.g., Avian Power Line Interaction Committee (APLIC) 1994; Barrientos et al. 2011; Brown & Drewien 1995; Savereno et al. 1996). Bird Flight™ Diverters and the FireFly are examples of two devices that may be especially effective at reducing collision risk (Fig. 2). The design or low statistical power of certain studies, few studies of some of the relatively new diverters, including the FireFly, and contradictory results among some studies limits our ability to draw strong inferences about the relative benefits of various types of markers, marker spacing, color, etc. (Avian Power Line Interaction Committee (APLIC) 1994; Barrientos et al. 2011; Murphy et al. 2009). Therefore, the best available scientific information should be reviewed and considered in light of the species in need of protection at a certain site before selecting and installing any marker or diverter. In addition, monitoring should be conducted to ensure that markers are performing as expected. Markers should be replaced if they are not performing as expected or if scientific evidence indicates that a more effective marking scheme is feasible.



Figure 2. Bird Flight™ Diverters (left) and the FireFly bird and bat deterrent (right). Photo sources: Preformed Line Products - <http://www.preformed.com/> (left) and Energy Equipment - <http://www.energyequipment.co.nz/firefly.htm> (right)

**F-004-001**

To maximize the likelihood of birds seeing markers they “should be of high contrast, incorporate movement and be large” (Martin 2011). Various colors of marker have been tested (Barrientos et al. 2011), but Martin (2011) stated that “the target that is likely to remain conspicuous under all possible viewing conditions should simply be of high black-and-white contrast so that it reflects highly or absorbs strongly across the full spectrum of ambient light” and that the degree to which colored targets are conspicuous varies “markedly with situation, time of day and cloud cover.” Murphy et al. (2009), for example, speculated that sandhill cranes moving westward tended to detect and react less quickly to a powerline because the FireFlies installed to divert them “were backlit by the western sky’s glow after sunset.” Even with the most conspicuous markers, “it may be best to assume that birds are more likely to be looking down and laterally rather than forwards” as they fly toward power lines (Martin 2011).

**F-004-002****Bald and Golden Eagles**

The Bald and Golden Eagle Protection Act (BGEPA) prohibits take of bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*), unless a permit is first obtained from the USFWS. Under BGEPA, take means pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb. The law defines “disturb” as, “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” Take is prohibited even if it results from, but is not the purpose of, carrying out an otherwise lawful activity.

It is likely that the proposed action, regardless of which proposed route is selected, will disturb nesting or wintering bald eagles; impacts to golden eagles, which spend winters in the project area, are also possible. Therefore, we would recommend that the applicants continue to work with the USFWS eagle permits coordinator for Minnesota and Wisconsin, Ms. Margaret Rheude, at (612) 725-3548 ext. 2202, to discuss the potential need for a BGEPA permit, survey design, and measures to avoid or minimize impacts. Please note that while permits are available for disturbance and unintentional mortality of bald eagles, no permits are currently available for take of golden eagles in the eastern United States.

Bald eagles may construct new nests within route alternative corridors before construction begins. In addition, the project may result in the disturbance of nesting, foraging, or roosting bald eagles or other forms of take even if the route most favorable to eagles is selected. In the National Bald Eagle Management Guidelines (U.S. Fish and Wildlife Service 2007), USFWS recommends siting transmission utility lines away from nests, foraging areas, and communal roost sites to avoid collisions, and to bury utility lines in important eagle areas. To ensure that locations where project activities may disturb nesting bald eagles are completely and correctly described, it will be necessary for the applicant to develop accurate and up-to-date information regarding the precise locations of bald eagle nests and other Important Eagle Use Areas (see below) in proximity to proposed power line routes.

Surveys should be conducted to ensure that the extent and location of likely impacts of the project to bald and golden eagles are well understood before project construction. Bald eagles typically complete construction of new nests in central and southwestern Wisconsin by March

**F-004-002**

In the Draft EIS, the BGEPA and publicly available information on bald and golden eagles (as well as other raptors and other nesting birds) are summarized in Section 3.5.1.4, potential for impact (by species) and coordination with USFWS on obtaining additional eagle information are discussed in Section 3.5.2.4, and preconstruction surveys, take permits, measures to reduce impacts and other potential mitigation measures are discussed in Section 3.5.3.4. These sections have been expanded to incorporate additional information provided in the comment, as well as information obtained from eagle research conducted in February 2012. It should be noted that there are existing eagles nests within two miles of the existing transmission route that is the preferred alternative for crossing the Mississippi River.

**F-004-002**

31. Therefore, we recommend conducting aerial surveys for bald eagle nests during the April that immediately precedes any planned construction activities. If construction on a power line segment is planned to begin in July, for example, an analysis of potential impacts to nesting bald eagles should be based on an aerial survey conducted during the immediately preceding April.

New infrastructure that could kill bald eagles (e.g., via collisions) should be sited at least two miles away from Important Eagle Use Areas. Important Eagle Use Areas are defined under Code of Federal Regulations (50 Section 22.3) as, "an eagle nest, foraging area, or communal roost site that eagles rely on for breeding, sheltering, or feeding, and the landscape features surrounding such a nest, foraging area, or roost site that are essential for the continued viability of the site for breeding, feeding, or sheltering eagles." Therefore, we recommend surveying all areas within two miles of proposed power line routes. In 2011, there were 26 known active bald eagle nests within two miles of the proposed Q1-Highway 35 power line route.

Nests of other migratory birds, especially other raptors and colonial nesting waterbirds [e.g., great blue heron *Ardea herodias*], should also be noted. In addition, surveys for wintering golden eagles should be conducted throughout the project corridor. Golden eagle surveys should be planned in coordination with USFWS, Wisconsin DNR, and the National Eagle Center in Wabasha, Minnesota. The National Eagle Center has an ongoing project, in cooperation with Minnesota Audubon, Wisconsin DNR, and Minnesota DNR to track and study golden eagles wintering along the Upper Mississippi River.

Activities that disturb roosting or foraging eagles are also prohibited under the Bald and Golden Eagle Protection Act. Therefore, we also recommend surveys be completed for foraging, roosting, or wintering areas within two miles of all potential line placements. Use of these locations by bald eagles can change throughout the year; therefore, we recommend a fall (pre-ice-up) and a winter (post-ice-out) survey to determine the location and use of these areas by bald eagles. Activity of other migratory birds should also be noted at this time, including waterfowl and water bird concentration areas.

**F-004-003****Eastern Massasauga – Survey Recommendations**

Any of the three Q1-Highway 35 alternatives would have substantial impacts on the forested wetlands in the Black River Bottoms within the State of Wisconsin's Van Loon Wildlife Area and on adjacent lands and would likely affect eastern massasauga. Eastern massasauga is listed as endangered under Wisconsin's endangered species law and is a USFWS candidate for listing under the Endangered Species Act of 1973. To evaluate impacts to eastern massasauga that would occur with implementation of any of the Q1-Highway 35 alternatives, surveys in the potentially affected area would be needed. Surveys for the species should also be conducted in Minnesota's McCarthy Lake Wildlife Management Area if the species' potential habitat there may be affected (see Specific Comments below).

It is important that surveys conducted for eastern massasauga follow accepted methodologies to ensure that their results are useful for evaluating impacts to the species. U.S. Fish and Wildlife Service's protocol for conducting surveys for eastern massasauga is available on the Internet - <http://www.fws.gov/midwest/endangered/reptiles/eama-survey.html>. This protocol is now about

**F-004-003**

The information provided in the comment has been added to Section 3.5.2.5.

F-004-003

ten years old, however, and should be used with the following qualifications, based on new information:

- Begin monitoring soil surface temperatures no later than one week after the first spring thaw [i.e., when soil surface temperatures first exceed zero degrees Celsius (32° Fahrenheit)]. Monitoring of soil temperatures is especially important when weather is unseasonably warm or rainy because soil temperatures may rise quickly under those conditions. Robust monitoring of soil surface temperatures is important to ensure that survey effort is maximized during the 3-4 weeks after eastern massasaugas have left their burrows and have not yet dispersed – the period when eastern massasaugas are most likely to be detected.
- Eastern massasaugas begin leaving burrows when surface soil temperatures rise to about 11-12 degrees Celsius (51.8°-53.6 °Fahrenheit). Therefore, begin surveys when surface soil temperatures reach 9-12 degrees Celsius (48.2-53.6° Fahrenheit). Surveys should be conducted before eastern massasaugas disperse – within the four weeks after surface soil temperatures reach 12 degrees Celsius (53.6° Fahrenheit).
- Greater than 100 hours of survey effort may be needed to detect eastern massasauga where populations are small.

Additional information is available in our handbook for land managers (<http://www.fws.gov/midwest/endangered/reptiles/pdf/eama-mgmt-guide.pdf>) and at our website, <http://www.fws.gov/midwest/Endangered/reptiles/index.html#massasauga>. We have also attached the draft 'recovery scorecard', produced by biologists in the USFWS Chicago, Illinois Field Office, which contains avoidance, minimization, and mitigation measures that may be useful and applicable to the proposed action, depending on final project design.

For any eastern massasauga monitoring work done in Wisconsin contact Ms. Rori Paloski (608-264-6040) of the Wisconsin Department of Natural Resources' (DNR) Bureau of Endangered Resources, to ensure monitoring protocols are consistent with those of the DNR.

If eastern massasauga is identified through survey efforts, the location of those sites along with a report describing the monitoring work should be provided to the USFWS Ecological Services Office and state DNR office located in the state where the sighting was noted.

#### Specific Comments<sup>1</sup>

F-004-004

p. 19 and 24 – “*Surveys for threatened or endangered species would be conducted in suitable habitat within the permitted route corridor as directed by state agencies.*” In addition to state agencies, USFWS may also provide recommendations for surveys for species that are listed, proposed for listing, or that are candidates for listing under the Endangered Species Act of 1973, as amended.

F-004-005

p. 19 and p. 150 – “*Federal-listed endangered species in ROW*”: Both the preferred and alternate Hampton – North Rochester 345 kV (Segment 1) routes pass through an area that may contain unrecorded populations of the federally endangered Minnesota dwarf trout lily (*Erythronium propullans*). There are no recorded populations within 150 meters of either proposed route, but

<sup>1</sup> Note: Text quoted from the DEIS is shown in italics.

#### **F-004-004**

The words “or by the USFWS” were added at the end of the referenced sentence at both locations.

#### **F-004-005**

The following was added to the referenced table (Table 2-6 in the Final EIS): “In addition, both Routes 1P and 1A pass through an area that may contain unrecorded populations of the federally endangered Minnesota dwarf trout lily (*Erythronium propullans*).”

The dwarf trout lily range map included with the comments has been added to Section 3.5.1.5 (as Figure 3-14).



F-004-005

we recommend that the Minnesota Route Permit applicants conduct surveys for Minnesota dwarf trout lily within the species' potential range (Fig. 1) if the final selected route may affect "north-northwest or northeast-facing slopes dominated by maple-basswood stands and adjoining flood plains dominated by lowland hardwoods" (Sather 2009:2). Depending on the results of any surveys, USFWS may recommend that the applicants take certain steps to avoid, minimize, or mitigate adverse effects to the species.

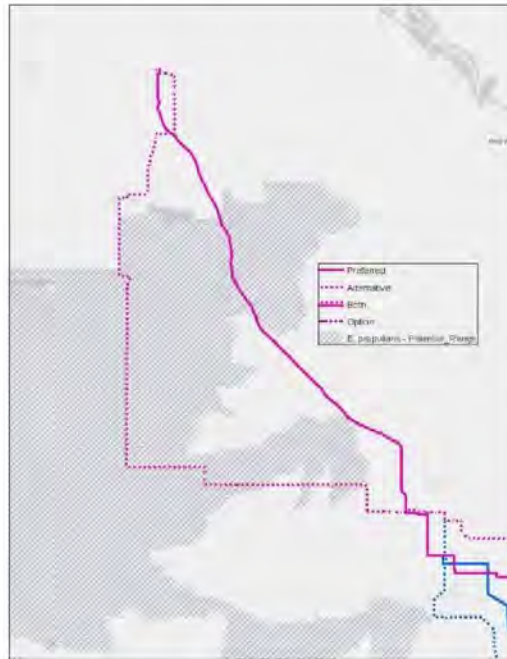


Figure 3. Both the preferred and the alternative routes for the Hampton to North Rochester segment of the 345 kV line pass through the area where unrecorded population of the federally endangered Minnesota dwarf trout lily may occur where suitable habitat occurs on forested floodplains or slopes.

F-004-006

p. 62 – Table 1-1 should also indicate that the RUS must comply with section 7(a)(2) of the Endangered Species Act (ESA), which states that "Each Federal agency shall, in consultation with and with the assistance of" USFWS insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species. Section 3.5.1.4 contains a good summary of federal agencies' broad mandates under the ESA.

F-004-006

The noted language has been added to Table 1-1.

<b>F-004-007</b>	p. 102-103 – “Each alternative...” (to rebuilding the Q1 line on Refuge property) “has greater environmental impacts.” This statement is not correct. Moreover, the assertion that rebuilding the Q1 line on Refuge property would have less impacts to natural resources is not borne out by Dairyland Power’s comparison of alternatives to a Q-1 rebuild (App. L of the DEIS). According to this summary, rebuilding the Q-1 line through the Refuge would result in a greater length of wetland crossed by the line, more waterway crossings, and impacts to a greater number of natural heritage inventory occurrences than the other three alternatives. In addition, two of the four alternatives described (Seven Bridges Route and Galesville Route) would have no effects to eastern massasauga, which is listed as endangered under Wisconsin’s endangered species law and is an official USFWS candidate for listing under the Endangered Species Act of 1973. Finally, the Black River bottoms are at times inhabited by large numbers of migratory waterfowl, such as wood ducks ( <i>Aix sponsa</i> ). Additional power lines through this area would increase the risk of bird collisions.
<b>F-004-008</b>	p. 214-236 (section 3.5.1.4 <i>Birds and Other Wildlife Resources</i> ) – The DEIS does address avian issues, but does not include a complete list of birds that might be encountered in the area. We suggest the Final EIS include a list of birds – in addition to the Refuge Monitored Species assessed in Appendix N – that might be present in the area and document likely effects relative to the trends in the status of avian species. Data and information that might assist in this evaluation include: <ol style="list-style-type: none"> <li>1) The USGS Breeding Bird survey, which includes several routes that are within the project area. The location and list of species and for these routes can be found at <a href="http://www.pwrc.usgs.gov/BBS/results/routemaps/routeAssignMap.cfm">http://www.pwrc.usgs.gov/BBS/results/routemaps/routeAssignMap.cfm</a>.</li> <li>2) Trends in bird populations can be found at <a href="http://www.mbr-pwrc.usgs.gov/bbs/bbs.html">http://www.mbr-pwrc.usgs.gov/bbs/bbs.html</a>.</li> <li>3) Sauer, J. R., J. E. Hines, J. E. Fallon, K. L. Pardieck, D. J. Ziolkowski, Jr., and W. A. Link. 2011. <i>The North American Breeding Bird Survey, Results and Analysis 1966 - 2009. Version 3.23.2011 USGS Patuxent Wildlife Research Center, Laurel, MD.</i></li> </ol>
<b>F-004-009</b>	p. 222 – “p. 237 – “The USFWS may determine that consultation under Section 7 of the Endangered Species Act is needed.” USFWS may provide technical assistance to RUS to make this determination and would consult with RUS to help determine whether or not any effects are likely to be adverse, but the initial determination of effect is the responsibility of the federal agency that is proposing to fund the proposed action – RUS. Regulations at 50 CFR 402.14 state, “Each Federal agency shall review its actions at the earliest possible time to determine whether any action may affect listed species or critical habitat.” If a federal agency determines that an action may affect listed species or critical habitat, then consultation with USFWS is required under section 7(a)(2) of the ESA. When making this determination, RUS should consider direct, indirect, and interrelated and interdependent effects. Under 50 CFR 402.02, Interrelated actions are those that are part of a larger action and depend on the larger action for their justification and interdependent actions are those that have no independent utility apart from the action under consideration.
<b>F-004-010</b>	p. 238 – “... the only federally-listed species that may be found within the 150-foot corridor of any routes in Minnesota is prairie bush clover...” We recommend changing this to “the only

#### F-004-007

The Q1 Rebuild is not included in the Final EIS; therefore, the reference text has been deleted.

#### F-004-008

A complete list of birds from the USGS Breeding Bird Survey routes within or near the Proposal Area has been added to the EIS, as Table N-3 in Appendix N, and a discussion has been added to Section 3.5.1.4 (*Other Birds*). For each species, this table includes the USGS category (wetland, woodland, successional/scrub or urban), the most recent USGS trend analysis, and information from the USFWS utility bird fatality/injury report. The requested assessment of effects relative to trends is included in Section 3.5.2.4 (*Other Birds*).

#### F-004-009

The referenced discussion has been corrected as noted and expanded to incorporate the information provided in the comment (Section 3.5.1.5).

#### F-004-010

The text has been revised as noted (Section 3.5.1.5).



**F-004-010** | federally-listed species that *is known to occur* within the 150-foot corridor of any routes in Minnesota is prairie bush clover.” Unrecorded populations of Minnesota dwarf trout lily may be present in some areas within the corridor (see Fig. 3, above).

**F-004-011** | p. 259 – “*At least one study suggests that some waterfowl may avoid flying over power lines in open (e.g., marsh) habitats, preferring instead to fly over the lines where they cross through forested habitats and are below tree-top levels In a multi-year study of greater white-fronted geese daily travel patterns at a lake near rice fields, where the geese’s daily trip involved crossing a power line, researchers in Japan found that geese traveling from their roosting areas at the lake to rice fields where they grazed more frequently took a less direct route over a wooded area rather than a more direct route across open fields.*” The high concentrations of waterfowl that use the national wildlife refuges and nearby wetland areas in the vicinity of the Alma Crossing and the Q1-Highway 35 route tend to fly at approximately tree-top height. This behavior may be most important during the frequent foggy conditions in the project area. Therefore, power lines that are at or near tree-top height in waterfowl flight paths are likely to present a significant risk of bird collisions in the project area. Please also note that the subject paragraph should be revised for missing punctuation.

