Comment 75-1
Text in Section 3.9.4.2 regarding the Hudson Bay has been removed from the EIS.

Comment 75-2
Text in Section 3.9.4.2 has been edited to correct the noted error.

Comment 75-3
Text in Section 3.9.4.2 has been modified to refer to Anishinabe rather than Ojibwe.

Comment 75-4
Text in Section 3.9.4.2 has been modified to note that Anishinabe also lived along rivers and streams.

Comment 75-5
Text in Section 3.9.4.2 has been modified to note the use of sage.

Comment 75-6
Text in Section 2.9.4.2 has been edited to replace the word “religious” with “spiritual.”
Commenter 76 – Chippewa National Forest

Responses

Comment 76-1
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 76-2
A discussion of the relationship between the Chippewa National Forest and Leech Lake Band of Ojibwe is noted in Section 1.3.3 of the EIS.
<table>
<thead>
<tr>
<th>Commenter 76 – Chippewa National Forest</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Comment 76-3</strong></td>
<td>A discussion of the Pike Bay Experimental Forest appears in Section 3.15.2.6 of the EIS.</td>
</tr>
<tr>
<td><strong>Comment 76-4</strong></td>
<td>Text in Section 3.8.1.5 has been modified to note the proximity of Route Alternative 1 to the Goblin Fern study site. Text in Section 3.8.1.1 has been modified to note the presence of Northern Goshawk territory within 1,000 feet of Route Alternative 1.</td>
</tr>
<tr>
<td><strong>Comment 76-5</strong></td>
<td>A discussion of new corridor required for each Route Alternative appears in Tables ES-1 and 2-1 of the EIS.</td>
</tr>
<tr>
<td><strong>Comment 76-6</strong></td>
<td>Thank you for your comment. It has been noted and included in the record for this EIS. A discussion of the Ten Section and Cuba Hill areas appear throughout the EIS. A discussion of cultural resources and values appears in Section 3.9 of the EIS.</td>
</tr>
<tr>
<td><strong>Comment 76-7</strong></td>
<td>Thank you for your comment. It has been noted and included in the record for this EIS.</td>
</tr>
<tr>
<td><strong>Comment 76-8</strong></td>
<td>Thank you for your comment. It has been noted and included in the record for this EIS.</td>
</tr>
<tr>
<td><strong>Comment 76-9</strong></td>
<td>A discussion of Forest Service SIOs within the Study Area appears in Section 3.1 of the EIS.</td>
</tr>
<tr>
<td><strong>Comment 76-10</strong></td>
<td>Text in Sections 3.13.1.3, 3.13.2.2, and 3.13.2.3 has been supplemented to include a discussion on the visual intrusion at recreational and tribal access points.</td>
</tr>
<tr>
<td><strong>Comment 76-11</strong></td>
<td>Thank you for your comment. It has been noted and included in the record for this EIS.</td>
</tr>
<tr>
<td><strong>Comment 76-12</strong></td>
<td>Thank you for your comment. It has been noted and included in the record for this EIS.</td>
</tr>
</tbody>
</table>
Commenter 76 – Chippewa National Forest

The Honorable Judge Lipman

We appreciate the opportunity to comment regarding this project. If you have any questions please feel free to contact the Project Manager on the CNF, Catherine Thompson, at (218) 335-8255 or (c.thompson@fs.fed.us).

Sincerely,

/s/ Robert M. Harper
ROBERT M. HARPER
Forest Supervisor

cc: Crist M Corey-Luse
Christine M Brown
Joseph G. Alexander
Nancy S Larson
Catherine J Thompson
Stephanie Strength
April 7, 2010

Suzanne Steinhauser
Minnesota Office of Energy Security
857 7th Place East, Suite 500
St. Paul, MN 55101-2198

RE: Bemidji-Grand Rapids 230kV Transmission Line Project

Dear Ms. Steinhauser,

The City of Cohasset (City) provides the following comments on the Bemidji-Grand Rapids 230kV Transmission Line Project Draft Environmental Impact Statement. Minnesota Power's Clay Boswell Substation (Substation) is located within the City. The Clay Boswell power generating facility employs approximately 265 full time employees and provides a significant portion of the City's tax capacity. The City's Comprehensive Plan states, "Cohasset will use all available tools to encourage continuation of the Clay Boswell generating facility ...." The City feels that this project will help maintain the viability of the facility, therefore we support the project.

We have investigated the three line route alternatives within the boundaries of Cohasset and strongly prefer that, regardless of which Alternative is selected, the line stay in the existing power corridor on the south side of Highway 2 (as planned in Alternatives 1 and 3) as it passes out of the City. There are already a large number of power corridors through the City because of the presence of the Substation, and we do not wish to see another one added if at all possible. Crossing Highway 2 in Cohasset, adding a new power corridor north of the highway, and then crossing it again just east of Deer River, will have a strong negative social effect by further eroding the scenic nature of the area.

Thank you for the opportunity to comment on this project. Feel free to contact us if you have any questions.

Sincerely,

Rick Horton
City Services and Project Coordinator

cc: Cohasset City Council
Cohasset Public Utilities Commission
Susan Harper, City Administrator
Comment 78-1
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 78-2
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 78-3
Thank you for your comment. It has been noted and included in the record for this EIS.

This letter is a statement of support by the Greater Bemidji Area Joint Planning Board (JPB) for approval of this proposed project. Our agency supports a routing decision that minimizes the amount of disruption within our jurisdiction. The JPB strongly encourages maximizing the safe utilization of the existing U.S. Highway 12 right-of-way, major utility easements, or an appropriate combination thereof. These are best represented by alternatives 1 and 2 as depicted in the Draft EIS.

The JPB does not support the routing identified in alternative 3 because it appears to negatively impact high density residential areas within our jurisdiction. The JPB is the land use planning and zoning authority under a cooperative agreement between Bemidji Township, City of Bemidji, and Northern Township. All three of the proposed routing alternatives will impact two of the governmental units within the JPB area of responsibility. Please direct all communication regarding land use and zoning approval questions to this office. The JPB land use regulations are contained in the Greater Bemidji Area Zoning and Subdivision Ordinance. This document may be viewed on line at http://www.gjabza.org.

Please contact me at 218-759-3579 with any further questions you may have.