**F-004-012** | p. 259 – “*As shown in Figure 3-9, in the vicinity of Pool 5, the alignment that parallels the river (Q1) is adjacent to the bluff. The bluff is much higher than the river, and the birds flying over the line would be well above the power line elevation, in order to clear the bluff.*” There are sections of the proposed Q1 – Highway 35 route along Pool 5 that are not adjacent to the bluff and where birds may face the ‘high hazard’ conditions described above (Fig. 1). These sections include an area north of Buffalo City, WI, an area near Cochrane, WI, an area along upper Pool 5A near Whitman Dam Wildlife Area, Trempealeau National Wildlife Refuge, and the Black River bottoms (Fig. 4). Large numbers of Canada geese (*Branta canadensis*) and mallards (*Anas platyrhynchos*) inhabit the area near Buffalo City, WI and Cochrane, WI. Near Cochrane, the power line would be slightly less than one mile from the Spring Lake Closed Area, which is heavily used by waterfowl and north of Buffalo City the Q1-Highway 35 route would run between the Lizzy Pauls Pond portion of the refuge and the Mississippi River. Lizzy Pauls Pond is heavily used by Canada geese, which would fly to and from the river. Trempealeau National Wildlife Refuge is already mentioned in the DEIS (p. 214) as an area of global importance for birds and on p. 259 as an area of potential concern for bird collisions. A significant numbers of great blue herons (*Ardea herodias*) fly from the Mertes Slough heron/egret nesting colony to feed on Trempealeau National Wildlife Refuge. Depending on water levels, they sometimes fly across the proposed Q1-Highway 35 power line route to feed. The Black River bottoms is mentioned as containing important bird habitat, but should also be mentioned as an area where the power line may pose significant risk for bird collisions. In years of good acorn production, for example, large numbers of wood ducks inhabit the Black River bottoms during fall migration.

#### F-004-011

The information provided has been added to Section 3.5.2.4 of the EIS, and the noted missing punctuation has been corrected.

#### F-004-012

The information provided has been added to Section 3.5.2.4 of the EIS.

F-004-012

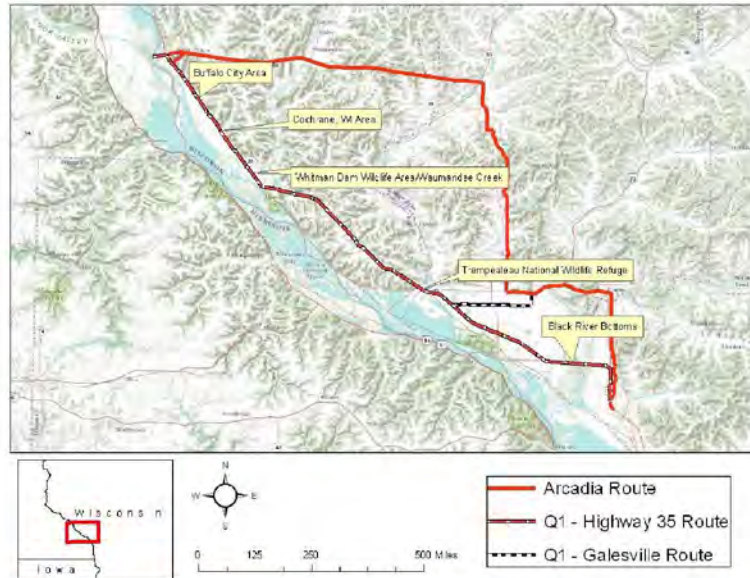


Figure 4. Areas where the proposed Q1 - Highway 35 Route would deviate from running along the base of the bluffs and may pose an increased risk of collisions for birds.

F-004-013

p. 259 – “At Pool 5A, the alignment is approximately two miles from the river, in the Blufflands (Figure 3-10).” In the uppermost section of Pool 5A, a five-mile-long section of the Q1 – Highway 35 route would deviate from the bluffs and run along a large wetland complex that includes the Whitman Dam Wildlife Area and the extensive wetland complex near the mouth of Waumandee Creek (Fig. 3). This area should be analyzed in greater detail in the final EIS to determine whether significant bird traffic may cross the proposed power line route. This analysis should describe the species that may cross the route daily during at least one season and should determine whether there are factors present that may mitigate the risk of bird collisions in all or part of this reach (e.g., adjacent trees that would extend at least to the top of the power lines).

### F-004-013

The boundaries of Whitman Dam Wildlife Area on the referenced figures (now Figures 3-10 and 3-11) have been highlighted and a reference to this area has been added to the text. The requested analysis has been added to Section 3.5.2.4, using information from the Wisconsin DNR, the Wisconsin Bird Conservation Initiative, the Wisconsin Final EIS for the project (prepared jointly by the Wisconsin DNR and the Wisconsin PSC), and USFWS bird monitoring data.

F-004-013

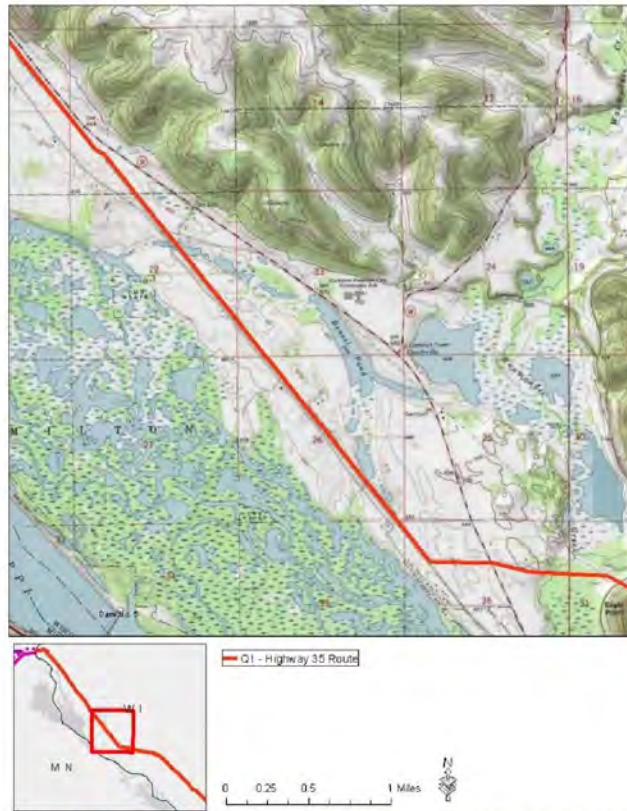


Figure 5. Section of the Q1 – Highway 35 Route that would run for about five miles away from the bluffs and near two wetland complexes, including the Whitman Dam Wildlife Area.

F-004-014

p. 259 – “The two areas of most concern for potential bird-power line collisions are the Upper Mississippi/Trempealeau Refuges and Lake Byllesby, which are discussed below.” There are additional areas where risk of bird collisions may be high, especially along the proposed Q1 – Highway 35 Route – see specific comments above and below. These include areas along the uppermost section of Pool 5A (Fig. 4) and the Black River bottoms in Wisconsin and the McCarthy Lake Wildlife Management Area in Minnesota. The Q1 – Highway 35 Route would also cross through the wetland complex along the lower Trempealeau River just outside the Trempealeau NWR.

#### F-004-014

The quoted statement has been revised and the applicable discussions in Section 3.5.2.4 have expanded to incorporate the other areas listed.

<b>F-004-015</b>	p. 260 – “...considering the relative positions of the bluff line and the Q1/Highway 35 Route for most of its length (Figures 3-9 and 3-10), the distance of the Q1/Highway 35 alignment from the river where the bluff is not present along the river (Figures 3-11 and 3-12), and the fact that there is an existing transmission line except for the Highway 35 segment at the Black River, the Q1 Highway 35 Route appears to present little risk to those birds that may fly back and forth between Refuge pools and nearby agricultural fields to feed.” This conclusory statement oversimplifies and downplays the potential risk posed to birds by the Q1-Highway 35 alignment. Certain sections of the proposed Q1 – Highway 35 Route depart substantially from the base of the bluff line and are near the river or associated wetland complexes. The addition of the 345 kV transmission line to the existing 161 kV line would increase the risk of collisions in these areas.
<b>F-004-016</b>	p. 267 – In this section we recommend more prominently addressing the status of eastern massasauga as an official candidate for listing as endangered or threatened under the ESA. Its status as a candidate species indicates that USFWS has sufficient information on its biological status and threats to propose it as endangered or threatened. Higher priority listing actions have precluded the development of a proposed rule to list eastern massasauga, but USFWS plans to publish a proposed rule to list eastern massasauga by 1 October 2015 unless it finds that the species’ status and threats to its continued existence no longer warrant such a proposal. If USFWS proposes to list the species it will likely also propose critical habitat. Therefore, we recommend that RUS carefully consider the status of eastern massasauga under the federal ESA and the possibility that the species may be listed as endangered or threatened before the project is complete.
<b>F-004-017</b>	p. 272 – “The National Bald Eagle Management Guidelines (USFWS 2007) will be followed.” If the proposed project were to ‘follow’ these guidelines, it would have to avoid any disturbance and any other form of take of bald eagles and golden eagles. Given the length of the proposed transmission line, the scope of other project components, and the number and distribution of eagle activity in the project area, it is probably not reasonable to expect that the project will not take eagles. We recommend that the statement be modified to state that the National Bald Eagle Management Guidelines (USFWS 2007) will be followed to the greatest extent practicable, but that the applicants would work with USFWS to obtain a permit under the Bald and Golden Eagle Protection Act for any take of eagles that may be unavoidable.
<b>F-004-018</b>	p. 272 – “The Applicants plan to install flight diverters on the shield wires at the Mississippi River crossing.” “Flight diverters may be installed in other areas, if collision risk is identified.” We conclude that the Arcadia Route on the Wisconsin segment of the project would result in the least collision risk for migratory birds due to its distance from the bird concentration areas along the Mississippi River and in the Black River bottoms. Avoiding the Q1-Highway 35 and Q1-Galesville Routes would minimize the placement of lines in high use areas for birds. After the final route is selected, follow-up review may be necessary to ensure that all areas where risk of bird collision is high have been identified and that a plan is developed to mark lines where needed and with the methods most likely to minimize bird collisions for the expected life of the project.
<b>F-004-019</b>	p. 275 – “While the Proposal is outside the mapped range of the federally-listed endangered Karner blue butterfly ( <i>Lycaeides Melissa samuelis</i> ) (USFWS 2011p; University of Wisconsin 2008), at least one landowner has reported the butterfly on his property (this is an unconfirmed sighting). Some ROWs in Wisconsin are being actively managed to provide habitat for the

#### F-004-015

This statement has been deleted and the discussion expanded to identify those areas that pose higher risks for bird collisions (Section 3.5.2.4).

#### F-004-016

The referenced discussion has been expanded to include the information provided in the comment (Section 3.5.2.5).

#### F-004-017

The discussion has been revised as noted in the comment (Section 3.5.3.4).

#### F-004-018

The stated USFWS conclusion has been added to Section 3.5.2.4. The information regarding follow up review has been added to Section 3.5.3.4.

#### F-004-019

While the landowner submitted this comment on the Proposal, his property is not actually within any alternative ROWs. This has been clarified in the Final EIS (Section 3.5.3.5).

F-004-019

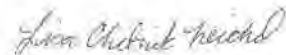
Karner blue butterfly (PSC-WDNR 2011 p. 63). If necessary, the Applicants will work with landowners, the USFWS, RUS, and MNDNR and/or WDNR to protect listed species and their habitat." We recommend contacting the landowner and arranging to have a survey conducted by a qualified professional lepidopterist during the second flight period in 2012 where any of the proposed routes may affect oak savanna habitat containing the plant, *Lupinus perennis*. Coordinate with USFWS's Green Bay Ecological Service Field Office (920-866-1717) before the survey to ensure that it is properly timed and conducted. If Karner blues are found, their locations and survey methods should be provided in a report to the USFWS Ecological Services Office, at 2661 Scott Tower Drive, New Franken, Wisconsin 54229, and the Wisconsin DNR's Bureau of Endangered Resources, 101 S. Webster Street, P.O. Box 7921, Madison, Wisconsin, 53707-7921. Please note that, the scientific name used by USFWS for Karner blue is *Lycueides melissa samuelis*. For more information on the Karner blue you can go to the following Wisconsin DNR website: <http://dnr.wi.gov/forestry/karner/> and USFWS website: <http://www.fws.gov/midwest/endangered/insects/kbb/index.html>.

F-004-020

p. 281 – Please incorporate the following information into the discussion of the McCarthy Lake Wildlife Management Area: surveys for eastern massasauga should be conducted in Minnesota's McCarthy Lake Wildlife Management Area (WMA) if alternative route corridors are pursued in the WMA. Eastern massasauga have not been found in the WMA, but based on prospective surveys Naber et al. (2004) found that "Further site investigation within the wet meadows and prairies" in the WMA were "highly recommended" and that "The chance for a population of massasaugas occurring in this area seems relatively high."

Thank you for the opportunity to provide comments on the DEIS. For further coordination with regard to these comments, please contact Phil Delphey at (612) 725-3548 ext. 2206.

Sincerely,



Lisa Chetnik Treichel  
Program Manager,  
Land, Energy and Transit Projects

Cc: Phil Delphey, FWS

## F-004-020

The noted information has been added to Section 3.5.2.5 and cross-referenced in Section 3.6.1.3.



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- Barrientos, R., J. C. Alonso, C. Ponce, and C. Palacaon. 2011. Meta-Analysis of the Effectiveness of Marked Wire in Reducing Avian Collisions with Power Lines. *Conservation Biology* 25:893-903.
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- U.S. Fish and Wildlife Service. 2007. National bald eagle management guidelines 23 p.

Minnesota Department of Natural Resources  
500 Lafayette Road • St. Paul, MN • 55155-40



February 9, 2012

Stephanie A. Strength  
USDA, Rural Development, Utilities Programs  
1400 Independence Avenue SW  
Mail Stop 1571, Room 2244  
Washington, D.C. 20250-1571

Re: Draft Environmental Impact Statement (EIS) for the Hampton – Rochester – La Crosse  
Transmission System Improvement Project

Dear Ms. Strength:

S-001-001

The Minnesota Department of Natural Resources (MDNR) has reviewed the Draft Environmental Impact Statement (DEIS) for the Hampton – Rochester – La Crosse Transmission Project completed by the Rural Utilities Service (RUS). The MDNR has participated in each step of the Minnesota environmental review process and submitted the enclosed comments, dated April 29, 2011, for the DEIS completed by the Minnesota Department of Commerce (MDOC). Comment responses were also included in the Final Environmental Impact Statement (FEIS) completed by the MDOC. Please consider these state environmental review documents. The following additional comments regarding the Hampton – Rochester – La Crosse Project and Federal DEIS are included for your consideration.

For the route crossing the McCarthy WMA, the MDNR further clarifies that if United States Fish and Wildlife Service (USFWS) approval is not received, MDNR would not have authorization to approve a crossing of the McCarthy WMA in parcels with federal interest within the McCarthy WMA. Federal Pittman Robertson funding through the Wildlife Sport Fish Restoration Program requires USFWS approval for MDNR issuance of a License to Cross Public Lands and Waters. Habitat and wildlife impacts would need to be evaluated, including impacts to avian populations. This process, review and possible federal approval would take approximately 75 days to one year to complete. Consideration of these uncertainties and delays, as well as consideration of environmental impacts outlined in attached comment letters and the DEIS, of crossing the McCarthy WMA should factor into assessment of how to route the transmission project in the vicinity of the McCarthy WMA.

For the route Right-of-Way (ROW) airspace overlap or crossing of the Douglas Trail, if Department of Interior National Park Service approval is not received for federally funded parcels, the MDNR would not have authorization to approve a crossing or ROW overlap for the Douglas Trail for parcels that are federally funded. Parcels within the Douglas Trail are funded by the Land and Water Conservation Fund Act (LAWCON). The MDNR recommends that the Rural Utilities Service, Minnesota Department of Commerce, or CapX2020 Utilities develop an alternative route for permitting consideration in the area near the Douglas Trail where there is no ROW overlap or trail crossing due to multiple approvals necessary, the expected extended review timeline, and recreational impacts to trail users.

Two additional LAWCON-funded sites are located along proposed routes for the Hampton – Rochester – La Crosse Project. These include the Snake Creek Management Unit of the Richard J. Dorier State

Strength, 2/9/2012



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pg. 1

S-001-001

Regarding the McCarthy WMA, the Applicants are currently reviewing the existing Dairyland Power easements to confirm that the proposed 345 kV double circuit transmission line can be constructed and maintained in compliance with these existing easements and would not require the taking or conversion of Pittman-Robertson grant funded lands. If the taking or conversion of Pittman-Roberson grant-funded lands would be required, the Applicants would continue to work with both MDNR and USFWS. This information has been added to the Final EIS (Sections 2.6.1, 3.6.2.3 and 3.6.3).

Impacts to the Douglas Trail area would be minimized by locating the transmission line right of way outside of the trail right-of-way, thus avoiding tree clearing along the trail. The Applicants would work with the MDNR during the detailed design and permitting stages to develop a mitigation plan that would minimize the loss of trees. In addition, the Proposal would not cross the trail or have other direct impacts to it; therefore the conversion or taking of Land and Water Conservation Fund land would not be required. This information has been added to the Final EIS (Section 3.6.3).

S-001-001	<p>Forest and the Lake Hyllesby Regional Park. Additional LAWCON-funded parks could be affected depending on the final alignment. A list of all LAWCON funded parks is available online at the following webpage: <a href="http://files.dnr.state.mn.us/aboutdnr/lawcon/lawcon_1.pdf">http://files.dnr.state.mn.us/aboutdnr/lawcon/lawcon_1.pdf</a>. If it appears that any of these parks might be located within the final project corridor, avoidance measures including alternative routing, impacts, and proposed mitigation should be discussed in the RUS FEIS and the project developers should coordinate with the MDNR. Not only LAWCON-funded parks but State-funded parks as well would require approval and mitigation for any impacts.</p> <p>If routing were to continue to be planned and chosen by the Minnesota Public Utilities Commission on these state lands contingent upon multiple approvals, the MDNR strongly recommends that the applicant engage in early coordination meetings with the MDNR Division of Lands and Minerals.</p>
S-001-002	<p>If activities such as dewatering or filling in a public water were necessary a Public Waters Work Permit may be required. There are now timing requirements due to Minnesota Executive Order 11-04 for issuance of environmental permits within 30 days of a final Environmental Impact Statement decision. Further coordination with the applicant would be necessary if a Public Waters Work Permit was needed.</p>
S-001-003	<p>The MDNR has provided representatives for the Hampton – Rochester – La Crosse Project GIS shapefiles showing the location of a calcareous fen along the route labeled 3P-Kellogg and 3A Kellogg in the Minnesota DEIS along Highway 61. Hydrologic impacts to this fen should be avoided and coordination regarding a fen management plan would be required if any hydrologic impacts were expected in accordance with Minnesota Statutes 103G.223. Impacts to calcareous fens are rarely approved by the MDNR. Xcel Energy indicated that efforts would be made to avoid hydrologic impacts to this fen. Specific avoidance measures and information about measures to avoid hydrologic impacts should be included in the RUS FEIS.</p>
S-001-004	<p>A previous Minnesota Public Utilities Commission Route Permit for the Fargo to St. Cloud CapX2020 Transmission Project in Minnesota included the following language: "To the extent practical, low growing vegetation that will not pose a threat to the transmission facility or impede construction should remain in the easement area." This permit condition is currently being implemented by planning clearing practices for state lands that retain vegetation at one height in the center of the ROW (10 feet), and progressively taller heights at the edges of the ROW (15 and 20 feet). A similar practice is being implemented for the Bemidji to Grand Rapids CapX2020 Transmission Project. Using appropriate heights for the transmission facility and vegetation along the CapX2020 Hampton – Rochester – La Crosse route, this approach should be implemented to the extent practical for this project, particularly for any routing through state forests.</p> <p>Vegetation buffers in accordance with local shoreland ordinances at water crossings should be discussed in the FEIS.</p>
S-001-005	<p>The DEIS for the proposed 345 kV transmission line does not address the total impact of aggregate resource encumbrance in the project area. The DEIS addresses only one regionally significant deposit. Most, if not all, of the project area has data available from both the MDNR Aggregate Resource Mapping Program as well as the Minnesota Geologic Survey county atlas mineral endowment maps. A spatial analysis should be completed for the entire line to determine the full impact regarding aggregate</p>

Stenois 2/9/2012

pg. 2

## S-001-002

The Public Waters Work permit is addressed in Table 1-2. The Applicants are aware of the requirements.

## S-001-003

Avoidance measures related to the fen along the 3A/3P Kellogg Alternative are not included in the Final EIS, as this route is not part of RUS' preferred alternative. Should this route be selected, avoidance measures would be included in RUS' Record of Decision.

## S-001-004

The provisions related to tree preservation and planting of low or slowing growing trees in the ROW that are included in the Minnesota route permit for the Proposal have been described in Section 3.5.3.1. The Applicants are required to comply with applicable local ordinances.

## S-001-005

Information related to MDNR's responsibility under Minn Stat 84.94 to "conduct a program of identification and classification of potentially valuable publicly or privately owned aggregate" has been added to Section 3.1.1.3. A general discussion of aggregate encumbrances has been added to Section 3.1.2.1. However, because no aggregate resources identified by MDNR as "containing significant aggregate deposits" under Minn Stat 84.94 would be impacted by any of the alternative routes (Section 3.1.2.1), a map showing impacts is not included.



S-001-005

resource encumbrance. It would be helpful to see a map showing the sections of line that encumber significant aggregate resource deposits and their proximity to roads and highways.

The MDNR has completed an aggregate resources map for Olmsted County. This is available via the MDNR website at [http://www.dnr.state.mn.us/lands\\_minerals/aggregate\\_maps/index.html](http://www.dnr.state.mn.us/lands_minerals/aggregate_maps/index.html). A paper map and/or CD-ROM can also be provided to the applicants if needed.

The MDNR appreciates the opportunity to provide input regarding the Hampton - Rochester - La Crosse Project. Please contact me with any questions.

Sincerely,



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

Enclosure: 1

Streggile, 2/6/2012

pp-7



## Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300  
(800-657-3864) | (651-292-5133 TTY) | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

January 17, 2012

Ms. Stephanie Strength  
USDA Rural Development  
1400 Independence Avenue Southwest  
Room 2244, Mail Stop 1571  
Washington, DC 20250-1571

Re: Hampton – Rochester – La Crosse 345 kilovolt (kV) Transmission Improvement Project  
Comments on Draft Environmental Impact Statement (EIS)

Dear Ms. Strength:

Thank you for the opportunity to review and comment on the draft EIS for the Hampton – Rochester – La Crosse 345 kilovolt (kV) Transmission Improvement project (Project), a proposed electrical transmission line project, to be located in Goodhue, Wabasha, and Olmsted Counties, Minnesota. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, MPCA staff has the following comments for your consideration:

- As indicated in the draft EIS, a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit (CSW Permit) is required from the MPCA. In addition, since the Project is located within one mile of the Zumbro River, which is impaired for turbidity, additional increased stormwater treatment will be required. The owner and operator (usually the general contractor) are jointly responsible for obtaining and complying with the conditions of the CSW Permit. A detailed Stormwater Pollution Prevention Plan, containing stormwater management requirements both during and post construction, as well as erosion control and sediment control requirements during construction, must be prepared prior to submitting a CSW Permit application. CSW Permit coverage is required prior to commencing land disturbing activities (i.e., clearing, grading, filling, or excavating) related to the Project. For an overview of this permit and program, please refer to the following factsheet: <http://www.pca.state.mn.us/publications/wq-strm2-05.pdf>. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629.

Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this project please contact Steve Sommer of my staff by e-mail at [steve.sommer@state.mn.us](mailto:steve.sommer@state.mn.us) or by telephone at 651-757-2746.

Sincerely,

Craig Affeldt, Supervisor  
Environmental Review Unit  
Resource Management and Assistance Division

CA/SS:mbo

cc: Steve Sommer, MPCA, St. Paul  
Robert Finley, MPCA, Rochester  
Roberta Getman, MPCA Rochester

## S-002-001

Water resources and associated impacts and requirements, including construction stormwater permits, are discussed in Section 3.2.

S-002-001

S-003-001

Comment noted.



STATE HISTORIC PRESERVATION OFFICE

January 17, 2012

Ms. Stephanie Strength  
Environmental Protection Specialist  
Water & Environmental Programs  
USDA Rural Development  
1400 Independence Ave. SW  
Washington, D.C. 20250-0700

RE: Draft Programmatic Agreement  
Hampton-Rochester-LaCrosse 345 kV Transmission System Improvement Project  
Multiple Counties in Minnesota  
MN SHPO Number: 2010-1418

Dear Ms. Strength:

S-003-001

Thank you for initiating consultation on the Hampton-Rochester-LaCrosse Transmission System Improvement Project. Our review of this project is based on the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

Based on the information submitted, we agree that the use of a programmatic agreement (PA) is appropriate, as is the language drafted for the PA. We also concur with your proposed area of potential effects (APE) for this project.

We look forward to further consultation as planning proceeds.

Please contact me at (651) 259-3456 if you have any questions regarding our review of this project.

Sincerely,

Mary Ann Heidemann  
Manager, Government Programs and Compliance

cc: Tamara Cameron, USACE  
James Myster, USFWS  
Michael Stevens, Wisconsin SHPO

Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102  
(651) 259-3000 • 888-727-8356 • www.mnhs.org

**S-004-001**

Comment noted.



**Wisconsin Department of Transportation**

[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Scott Walker  
Governor

Mark Gottlieb, P.E.  
Secretary

Office of the Secretary  
4802 Sheboygan Avenue, Room 120B  
P O Box 7910  
Madison, WI 53707-7910

Telephone: 608-266-1113  
FAX: 608-266-9912  
E-mail: [sec.exec@dot.wi.gov](mailto:sec.exec@dot.wi.gov)

January 17, 2012

Stephanie Strength  
United States Department of Agriculture  
1400 Independence Ave. SW, Room 2244  
Mail Stop 151  
Washington, D.C., 20250-1571

Dear Ms. Strength:

**S-004-001**

Thank you for providing a copy of the Draft Environmental Impact Statement for the proposed Hampton-La Crosse transmission system, and the schedule of public information meetings for the project. The Wisconsin Department of Transportation Southwest Region has received the materials for review.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Gottlieb".

Mark Gottlieb, P.E.  
Secretary

S-005-001

Changed as requested, except for addition related to Form DT1812 as there are no wildlife tunnels included in the project.



Division of Transportation System Development  
Bureau of Highway Maintenance  
PO Box 7886 – Room 501  
Madison, WI 53707-7886  
4802 Sheboygan Avenue – Room 501  
Madison, WI 53706

Scott Walker, Governor  
Mark Gottlieb, P.E., Secretary  
Internet: <http://www.dot.wisconsin.gov>

Robert C. Fasick, P.E.  
State R/W Accommodation & Permits Engineer  
Telephone: 608/265-3438  
Facsimile (FAX): 608/267-7895  
E-Mail: [robert.fasick@dot.wisconsin.gov](mailto:robert.fasick@dot.wisconsin.gov)

February 13, 2012

Sent via e-mail to:

[Stephanie.Strength@wdc.usda.gov](mailto:Stephanie.Strength@wdc.usda.gov)

Stephanie A. Strength, Environmental Protection Specialist  
Engineering and Environmental Staff  
Rural Utilities Service  
1400 Independent Ave, SW  
Mail Stop 1571, Room 2242  
Washington, DC 20250

RE: WisDOT Draft EIS Comments  
Rural Utilities Service  
Financing Assistance for Proposed  
Hampton – Rochester – La Crosse  
345 kV Electric Transmission System  
Improvement Project

Dear Ms. Strength:

The Wisconsin Department of Transportation (WisDOT) is pleased to submit its comments and suggested revisions on the above-referenced subject. If you need to contact me for any reason, please use the information listed above.

Sincerely,

*Robert C. Fasick*

Robert C. Fasick, P.E.  
State Right-of-Way Accommodation & Permits Engineer

cc: Jim Thiel, Lead General Counsel, WisDOT

#### Wisconsin Department of Transportation Comments to Rural Utilities Service DEIS

In all locations, the Great River Road should be referenced instead as the Great River Road National Scenic Byway (GRRNSB) to stress its significance as a national cultural resource along with being a state cultural resource.

Page 62-65, Table 1-1

Federal Highway Administration (FHWA)	Permits required to <u>longitudinally occupy and cross</u> federal highways and interstate highways (usually <u>coordinated/delegated to through the state Department of Transportation through its Utility Accommodation Policy</u> )
Wisconsin Department of Transportation	Application/Permit to Construct, <u>and Operate and Maintain</u> Utility Facilities on Highways Rights-of-Way - Form DT1553 <u>Application/Permit for Connection to State Trunk Highway – Form DT1504</u> <u>Note: Only if needed for temporary or permanent access.</u> <u>Application/Permit to Work on Highway Right-of-Way – Form DT1812</u> <u>Note:</u> <u>This permit would only be needed for constructing wildlife crossing tunnels under a state highway.</u> <u>Release (sale) of scenic easement rights.</u>

S-005-001

Ms. Stephanie Strenth  
February 13, 2012  
Page 2 of 4

S-005-002

**Page 102, 2.3.2.**, second paragraph: Dairyland plans to rebuild the Q1 line in its present location (Q1 Rebuild), regardless of where the 345 kV line may be built, except for potentially the southern-most segment, from Trempealeau to Holmen. (The Q1 line needs to stay at or near its present location from Alma to Trempealeau, to provide local service.)

*WisDOT Comment:* WisDOT made an inquiry to Dairyland Power Cooperative (DPC) about DPC's plans if the Q1 line was not rebuilt under the CapX Project. In an 8/2/11 email from DPC's Kurt Childs to Bob Fasick, Kurt stated that DPC "would follow the same centerline as now exists, operate under the terms of the prevailing easement rights and within the same 60' wide right of way corridor." In addition, Kurt stated that DPC would rebuild the line using a similar pole design, color, placement, etc., which would allow the line to appear the same or nearly the same as it does today. In WisDOT's view, this would eliminate any adverse aesthetic impact on the GRRNSB and WisDOT would likely issue permits for the line.

S-005-003

**Page 111, Table 2-2**, 161kV Circuit, the ROW width (ft.) column lists 8'

*WisDOT Comment:* Is 8' a misprint?

S-005-004

**Page 119, 2.4.2.2.**, last paragraph, ~~The~~ WisDOT requires a permit for utility construction or occupation that affects a state or U.S. highway ROW. This includes any utility that physically occupies or overhangs the ROW, including any blowout clearance required by state and federal codes.

**Page 119, 2.4.2.3.**, Add sentence at the end of the ROW Access section: Access may be needed from highways when topographic features such as wetlands or steep terrain prevent access from private lands.

S-005-005

**Page 146, 2.5.2 Wisconsin – Segment 4:** The route alternatives in Section 4 are compared in **Error!** Reference source not found.5

*WisDOT Comment:* There is a mistake in the bolded portion of the reference

S-005-006

**Page 157, Table 2-5** References to Great River Road, Current miles in the GRR National Scenic Easement along Q1-Highway 35.

*WisDOT Comment:* This is misleading. It should be entitled, "Current miles in the GRR National Scenic Byway viewed along Q1-Highway 35." There is no national scenic easement. WIS 35 is designated a National Scenic Byway. WisDOT has purchased scenic easements with state and federal dollars all along this Byway. For the DEIS to accurately assess the impact of the proposed 345kV structures, it must consider the amount of the facility in Byway ROW, in scenic easements, and within close proximity outside the scenic easements but still adversely affecting the viewshed. This distance may be from 1/3 to 1/2 mile from the centerline of the highway depending upon existing vegetation screening. This would affect the numbers in this table.

S-005-007

**Page 293, 3.7.2., GRRNSB (Wisconsin):** The PSC-WDNR (2011) reports that a consultant for WisDOT conducted an assessment for visual quality along this section of the GRRNSB around 1997, based on views to the river, views to the bluffs, road alignment and the level of intrusion created by utility structures and the railroad. The consultant classified this section as being of poor visual quality, with the potential classifications of high, good, moderate, poor and low. The new line could potentially cause the evaluation to drop from poor to low (PSC-WDNR 2011 p. 134).

*WisDOT Comment:* The consultant determined that this portion of the GRRNSB was "V4/N4-Poor Quality." This category was defined by the following attributes: (a) little topographic interest, (b) distant view of the bluffs, (c) prominent agricultural land use, (d) straight or right angle turn road alignment, and (e) railroad embankment above road. There was no mention of utilities in this category even though they are mentioned in the other four categories. WisDOT presumes that this is an oversight and there are utility impacts. However, in WisDOT's view, the style and type of the H-frame structures blend in with the bluffs and the adjacent countryside along the GRRNSB. In addition, the structures have been in place since the 1950s. They do not seem to be out of place, nor do they seem to be a detriment to tourism. By contrast, there are other locations in the state where 345 kV tower installations have adversely impacted the aesthetic quality of the area. For example, the current 150-foot structures being installed by the American Transmission Company along the Beltline Highway in Madison illustrate how towers can adversely alter the viewscape even in an urban setting. Photos of this before and after condition are included as Exhibit #1

S-005-002

Comment noted.

S-005-003

Corrected to 80 ft.

S-005-004

Changed as requested.

S-005-005

Corrected to Table 2-5.

S-005-006

The referenced text was changed as follows: "Current miles of transmission line paralleling the GRRNSB along Q1-Highway 35." This allows a clear, standard comparison among the alternatives. Information regarding screening effects is addressed in Section 3.7.2.

S-005-007

Comments have been incorporated into Section 3.7.2.

Ms. Stephanie Strenth  
February 13, 2012  
Page 3 of 4

S-005-008

**Page 293, 3.7.2., GRRNSB** (Wisconsin): However, the WisDOT has recently concluded that under federal regulations it "lacks authority to issue permits or authorize use of its Wisconsin scenic easements in the GRRNSB viewshed" and has requested a letter of concurrence for this position from the FHWA (WisDOT 2011e).

*WisDOT Comment:* On February 9, 2012, the FHWA Wisconsin Division office sent WisDOT a reply to the letter referenced in 2011e. In that letter, FHWA stated that it agrees with WisDOT regarding WisDOT's responsibilities and requirements for permitting in this case. Further, FHWA states that it is in agreement with WisDOT regarding the requirement to keep scenic byways free of facilities or activities that are counter to their purpose. A copy of FHWA's letter is included as Exhibit #2.

S-005-009

**Page 294, 3.7.3., Measures Incorporated into the Proposal to Reduce Impacts and Additional Potential Mitigation.** The following mitigation measures are specific to the Great River Road (GRR) section of the Q1A-Highway 35 route in Wisconsin. (list follows)

*WisDOT Comment:* WisDOT has determined that regardless of the proposed mitigation measures offered by the CapX 2020 group of utilities (CapX Participants) jointly proposing the Hampton – Rochester – La Crosse project, there were adverse aesthetic impacts along the Wisconsin portion of the GRRNSB. This was true no matter which way the proposed 345 kV poles were colored, designed, doubled or moved. For example, photopoint 191 in the visual assessment report showed a double circuit 161/345kV transmission line, which only made the adverse aesthetic impacts worse in WisDOT's opinion.

S-005-010

**Page 295, 3.8.1., Roads and Traffic.** DOT Permits will be required for ~~within~~and the construction, operation and maintenance of utility facilities within ROWs of US or state highways.

**Page 372, 6.0 References,** WisDOT 2011c, Wisconsin Department of Transportation: Utility Accommodation Policy (Highway Maintenance Manual – Chapter 9, Section 15).

*WisDOT Comment:* Add hyperlink for the Highway Maintenance Manual at the end of the reference: <http://www.dot.wiscconsin.gov/business/rules/property-uap.htm>

S-005-011

**The following are WisDOT Comments on other aspects of the DEIS:**

➤ WisDOT's specific position on each of the nine route alternatives for the Wisconsin portion of the Hampton – Rochester – La Crosse project, which includes the permissibility for each of those alternatives are:

**Original Q1:** WisDOT would only issue a permit if the transmission line was placed underground on all scenic easements and on any WisDOT ROW along the GRRNSB except for segment 18H. For that segment, WisDOT would permit the line as an aboveground facility and would release (sell) any scenic easements necessary since that area of Holmen is experiencing development and the City has previously asked WisDOT, and WisDOT has approved, releasing scenic easements in that area.

**Q1-Highway 35:** WisDOT would only issue a permit if the transmission line was placed underground on all scenic easements and on any WisDOT ROW along the GRRNSB except for segments 9 and 18H. For those segments, WisDOT would permit the line as an aboveground facility and would release (sell) any scenic easements necessary since that area of Holmen is experiencing development and the City has previously asked WisDOT, and WisDOT has approved, releasing scenic easements in that area. In addition, WisDOT would only issue permits and/or release scenic easement for segments 8A, 8B, and 8C if DNR permits were also issued.

**Q1-Highway 35 with STH 88 Option A:** WisDOT would issue a permit for aboveground installation since segments 2A1, 2A2 and 2I are short. For segments 9 and 18H, WisDOT would permit the line as an aboveground facility and would release (sell) any scenic easements necessary since that area of Holmen is experiencing development and the City has previously asked WisDOT, and WisDOT has approved, releasing scenic easements in that area. In addition, WisDOT would only issue permits and/or release scenic easement for segments 8A, 8B, and 8C if DNR permits were also issued.

**Q1-Highway 35 with STH 88 Option B:** WisDOT's position is the same as Q1-Highway 35 with STH 88 Option A route alternative.

## S-005-008

Information from the FHWA letter and the referenced regulations has been added to Section 3.7.2.

## S-005-009

WisDOT's determination has been added to Section 3.7.3.

## S-005-010

Changed as requested.

## S-005-011

Information has been added to Section 3.7.2.



**S-005-012**

Comment noted.

**S-005-013**

Comment noted.