Sincerely,

Mel Milender
Planning Administrator

cc: Joint Planning Board
Bemidji Township
City of Bemidji
Commenter 79 – Leech Lake Division of Resource Management

Leech Lake Band Of Ojibwe
115 Sixth Street NW, Suite E, Cass Lake, MN 56633
218-335-7400 · fax 218-335-7438

Arthur "Stevie" LaRose, Chairman
Michael Bongo, Secretary/Treasurer

District I Representative: Ralph M. Ross
District II Representative: Lyman E. Lech
District III Representative: Epeme Wib wchah

Date: 5/3/2010

The Honorable Eric L. Lipman
Administrative Law Judge
P. O. Box 54620
St. Paul, MN 55164

Dear Judge Lipman:

We are pleased to comment on the Bemidji–Grand Rapids 230-kV Transmission Line project in the context of the application for a route permit. Otter Tail Power Company, Minnesota Power, and Minnkota Power Cooperative (Applicants) have proposed a route that includes crossing the boundaries of the Leech Lake Band of Ojibwe.

The role of the Leech Lake Division of Resource Management (DRM) in this transmission line project is that of a Coordinating Federal Agency in the preparation of the Environmental Impact Statement (EIS). Throughout the process the agencies and bureaus have been working to coordinate our respective authorities in order to ensure consistent and complementary decisions. The DRM's decision will be documented in a Record of Decision (ROD) issued by myself.

The Leech Lake Band of Ojibwe has a unique relationship as co-managers of the area's trust resources. In turn, the Chippewa Nation Forest (CNF) is a trust responsibility to oversee the natural resources of the Leech Lake Band of Ojibwe (LLBO). Approximately 40% of the CNF is located within the boundaries of the Leech Lake Reservation. Likewise, approximately 90% of the Leech Lake Reservation overlaps the CNF. The LLBO also reserved the right of the Ojibwe bands to hunt, fish, and gather within the treaty area. The CNF has committed through its Forest Plan to facilitate the overall ability of the LLBO to exercise three rights in a sustainable fashion on NPS lands. In addition, government-to-government consultation is ongoing between the CNF and the LLBO. This consultation supports Executive Order 13175 (November 6, 2000), which also recognizes the sovereignty of federally recognized American Indian tribes and the special government-to-government relationship between the United States and American Indian tribes.

The CNF is required by policy, direction, and law to seek to minimize effects to Leech Lake Band of Ojibwe resources when implementing projects on NPS lands. With this letter I will outline the issues that will shape our decision.

In development of the draft EIS, Alternative 1 and 2 were proposed by the applicant and Alternative 3 was developed to respond to these and were not enough option on the table to fulfill the National Environmental Policy Act (NEPA) requirements. In general, each of the routes respond to separate issues with each having benefits and consequences.

Alternative 1 was originally developed by the applicant and was driven by desire to avoid the City of Cass Lake, a superfluous site within the City of Cass Lake, and the pinch point between two lakes (Cass Lake and Pike Bay). Alternative 2 was proposed by the applicant as well, it is shorter and parallels the existing Enbridge Energy pipeline. Alternative 3 was proposed to fulfill NEPA, and avoids almost all of the Leech Lake Reservation.
Commenter 79 – Leech Lake Division of Resource Management

With the information available today, the DRM has evaluated each of the alternatives and has begun to identify benefits and impacts of the routes as highlighted below.

Comment 79-1
The Ten Section and Cuba Hill areas are discussed throughout the EIS.

Comment 79-2
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 79-3
A discussion of the potential effects on the Pike Bay Experimental Forest appears in Section 3.15.2.6 of the EIS.

Comment 79-4
Text in Section 3.8.1.5 has been modified to note the proximity of Route Alternative 1 to the Goblin Fern study site.

Comment 79-5
Text in Section 3.8.1.1 has been modified to note the presence of Northern goshawk territory within 1,000 feet of Route Alternative 1.

Comment 79-6
A discussion of new corridor required for each Route Alternative appears in Tables ES-1 and 2-1 of the EIS.

Comment 79-7
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 79-8
Text in Section 3.4.2.1 has been supplemented with information on water bodies considered to be of high value.

Comment 79-9
Thank you for your comment. It has been noted and included in the record for this EIS.

(cont. on next page)
Commenter 79 – Leech Lake Division of Resource Management

Responses

Comment 79-10
A discussion of cumulative impacts appears in Section 4 of the EIS.

Comment 79-11
Text in Sections 3.13.1.3, 3.13.2.2, and 3.13.2.3 has been supplemented to include a discussion on the visual intrusion at recreational and tribal access points. The Forest Service has committed through its Forest Plan to facilitate the overall ability of the Ojibwe to exercise treaty rights in a sustainable fashion on NFS lands.

Comment 79-12
A discussion of environmental justice impacts and the population of the LLR appear in Section 3.12 of the EIS. Text throughout the section has been modified to note the locations of LLBO populations throughout the Study Area.

Comment 79-13 through 79-15
Thank you for your comment. It has been noted and included in the record for this EIS.
Comment 80-1
Text in Section 3.6.2 has been supplemented to note that the amount and area of fill required for structure installation and access roads would depend on the Route Alternative selected and final structure placement. A discussion of mitigation measures agreed to by the Applicants to minimize the creation and use of access roads through wetlands appears in Section 3.6.3 of the EIS. This section has been modified to note that wetland delineations would be conducted when a Route Alternative is selected.

Comment 80-2
Text in Table 6-1 has been supplemented to include a discussion of the Wetland Conservation Act and note that the Act is administered by the DNR on state lands.
Commenter 80 – Minnesota DNR

The purpose of the amendment would be to protect the wetland habitat complex and to provide upland nesting habitat for waterfowl and ground-nesting songbirds. While no waterfowl nesting is allowed on the WMA or within the surrounding state game refuge, deer and other small game hunting is permitted. In addition, 65.5 percent of the WMA is a popular wildlife viewing area.

Due to the presence and cumulative influences of residential and commercial development, adjacent roadways, agriculture, and the City of Bemidji, including a gas pipeline bisecting the WMA, managing Bemidji Slough WMA as a natural and functioning ecosystem is a challenge.