Ms. Stephanie Strength  
February 13, 2012  
Page 4 of 4

**S-005-011**

**Q1-Galesville:** WisDOT would only issue a permit if the transmission line was placed underground on all scenic easements and on any WisDOT ROW along the GRRNSB except for segment 18H. For that segment, WisDOT would permit the line as an aboveground facility and would release (sell) any scenic easements necessary since that area of Holmen is experiencing development and the City has previously asked WisDOT, and WisDOT has approved, releasing scenic easements in that area.

**Q1-Galesville with STH 88 Option A:** WisDOT would issue a permit aboveground installation since segment 2I is short. For segment 18H, WisDOT would permit the line as an aboveground facility and would release (sell) any scenic easements necessary since that area of Holmen is experiencing development and the City has previously asked WisDOT, and WisDOT has approved, releasing scenic easements in that area.

**Q1-Galesville with STH 88 Option B:** WisDOT's position is the same as the Q1-Galesville with STH 88 Option A route alternative.

**Arcadia:** WisDOT would issue a permit for aboveground installation since segments 2A1 and 2A2 are short. For segment 18H, WisDOT would permit the line as an aboveground facility and would release (sell) any scenic easements necessary since that area of Holmen is experiencing development and the City has previously asked WisDOT, and WisDOT has approved, releasing scenic easements in that area.

**Arcadia-Ettrick:** WisDOT's position is the same as the Arcadia route alternative.

**S-005-012**

- WisDOT does not have any official position on proposed Hampton – Rochester – La Crosse project with regard to its need, nor is it in a position to judge the project on the basis of need.

**S-005-013**

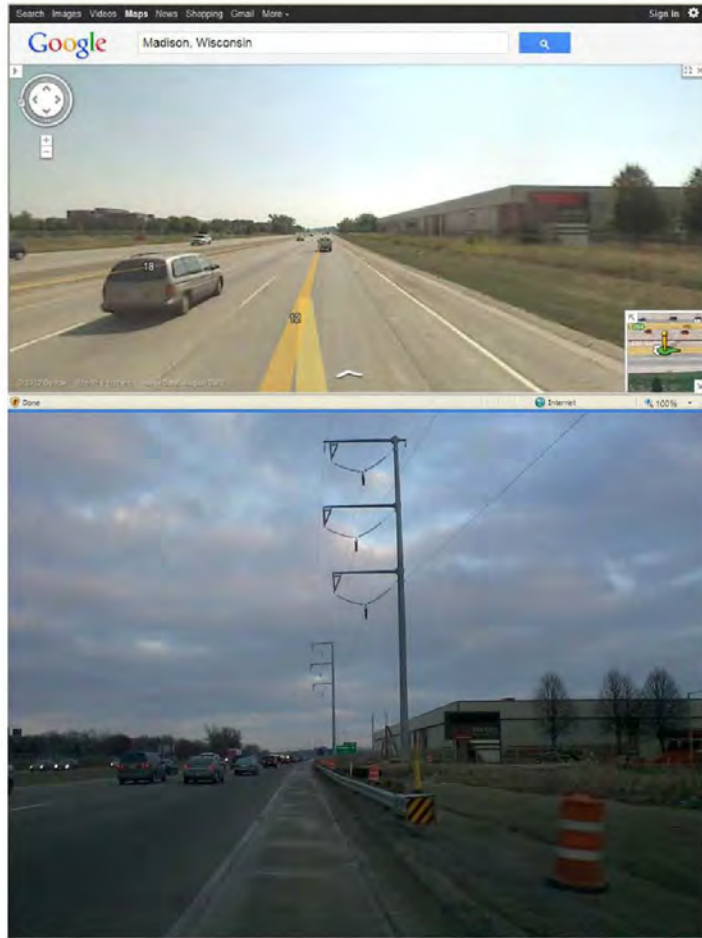
- WisDOT does not have any position on the proposed Hampton – Rochester – La Crosse project with regard to route preference, but does have specific requirements on how the line can be constructed in our ROW, including non-GRRNSB and GRRNSB, and within our scenic easements. As long as the CapX Participants follow these specific requirements, which may include undergrounding in certain segments, WisDOT could issue utility permits, other permits as needed, and release (sell) its scenic easement rights for any of nine route alternatives for the Hampton – Rochester – La Crosse project in Wisconsin if the Public Service Commission issues a CPCN for this project.
- WisDOT's position on requiring the undergrounding of electric transmission lines for the Hampton – Rochester – La Crosse project along the Wisconsin portion of the GRRNSB is due to our statutory requirements under Wis. Stat. §14.85 and 23 CFR 645.209(h) and the fact that undergrounding is another mitigation measure to alleviate the adverse aesthetic impacts. WisDOT believes it is appropriate to make this requirement when needed of any permit issued in the GRRNSB ROW and scenic easement released (sold), except for segments 9 and 18H, and potentially other short segments depending upon final route selection.



EXHIBIT – WisDOT #1

CapX 2020 Project

Installation of American Transmission Company Towers along Madison Beltline Hwy



**EXHIBIT – WisDOT #1**

CapX 2020 Project

Installation of American Transmission Company Towers along Madison Beltline Hwy



EXHIBIT - WisDOT #2



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Wisconsin Division Office**

February 9, 2012

625 Junction Road, Suite 8000  
Madison, WI 53717  
(608) 829-7500  
(608) 829-7526  
[www.fhwa.dot.gov/widiv/](http://www.fhwa.dot.gov/widiv/)

In Reply Refer To:  
HDA-WI

Mark Gottlieb, P.E.  
Secretary  
WisDOT Office of the Secretary  
4802 Sheboygan Avenue, Room 120B  
PO Box 7910  
Madison, WI 53707-7910

Dear Secretary Gottlieb:

Thank you for your November 22, 2011 letter regarding Federal and State roles in utility accommodation.

The Federal Highway Administration (FHWA) shares your interest in protecting the scenic and historic attributes of scenic byways in accordance with the requirements in 23 CFR 645.209(h) and 23 CFR 645.211(c)(3). Unless the State determines an exception is warranted and the proposed installation meets the conditions specified in section 645.209(h), new utility installations are not permitted on highway right-of-way or other lands acquired with Federal-aid or direct Federal highway funds and located within or adjacent to areas of scenic enhancement and natural beauty. As long as the Wisconsin Department of Transportation follows its FHWA-approved Utility Accommodation Policy and applicable Federal regulations, the FHWA has no role in the decision whether to grant an exception.

We are available to provide assistance should you have any questions about the scope or applicability of FHWA regulations as you consider such proposals. Please let me know if we can provide any further information.

Sincerely,

George R. Poirier, P.E.  
Division Administrator

cc: Dan Grasser, WisDOT  
Jim Thiel, WisDOT  
David Vieth, WisDOT

S-005-008

Robert Fasick, WisDOT  
Jane Carroll, WisDOT  
Joe Olson, WisDOT Southwest Region  
Don Gutkowski, WisDOT Northwest Region  
Kirk Friedrichs, FHWA

2

EXHIBIT - WisDOT #2

From: Schrenzel, Jamie (DNR) [<mailto:jamie.schrenzel@state.mn.us>]  
Sent: Wednesday, August 17, 2011 1:33 PM  
To: Strength, Stephanie - Durango CO  
Cc: Langan, Matthew (COMM); Hillstrom, Thomas G; Doperalski, Melissa (DNR); Colvin, Steve E (DNR); Doneen, Randall (DNR)  
Subject: Minnesota Department of Natural Resources Hampton-Rochester-LaCrosse MN State DEIS Comments

Ms. Strength:

**S-006-001**

Recently a Rural Utilities Service comment period was open to the public regarding additional study areas in Wisconsin for the Hampton-Rochester-La Crosse 345 kV Transmission Line Project. The Minnesota Department of Natural Resources (DNR) does not have any comments specific to that review. However, for the purpose of a general update regarding DNR comments for the Hampton-Rochester-La Crosse Transmission Project, including comments regarding the Mississippi River crossing into Wisconsin, the DNR provides the attached letter, dated April 29, 2011, regarding the Draft Environmental Impact Statement released by the Minnesota Department of Commerce. DNR comments to the Minnesota Office of Administrative Hearings, dated June 29, 2011, regarding this project are also attached. Thank you for your time and please contact me with any questions regarding these letters.

Sincerely,

Jamie Schrenzel  
Principal Planner  
Environmental Review Unit  
Minnesota Department of Natural Resources  
(651) 259-5115

## **S-006-001**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A01-Miscellaneous.

## Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40



April 29, 2011

Matthew Langan, State Permit Manager  
Minnesota Office of Energy Security  
Energy Facility Permitting  
85 7th Place East, Suite 500  
St. Paul, Minnesota 55101

Re: Hampton-Rochester-La Crosse 345 kV and 161 kV Transmission Line Project DEIS  
[PUC Docket Number: E002/TL-09-1448]

Dear Mr. Langan:

**S-006-001**

The Minnesota Department of Natural Resources (DNR) has reviewed the Draft Environmental Impact Statement (DEIS) for the Hampton – Rochester – La Crosse 345 kV and 161 kV Transmission Line Project. The DNR appreciates the explanation of impacts and attention to detail included in the DEIS and provides the following comments regarding environmentally sensitive areas and state lands located in each segment, rare species, and information regarding construction, design and the DNR License to Cross Public Lands and Waters. Please also see the attached comments regarding the application for a route permit for the Hampton – Rochester – La Crosse Project dated May 20, 2011 for additional context and DNR input.

### Segment 1: Hampton Substation to North Rochester Substation

**S-006-002**

The Cannon River in the project area is designated as a State Recreation River per Minnesota Rules 6105.1600. State wild, scenic, and recreational rivers are defined as rivers, along with their adjacent lands, that possess outstanding scenic, scientific, historical, and recreational resources (MN Statutes 86A.05, Subd. 10). Minnesota Rules 6105.0170 state that in reviewing License to Cross or Work in Public Waters permit applications for such crossings, primary consideration shall be given to crossings that are proposed to be located with or adjacent to existing public facilities, such as roads and utilities. Routes crossing the Cannon River should be limited to existing disturbed corridors such as an existing highway or transmission line.

**S-006-003**

Considering overall avoidance of natural resources as described in the DEIS, suggested use of an existing corridor to cross the Cannon River, and avoiding impacts to resources such as Byllesby Lake and the Warsaw WMA, the Preferred Route (1P) appears to generally impact the least natural resources for Segment 1. It is recommended that variations of the Preferred Route that may be necessary during project development be used to avoid public water crossings and associated natural resource impacts to the extent practicable.

### Segment 2: North Rochester Substation to Northern Hills Substation

It appears that the proposed crossing of Shady Lake occurs at a location where there is no existing infrastructure. Flood damage to the dam at Shady Lake recently caused this waterbody to change from a reservoir to a river. Regional DNR staff have reported possible plans for a restoration project in this area. Avoiding a greenfield crossing in this area is preferred and would likely correspond well with future restoration plans.

Langan 4/29/2011



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## **S-006-002**

Please refer to Appendix C, Table C-4, Comment Category F: Water Resources, F02-Surface Water.

## **S-006-003**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C07-Opposition to or Preference for a Specific Alternative.

**S-006-004**

Section 7.7.2.1 of the DEIS describes the risk of spreading Chronic Wasting Disease (CWD) in the Segment 2 area by moving soil containing prions, the disease agent for CWD. The DNR appreciates inclusion of this analysis and adds that avoiding construction work within the fence of the Elk Run Development, which was formerly an elk farm, would help avoid the movement of prions. Also, best management practices used to avoid the spread of invasive species, which should be used for all construction areas, should be particularly emphasized in areas identified in Section 7.7.2.1 for risk of CWD spread. Removing soil from equipment would help avoid the spread of invasive species as well as prions.

**S-006-005**

The Draft EIS indicates that for Segment 2, North Rochester Substation to Northern Hills Substation, all route alternatives provided will have some impact to the Douglas State Trail. The Douglas State Trail ROW is 100-foot wide and was purchased by the DNR using LAWCON (Land and Water Conservation Fund Act) funds. As provided in previous comments (January, 2009), LAWCON funding includes stipulations that any land planned, developed or improved with LAWCON funds cannot be converted to uses other than outdoor recreational uses unless replacement of land of at least fair market value and reasonable equivalent usefulness is provided (Title 16 of U.S. Code, Chapter 45, Section 2509). It is preferred that the proposed project avoid the Douglas State Trail to the greatest extent possible.

The Draft EIS, Section 8.2, is not clear about proposed route locations and whether or not the power lines will be physically located on state land within the Douglas State Trail Right-of-Way (ROW), or, if the transmission lines will run adjacent the trail ROW and not be located on state lands. Additionally, it is not clear as to whether or not the trail and transmission line ROWs will overlap in some way with potential visual impacts from the trail. Transmission lines currently run parallel to the trail between 60<sup>th</sup> Ave NW and CSAH 22 (West Circle Drive), however the transmission lines are located outside of the trail ROW.

The Draft EIS is also not clear as to whether the 80-foot ROW width must be clear of all woody vegetation along the Douglas State Trail. The removal of woody vegetation along the Douglas State Trail ROW along with the placement of the transmission lines and support structures would have a negative impact on trail users. The existing narrow strip of vegetation along the trail provides a wind break and shade, as well as scenic value, to trail users along the fairly open trail corridor.

The Mitigation section, on page 138, does not fully discuss mitigation measures other than minimizing impacts by choosing a route alternative other than the most intrusive alternative offered. As none of proposed alternatives completely avoid the Douglas State Trail, it appears that there will be some impact to the trail. The Draft EIS does not currently offer any mitigation strategies for the unavoidable impacts to the recreational resources of this segment.

The DNR Parks and Trails Division requests further explanation of the potential impacts to the Douglas State Trail ROW and requests additional information about mitigation strategies related to the recreational resources for this segment. Parks and Trails staff will need to work with proposer on appropriate mitigation measures to comply with the requirements associated with LAWCON funding and to mitigate for the recreational and resource impacts to the trail.

**S-006-006**

8.2.4.5 Land Based Economics describes aggregate resources within Segment 2. Overall, sand and gravel deposits are scarce within this region. Generally, the original Preferred Route encumbers less undeveloped sand and gravel resources. The portion of original Alternative Route in the northwest corner of New Haven Township (Sections 5, 6, 7, and 8) dissects an important undeveloped, deposit of sand and gravel resources. This deposit is important because it is within a regional scarcity area for

Langston 4/29/2011

pg. 2

#### **S-006-004**

Please refer to Appendix C, Table C-4, Comment Category I: Biological Resources, I01-General/Other.

#### **S-006-005**

Please refer to Appendix C, Table C-4, Comment Category J: Land Resources, J05-Other Public Lands.

#### **S-006-006**

Please refer to Appendix C, Table C-4, Comment Category E: Geology and Soils, E02-Mines/Quarries, General.



<b>S-006-006</b>	<p>Class C aggregates. Avoidance of this resource is recommended.</p> <p>It is difficult to determine from the scale of the Land Use Compatibility Map whether there is more than one sand and gravel mine near the proposed line for Segment 2.</p> <p>Please note that the Aggregate Source Information System (ASIS) is an additional source of information available from the DNR Division of Lands and Minerals regarding aggregate mining and is an inventory of pits used for state projects. However, please note that there are many additional gravel mines that are not in the ASIS database.</p>
<b>S-006-007</b>	<p><u>Segment 3: North Rochester Substation to Mississippi River</u></p> <p>As stated in the attached May 20, 2010 letter, crossings of public waters should generally be located where there is existing infrastructure. For example, the Zumbro River should be crossed where existing infrastructure exists and there is the least impact to resources from clearing or construction activities. The Zumbro River crossing at the white bridge in Segment 3 appears to result in the least impact from clearing, and utilizes an existing river crossing.</p>
<b>S-006-008</b>	<p>Map 8.3.40 shows the statutory boundary of state forest in Segment 3, but does not show the actual state ownership boundary, which would show considerably less acreage. This should be corrected to avoid any confusion about the amount of forested land and state ownership. If needed, the DNR Division of Forestry would be able to assist with more accurate mapping for this area.</p> <p>If final routing does cross state forest, single pole construction is preferred to reduce the acreage of forest clearing.</p> <p>The McCarthy Lake Wildlife Management Area (WMA) has many important natural resources that could be impacted by the proposed project. McCarthy Lake WMA has one of the largest concentrations of the Blanding's turtle, a state-listed threatened species, in the United States and is also considered a significant habitat area for six other species of native turtles. The WMA also receives substantial numbers of waterfowl during spring and fall migrations and provides nesting habitat for sandhill cranes, one of the few in the state for Greater sandhills, and many migratory waterbirds. In addition, there are recorded breeding Henslow's sparrows, state-listed as endangered, and other rare grassland bird species on the WMA, which require open grassland habitats. Studies have shown towers and poles to be considered "hostile" as an environmental component of grassland songbirds. Power line corridors are typically chemically treated to keep brush and trees down, and this may put many native plants at risk. Though there is an existing transmission corridor in this area, expansion of the ROW and construction and maintenance activities would increase impacts in this area. Also a proposed bypass to follow the west property line on the WMA for over a mile (3A-Kellogg or 3P-Kellogg) would cross a wetland mitigation bank currently being constructed. Considering these possible natural resource impacts, and to avoid forest impacts within DNR managed state forest along the Preferred Route, the DNR encourages utilization of Highway 42 (Route 3B-003) in this area.</p>
<b>S-006-009</b>	
<b>S-006-010</b>	
<b>S-006-011</b>	
<b>S-006-012</b>	<p>In Section 8.4, it is unclear if the existing line near the Kellogg Crossing and the proposed line would be collocated on the same poles.</p>
<b>S-006-013</b>	<p>A description is included in the DEIS of an underground configuration to cross the Mississippi River. A thorough assessment of underground routing through this portion of the project is important as the Mississippi River is one of the primary flyways in North America. Underground routing is more expensive and technically challenging and therefore may be considered only practical when a uniquely</p>

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pg. 3

#### **S-006-007**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C07-Opposition to or Preference for a Specific Alternative.

#### **S-006-008**

Please refer to Appendix C, Table C-4, Comment Category J: Land Resources, J05-Other Public Lands.

#### **S-006-009**

Please refer to Appendix C, Table C-4, Comment Category I: Biological Resources, I03-Birds.

#### **S-006-010**

Please refer to Appendix C, Table C-4, Comment Category I: Biological Resources, I08-Vegetative Management Practices.

#### **S-006-011**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C07-Opposition to or Preference for a Specific Alternative.

#### **S-006-012**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A01-Miscellaneous.

#### **S-006-013**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C10-Mississippi River Crossing.



**S-006-013** high risk of natural resource impact exists. Considering that this flyway is one of four primary flyways for all migratory species in North America, that transmission lines pose a risk of avian collision, and that the line is crossing through this narrow flyway corridor, this may be exactly the type of situation warranting the challenging use of underground configuration. A thorough analysis of underground routing, including some assessment of whether this crossing provides the most practical underground engineering out of possible crossings is recommended. This analysis may include locations other than previously described aerial crossings if engineering for underground configuration is more practical at another location.

Analysis of an underground crossing at an existing transmission crossing, such as the Kellogg/Alma location, should include collocation of existing transmission and new transmission so that the possible benefits of underground transmission are not lessened in the analysis.

Whether underground or aerial crossing is planned for this project, further coordination regarding details such as pole placement, pole type and underground line placement should be coordinated with the DNR to address vegetation and wildlife impacts, possible rare species impacts, and for preparation of a License to Cross Public Lands and Waters.

**S-006-014** Rare Species

The DNR recommends that the FEIS include an assessment of state-listed species of special concern as these are rare resources that may be impacted by project activities. Also, the list of legally protected species (state-listed threatened and endangered) may change within the time periods described for project construction. Some state-listed species of special concern may be included as threatened or endangered at the time of final project construction. These species could also become listed during ongoing maintenance activities. Therefore, inclusion in the FIS will assist project developers and the DNR with an understanding of potential impacts at the time of construction.

Key Habitats and Species of Greatest Conservation Need (SGCN) as described in Minnesota's Comprehensive Wildlife Conservation Strategy are mentioned in the beginning of the DEIS, but potential impacts to Key Habitats do not seem to be further discussed. Further analysis of Key Habitats would strengthen an environmental assessment of this project and would be an appropriate way to utilize Minnesota's wildlife planning, considering the possible impact footprint of a large project such as the Hampton – Rochester – La Crosse Transmission Line.

**S-006-015** It appears that an incorrect table was included in Appendix F under the title Segment 1 – Rare Communities. A Rare Species table appears to be included instead of a Rare Communities table. A Rare Communities table should be inserted here.

**S-006-016** Once a route is chosen through the Public Utilities Commission (PUC) permitting process, or earlier if possible, suitable habitat for threatened and endangered species will need to be identified along routes and may need to be surveyed. The applicant should coordinate with the DNR regarding any required surveys for threatened or endangered species. It is important to note that surveys may be required during a specific time period and may affect project planning and scheduling.

**S-006-017** Project Overview

The DEIS indicated that three substations will be expanded or constructed. Brief descriptions of adjacent ROWs, graded areas and grade access roads are provided. The DEIS should include discussion on other existing utility lines within or near the proposed ROW and expand the description on

Laurel 4/29/2011

pg. 4

**S-006-014**

Please refer to Appendix C, Table C-4, Comment Category I: Biological Resources, I04-Special Status Species.

**S-006-015**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A06-Comments Unrelated to RUS Draft EIS.

**S-006-016**

Please refer to Appendix C, Table C-4, Comment Category I: Biological Resources, I04-Special Status Species.

**S-006-017**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A01-Miscellaneous.

- S-006-017** | transmission line proximity to ROWs. While section 8.14.11 provides discussion on shared ROW with highways, this discussion should include shared ROWs with trails, transmission lines, and pipelines as shown on map 8.1-26.
- S-006-018** | Additional information should be provided on the effects to existing Farmland Natural Areas Program easements adjacent to the Applicant's Preferred Route.
- Engineering and Operation Design
- S-006-019** | Figure 4.3-1 indicates heights that are inconsistent with the heights shown in the handout "345kV Transmission Pole Design Alternatives" which was provided at the meeting with the DNR on March 14, 2011. A consistent design should be included in the FEIS.
- The DEIS indicates widths that are inconsistent with the widths shown in the handout "345kV Transmission Pole Design Alternatives" which was provided at the meeting with the DNR on March 14, 2011. A consistent width should be provided in the FEIS.
- Construction
- S-006-020** | The DEIS should evaluate storm water management. Specific practices should be implemented for the protection of water quality from storm water runoff including contaminated runoff from construction, operation and maintenance activities.
- S-006-021** | It is recommended that the DEIS discuss and assess differences between winter and summer construction.
- The DEIS should evaluate the location of storage piles and source of materials used in construction. The DEIS should discuss disposal or wasting of the excavated material from the construction of the tower footings and include consideration of Chronic Wasting Disease precautions.
- The DEIS should discuss permanent and temporary access roads/points to the proposed ROW routes, whether they are asphalt, concrete, gravel, and the season and duration of use. These should be identified and impacts assessed.
- The DEIS should identify all hazardous materials that will be used at project sites, the amount that is to be used and stored, and how they are to be transported. The likelihood and/or frequency of hazardous material spills and response plans should be discussed, particularly near sensitive areas such as water crossings.
- The DEIS should evaluate clearing practices.
- S-006-022** | The DEIS should discuss possible preventive measures and management techniques for invasive species. DNR invasive species standards will apply to state-administered lands and water and will include cleaning of equipment. Native species mixes for re-vegetation and use of clean weed-free straw for mulch will be required on state land and public water crossings. Best Management Practices to avoid the spread of invasive species are also important for the containment of soil contaminated with prions associated with Chronic Wasting Disease.

Laugha 4/29/2011

pg. 3

#### **S-006-018**

Please refer to Appendix C, Table C-4, Comment Category I: Biological Resources, I09-Conservation Easements.

#### **S-006-019**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A06-Comments Unrelated to RUS Draft EIS.

#### **S-006-020**

Please refer to Appendix C, Table C-4, Comment Category F: Water Resources, F02-Surface Water.

#### **S-006-021**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A01-Miscellaneous.

#### **S-006-022**

Please refer to Appendix C, Table C-4, Comment Category I: Biological Resources, I05-Invasive Species.

**S-006-023** Required Permits and Approvals

The review and issuance of DNR lands and water crossing licenses are coordinated by the DNR Division of Lands and Minerals. The Lands and Minerals Regional Supervisor for Dakota Goodhue and Wabasha counties is Trina Zieman (651/259-5792). The applicant should contact Trina Zieman to schedule a pre-application meeting to discuss administrative procedures for submitting the land and water crossing applications. Several licenses may be required depending on the timing and scope of the project. DNR monitoring will be required in the DNR licenses. Independent monitors may also be required during construction. Additional work areas on state land that are adjacent to the ROW may be considered under the land crossing license application. Temporary access to the ROW across state land is not part of the license application process and is considered a separate transaction. Such temporary access could not be granted through a lease. Requests for temporary access require review and approval and may not be granted. Adequate time for processing these requests should be allowed. Please also consider Executive Order 11-04, which sets a goal for the DNR of completing environmental permits within 30 days of final approval of the Final Environmental Impact Statement. Coordination may be necessary regarding this project and meeting the goal included in Executive Order 11-04.

**S-006-024** Please note that the DLIS page numbering and some map numbering appears to be different on two different versions of the document available during the comment period. The DNR appreciates receipt of the notice related to these changes. However, it is possible there may be some references in DNR comments that unintentionally do not match the most updated DEIS version. Please feel free to contact me with any needed clarifications if any confusion exists.

DNR staff appreciate the opportunity to review the DEIS for the Hampton – Rochester – La Crosse Transmission Line Project.

Sincerely,



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

Enclosures: 1

C: Richard Davis, USFWS  
Tom Hillstrom, Xcel Energy  
Melissa Dopersalski, DNR

Laurel 4/29/2011

-106-

**S-006-023**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A01-Miscellaneous.

**S-006-024**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A06-Comments Unrelated to RUS Draft EIS.

Minnesota Department of Natural Resources  
500 Lafayette Road • St. Paul, MN • 55155-40



May 20, 2010

Matthew Langan  
State Permit Manager  
Minnesota Office of Energy Security  
85 7th Place East, Suite 500  
St. Paul, Minnesota, 55101-2198

Re: Route Permit Application and Draft Environmental Impact Statement (DEIS) Scoping for the Hampton-Rochester-La Crosse 345 kV Transmission Line Project [PUC Docket Number: E002/TL-09-1448]

Dear Mr. Langan:

**S-006-025** The Minnesota Department of Natural Resources (DNR) has reviewed the route permit application for the Hampton-Rochester-La Crosse 345 kV Transmission Line Project and offers the following comments regarding the application and scoping for the DEIS. General DEIS Scoping Comments and Preferred, Alternate, and Route Option Comments are included. Most comments are suggested topics for analysis in the DEIS. Some comments are also provided as a review of the route permit application and are intended for early coordination of permit related topics.

**General DEIS Scoping Comments**

**S-006-026** The DEIS should include a comparative environmental analysis of the Preferred, Alternate, and Route Options to determine which route would minimize negative environmental effects from the project. The DNR has several sources of information that should be included as part of the comparative analysis. The Natural Heritage Information System (NHIS) provides information on rare resources such as state threatened and endangered plant and animal species that should be included in the comparative analysis as well as an impact assessment and potential mitigation for the various alternatives carried forward for analysis in the EIS. The Minnesota County Biological Survey (MCBS) identifies and maps native plant communities and sites of outstanding, high and moderate biodiversity that should also be used. The MDNR has also prepared a comprehensive wildlife conservation strategy (*Tomorrow's Habitat for the Wild and Rare, An Action Plan for Minnesota Wildlife*, Jan. 2006) that identifies key habitats for Species of Greatest Conservation Need within each Ecological Classification System (ECS) subsection. The degree to which key habitats are affected by an alternative should also be included in the comparative analysis as well as an impact assessment and potential mitigation for the various alternatives carried forward in the EIS.

**S-006-027** It should be noted that rare species surveys will be required if any native prairie remnants, other potential habitat of state-listed threatened, or endangered species will be impacted by the proposed project. In addition, habitat surveys may be required if more information is needed to assess areas with limited data.

Langan 5/20/2010



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**S-006-025**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A06-Comments Unrelated to RUS Draft EIS.

**S-006-026**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A01-Miscellaneous.

**S-006-027**

Please refer to Appendix C, Table C-4, Comment Category I: Biological Resources, I04-Special Status Species.

<b>S-006-027</b>	<p>The DEIS should include detailed information concerning any possible state-listed threatened or endangered species takings.</p> <p>Tables 5.1-5 and 5.2-2 of the Route Permit Application, dated January 20, 2010, provide a format for communicating the rationale for choosing the Preferred over the Alternate Route selections. The DEIS should include details of where these features are located within the segments of the identified routes would be helpful in determining which route would have the least environmental impact to natural resources. An example of some of the features that warrant further discussion include conservation areas, grasslands, native communities, bluff habitats, and state-owned lands.</p> <p>The application discusses further coordination between the project proposer and the DNR regarding rare species and habitats. The DNR encourages this further coordination. GIS shapefiles are needed from the project proposer for DNR review of rare species and habitats in the project area.</p>
<b>S-006-028</b>	<p>The DEIS should identify the locations, associated natural resource impacts, and mitigation planned for temporary laydown areas and staging areas for each route described.</p> <p>The DEIS should describe maintenance activities, possible associated natural resource impacts, and mitigation that will take place associated with this project for each route. For example, maintenance activities within public lands may be detrimental to natural resources if herbicide spraying were included.</p>
<b>S-006-029</b>	<p>The DEIS should identify distances to nearby State Parks. If a route is proposed near a State Park, the DEIS should include a watershed analysis and a description of the effects the transmission line would have to park visitors.</p>
<b>S-006-030</b>	<p><b>Preferred, Alternative, and Route Options</b></p> <p>There are two routes identified for crossing the Cannon River. Portions of the Cannon River in this area are designated as a State Recreation River per Minnesota Rules 6106.1600. State wild, scenic and recreational rivers are defined as rivers, along with their adjacent lands, that possess outstanding scenic, scientific, historical, and recreational resources (MN Statutes 86A.05, Subd.10). A greenfield crossing of the Cannon River would have substantial negative effects to the natural characteristics which underlie the Wild and Scenic River designation. In addition, Dakota County's Master Plan for Lake Byllesby Regional Park references the area as having high potential for intact pre-contact archaeological resources due the relatively undisturbed nature of the area (<i>Lake Byllesby Regional Park Master Plan</i>, July 2005). Routes to crossing this river should be limited to existing disturbed corridors such as highways or existing transmission lines.</p>
<b>S-006-031</b>	<p>The Preferred, Alternate, and Route Options would adversely affect the McCarthy Lake Wildlife Management Area (WMA). This area has many important natural resources that could be impacted by the proposed project. McCarthy Lake WMA has one of the largest concentrations of the Blanding's turtle, a state-listed threatened species, in the United States and is also considered</p>

Langan 5/20/2010

2

#### **S-006-028**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A01-Miscellaneous.

#### **S-006-029**

Please refer to Appendix C, Table C-4, Comment Category J: Land Resources, J05-Other Public Lands.

#### **S-006-030**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C07-Opposition to or Preference for a Specific Alternative.

#### **S-006-031**

Please refer to Appendix C, Table C-4, Comment Category J: Land Resources, J05-Other Public Lands.

- S-006-031** | a significant habitat area for six other species of native turtles. The WMA also receives substantial numbers of waterfowl during spring and fall migrations and provides nesting habitat for sandhill cranes, one of the few in the state for Greater sandhills, and many migratory waterbirds. In addition, there are recorded breeding Henslow's sparrows, state-listed as endangered, and other rare grassland bird species on the WMA, which require open grassland habitats. Studies have shown towers and poles to be considered "hostile" as an environmental component of grassland songbirds. Power line corridors are typically chemically treated to keep brush and trees down, and this would put many native plants at risk. Although there is a route option to avoid the WMA, the proposed bypass would follow the west property line on the WMA for over a mile and would cross a wetland mitigation bank currently being constructed. The DNR cannot support this route option. The DEIS should analyze another route option in the area to avoid the above listed natural resources.
- S-006-032** | One of the proposed alignments is adjacent to the Woodbury WMA in Goodhue County near Zumbrota. There is a 69kV line less than a mile to the north. The DNR would recommend that the new line follow the existing alignment to the north for this route.
- S-006-033** | Page 3-3 of Section 3.0 of the route permit application discusses coordinating structure design with the USFWS. The DNR is interested in structure design related to public land and water crossings, particularly if a route crosses an area such as a state forest or WMA. Please coordinate with the DNR regarding the Mississippi River Crossing and other public land or water crossings.
- S-006-034** | Generally, crossings of public waters should be located where there is existing infrastructure. For example, the Zumbro River should be crossed where existing infrastructure exists and there is the least impact to resources from clearing or construction activities. The Preferred Route crossing of the Zumbro appears to result in the least impact from clearing, and utilizes an existing river crossing.
- S-006-035** | The Douglas State Trail corridor is a 100-foot ROW owned by the DNR. The corridor was purchased using federal Land and Water Conservation Fund Act (LAWCON) funds, which stipulate that the use of the corridor remains recreational. In Rochester, transmission lines run parallel the Douglas State Trail between 60<sup>th</sup> Ave NW and CSAH 22 (West Circle Dr.). The DEIS should give more detail about whether the trail ROW and the transmission line ROW overlap. If they do, there may be conflicts with LAWCON funding.
- The purpose of the Land and Water Conservation Fund Act (LAWCON) is to help preserve, develop and provide accessibility to outdoor recreation resources. LAWCON stipulates that any land planned, developed or improved with LAWCON funds cannot be converted to other than outdoor recreational use unless replacement land of at least equal fair market value and reasonable equivalent useful is provided. (Title 16 of U.S. Code, Chapter 45, Section 2509). The process related to determining whether a crossing of public lands with LAWCON funding is possible may be time consuming. If any routes are proposed to cross public land, the applicant should coordinate with the DNR to determine whether the public lands have LAWCON funding and determine further steps regarding the license to cross public lands and waters. If any conflicts exist with the purpose of LAWCON funding, the DEIS should explain this topic.

Langus 5/20/2010

3

#### **S-006-032**

Please refer to Appendix C, Table C-4, Comment Category C:  
Alternatives, C07-Opposition to or Preference for a Specific Alternative.

#### **S-006-033**

Please refer to Appendix C, Table C-4, Comment Category D:  
Consultation, Coordination, and Public Involvement, D01-General/Other.

#### **S-006-034**

Please refer to Appendix C, Table C-4, Comment Category C:  
Alternatives, C07-Opposition to or Preference for a Specific Alternative.

#### **S-006-035**

Please refer to Appendix C, Table C-4, Comment Category J:  
Land Resources, J05-Other Public Lands.

**S-006-036**

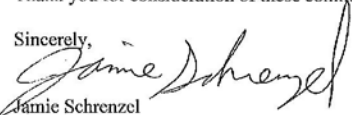
The DEIS should include a robust description of possible underground crossings of the Mississippi River. The Mississippi River is one of the primary flyways in North America and, as discussed in the route permit application, a National Wildlife and Fish Refuge in this area. Examples of ways to further analyze an underground option follow: Underground route crossing options discussed in the DEIS should not only include an underground option at the location(s) best suited for considering aerial crossings, but should include an underground route at the location(s) best suited for engineering an underground route, which may or may not be the same location as the Alma crossing. The reasoning for the route(s) chosen for an underground crossing analysis should be included with the description of underground routing. A comparison of impacts and mitigation should be included for aerial and underground crossings of the Mississippi.

**S-006-037**

It would be informative if the DEIS contained a brief discussion of the possible extent of impacts in Wisconsin, particularly related to how the choice of a Mississippi River crossing location affects routing in Wisconsin and Minnesota. Providing information in the DEIS regarding the impacts in both Minnesota and Wisconsin would help the reader better assess the overall environmental impacts of an interstate project.

Thank you for consideration of these comments. If you have any questions, please contact me.

Sincerely,

  
Jamie Schrenzel

Principal Planner

Environmental Review Unit

(651) 259-5115

**S-006-036**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

**S-006-037**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A06-Comments Unrelated to RUS Draft EIS.

500 Lafayette Road • St. Paul, MN • 55155-40



Judge Kathleen D. Sheehy  
Office of Administrative Hearings  
P.O. Box 64620  
600 North Robert Street  
St. Paul, Minnesota 55164-0620

Re: Hampton-Rochester-La Crosse 345 kV and 161 kV Transmission Line Project  
[PUC Docket Number: E002/TL-09-1448; OAH Docket No. 3-2500-21181-21]

Dear Judge Sheehy:

**S-006-038**

The Minnesota Department of Natural Resources (DNR) has reviewed the Route Permit Application and Draft Environmental Impact Statement (DEIS) for the Hampton-Rochester-La Crosse Transmission Line Project and has provided testimony during the Office of Administrative Hearings (OAH) evidentiary hearing. The attached comments regarding the DEIS, dated April 29, 2011, are included for analysis and consideration in the administrative record and findings of fact. In addition to these comments, further clarification is provided, as requested by parties in the evidentiary hearing, regarding DNR comments about possible Zumbro River crossings in Segment 3 of the project.

**S-006-039**

As stated in previous comment letters, the DNR recommends crossings of public waters to generally be located where there is existing infrastructure. For example, the Zumbro River should be crossed where existing infrastructure exists and there is the least impact to resources from clearing or construction activities. The Zumbro River crossing at the white bridge in Segment 3 appears to result in the least impact from clearing, and utilizes an existing river crossing.