Transmission line encroachments into this WMA may result in changes in vegetational activity, avian mortality risk, and increased invasive plant prevalence. Use of either a north-south or a south-north route of Route 3 would avoid direct encroachments on the WMA. However, a wetland complex associated with the WMA extends to the south of the WMA. Use of the southern portion of Segment J would further fragment this wetland ecosystem. In addition, this route would not avoid other mentioned potential impacts to the existing natural wetland complex. Therefore, utilization of a route north of the WMAs north boundary, between the Bemidji Slough WMA and the adjacent businesses, or south of the businesses adjacent to U.S. Highway 2, would both avoid and minimize potential aforementioned impacts.

80-3

Hole-in-the-Bog Peatland Scientific and Natural Area (SNAs)

This 1,622-acre peatland is the state's best example of a basin-filled raised bog characterized by a single well-defined, central raised bog and a peatland lake. It provides a valuable setting for peatland research, being the most southeasterly peatland SNA, and one of the few SNAs outside of a major glacial lake plain.

The DEIS indicates that both Route 1 and 2 avoid direct impacts to this SNA, and that remaining indirect impacts are those associated with aesthetics. This SNA is part of a much larger wetland complex that buffers and contributes to the integrity of the Peatland SNA proper. Utilization of Route 2 following the U.S. Highway 2, instead of Route 1 in this area, would minimize indirect impacts to the SNA.

80-4

A discussion of potential impacts to the Bemidji Slough WMA appears in Sections 3.7.1.3 and 3.13.2.2 and Table 3.13-3 of the EIS. A discussion of the potential for Segment Alternatives to avoid the WMA appears in Section 2.2.2.1 and Table 2-2 of the EIS. Text in Sections 2.2.2.1 has been modified to indicate the presence of a wetland complex within Segment Alternative J.

80-5

Thank you for your comment. It has been noted and included in the record for this EIS.

80-6

Avian collisions are identified as a potential impact of the Project in Section 3.7.2.3. Text in Section 3.7.2.3 has been supplemented with additional information on annual avian mortality resulting from collisions. The Section has also been modified to note that monitoring and identification of specific avian corridors is ongoing. Specific mitigation measures proposed by the Applicants are presented in an Avian Mitigation Plan (AMP), which is included as Appendix I.
Commenter 80 – Minnesota DNR

80-6

need large forest tracts. Some of these patches are over one square mile with only rare mature trees. To improve habitat diversity, fragmentation of woodlots and wetlands, proper alignment within chosen routes will be important. Please include a discussion in the EIS of how the project would affect these large patches of woodland.

80-7

The DNR recommends that the operator provide a detailed plan to address avian risk, including installation of bird fences, lowering lines, providing alternate locations of transmission lines, line separation distance, possibly supplying power underground when necessary, or other measures as outlined in the recommendations section of this document.

Appendix G indicates flight diverters would be installed where the new route would cross lacuna flyways, or near large wetlands, impoundments, and lakes. Locations would be determined in consultation with State and Federal agencies. There is no discussion of mitigation or concern in the main document and no other mitigation techniques are included. A more thorough discussion on this topic is necessary to identify specific areas and to provide adequate mitigation and monitoring for bird collisions.

80-8

3.7.2.1 Vegetation Cover

This section indicates that, "Based upon MnDNR Natural Heritage Information System (NHIS) and data available from the MnDNR Data Dome, no rare or sensitive vegetation communities occur within the route or segment alternatives. Therefore, there would be no impacts to any rare or sensitive vegetation communities." The conclusion in the conclusion in the second sentence is an incorrect derivation from the facts stated. NHIS data are not based on an exhaustive inventory of the state. If there is a lack of data for a geographic area, the area should not be considered to have no significant features present. In this case, the Minnesota County Biological Survey (MCBS) has been completed for portions of the project area, but it is likely that the MCBS has not been completed for the entire project area. Existing data is preliminary and has not been divided into native community types in areas. Therefore, conclusions should not be based on MCBS data alone. Section 3.3 of Appendix G clearly describes many plant communities containing rare and sensitive plant species. The EIS discussion and conclusions should be based on all available information (e.g. Appendix G – Biological Assessment and Evaluation, previous survey work, etc.). Rare species surveys may be needed if avoidance of native plant communities is not feasible.

3.7.2.3 Fauna

It is unclear whether the recommendations of the Avian Power Line Interaction Committee (APLIC) will be followed to minimize electrocution of birds, including recommendations regarding the design of the power lines, markers on the lines, and addressing the presence of nesting and roosting birds. This did not appear to be explicitly stated. Specific measures should be included in the EIS to prevent electrocution and losses bird strikes. Bird strikes and bird electrocution are concerns for all three route alternatives of the proposed transmission line corridor.

DNR Wildlife staff believe that transmission lines constructed through areas frequently used by waterfowl and other avian species can potentially cause a significant enough disturbance to negatively affect avian activities such as feeding, nesting, and roosting.

Overhead transmission lines and associated structures constructed through important habitats such as lakes, rivers and wetlands can potentially increase waterfowl and other avian mortality in two ways: 1) by providing artificial perching sites for raptors to hunt from, thereby increasing waterfowl depredation, and 2) by impeding avian flyway routes, thereby increasing avian mortality due to collisions with power lines and associated structures.

Responses

Comment 80-6

A discussion of fragmentation and associated impacts on fauna appears in Section 3.7.2.3 of the EIS.

Comment 80-7

A detailed plan to address avian risk is included in the draft Avian Mitigation Plan (AMP) developed by the Applicants, which is included as Appendix I. A discussion of the AMP appears in Section 3.7.2.3 and 3.7.3.3 of the EIS.

Comment 80-8

Text in Section 3.7.2.1 regarding the lack of impacts to any rare or sensitive vegetation communities has been removed. Text in Section 3.7.2.1 has been modified to include a description of the limits of NHIS and MCBS information, and to note that a Biological Assessment and Evaluation for the Study Area has been conducted to supplement information. Once the Route Alternative and transmission line alignment are selected, suitable habitat for sensitive communities will be evaluated in advance of construction activities and suitable habitat will be surveyed for sensitive species. Information from the Biological Assessment and Evaluation is included in Sections 3.7 and 3.8 of the EIS.