Specifically, there are three Zumbro River crossings included in the project record: the north crossing, which is a greenfield crossing, a middle crossing at a dam, and the southernmost crossing at the white bridge. As stated above a crossing with no existing infrastructure such as the northernmost crossing is not encouraged. The northernmost crossing also has Natural Heritage Information System (NHIS) records of a state-listed threatened turtle in the vicinity of the crossing. There is also a Minnesota County Biological Survey (MCBS) Site of Biodiversity Significance ranked as Moderate near the crossing. The Zumbro River crossing near the dam is located next to an MCBS Site of Biodiversity Significance ranked as High. Rare species in the area include state-listed special concern American ginseng (plant), and state-listed special concern moschatel (plant). The southernmost white bridge crossing would affect an MCBS site of Biodiversity Significance ranked as Moderate and one ranked as Below. To avoid a greenfield crossing, the northernmost route is not recommended. Considering a comparison of rare species, MCBS site presence and ranking, and a general goal of reducing deforestation between the two crossings with existing infrastructure, the DNR recommends utilizing the white bridge crossing in this area rather than the crossing at the dam.

Thank you for the opportunity to provide input regarding the Hamplon-Rochester-La Crosse Transmission Line Project. Please contact me with any questions regarding the attached comments, evidentiary hearing testimony, or additional information provided in this letter.

Sincerely,

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

Enclosures: 1

Indrajeet Sheehy (12/29/2011)

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**S-006-038**

Please refer to Appendix C, Table C-4, Comment Category A:  
General/Other, A06-Comments Unrelated to RUS Draft EIS.

**S-006-039**

Please refer to Appendix C, Table C-4, Comment Category J:  
Land Resources, J01-General/Other.



L-001-001

Comment noted.



David J. Eddy  
County Board Supervisor  
District 6

212 Oak St.  
Monfreville WI 54755-1203

(715) 826-4074  
email: dazteddy@yahoo.com

January 18, 2012

Stephanie A. Strength  
USDA, Rural development, Utilities Programs  
1400 Independence Avenue SW  
Washington DC 20250-1570

Dear Ms. Strength,

L-001-001

I would like to reiterate some of my comments from my testimony in Alma Wisconsin on January 9, 2012. I failed to state that I understand the need for Smart Grid technology, updating the infrastructure for the future and the gains from less resistance loss that the higher voltage lines provide. The structure to meet future needs is important to link our country. However, MISO is too big, just like their solutions are too big. Their projects proposed to be done by 2016 are over-weight with coal fired plants that require hauling coal huge distances. They keep using higher sulfur coals and pay the fines, because the fines are not high enough to affect their costs of doing business. Their business plans are outdated and no longer reflect the industry standards needed to address the future. My research paper from 1986, while I attended UW-Green Bay, stated that issue then. It still holds true today. Just like the big banks find easier to deal with foreclosures than home loan modifications, they are out of step. I have learned over time that very often that big problems are solved by taking them a part and dealing with the various parts individually.

In Buffalo County, we have bought into electrical generation. We have the Dairyland Power Plant that provides electricity far out from our County. There is a distribution and transfer system in place. That is why I am so against the State Road 88 project. Not only is it very expensive, but it also is a duplication of a service line that in its construction would exact a huge cost to what essentially is Buffalo County. If it is deemed necessary, the line should follow down State Road 35 as it is now. This is the appropriate use of Department of Agriculture funds that would not go against the mission of the Department itself. The farms and agricultural business that would be destroyed is very great for our little county. The cost in farm culture and to the "pursuit of happiness" to our citizens would be immense. The money could be better spent changing the fuels at the Dairyland station over to renewables like bio-mass and waste-to-energy projects that enhance the area's resources, provide jobs locally and reduce the size of the carbon footprint. It makes use of the wonderful scrubbers on their furnaces.

I am also a Board member on the La Crosse County Solid Waste Policy Board. We work with the WTE plant at French Island. We have made dramatic progress in utilizing the resources of the area. Right now, we are working on mixing wood waste and Ag bags (plastic silo bags) to form a high temperature, high BTU fuel for the burners at French Island. These are projects that are needed for our future. With help from the Federal government, we could move forward with other projects that would take the

L-001-001

waste from our "throw away" society and turn it into a resource rather than a problem. Principles like this could make a better place for our children and cost far less than the \$857,000 per megawatt costing MISO right now. Emerson wrote that it isn't the amount of coal we use, it's the heat (work) that we get out of the coal we use.

Another issue is MISO's incorporation of renewable energy into their system. In the Minnesota Public Utilities Commission case, power purchase agreements had to be forced on MISO to assure they integrated renewable energy into the system, because as Mr. Ellison put it, "Applicants would have no particular rights to transmit renewable energy because they have contracted with renewable energy contractors or plan to construct utility-owned renewable energy projects." They are interested in their profits rather than the needs of the citizens they are given monopoly power over. It becomes the necessity of you, government regulators, to assure the needs of the citizens are upheld. The taxpayers do not need to provide the capital for big business or for cooperatives where both the cost and the interest will be paid by the retail customer. With natural gas inventories at 87 million cubic feet today and the flexibility of gas-fired generation, the future needs can be met with American fuels that leave less of a carbon footprint. Their smaller size and reduced cost are a better use of taxpayer money. The cost of natural gas and the future costs look extremely attractive. The frac sand for this production is coming right from this area. Let us gain from the work we are doing today. Almost anything can be reduced to a gas, which allow plants to take advantage of future discoveries. Let's look to the future and find a better path.

Sincerely,



TOWN of BELVIDERE  
DAVID DANZINGER, CHAIRMAN

ROBERT TUXEN, SUPERVISOR  
WARREN RIVETTE, SUPERVISOR

DEBORAH M RUFF, CLERK  
BARBARA J BROMMER, TREASURER

FEBRUARY 14, 2012

PUBLIC SERVICE COMMISSION OF WISCONSIN  
KEN RINNER  
610 NORTH WHITNEY WAY  
PO BOX 7854  
MADISON WI 53707-7854

STEPHANIE A STRENGTH  
RURAL UTILITIES SERVICE  
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WASHINGTON DC 20250-0700

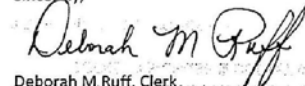
RE: CAPX2020 345 KV TRANSMISSION LINE PROJECT  
DOCKET # 5-CE-136 & DOCKET # 137-CE-160

TO WHOM IT MAY CONCERN:

The Town Board of Belvidere, Buffalo County, Wisconsin, have reviewed the projected routes of this proposed Transmission Line. The Board has passed the enclosed **Resolution #2012 - 1** at our recent Board Meeting against this project route. A copy is enclosed for your reference.

Thank you for allowing our comments to be heard.

Sincerely,



Deborah M Ruff, Clerk  
Town of Belvidere  
52050 Hickory Lane  
Alma WI 54610 - 8015

Enclosures

RESOLUTION REGARDING CAPX2020 APPLICATION FOR A 345 kV  
TRANSMISSION POWERLINE PROJECT - #2012 - 1

WHEREAS, Xcel Energy, Dairyland Power and others have proposed CapX2020 transmission line project including a 345 kV high voltage power line from Alma to North La Crosse; and

- L-002-001** | WHEREAS, the CapX2020 Alma-North La Crosse 345 kV project includes proposed route corridors which cut across rivers, farms, forests and valleys, scenic bluffs, wetlands and wildlife and waterfowl habitats, exceptional water resources, cultural and economic districts in the Town of Belvidere; and
- L-002-002** | WHEREAS, the Town of Belvidere is charged with protecting and enhancing the Town's public safety and assets, including the scenic beauty of the hills and coulees - which would be adversely affected by the 130 to 170 foot steel towers and high voltage power lines proposed for the CAPX2020 Alma-North La Crosse project; and
- L-002-003** | WHEREAS, the use of electricity in Wisconsin and adjacent states has declined since a 2006 peak and demand is projected to remain flat in the predictable future; and
- L-002-004** | WHEREAS, it is the township's belief that the claim of need for the line is overstated and that there are other ways of meeting any electrical need claimed by applicants that should be considered and implemented first, including efficiencies, demand and supply side management, locally produced and distributed renewable energy, and energy-related economic development, before high voltage transmission is considered; and
- L-002-005** | WHEREAS, the Alma-North La Crosse high voltage power line would cost ratepayers more than \$250 million and be part of a \$2.3-3.6 billion grid expansion project in the Midwest; and
- L-002-006** | WHEREAS, building a high voltage transmission line would require use of public rights of way and condemnation of private property for easements; and the centerline of this transmission line on its 150 foot right of way could be placed within 75 feet of a residence or business; and
- L-002-007** | WHEREAS, a new 345kV transmission line will result in increased electricity costs for all ratepayers, loss of property value and tax base because of the impact on viewshed and dangers that high voltage power lines inherently carry, and create adverse effect on the area's tourism and general economy; and

**L-002-001**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A11-General Environmental Impact.

**L-002-002**

Please refer to Appendix C, Table C-4, Comment Category K: Visual Resources, K01-General/Other.

**L-002-003**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B02-Need Questioned.

**L-002-004**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

**L-002-005**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A13-General Comments not Requiring Response.

**L-002-006**

Please refer to Appendix C, Table C-4, Comment Category J: Land Resources, J01-General/Other.

**L-002-007**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A02-General Opposition.

<b>L-002-008</b>	WHEREAS, there is a growing body of health concerns including medical studies which have shown an association between exposure to electromagnetic fields produced by high voltage transmission lines, childhood leukemia, neurological diseases and conditions, and other health effects; and
<b>L-002-009</b>	WHEREAS, transmission line projects approved by the PSC of WI are required by WI statutes (196.49 (3) and 196.491(3)(d)) to have costs that are in proportion to their benefits, must satisfy the reasonable needs of the public for adequate energy supply and must also not be overbuilt or designed in excess of probable future energy needs; THEREFORE
	BE IT RESOLVED, that
<b>L-002-010</b>	1. The Town of Belvidere opposes the planned grid expansion project in the Midwest and specifically the Alma-North La Crosse 345 kV power line; and
<b>L-002-011</b>	2. The Town requests that additional on the record public hearings be held near the Town of Belvidere in Wisconsin before a recommendation on a Certificate of Public Convenience and Necessity is made for the project; and
<b>L-002-012</b>	3. The Town requests that it not be utilized as a pass through for transmission for which it incurs significant costs, but receives little to no benefit; and
<b>L-002-013</b>	4. The Town requests that clear, detailed information be provided to the town explaining the perceived need for the 345 kV power line which includes supporting objective studies and forecasts with a cost benefit analysis comparing the efficiency-only, locally produced and distributed generation options with the high voltage option, individually and in combination; and
<b>L-002-014</b>	5. The Town requests, rather than build transmission lines, that every effort be made in developing or enhancing the energy system on which the Town relies to do the following:  Implement and enforce WI State Statute 1993, Wisconsin Bill 414 that states: "In meeting energy demands, the policy of the State is that, to the extent cost-effective and technically feasible, options be considered based on the following priorities, in the order listed: (a) Energy conservation and efficiency. (b) Noncombustible renewable energy resources. (c) Combustible renewable energy resources. (d) Nonrenewable combustible energy resources, in the order listed: 1) Natural gas. 2) Oil or coal with a sulphur content of less than 1%. 3) All other carbon-based fuels."

#### **L-002-008**

Please refer to Appendix C, Table C-4, Comment Category N: Public Health and Safety, N02-Health Effects of EMF.

#### **L-002-009**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A01-Miscellaneous.

#### **L-002-010**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A02-General Opposition.

#### **L-002-011**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A06-Comments Unrelated to RUS Draft EIS.

#### **L-002-012**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B03-Benefit to Local Customers Questioned.

#### **L-002-013**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B02-Need Questioned.

#### **L-002-014**

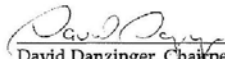
Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

L-002-015


6. Furthermore, the Town requests that any local need be met through adoption and enactment of Wisconsin's energy policy by implementing local ownership of energy generation that includes dispersed renewable energy to support the local economy, and to minimize the size, scale, voltage and environmental impacts of electric transmission.

The Town Clerk is hereby authorized to request that the Town be added to project notice lists and request a copy of the application for the CAPX2020 transmission project from the utilities to be available in the Town. The Town Clerk is directed to transmit this resolution and other appropriate documents to the WI Public Service Commission Docket # 5-CE-136 and Docket #137-CE-160 and to the Administrative Law Judge and state Commission staff conducting proceedings for the CAPX2020 345 kV Transmission Line Project.

NOW THEREFORE BE IT RESOLVED, that the Town of Belvidere, Buffalo County, hereby ADOPT this RESOLUTION on the 14<sup>th</sup> day of FEBRUARY, 2012.

  
David Danzinger, Chairperson

ATTESTED BY:

  
Deborah M Ruff, Clerk

## L-002-015

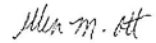
Please refer to Appendix C, Table C-4, Comment Category A:  
General/Other, A06-Comments Unrelated to RUS Draft EIS.

25 January 2012

Dear Ms. Strength,

I am enclosing a copy of a resolution which passed in our township on January 18, 2012 opposing the CapX2020 transmission line. Please file as part of the DEIS process.

Thank you very much,

A handwritten signature in cursive script, appearing to read "Ellen M. Ott".

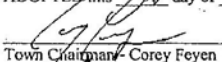
Ellen M. Ott

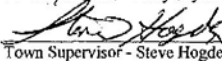
Resident of Town of Caledonia, Trempealeau County, Wisconsin

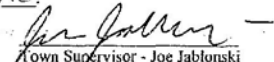
**Resolution regarding opposition to CapX2020 and ATC applications for a 345 kV transmission line project through the Town of Caledonia, Trempealeau County, Wisconsin**

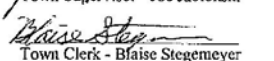
- L-003-001** WHEREAS, Xcel Energy, Dairyland Power and American Transmission Company have proposed CapX2020 Phase I and Badger Coulee transmission line projects, including a 345 kV high voltage power line from Alma, Wisconsin through the Trempealeau River wetlands, continuing through the Town of Trempealeau, and into the Town of Caledonia, and traversing the Van Loon Wildlife Area along the Great River Scenic Byway; the so-called Q1 route; and,
- WHEREAS, the Town of Caledonia Board is charged with protecting the assets of the township including private property, farms and the tourist economy; and enhancing the public safety, welfare, economy and natural beauty of the township; and
- L-003-002** WHEREAS, the use of electricity in Wisconsin has remained relatively stable since 2006; and,
- L-003-003** WHEREAS, the costs of the powerline puts an undue and unnecessary burden on the township at a total cost to ratepayers of more than \$675 million in a total of \$2.3-3.6 BILLION grid expansion project in the Midwest; and,
- WHEREAS, transmission line projects approved by the PSC of WI are required by WI statutes (196.49 (3) and 196.491 (3) (d)) to have costs that are in proportion to their benefits, must satisfy the reasonable needs of the public for adequate energy supply and must also not be overbuilt or designed in excess of probable future energy needs; and
- L-003-004** WHEREAS the possible risks of high voltage power lines include adverse health effects to humans and livestock, and;
- L-003-005** WHEREAS, the Town Board represents the citizens of the township, and that citizenry is expressing concerns about property values and health risks;
- L-003-006** BE IT RESOLVED, that the township encourages first conservation, energy efficiency and the use of renewables to better meet the energy needs of the state rather than long distance energy transmission;
- L-003-007** NOW AND THEREFORE, BE IT RESOLVED that the Town of Caledonia Board of Supervisors hereby oppose the planned grid expansion project in the Midwest and specifically the Alma to Madison 345 kV powerline which will traverse our township.
- BE IT FURTHER RESOLVED, that the town clerk shall send this resolution to the Wisconsin Public Service Commission regarding Docket #5-CE-136 and Docket #137-CE-160 and to the Administrative Law Judges conducting proceedings for the CapX2020 and the Badger Coulee 345 kV Transmission Line. The Town of Caledonia also requests that additional on the record public hearings be held in the project area before a recommendation on a Certificate for Public Convenience and Necessity is made for any project.
- FISCAL NOTE: No additional cost to Town of Caledonia.

NOW THEREFORE BE IT RESOLVED, that the Town of Caledonia hereby approves this resolution ADOPTED this 18 day of January, 2012.

  
Town Chairman - Corey Feyen

  
Town Supervisor - Steve Hogden

  
Town Supervisor - Joe Jablonski

  
Town Clerk - Blaise Stegemeyer

**L-003-001**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A02-General Opposition.

**L-003-002**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B02-Need Questioned.

**L-003-003**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B03-Benefit to Local Customers Questioned.

**L-003-004**

Please refer to Appendix C, Table C-4, Comment Category N: Public Health and Safety, N01-General/Other.

**L-003-005**

Please refer to Appendix C, Table C-4, Comment Category O: Socioeconomics and Environmental Justice, O05-Property Values.

**L-003-006**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

**L-003-007**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A02-General Opposition.





U.S. Department of Agriculture, Rural Development  
Rural Utilities Service

**Public Meetings**

**January 9 to 13, 2012: Cannon Falls, Wanamingo and Plainview, Minnesota and  
Aima and Galesville Wisconsin**

Draft Environmental Impact Statement for Hampton – Rochester – La Crosse  
345 kV Transmission System Improvement Project

L-004-001

The consensus from the Town of Gale Board is  
that we are not in favor of a resolution against  
the CapX2020 line. We feel the best and most

L-004-002

economical route would be to follow the  
existing route along the river, if this project  
passes.

Optional: Name: Town of Gale Board

Address: 118700 Trim Rd, Galesville WI 54630

If you would like to take this form with you, please mail by ~~2/2/12~~ **FEB. 13**, 2012 to the address  
on the back of this form. Fold the form in thirds so the address appears on the outside,  
staple or tape closed, add a stamp and mail.

Or email your comments to [Stakeholder.strength@wdc.usda.gov](mailto:Stakeholder.strength@wdc.usda.gov)

Information and updates can be found on the following web site:

<http://www.rurdev.usda.gov/WWW/CapX2020-Hampton-Rochester-LaCrosse.html>

**L-004-001**

Please refer to Appendix C, Table C-4, Comment Category A:  
General/Other, A13-General Comments not Requiring Response.

**L-004-002**

Please refer to Appendix C, Table C-4, Comment Category C:  
Alternatives, C08-Use of Existing Corridors.

From: Kalene Engel [<mailto:kalene@engellawoffice.com>]  
Sent: Thursday, December 22, 2011 8:11 AM  
To: Strength, Stephanie - RD, Washington, DC  
Cc: 'Kalene Engel'  
Subject: Written Comments from Town of Milton, Buffalo County on CapX Project

Ms. Strength:

Attached is a resolution passed by our Town Board last night that we would like included as written comments on the EIS for the above project (Hampton-Rochester-La Crosse).

Please e-mail me back to confirm that you have received this e-mail and are able to access the attachment.

Thank you,

Kalene Engel

Town Clerk <<...>>

Kalene Engel  
[kalene@engellawoffice.com](mailto:kalene@engellawoffice.com)

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

## Resolution

### TOWN OF MILTON RESOLUTION REGARDING CAPX2020 APPLICATION FOR A 345 kV TRANSMISSION LINE PROJECT

- L-005-001** WHEREAS, WPPI Energy, Dairyland Power Cooperative, Northern States Power Company-Wisconsin have applied for authority to construct and place in service 345 kV electric transmission lines and electric substation facilities for the Alma-La Crosse Project. The 346kV line would extend from the Wisconsin border in the Mississippi River west of Alma, Wisconsin, in Buffalo County, through Trempealeau County to a new 345/161 kV substation, known as the Briggs Road Substation, to be built on the southwest side of Holmen, Wisconsin, in La Crosse County; and
- WHEREAS, the CapX2020 Alma to North La Crosse phase includes a proposed route corridor Q1-Highway 35 along with WI-88 connector options A & B which extends through the Town of Milton;
- WHEREAS, significant portions of the proposed Q1-Highway 35 route corridor with the 130 to 175 foot steel towers and high voltage power lines will cut across rivers, farms, forests and valleys, scenic bluffs and wildlife and waterfowl habitats, exceptional water resources, cultural and economic districts in the Town of Milton; and
- WHEREAS, the Town of Milton is charged with protecting and enhancing the Town's public safety and assets, including the scenic beauty of the hills, coulees, wetlands and Mississippi backwaters, which would be adversely affected by the 130 to 175 foot steel towers and high voltage power lines proposed for the CapX2020 and Hampton-Rochester-La Crosse Project; and
- L-005-002** WHEREAS, the use of electricity in Wisconsin and adjacent states has declined significantly since a 2006 peak and demand is projected to remain flat in the predictable future; and
- WHEREAS, building a high voltage transmission line through the Town of Milton would require use of public rights of way and condemnation of private property for easements; and the centerline of this transmission line on its 150 foot right of way could be placed within 75 feet of a residence; and
- L-005-003** WHEREAS, a new 345 kV transmission line will result in increased electricity costs for all ratepayers, loss of property value because of the dangers that high voltage power lines inherently carry, and create adverse effect on the Town of Milton's tourism and general economy; and
- L-005-004** WHEREAS, it is the township's belief that there are other ways of meeting any electrical need claimed by applicants that should be considered and implemented first, including efficiencies, demand and supply side management, locally produced and distributed renewable energy, and energy-related economic development, before high voltage transmission is considered; and

#### **L-005-001**

Please refer to Appendix C, Table C-4, Comment Category K: Visual Resources, K01-General/Other.

#### **L-005-002**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B02-Need Questioned.

#### **L-005-003**

Please refer to Appendix C, Table C-4, Comment Category O: Socioeconomics and Environmental Justice, O05-Property Values.

#### **L-005-004**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

THEREFORE BE IT RESOLVED, that

- L-005-005** | 1. In general, the Town of Milton is non-supportive of the need for the CapX2020 Alma LaCrosse-Project based on the following concerns:
- L-005-006** |     (a) Apparent declining demand for electrical energy.
- L-005-007** |     (b) Environmental impact of the massive towers and lines.
- L-005-008** |     (c) Potential increased rates.
- L-005-009** |     (d) Decreased home values and tourism.
- (e) Potential increased health risks (EMF, etc.)
- L-005-010** | 2. The Town of Milton insists that the Public Service Commission of Wisconsin implement and enforce Wis. Stat. Secs. 1.12 and 196.025 that require the Commission to give priority to specific methods of meeting energy demands to the extent those methods are "cost-effective and technically feasible and to consider options based upon the following priorities, in the order listed, for all energy-related decisions:
- (a) Energy conservation and efficiency
- (b) Noncombustible renewable energy resources.
- (c) Combustible renewable energy resources.
- (d) Nonrenewable combustible energy resources, in the order listed:
1. Natural gas
2. Oil or coal with a sulphur content of less than 1%.
3. All other carbon-based fuels.
- L-005-011** | 3. The Town of Milton insists that the Public Service Commission of Wisconsin implement and enforce Wis. Stat. Sec. 1.12(6) which directs the Commission to consider corridor sharing opportunities when reviewing transmission facility projects and to, when feasible, utilize corridors in the following order of priority:
- (a) Existing corridors:
- (b) Highway and railroad corridors
- (c) Recreational trails, to the extent that the facilities may be constructed below ground and that the facilities do not significantly impact environmentally sensitive areas; and
- (d) New corridors
- L-005-012** | 4. The Town of Milton specifically opposes the Alma to North La Crosse proposed corridor identified as Q1-Highway 35 believing that the proposed corridor identified as Arcadia (From Alma eastward along an existing 69 kV transmission line corridor to northeast of Arcadia) presents an alternative with less environmental impact.
- The Town of Milton Clerk is authorized to forward this resolution to the Wisconsin Public Service Commission of Wisconsin, Docket #5-CE-136 and to the U.S. Department of Agriculture.

#### **L-005-005**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B02-Need Questioned.

#### **L-005-006**

Please refer to Appendix C, Table C-4, Comment Category K: Visual Resources, K01-General/Other.

#### **L-005-007**

Please refer to Appendix C, Table C-4, Comment Category O: Socioeconomics and Environmental Justice, O05-Property Values.

#### **L-005-008**

Please refer to Appendix C, Table C-4, Comment Category O: Socioeconomics and Environmental Justice, O07-Tourism.

#### **L-005-009**

Please refer to Appendix C, Table C-4, Comment Category N: Public Health and Safety, N02-Health Effects of EMF.

#### **L-005-010**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

#### **L-005-011**


Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C08-Use of Existing Corridors.

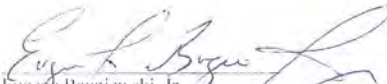
#### **L-005-012**

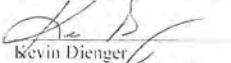
Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C07-Opposition to or Preference for a Specific Alternative.

NOW THEREFORE BE IT RESOLVED, that the Town of Milton hereby approves the resolution ADOPTED this 21<sup>st</sup> day of December, 2011.

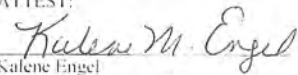
Signed:

  
Robert Platteter  
Chairman, Town of Milton

  
Eugene Bagniewski, Jr.  
Supervisor, Town of Milton

  
Kevin Dienger  
Supervisor, Town of Milton

ATTEST:

  
Kalene Engel  
Town Clerk, Town of Milton

From: Doris Dahl [mailto:townoftremp@triwest.net]  
Sent: Monday, February 13, 2012 8:21 AM  
To: Strength, Stephanie - RD, Washington, DC  
Subject: CapX20/20 Powerline Resolution

Good morning-

Attached is a resolution opposing the CapX2020 powerline from going through the Town of Trempealeau, Trempealeau County, Wisconsin. The Board approved this resolution 2-1, Thursday night at their regular Board meeting. Due to time constraints I am emailing you the copy that was approved without signatures and will mail a hard copy with signatures on also.

Thanks.

Doris Dahl  
Clerk/Treasurer  
Town of Trempealeau  
W24854 St Rd 54/93  
Galesville WI 54630  
Phone/fax: 608.539.2902  
[townoftremp@triwest.net](mailto:townoftremp@triwest.net)  
[www.tn.trempealeau.wi.gov](http://www.tn.trempealeau.wi.gov)

TOWN OF TREMPLEAU  
RESOLUTION REGARDING CAPX2020 and ATC APPLICATIONS FOR A 345 kV  
TRANSMISSION POWERLINE  
2012-001

WHEREAS, Xcel Energy, Dairyland Power and American Transmission Company (ATC) have proposed CapX2020 Phase I and Badger Coulee transmission line projects including a 345 kV high voltage power line from Alma to North La Crosse and North La Crosse to Madison; and

- L-006-001** | WHEREAS, the CapX2020 Hampton-LaCrosse and Badger Coulee ATC 345 kV projects includes three proposed route corridors which cuts across rivers, farms, forests and valleys, scenic bluffs, wetlands and wildlife and waterfowl habitats, exceptional water resources, cultural and economic districts in the Town of Trempealeau; and
- L-006-002** | WHEREAS, the Town of Trempealeau is charged with protecting and enhancing the Town's public safety and assets, including the scenic beauty of the hills and coulees - which would be adversely affected by the 130 to 170 foot steel towers and high voltage power lines proposed for the CAPX2020 Alma-LaCrosse and Badger Coulee projects; and
- L-006-003** | WHEREAS, the use of electricity in Wisconsin and adjacent states has declined significantly since a 2006 peak and demand is projected to remain flat in the predictable future; and
- L-006-004** | WHEREAS, it is the township's belief that the claim of need for the line is overstated and that there are other ways of meeting any electrical need claimed by applicants that should be considered and implemented first, including efficiencies, demand and supply side management, locally produced and distributed renewable energy, and energy-related economic development, before high voltage transmission is considered; and
- L-006-005** | WHEREAS, costs for the Alma to North La Crosse (\$250 million) to Madison (\$425 million) high voltage power line would cost ratepayers more than \$675million and be part of a \$2.3-3.6 billion grid expansion project in the Midwest; and
- L-006-006** | WHEREAS, building a high voltage transmission line would require use of public rights of way and condemnation of private property for easements; and the centerline of this transmission line on its 150 foot right of way could be placed within 75 feet of a residence or business; and
- L-006-007** | WHEREAS, a new 345kV transmission line will result in increased electricity costs for all ratepayers, loss of property value and tax base because of the impact on views and dangers that high voltage power lines inherently carry, and create adverse effect on the area's tourism and general economy; and
- L-006-008** | WHEREAS, there is a growing body of health concerns including medical studies which have shown an association between exposure to electromagnetic fields produced by high voltage transmission lines, childhood leukemia, neurological diseases and conditions, and other health effects; and

- 1 -

**L-006-001**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A11-General Environmental Impact.

**L-006-002**

Please refer to Appendix C, Table C-4, Comment Category K: Visual Resources, K01-General/Other.

**L-006-003**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B02-Need Questioned.

**L-006-004**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

**L-006-005**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A13-General Comments not Requiring Response.

**L-006-006**

Please refer to Appendix C, Table C-4, Comment Category J: Land Resources, J01-General/Other.

**L-006-007**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A02-General Opposition.

**L-006-008**

Please refer to Appendix C, Table C-4, Comment Category N: Public Health and Safety, N02-Health Effects of EMF.

<b>L-006-009</b>	WHEREAS, transmission line projects approved by the PSC of WI are required by WI statutes (196.49 (3) and 196.491(3)(d)) to have costs that are in proportion to their benefits, must satisfy the reasonable needs of the public for adequate energy supply and must also not be overbuilt or designed in excess of probable future energy needs; and
<b>L-006-010</b>	WHEREAS, the policy of the State of WI (Stat. # 1.12(6)) is to site new transmission lines to the greatest extent feasible, utilizing existing corridors in the following order of priority: a) existing utility corridors, b) highway and railroad corridors, c) recreational trails with limitations, and d) new corridors; THEREFORE  BE IT RESOLVED, that
<b>L-006-011</b>	1. The Town of Trempealeau opposes the planned grid expansion project in the Midwest and specifically the Alma to North La Crosse and North La Crosse to Madison 345 kV power line; and
<b>L-006-012</b>	2. The Town requests that additional on the record public hearings be held near the Town of Trempealeau in Wisconsin before a recommendation on a Certificate of Public Convenience and Necessity is made for either project; and
<b>L-006-013</b>	3. The Town requests that it not be utilized as a pass through for transmission for which it receives no benefit; and
<b>L-006-014</b>	4. The Town requests that clear, detailed information be provided to the town explaining the perceived need for the 345kV powerline which includes supporting objective studies and forecasts with a cost benefit analysis comparing the efficiency-only, locally produced and distributed generation options with the high voltage option, individually and in combination; and
<b>L-006-015</b>	5. The Town requests, rather than build transmission lines, that every effort be made in developing or enhancing the energy system on which the Town relies to do the following:  Implement and enforce WI State Statute 1993, Wisconsin Bill 414 that states: "In meeting energy demands, the policy of the State is that, to the extent cost-effective and technically feasible, options be considered based on the following priorities, in the order listed: (a) Energy conservation and efficiency. (b) Noncombustible renewable energy resources. (c) Combustible renewable energy resources. (d) Nonrenewable combustible energy resources, in the order listed: 1) Natural gas. 2) Oil or coal with a sulphur content of less than 1%. 3) All other carbon-based fuels. "
<b>L-006-016</b>	6. Furthermore, the Town requests that any local need be met through adoption and enactment of Wisconsin's energy policy by implementing local ownership of energy generation that includes dispersed renewable energy to support the local economy, and to minimize the size, scale, voltage and environmental impacts of electric transmission.

- 2 -

#### **L-006-009**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A01-Miscellaneous.

#### **L-006-010**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C08-Use of Existing Corridors.

#### **L-006-011**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A02-General Opposition.

#### **L-006-012**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A06-Comments Unrelated to RUS Draft EIS.

#### **L-006-013**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B03-Benefit to Local Customers Questioned.

#### **L-006-014**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B02-Need Questioned.

#### **L-006-015**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

#### **L-006-016**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A06-Comments Unrelated to RUS Draft EIS.



The Town Clerk is hereby authorized to request that the Town be added to project notice lists and request a copy of the application for the CAPX2020 and Badger-Coulee transmission projects from the utilities to be available in the Town. The Town Clerk is directed to transmit this resolution and other appropriate documents to the WI Public Service Commission Docket # 5-CE-136 and Docket #137-CE-160 and to the Administrative Law Judge and state Commission staff conducting proceedings for the CAPX2020 and the Badger-Coulee 345 kV Transmission Line Projects.

NOW THEREFORE BE IT RESOLVED, that the Town of Trempealeau hereby approves this resolution ADOPTED this 9<sup>th</sup> day of Feb, 2012.

By the Town Board

Wayne Wilber  
Wayne Wilber, Town Board Chairman

David Brondzinski  
David Brondzinski, Supervisor

Dennis Bortle  
Dennis Bortle, Supervisor

Attested by Town Clerk:

Doris Dahl  
Doris Dahl, Clerk/Treasurer

From: Michael Boulton [<mailto:cityadministrator@cityofwanamingo.com>]  
Sent: Tuesday, January 10, 2012 4:40 PM  
To: Strength, Stephanie - RD, Washington, DC  
Cc: [berge@frontiernet.net](mailto:berge@frontiernet.net)  
Subject: Wanamingo Comments Cap X 20/20

Stephanie,

Here are comments on behalf of the City of Wanamingo for the Federal side of the Cap X 20/20 hearings.

With Regards,

***Michael Boulton***

City Administrator  
City of Wanamingo  
P.O. Box 224 W  
Wanamingo, MN 55983  
507-824-2477

**City of Wanamingo**  
401 Main Street • P.O. Box 224W • Wanamingo, MN 55988  
Phone: 507-824-2477 • Fax: 507-824-2061  
An Equal Opportunity Employer

DATE: June 15, 2011

Matthew Langan  
OES State Permit Manager  
Minnesota Department of Commerce, Office of Energy Security  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101

Dear Matthew,

The City of Wanamingo would like to weigh in on the public comments for the Cap X 2020 preferred and alternative route options. The City of Wanamingo agrees with the placement of the preferred route. It stays away from the City of Wanamingo and makes the most sense for disrupting the least amount privately held land.

The City of Wanamingo has concerns with the alternative route. First, it touches land currently within the city limits. The City wishes to stay with an alternative that stays ½ mile to the South of the City Limits. Specifically a new privately owned residential development on the South side of the community to the east of MN HWY 57 (This has been added into the City limits within the last two years). This development was recently built and the owner fears and City concurs that many of the lots would become impossible to sell with transmission lines less than 500 from them. Adjacent to the residential lots is a commercial future development owned by the City of Wanamingo. This land is directly to the east side of MN Hwy 57 and on the south side of City limits. A portion of this land has a designed location within it for a future water tower. This is detailed within Wanamingo's Comprehensive plans. The transmission lines are to run along side of the property line. That would mean that more than 75 feet could not be built on for commercial development. We make the suggestion, if this is the chosen route, to stay at least 75 feet south of the City limits in order not to interfere with our commercial development and comprehensive plan for placement of a water tower. Also, the City of Wanamingo suggests that the maps be updated to reflect the residential development to be within the City Limits as it has been properly annexed and filed with state and local agencies.

Sincerely,

Michael Boulton  
City Administrator  
City of Wanamingo  
507-824-2477

**L-007-001**

Please refer to Appendix C, Table C-4, Comment Category J: Land Resources, J02-Land Use and Zoning.

**L-007-002**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A06-Comments Unrelated to RUS Draft EIS.

**L-007-001**

**L-007-002**

**City of Wanamingo**  
401 Main Street • P.O. Box 224W • Wanamingo, MN 55988  
Phone: 507-824-2477 • Fax: 507-824-2061  
An Equal Opportunity Employer

DATE: April 28, 2011

Matthew Langan  
OES State Permit Manager  
Minnesota Department of Commerce, Office of Energy Security  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101

Dear Matthew,

The City of Wanamingo would like to weigh in on the public comments on the accuracy of the maps. City officials from Wanamingo attended the Cap X 20/20 meeting on April 13, 2011. Mayor Ron Berg and Administrator Michael Boulton reviewed the physical maps at the Pine Island public meeting. There were no issues with the accuracy of the maps. However, upon reviewing the disk that was provided, concerns arose about how identical the maps actually were.

The City of Wanamingo reviewed the disk, specifically page 337 of the provided disk. The lines looked as if they were further to the South of the City Limits on the maps at the meeting than they were on page 337 of the disk. Specifically, the disk has the lines touching or going into City Limits, the physical maps at the public meeting did not. There are concerns because a new privately owned residential development on the South side of the community to the east of MN HWY 57 is located on the edge of the City Limits. This development was recently built and the owner fears and City concurs that many of the lots would become impossible to sell with transmission lines less than 500 from them. A portion of this land has a designed location within it for a future water tower. This is detailed within Wanamingo's Comprehensive plans. The City does not wish for a utility to infringe upon the growth and planning of the City. The City wishes to make sure that both of these maps show the line placement accurately. Also, the City of Wanamingo suggests that the maps be updated to reflect the residential development to be within the City Limits as it has been properly annexed and filed with state and local agencies.

Sincerely,

Michael Boulton  
City Administrator  
City of Wanamingo  
507-824-2477

**L-007-003**

Please refer to Appendix C, Table C-4, Comment Category A:  
General/Other, A06-Comments Unrelated to RUS Draft EIS.