Comment 80-9

Text in Section 3.7.2.3 has been modified to indicate that the Project would be designed to comply with the National Electric Safety Code requirements and Avian Power Line Interaction Committee Construction Design Standards. Text in Section 3.7.2.3 has been supplemented with additional information on avian mortality related to transmission lines and the use of design measures to reduce the risk of bird electrocution. A draft AMP is included in Appendix I.
Comment 80-10
Text in Section 3.7.2.3 has been modified to note that specific procedures for monitoring and reporting avian mortality related to the Project would be included in the AMP. The draft AMP is included as Appendix I.

Comment 80-11
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 80-12
Text in Section 3.7.2.3 has been supplemented with an estimate of annual avian mortality and significance of impacts relative to the population. Mitigation to reduce avian mortality is presented in the draft AMP, which is included as Appendix I.

Comment 80-13
Text in Sections 3.7.2.1 and 3.8 has been supplemented with information on the limitations on NHIS and MCBS data.

Comment 80-14
Please see response to Comment 80-12, which addresses a similar concern.

Comment 80-15
Text in Section 3.8 has been supplemented to indicate that the NHIS search identifies species documented within a 1 mile buffer zone surrounding the Route Alternatives.

Comment 80-16
Text in Section 3.8.1.4 has been supplemented to note the presence of mussels. Text in Section 3.8 has been supplemented to indicate that the NHIS search identifies species documented within a 1 mile buffer zone surrounding the Route Alternatives. The peregrine falcon was not identified within the buffer evaluated or documented during the Biological Assessment and Evaluation.

Comment 80-17
Tables 3.8-5 and 3.8-6 have been edited to correct the noted errors.

Comment 80-18
Text in Section 3.13.2.2 has been supplemented to include information on the presence of and potential impacts to water trails.
Noteworthy areas of potential aesthetic impact are the crossing of the Mississippi River at the Power Dam on Beltrami County Road 12, Poplar and Roseau Rivers south of Detroit Lakes, and headwaters streams of the Big Fork River also south of Detroit Lakes.

**Appendix G: Biological Assessment and Evaluation**

Generally, it would be helpful if the information and data included in Appendix G was summarized in the main DEIS text. The following specific comments are offered regarding Appendix G.

**Page 3-3 Old Growth**

In addition to the one old growth stand located in the route that is referred to, DNR designated old growth stands adjacent to the route are also important to discuss. The ecological integrity of these old growth stands can be compromised if too much disturbance occurs in the area surrounding the stand. The DNR tries to maintain old forest conditions around these old growth stands using special management zones and old forest management complexes. At a minimum, any construction activities within 330 feet of an old growth stand should be discussed in the EIS. Forest loss, fragmentation, and spread of invasive species are the main concerns.

**Page 5-3 MCBS**

There are several MCBS sites rated as "Outstanding" in Cass County within the routes. Though there may be a typo in the county reference, it appears that these sites are not addressed in Appendix G.

**Page 4-6 Goshawks and Page 5-7 Goshawks Table 5.2.1.**

There is at least one Goshawk territory within 1000 ft of the routes located near Sucker Lake in close proximity to Route 1. More than 8.4 acres of Route 1 is located within the nesting area of Sucker Lake. It is unclear what size buffer zones the next were used in this analysis. It is important to show the reader how the values were calculated as it appears there is a discrepancy. If possible, construction and logging should not occur within at least 100 meters of an active nest during the breeding season at February 1st through August 1st.

The number of goshawk territories affected by the various routes differs within the DEIS. For example Chapter 3 Table 3.8.1 in different from Appendix G Table 5.2.1 and Appendix G Table 5.2.1 and Table 7.1. Explanation is needed about why these numbers differ so that alternatives can be adequately compared.

**Page 5-22 The Natural Heritage Information System is re-checked just before construction begins to see if there are any newly documented locations of threatened species within the route.**

**Page 5-23 Direct and Indirect Effects**

This section should refer to the new federal guidelines and note that all nest trees will be excluded from harvest. The protections mentioned may not satisfy the federal guidelines. It may be helpful to consult with the USFWS staff person Maggie Rische at 612-725-5498 ext. 2202 to obtain more information regarding these guidelines.

**Page 5-62 Blanding’s Turtle**

Blanding’s Turtle (Emydoidea blandingii) are mentioned as occurring in the study area, yet in the rare species reptile section on page 200 of the DEIS, the species is not mentioned. Discussion of this species should be added to the EIS text and narrative.

**Comment 80-19**

Text in Appendix G, Section 3.3.4, has been modified to include information on old growth stands.

**Response 80-19**

Thank you for your comment. It has been noted and included in the record for this EIS.

**Comment 80-20**

Text in Appendix G, Section 3.3.4, has been modified to include information on Cass County sites.

**Response 80-20**

Thank you for your comment. It has been noted and included in the record for this EIS.

**Comment 80-21**

Text in Section 3.8.3 of the EIS has been modified to include DNR recommended mitigation for Goshawk nests. Text in Section 3.8.1.1 of the EIS has been modified to note the reported presence of the Goshawk territory within 1,000 feet of Route Alternative 1, and to explain how the number of occurrences were calculated.

**Response 80-21**

Thank you for your comment. It has been noted and included in the record for this EIS.

**Comment 80-23**

Text in Appendix G, Section 5.2.1.14 has been modified to include a discussion of the new federal guidelines.

**Response 80-23**

Thank you for your comment. It has been noted and included in the record for this EIS.

**Comment 80-24**

Text in Sections 3.8.1.2 and 3.8.1.3 and Tables 3.8-3 and 3.8-4 have been modified to include information on the Blanding’s Turtle.
Commenter 80 – Minnesota DNR

Responses

Comment 80-25
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 80-26
A draft Avian Mitigation Plan (AMP) is included as Appendix I. The AMP was prepared in accordance with APLIC guidelines. The final AMP will be submitted by the Applicant to the PUC and the DNR with applicable permit applications.

Comment 80-27
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 80-28
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 80-29
Thank you for your comment. It has been noted and included in the record for this EIS. A discussion of spanning water bodies as a potential mitigation measure appears in Sections 3.4.3, 3.5.3, and 3.6.3 of the EIS.

Comment 80-30
Thank you for your comment. It has been noted and included in the record for this EIS.

---

General Recommendations for Permit Requirements and Mitigation

The following comments include recommendations for permit requirements or mitigation based on DNR staff review of the EIS:

80-25 The permit should require that the applicant complete an overall Construction Environmental Control Plan (CECP) to ensure that appropriate systems are in place to ensure compliance with various permit and project plans. CECPs typically contain additional environmental documents (e.g., Agricultural Impact Mitigation Plans, Environmental Mitigation Plans, Re-vegetation and Restoration Plans, Pollution Prevention Plans, etc.), policies, permits, plans and protocols which, when implemented, will minimize and/or mitigate the potential impacts associated with transmission line construction.

As a component of the CECP, the applicant should include an Environmental Mitigation Plan (EMP) which provides an outline of construction-related environmental policies, procedures, and mitigation measures developed by CAPX for the transmission line project. An inventory of publicly managed lands, rare features, water bodies, wetlands, sites of biodiversity significance, recreational trails, native prairie and habitat complexes should be included in the plan. Avoidance, minimization and mitigation measures for each resource should also be included in the plan. The DNR recommends that appropriate avoidance, minimization and mitigation be discussed and agreed upon as part of the permitting process.

80-26 The DEIS indicates that an avian protection plan is being prepared. Either a draft of the plan or specific monitoring and mitigation measures within the plan should be included in the EIS. It is recommended that the permit require the final plan to be completed in accordance with the Suggested Practices for Avian Protection on Power Lines: State of the Art in 2006 (APLIC, 2006), be developed with consultation from the DNR, and be included in the CECP.

80-27 On other large projects similar to the Benzie to Grand Rapids Transmission Project, applicants have been required to hire third-party agency monitors to work with and supplement agency field presence. These monitors also satisfy reporting expectations and help to ensure that impacts to protected resources are avoided and/or minimized. It appears that under the current proposal, the use of agency monitors is not planned. A permit requirement for the use of applicant or owner funded agency monitors would be beneficial and is a model that has worked well on other projects.

80-28 The route permit should require that a riparian corridor consisting of shrub or low growing woody species be protected and maintained within 25 feet of all public waters and public waters wetlands. This practice is outlined in Natural Resources Conservation Service (NRCS) Conservation Standard 390. The use of herbicides and pesticides should also be restricted in these areas during maintenance. Only woody vegetation that would interfere with the power lines should be trimmed or cleared. Woody vegetation plays an important role in providing habitat for wildlife along riparian corridors as well as providing shading of streams. This is especially important for cold and cool-water streams (e.g., Neosoke River and tributaries). Another benefit of leaving woody vegetation is mitigation for providing fish habitat. Vehicle (OHV) access to the streams. Utility crossings have become popular areas for OHVs to access and cross streams, which can result in bank instability and erosion.

80-29 The permit shall require that the project include waterways and wetlands, where possible, to minimize potential effects on water quality, wildlife, recreation, and aesthetics.

80-30 The DNR would encourage commitment from the project proponent to install replacement nesting structures at all locations where such will be needed along future transmission line routes. If leisure construction is especially attractive in aspen. It is possible that with new regulations, the project proponent would be
Comment 80 - Minnesota DNR

80-31 The project should require that, when possible, the HVTL be co-located with existing utility lines crossing at all existing public water crossings.

80-32 The project should require that, in environmentally sensitive areas, with landowner or agency consent, barriers be constructed to limit unauthorized OHV or other vehicle access to the project Right-Of-Way (ROW).

80-33 Minnesota Land and Water Crossing License

The following DNR permitting information is provided at this stage in the environmental review and thus permitting process for the project proposer, Office of Energy Security and Public Utilities Commission planning and coordination purposes and for consideration in the FEIS.

The review and issuance of DNR land and water crossing licenses are coordinated by the DNR Division of Lands & Minerals. The proposed project spans four counties in two DNR regions (NW and NS). The Lands & Minerals Regional Supervisor in Itasca County is Joe Rehake (218-996-7894) and the Lands & Minerals Regional Supervisor in the NW Region for all counties to the west is Cindy Buhlmann (218-308-2027). The project proposer should contact Joe and Cindy to schedule a pre-application meeting to discuss administrative procedures for submitting the land and water crossing applications for this project.

The project proposer should allow adequate time for review and modification of the license applications after the completion of environmental review. The following information should be included in the license applications:

1. Length and width of each proposed state land and public water depicted on maps and plans sheets. Each crossing must be identified by legal descriptions to the fifty.
2. Clearing activities, construction methods, schedule, and staging of operations including equipment and materials storage proposed on state land or in public waters.
3. Permanent and temporary access points to the proposed ROW affecting state land or public waters.
4. Temporary work areas on state land adjacent to the ROW that may be needed during construction. These areas should be clearly delineated and identified in the application materials.
5. General location of existing utility lines or transportation ROWs within or near the proposed ROW on state land or in public waters.
6. State trails or Grant in Aid trails proposed to be crossed.
7. Location and design of tower structures including proposed methods for disposal or wasting of the back dirt resulting from the excavation of the tower footings.
8. Restoration methods including proposed seed mixes and invasive species control measures.

Responses

Comment 80-31
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 80-32
Thank you for your comment. It has been noted and included in the record for this EIS. The use of barriers to limit OHV access is discussed as a potential mitigation measure in Section 3.13.3 of the EIS.