L-007-003

State of Wisconsin  
County of Buffalo  
Town of Buffalo  
W387 Hwy 35 & 54  
Fountain City, WI 54629  
608.687.9502

Town of Buffalo Board  
Steve James, Chairman  
Claire Waters, Supervisor  
Dennis Semling, Supervisor

## Resolution

### TOWN OF BUFFALO RESOLUTION REGARDING CAPX2020 APPLICATION FOR A 345 kV TRANSMISSION LINE PROJECT

- L-008-001** | WHEREAS, Dairyland Power Cooperative, Northern States Power Company-Wisconsin, and Wisconsin Public Power Inc. have applied for authority to construct and place in service 345 kV electric transmission lines and electric substation facilities for the Twin Cities-Rochester-La Crosse Project, located in Buffalo, Trempealeau, and La Crosse counties, Wisconsin; and
- WHEREAS, the CapX2020 Alma to North La Crosse phase includes a proposed route corridor ( Q1-Highway 35 ) that roughly parallels State Highway (STH) 35 and extends through the Town of Buffalo; and
- WHEREAS, significant portions of the Q1-Highway 35 corridor with the 130 to 175 foot steel towers and high voltage power lines will adversely affect the natural scenic beauty (bluffs and river), wildlife, and waterfowl habitats ; and
- L-008-002** |
- L-008-003** | WHEREAS, significant portions of the Q1-Highway 35 corridor with the 130 to 175 foot steel towers and high voltage power lines will cut across farms, forests and rivers, adversely affecting the natural scenic beauty of the hills and coulees; and
- L-008-004** | WHEREAS, building a high voltage transmission line through the Town of Buffalo would require use of public rights of way and condemnation of private property for easements; and the centerline of this transmission line on its 150 foot right of way could be placed within 75 feet of a residence; and

#### **L-008-001**

Please refer to Appendix C, Table C-4, Comment Category K:  
Visual Resources, K01-General/Other.

#### **L-008-002**

Please refer to Appendix C, Table C-4, Comment Category I: Biological  
Resources, I01-General/Other.

#### **L-008-003**

Please refer to Appendix C, Table C-4, Comment Category K:  
Visual Resources, K01-General/Other.

#### **L-008-004**

Please refer to Appendix C, Table C-4, Comment Category O:  
Socioeconomics and Environmental Justice, O05-Property Values.

**L-008-004**

**L-008-005**

**L-008-006**

**L-008-007**

**WHEREAS**, a new 3435 kV transmission line will result in increased electricity costs for all ratepayers, loss of property value because of the dangers that high voltage power lines inherently carry, and create adverse effect on the Town of Buffalo's tourism and general economy; and

WHEREAS, the Town is charged with protecting and enhancing the Town of Buffalo citizens' public safety and assets, including the natural scenic beauty of the area; THEREFORE

BE IT RESOLVED, that

1. The Town of Buffalo supports the implementation and enforcement of WI State Statute 1993, Wisconsin Bill 414 that states; "In meeting energy demands, the policy of the State is that, to the extent cost-effective and technically feasible, options be considered based on the following priorities, in the order listed:
  - (a) Energy conservation and efficiency
  - (b) Noncombustible renewable energy resources.
  - (c) Combustible renewable energy resources.
  - (d) Nonrenewable combustible energy resources, in the order listed:
    1. Natural gas
    2. Oil or coal with a sulphur content of less than 1%.
    3. All other carbon-based fuels.

**L-008-008**

**L-008-009**

**L-008-010** |

**L-008-011**

**L-008-012**

**L-008-013**

2. In general, the Town of Buffalo is non-supportive of the need for the CapX2020 Project based on the following concerns:
  - (a) Apparent declining demand for electrical energy.
  - (b) Environmental impact of the massive towers and lines.
  - (c) Potential increased rates.
  - (d) Decreased home values and tourism.
  - (e) Potential increased health risks (EMF, etc.)
3. The Town of Buffalo acknowledges that despite general concerns for the CapX2020 Project, it is moving forward and likely a corridor (s) for the Alma to North La Crosse phase will be approved.

**L-008-005**

Please refer to Appendix C, Table C-4, Comment Category N: Public Health and Safety, N01-General/Other.

**L-008-006**

Please refer to Appendix C, Table C-4, Comment Category O:  
Socioeconomics and Environmental Justice, O07-Tourism.

**L-008-007**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

**L-008-008**

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B02-Need Questioned.

**L-008-009**

Please refer to Appendix C, Table C-4, Comment Category A:  
General/Other, A11-General Environmental Impact.

**L-008-010**

Please refer to Appendix C, Table C-4, Comment Category O:  
Socioeconomics and Environmental Justice, 005-Property Values.

**L-008-011**

Please refer to Appendix C, Table C-4, Comment Category O: Socioeconomics and Environmental Justice, O07-Tourism.

**L-008-012**

Please refer to Appendix C, Table C-4, Comment Category N: Public Health and Safety, N01-General/Other.



L-008-013

4. The Town of Buffalo specifically opposes the Alma to North La Crosse proposed corridor identified as Q1-Highway 35 believing that the proposed corridor identified as Arcadia (From Alma eastward along an existing 69 kV transmission line corridor to northeast of Arcadia) presents an alternative with less environmental impact.

The Town of Buffalo Clerk is authorized to forward this resolution to the Wisconsin Public Service Commission Docket #5-CE-136 and Docket #137-CE-160 and to the Administrative Law Judges and state Commission staff conducting proceedings for the CapX2020 Project.

NOW THEREFORE BE IT RESOLVED, that the Town of Buffalo hereby approves the resolution ADOPTED this 8<sup>th</sup> day of AUGUST, 2011.

Signed:

Steve B. James, Chairman, Town of Buffalo



Claire Waters, Supervisor, Town of Buffalo



Dennis Semling, Supervisor, Town of Buffalo



**L-008-013**

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C07-Opposition to or Preference for a Specific Alternative.

## L-009-001

The resolution is discussed in the Final EIS, as are potential impacts to Lake Byllesby Regional Park.

From: Vanderpoel, Jane [<mailto:Jane.Vanderpoel@CO.DAKOTA.MN.US>]  
Sent: Thursday, January 05, 2012 9:49 AM  
To: 'stephanie.strength@wdc.usda.gov'  
Cc: Hagerty, Mary  
Subject: CAPX powerline comments

Ms. Strength:

L-009-001

I'm a staff person for Dakota County, coordinating environmental reviews. You know that the Minnesota Public Utilities Commission is conducting its own EIS process parallel to yours for considering a route for the proposed CAPX powerline.

From a conversation with Mary Hagerty of URS, I am aware that comments submitted by various parties to Minnesota's (Office of Energy Security) scoping documents and the final EIS, which are part of the PUC's CAPX case docket, have been gathered and considered during the process of preparing your draft EIS that will be the subject of several public open houses in the region next week.

However, last June, the Dakota County Board of Commissioners took the unusual (for them) step of approving a resolution directed to the Administrative Law Judge who is considering the CAPX powerline proposal, which suggested choosing a powerline route that does not include our Lake Byllesby Regional Park.

When I read through the draft EIS prepared by URS, I found no mention of that resolution. Mary Hagerty confirmed today that she did not find it in the MN PUC case docket.

Because we believe it's important for you to have that resolution and its recommendation, I am attaching a PDF of the cover letter to the ALJ (Judge Kathleen Sheehy) and the Board of Commissioners resolution. Please let me know if an electronic copy will not suffice for your purposes; I can arrange for a paper copy of the original letter and a notarized copy of the resolution to be sent to you via snail mail.





Office of the  
County Board

Dakota County  
Administration Center  
1590 Highway 55  
Hosings, MN 55033-2343

651.438.4418  
Fax: 651.438.4405  
[www.dakotaaccounting.us](http://www.dakotaaccounting.us)

June 21, 2011

The Honorable Kathleen D. Sheehy  
Administrative Law Judge  
Office of Administrative Hearings  
P.O. Box 64620  
600 North Robert Street  
St. Paul, MN 55164-0620

RE: CapX2020 Hampton – Rochester – La Crosse, Docket No. 3-2500-21181-2

Dear Judge Sheehy:

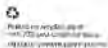
Thank you for the opportunity to provide comment on the route permit for the CapX2020 Hampton-Rochester-La Crosse 345kV transmission line project proposed to run between Hampton, MN and LaCrosse, WI. The Dakota County Board of Commissioners respectfully submits the attached resolution adopted on June 21, 2011.

Sincerely,

Joseph A. Harris, Chair

Joseph A. Harris, Chair  
Dakota County Board of Commissioners

cc. Dakota County Commissioners  
Brandt Richardson, County Administrator  
Lynn Thompson, Physical Development Director



**BOARD OF COUNTY COMMISSIONERS  
DAKOTA COUNTY, MINNESOTA**

June 21, 2011

Resolution No. 11-316

Motion by Commissioner Branning

Second by Commissioner Egan

**CAPX2020 Update And Recommendation Of Preferred Route For CAPX2020 LaCrosse Utility Powerline**

WHEREAS, a consortium of energy utilities called CAPX2020 is working on two high-voltage transmission line projects that terminate in Dakota County just north of the City of Hampton; and

WHEREAS, one of the transmission lines is proposed from Hampton, Minnesota to La Crosse, Wisconsin; and

WHEREAS, two of the four routes being considered for the La Crosse project could significantly affect Lake Byllesby Regional Park and/or the Byllesby Dam; and

WHEREAS, Dakota County has an opportunity to provide comments through a series of public hearings held by an administrative law judge to collect testimony about preferred route options.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recommends that the La Crosse project follow alignments that do not pass through Lake Byllesby Regional Park either at the dam or along Trunk Highway 56; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes a letter to be signed by the County Board Chair to the Administrative Law Judge recommending "Option 1."

**STATE OF MINNESOTA**  
County of Dakota

	YES		NO
Harris	<input type="checkbox"/>	Harris	<input checked="" type="checkbox"/>
Gaylord	<input checked="" type="checkbox"/>	Gaylord	<input type="checkbox"/>
Egan	<input checked="" type="checkbox"/>	Egan	<input type="checkbox"/>
Schouweller	<input checked="" type="checkbox"/>	Schouweller	<input type="checkbox"/>
Workman	<input checked="" type="checkbox"/>	Workman	<input type="checkbox"/>
Krause	<input type="checkbox"/>	Krause	<input type="checkbox"/>
Branning	<input checked="" type="checkbox"/>	Branning	<input type="checkbox"/>

I, Brandt Richardson, Clerk to the Board of the County of Dakota, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Dakota County, Minnesota, at their session held on the 21st day of June 2011, now on file in the County Administration Department, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Dakota County this 22nd day of June 2011.

  
Clerk to the Board



## Town of Holland

W7937 County Road MH, Holmen, WI 54636  
Phone (608) 526-8354 • Fax (608) 526-6364

August 15, 2011

Wisconsin Public Service Commission  
610 N. Whitney Way  
Madison, WI 53705-2750

Re: Docket #5-CE-136 (345kV high voltage power line Alma to No. La Crosse)

Dear Commissioners:

- L-010-001** The Town of Holland Board has some grave concerns with the Xcel Energy/Dairyland Power proposed CapX2020 (a 345 kV high voltage power line from Alma to North La Crosse).
- The proposed route corridor not only cuts across rivers, farms, valleys and scenic bluffs but affects wildlife and waterfowl habitats in the township. The Town is charged with protecting and enhancing the public safety and assets, including the scenic beauty of the hills and coulees, which would be adversely affected by the 130 to 175 foot steel towers and high voltage power lines proposed for the CapX2020 project.
- L-010-002** Our Town recently completed a Comprehensive Plan that studied land use issues and made recommendations based on public input. If a substation were to be placed on the proposed 40-acre parcel, it would not be in compliance with the "Exclusive Ag" use designation of our plan. We question how the transmission line can trump all our careful planning.
- L-010-003** We also question the necessity of this massive transmission line when the use of electricity in Wisconsin has declined significantly since a 2006 peak and demand is projected to remain flat in the predictable future. And, when considering the future electrical needs, it is our belief that there are other options that should be explored before a high capacity transmission is considered. Such options could include conservation, demand and supply side management, dispersed renewable generation, and energy-related economic development.
- L-010-004**
- L-010-005** Another huge concern for our township is that the building of a high voltage transmission line would require use of public rights-of-way and condemnation of private property for easements. The centerline of this transmission line on a 150 foot right-of-way could be placed within 75 feet of a residence. The land values of all the homes along this route would be greatly diminished. And, while the Q1-Highway 53 route would pose less risk to our residents, it would harm the Van Ligon Wildlife Refuge and scenic by-ways, which affects tourism and would have adverse affects on the economy of our small township.
- L-010-006**
- L-010-007** We believe the ratepayers deserve a better option than this \$23-36 billion grid expansion project in the Midwest (the costs for the Alma to North La Crosse alone is projected to cost \$250 million).

### L-010-001

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A11-General Environmental Impact.

### L-010-002

Please refer to Appendix C, Table C-4, Comment Category J: Land Resources, J02-Land Use and Zoning.

### L-010-003

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B04-Dairyland Power Corporation Need Questioned.

### L-010-004

Please refer to Appendix C, Table C-4, Comment Category C: Alternatives, C01-General/Other.

### L-010-005

Please refer to Appendix C, Table C-4, Comment Category O: Socioeconomics and Environmental Justice, O05-Property Values.

### L-010-006

Please refer to Appendix C, Table C-4, Comment Category O: Socioeconomics and Environmental Justice, O07-Tourism.

### L-010-007

Please refer to Appendix C, Table C-4, Comment Category B: Purpose & Need, B02-Need Questioned.

**L-010-007**

Rather than import energy from dirty coal, we believe it to be in the best interest of our citizens to spend such large sums of money on local sources (again, conservation, renewables, etc.)

**L-010-008**

The Town is also charged with public safety. There is a growing body of health concerns including medical studies which have shown an association between exposure to electromagnetic fields produced by high voltage transmission lines and childhood leukemia, neurological diseases and conditions, and other health effects.

**L-010-009**

Ultimately, we consider this proposed 345kV transmission line as having multiple negative impacts: an increase electricity costs for all ratepayers, a loss of property value because of the dangers that high voltage power lines inherently carry, and an adverse effect on the area's tourism and general economy.

Therefore, on August 10, 2011, the Town Board of the Town of Holland unanimously voted to oppose the planned grid expansion project in the Midwest and specifically the Alma to North La Crosse power line.

We respectfully request that the PSC deny the joint application of Dairyland Power, Northern States Power and Wisconsin Public Power.

On behalf of the Town Board,



David Carlson, Town Chairman

**L-010-008**

Please refer to Appendix C, Table C-4, Comment Category N: Public Health and Safety, N01-General/Other.

**L-010-009**

Please refer to Appendix C, Table C-4, Comment Category A: General/Other, A11-General Environmental Impact.

RESOLUTION

L-011-001 SUPPORTING THE Q-1 ROUTE IN CAPX2020 TRANSMISSION LINE PROJECT

WHEREAS, an electrical transmission line is needed in this area, and

WHEREAS, CAPX2020 is proposing an electrical transmission line in this area, and

WHEREAS, technology for renewable generation is not currently developed enough to generate the level of energy that will be needed in the future, and

WHEREAS, demand and energy consumption continue to grow every year, and

WHEREAS, virtually every electric utility in the area set a new peak demand during the third week of July, 2011, and

WHEREAS, there is a need for additional transmission infrastructure that should improve reliability for all utilities and help to provide access to generation from lower cost fuels in the future, and

WHEREAS, the existing Q-1 route should have the least amount of impact on property owners because much of it crosses DNR and Fish and Wildlife property, and

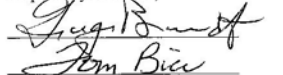
WHEREAS, the Q-1 route would be the most direct route and would be the lowest cost option for all ratepayers, as the work would be shared by all CAPX2020 participants.

NOW, THEREFORE BE IT RESOLVED that the Trempealeau County Board of Supervisors supports the use of the existing Q-1 route for the proposed CAPX2020 transmission line.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Senators Ron Johnson and Herb Kohl, Representative Ron Kind, the Public Service Commission of Wisconsin, USDA/RUS and the Electric Program/Stop 1560.

Dated at Whitehall, Wisconsin this 17<sup>th</sup> Day of October, 2011

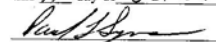
Respectfully submitted,

  
Tom Bice  
Mark A. Smith  
Environment and Land Use Committee

  
Michael Nelson

STATE OF WISCONSIN )  
 )SS  
TREMPEALEAU COUNTY)

I, Paul L. Syverson, Trempealeau County Clerk, hereby certify that the attached resolution is a true and correct copy of the resolution approved by the Trempealeau County Board of Supervisors this 17<sup>th</sup> day of October, 2011.

  
Paul L. Syverson  
Trempealeau County Clerk

L-011-001

The Proposal purpose and needs are discussed in Sections 1.1 and 1.2 and the comparative impacts of alternatives studied in detail are discussed in Section 2.5.



## MILLE LACS BAND OF OJIBWE

Executive Branch of Tribal Government  
January 11, 2012

Stephanie A. Strength, Environmental Protection Specialist  
USDA: Rural Development  
1400 Independence Ave. SW  
Washington, DC 20250-0700

Re: Section 106 Tribal Reviews and Consultation NHPA: USDA: Rural Development  
/ Dairyland Power Cooperative: Draft EIS on 345 kV Hampton – Rochester, MN

T-001-001

Dear Ms Strength,

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Tribal Historic Preservation Office by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council of Historic Preservation (36CFR800).

Based on available information we conclude there is no cultural significance to the Mille Lacs Band of Ojibwe within the areas described.

Please contact Natalie Weyaus at 320-532-4181 extension 7450 if you have any questions regarding our review of this project.

Respectfully,

Natalie Weyaus  
Tribal Historic Preservation Officer

Cc: Mary Ann Heidemann, MN SHPO Review and Compliance

T-001-001

Please refer to Appendix C, Table C-4, Comment Category M: Historic and Cultural Resources, M02-Archaeological.

<b>DISTRICT I</b> 43408 Oodena Drive • Onamia, MN 56359 (320) 532-4181 • Fax (320) 532-4209	<b>DISTRICT II</b> 36666 State Highway 65 • McGregor, MN 55760 (218) 768-3311 • Fax (218) 768-3903	<b>DISTRICT IIA</b> 2625 Chimnissing Drive • Isle, MN 56342 (320) 676-1102 • Fax (320) 676-3432
<b>DISTRICT III</b> 45749 Grace Lake Road • Sandstone, MN 55072 (320) 384-6240 • Fax (320) 384-6190	<b>URBAN OFFICE</b> 1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55072 (612) 872-1424 • Fax (612) 872-1257	