Comment 80-33
Text in Section 3.4.1.1 has been supplemented to include a description of the information that would be required for a license to cross state lands and public waters. Information included in the license application would be specific to the Route Alternative selected. Text in Section 3.4.3 has been supplemented to include license conditions that may be imposed by the DNR for licenses to cross state lands and public waters.
Comment 80-34

Thank you for your comment. Text in Section 3.7.2.3 has been supplemented with additional information on annual avian mortality. The Section has also been modified to note that monitoring and identification of specific avian corridors is ongoing. Specific mitigation measures proposed by the Applicants are presented in a draft Avian Mitigation Plan (AMP), which is included as Appendix I.
Endangered, Threatened, and Special Concern Species of Minnesota

Blanding's Turtle
(Emydura blandingii)

Minnesota Status: Threatened
Federal Status: None
State Rank: S2
Global Rank: G4

HABITAT USE
Blanding’s turtles need both wetland and upland habitats to complete their life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding’s turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation (e.g., cattails, water lilies) are preferred, and extensive marshes bordering rivers provide excellent habitat. Small temporary wetlands (those that dry up in the late summer or fall) are frequently used in spring and summer — these fishless pools are amphibian and invertebrate breeding habitat, which provides an important food source for Blanding’s turtles. Also, the warmer water of these shallower areas probably aids in the development of eggs within the female turtle. Nesting occurs in open (grassy or brushy) sandy uplands, often some distance from water bodies. Frequently, nesting occurs in traditional nesting grounds on undeveloped land. Blanding’s turtles have also been known to nest successfully on residential property (especially in low density housing situations), and to utilize disturbed areas such as farm fields, gardens, under power lines, and road shoulders (especially of dirt roads). Although Blanding’s turtles may travel through woodlots during their seasonal movements, shady areas (including forests and lawns with shade trees) are not used for nesting. Wetlands with deeper water are needed in times of drought, and during the winter. Blanding’s turtles overwinter as the muddy bottoms of deeper marshes and ponds, or other water bodies where they are protected from freezing.

LIFE HISTORY
Individuals emerge from overwintering and begin basking in late March or early April on warm, sunny days. The increase in body temperature which occurs during basking is necessary for egg development within the female turtle. Nesting in Minnesota typically occurs through June, and females are most active in late afternoon and at dusk. Nesting can occur as much as a mile from wetlands. The nest is dug by the female in an open sandy area and 6-15 eggs are laid. The female turtle returns to the marsh within 24 hours of laying eggs. After a development period of approximately two months, hatchlings leave the nest from mid-August through early October. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with nesting, all ages and both sexes move between wetlands from April through November. These movements peak in June and July and again in September and October as turtles move to and from overwintering sites. In late autumn (typically November), Blanding’s turtles bury themselves in the substrate (the mud at the bottom) of deeper wetlands to overwinter.

IMPACTS / THREATS / CAUSES OF DECLINE
• Loss of wetland habitat through drainage or flooding (converting wetlands into ponds or lakes)
• Loss of upland habitat through development or conversion to agriculture
• Human disturbance, including collection for the pet trade* and road kills during seasonal movements
• Increase in predator populations (snakes, raccoons, etc.) which prey on nests and young

*It is illegal to possess this threatened species.
RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations apply to typical construction projects and general land use within Blanding’s turtle habitat, and are provided to help local governments, developers, contractors, and homeowners minimize or avoid detrimental impacts to Blanding’s turtle populations. List 1 describes minimum measures which we recommend to prevent harm to Blanding’s turtles during construction or other work within Blanding’s turtle habitat. List 2 contains recommendations which offer even greater protection for Blanding’s turtles populations: this list should be used in addition to the first list in areas which are known to be of state-wide importance to Blanding’s turtles (contact the DNR’s Natural Heritage and Nonnative Research Program if you wish to determine if your project or home is in one of these areas), or in any other area where greater protection for Blanding’s turtles is desired.

### List 1. Recommendations for all areas inhabited by Blanding’s turtles.

<table>
<thead>
<tr>
<th>General</th>
</tr>
</thead>
<tbody>
<tr>
<td>A flyer with an illustration of a Blanding’s turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding’s turtles in the area.</td>
</tr>
<tr>
<td>Turtle crossing signs can be installed adjacent to road-crossing areas used by Blanding’s turtles to increase public awareness and reduce road kills.</td>
</tr>
<tr>
<td>Turtles which are in imminent danger should be moved, by hand, out of harm’s way. Turtles which are not in imminent danger should be left undisturbed.</td>
</tr>
<tr>
<td>Worlds in the area should be aware that Blanding’s turtles nest in June, generally after dusk, and should be advised to minimize disturbance if turtles are seen.</td>
</tr>
<tr>
<td>If a Blanding’s turtle nests in your yard, do not disturb the nest.</td>
</tr>
<tr>
<td>If you would like to provide more protection for a Blanding’s turtle nest on your property, see “Protecting Blanding’s Turtle Nests” on page 3 of this fact sheet.</td>
</tr>
<tr>
<td>Silt fencing should be set up to keep turtles out of construction areas. It is critical that silt fencing be removed after the area has been revegetated.</td>
</tr>
<tr>
<td>Construction in potential nesting areas should be limited to the period between September 15 and June 1 (this is the time when activity of adults and hatchlings in upland areas is at a minimum).</td>
</tr>
</tbody>
</table>

### Wetlands

Small, vegetated temporary wetlands (Types 2 & 3) should not be dredged, deepened, filled, or converted to stormwater detention basins (these wetlands provide important habitat during spring and summer). Shallow portions of wetlands should not be disturbed during prime hatching time (mid-morning to mid-afternoon in May and June). A wide buffer should be left along the shore to minimize human activity near wetlands (Blanding’s turtles are more easily disturbed than other turtle species). Wetlands should be protected from pollution: use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes. Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50’ wide. This area should be left unmowed and in a natural condition.

### Roads

Roads should be kept to minimum standards on widths and slopes (this reduces road kills by slowing traffic and reducing the distance turtles need to cross). Roads should be ditched, not curbed or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred. Blanding’s turtles have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills.

<table>
<thead>
<tr>
<th>RESPONSES</th>
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<tbody>
<tr>
<td>Roads should be ditched, not curbed or below grade.</td>
</tr>
<tr>
<td>Trutrones should be considered in areas with concentrations of turtle crossings (more than 10 turtles per year per 100 meters of road), and in areas of lower density if the level of road use would make a safe crossing impossible for turtles. Contact your DNR Regional Nonnative Species Specialist for further information on wildlife corridors.</td>
</tr>
<tr>
<td>Roads should be ditched, not curbed or below grade.</td>
</tr>
<tr>
<td>Roads should be ditched, not curbed or below grade.</td>
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<tr>
<td>Roads should be ditched, not curbed or below grade.</td>
</tr>
</tbody>
</table>
ROADS cont.

- Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.
- Road placement should avoid separating wetlands from adjacent upland nesting sites, or these roads should be biased to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details).
- Wetland crossings should be bridged; or include raised roadways with culverts which are 26 in. or greater in diameter and elliptical or flat-bottomed (raised roadways discourage turtles from leaving the wetland to bask on roads).
- Road placement should avoid separating wetlands, or these road should be biased to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details). This is especially important for roads with more than 2 lanes.

- Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.
- Roads crossing streams should be bridged.

UTILITIES

- Utility access and maintenance roads should be kept to a minimum (this reduces road kill potential).
- Ravine boulevards can help turtles, travel should be checked for turtle prior to being bulldozed and the trees should be returned to original grade.

LANDSCAPING AND VEGETATION MANAGEMENT

- Terraces should be left with as much natural contour as possible.
- As much natural landscape as possible should be preserved (classification of soil or wood chips, peat moss, and planting of trees and native perennial ground cover can make that habitat more usable for nesting Blending’s turtles).

- Graded areas should be revegetated with native grasses and forbs (some non-native forbs deters patches through which it is difficult for turtles to travel).
- Open space should include some areas at higher elevations for nesting. These areas should be returned to native vegetation, and should be protected from wetlands by a wide swale of native vegetation.

- Vegetation management in infrequently mowed areas -- such as as ditches, sheep, utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 15th and before March 15th).
- Ditches and utility access roads should be mowed or managed through use of chemicals. If vegetation management is required, it should be done mechanically, as infrequently as possible, and fall through spring (mowing can kill turtles present during mowing, and makes it easier for predators to locate turtles crossing roads).

Protecting Blending’s Turtle Nests: Most predation on turtle nests occurs within 48 hours after the eggs are laid. After this time, the scent is gone from the nest and it is more difficult for predators to locate the nest. Nests more than a week old probably do not need additional protection, unless they are in a particularly vulnerable spot, such as a yar or where pets may disturb the nest. Turtle nests can be protected from predators and other disturbance by covering them with a piece of wire fencing (such as chicken wire) secured to the ground with stakes or rocks. The piece of fencing should measure at least 2 ft. x 2 ft. and should be of medium sized mesh (openings should be about 2 in. x 2 in.).

It is very important that the fencing be removed before August 15th so the young turtles can escape from the nest when they hatch.

REFERENCES


REFERENCES (cont.)


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Responses
Comment 80-36
The title of Section 3.8 has been changed to “Species of Concern,” as requested.

3.8 Species of Special Concern

The title of this section may be confused with the State designation of special concern. Please change this to “Species of Concern” to avoid confusion. References to “Species of Special Concern” in the text of this section should also be changed. Likewise, Table 3.8.1 “Known Occurrences of Bird Species of Special Concern…” should be renamed “Bird Species of Concern” and Table 3.8-5 should be renamed “Known Occurrences of Plant Species of Concern within Route Alternative.”
April 20, 2010

Suzanne Steinhauer
Project Manager
Office of Energy Security
Minnesota Department of Commerce
857 7th Place East, Suite 500
St. Paul, MN 55101-2198

Re: Bemidji – Grand Rapids Transmission Line Project
PUC Docket No. E017, E015, E106/TL-07-1327
OAH Docket No. 6-2500-20825-3

Dear Ms. Steinhauer:

On February 23, 2010, the Minnesota Office of Energy Security (OES) issued a Notice of Availability of Draft Environmental Impact Statement and request for public comments on the Draft Environmental Impact Statement (DEIS) relating to the route permit application by Otter Tail Power, Minnesota Power, and Minnesota Power Cooperative (the Applicants) for a 230 kV transmission line from Bemidji to Grand Rapids, Minnesota. The Minnesota Department of Transportation (Mn/DOT) has reviewed the DEIS regarding the proposed transmission line project and submits the following comments in response to the Notice.

Both the preferred and alternate routes evaluated in the DEIS have a number of locations that either cross or run parallel to highways that are part of the state trunk highway system and the National Highway System. Due to the magnitude of the impacts on these highways, the enclosed comments provide the background on Mn/DOT’s Utility Accommodation Policy. Mn/DOT’s policy seeks to permit utilities to occupy portions of the highway rights-of-way where such occupation does not put the safety of the traveling public or highway workers at risk or unduly impair the public’s investment in the transportation system. The enclosed comments also provide input on specific impacts associated with the proposed project discussed in the DEIS.

Mn/DOT appreciates the opportunity to comment and commends the OES and RUS for the comprehensive and detailed draft of the EIS. Mn/DOT wishes to participate in the development of the EIS so that it will contain a thorough evaluation of the effects various route proposals may have on the state transportation system. Mn/DOT’s fundamental interest is to ensure that the EIS identifies and quantifies, to the extent possible, any impacts the proposed high voltage transmission line (HVT) may have on the safety of the transportation system, the effectiveness of the operations or maintenance of the state trunk highway system, and any additional costs that may be imposed on the state trunk highway fund as a result of the location of the proposed HVT.

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Mn/DOT has adopted a formal policy and procedures for accommodation of utilities on the highway rights-of-way ("Utility Accommodation Policy"). A copy of Mn/DOT’s policy can be found at http://www.dot.state.mn.us/utility/files/edf/appendix-b.pdf.

Mn/DOT’s approach to the high voltage transmission line ("HVTL") involved in the Applicants' proposal is to work to accommodate the HVTL within or as near as feasible to the trunk highway rights of way, based on an evaluation of the specific locations to ensure that appropriate clearance is maintained to preserve the safety of the traveling public and highway workers and the effective operation of the highway system now and in the foreseeable future. Mn/DOT’s Utility Accommodation Policy seeks to guide the balance between accommodation of utility operations in the highway rights-of-way and preserving the safe and efficient operation of the transportation system.

The provisions of the Utility Accommodation Policy are based on the framework of several interrelated state and federal laws that led to its creation. These comments will outline the legal and regulatory structure under which the Policy was adopted, and will then discuss the types of circumstances and concerns that must be considered when applying the Utility Accommodation Policy to a specific situation as Mn/DOT works to accommodate a utility in a highway right-of-way while preserving the safe and efficient operation of the highway. The comments will provide as much specific information as is possible at this time on locations where the HVTL routes proposed by Applicants in this application either cross or run parallel to the trunk highway system. Finally, these comments will discuss a few specific portions of the DEIS.

I. Legal Framework Applicable to Mn/DOT's Utility Accommodation Policy

Mn/DOT’s policy regarding accommodation of utilities is governed by both federal and state statutes and regulations. These comments will first describe the primary federal laws and then the state laws.

A. Applicable Federal Laws

Certain highways in Minnesota are part of the National Highway System, which is established under 23 U.S.C. §103. The National Highway System and the Dwight D Eisenhower National System of Interstate and Defense Highways (Interstate System) are together known as the Federal-aid System. 23 U.S.C. §103(a). See also 23 CFR Part 470. In addition to the highways on the National Highway System, other highways also receive federal funding. Together, the highways in the National Highway System, the Interstate System, plus the other highways that receive federal funding are known as "Federal-aid highways." 23 CFR §470.103. The Federal-aid highways in Minnesota that are impacted by the Bemidji to Grand Rapids route proposal that would run parallel to the highway include US 2, US 71, MN 46, and MN 6. The Federal-aid highways that would be crossed by the route proposals include US 2, US 71, MN 6, MN 46 and MN 371.

Congress articulated the transportation policy of the United States in 23 U.S.C. §101(b). Among other things, Congress noted that "it is in the national interest to preserve and enhance the surface transportation system to meet the needs of the United States for the 21st Century," that "the current urban and long distance personal travel and freight movement demands have surpassed the original forecasts and travel demand patterns are expected to continue to change," and that "special emphasis should be devoted to providing safe and efficient access
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for the type and size of commercial and military vehicles that access designated National Highway System intermodal freight terminals.” 23 U.S.C. §101(b)(3)(A), (B) and (E).

Federal law requires that “The real property interest acquired for all Federal-aid projects . . . shall be adequate for the construction, operation, and maintenance of the resulting facility and for the protection of both the facility and the traveling public.” 23 C.F.R. §710.201(e). In addition, all real property that is part of the Federal-aid highway system must be devoted exclusively to highway purposes unless an alternative use is permitted by federal regulation or the Federal Highway Administration (“FHWA”). This basic proposition is stated in 23 C.F.R. §710.403, which provides:

“(a) The [State Transportation Department] must assure that all real property within the boundaries of a federally-aided facility is devoted exclusively to the purposes of that facility and is preserved free of all other public or private alternative uses, unless such alternative uses are permitted by Federal regulation or the FHWA. An alternative use must be consistent with the continued operation, maintenance, and safety of the facility, and such use shall not result in the exposure of the facility's users or others to hazards.”

Similarly, 23 C.F.R. §1.23 restricts use of the highway right-of-way unless otherwise permitted. This section provides:

“(a) Interest to be acquired. The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation and maintenance of a project.

(b) Use for highway purposes. Except as provided under paragraph (c) of this section, all real property, including air space, within the right-of-way boundaries of a project shall be devoted exclusively to public highway purposes. No project shall be accepted as complete until this requirement has been satisfied. The State highway department shall be responsible for preserving such right-of-way free of all public and private installations, facilities or encroachments, except (1) those approved under paragraph (c) of this section; (2) those which the Administrator approves as constituting a part of a highway or as necessary for its operation, use or maintenance for public highway purposes and (3) informational sites established and maintained in accordance with Sec. 1.35 of the regulations in this part.

(c) Other use or occupancy. Subject to 23 U.S.C. 111, the temporary or permanent occupancy or use of right-of-way, including air space, for nonhighway purposes and the reservation of subsurface mineral rights within the boundaries of the rights-of-way of Federal-aid highways, may be approved by the Administrator, if the determines that such occupancy, use or reservation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon.”

(Emphasis added.)

Federal law recognizes accommodating the placement of utility facilities as a permissible exception to the general mandate that all of a highway right-of-way, including the air space above the right-of-way, must be used solely for highway purposes. Section 106(i) of Title 23 of the U. S. Code provides:

“(1) In determining whether any right-of-way on any Federal-aid highway should be used for accommodating any utility facility, the Secretary shall—
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(A) first ascertain the effect such use will have on highway and traffic safety, since in no case shall any use be authorized or otherwise permitted, under this or any other provision of law, which would adversely affect safety.
(B) evaluate the direct and indirect environmental and economic effects of any loss of productive agricultural land or any impairment of the productivity of any agricultural land which would result from the disapproval of the use of such right-of-way for the accommodation of such utility facility; and
(C) consider such environmental and economic effects together with any interference with or impairment of the use of the highway in such right-of-way which would result from the use of such right-of-way for the accommodation of such utility facility.

The U.S. DOT has implemented this statutory directive by adopting the rules relating to accommodation of utilities found at 23 C.F.R. Part 645, Subpart B. These regulations require that each state transportation department submit its policies for accommodating utilities within highway rights of way to the FHWA. 23 C.F.R. §645.215(a). See also 23 C.F.R. §645.209(c). The FHWA will approve the policy upon determination that it is consistent with federal statutes and regulations, and any changes to the policy are subject to FHWA approval. 23 C.F.R. §645.215(b) and (c). Once a state’s policy has been approved by the FHWA, the state transportation department can approve requests by a utility to use or occupy part of the right-of-way of a highway that is part of the Federal-aid highway system if the request is encompassed by that policy. Exceptions to the policy can be granted, but if a state proposes to grant an exception to its utility accommodation policy, the exception is subject to review and approval by the FHWA. 23 C.F.R. § 645.215(c). This may be considered a federal action which would need to meet all requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 et seq., to be in conformance with federal regulations.

B. Applicable Minnesota Laws

In addition to these federal laws, Mn/DOT’s policy on utility accommodation must also conform to laws of the State of Minnesota. Article 14 of the Minnesota Constitution establishes the state trunk highway system. It also establishes "a trunk highway fund which shall be used solely for the purposes of constructing, improving and maintaining the trunk highway system."

Minn. Const. Art. 14, §6. Under Minn. Stat. §161.20, the Commissioner of the Department of Transportation is charged with the responsibility to carry out the directive of Article 14 to construct, improve and maintain the trunk highway system, subject to the directive that trunk highway funds may be used only for trunk highway purposes. All of the Federal-aid highways identified above as impacted by the Gemidi to Grand Rapids proposal are part of the trunk highway system.

Minnesota has several statutes relating to use of highway rights-of-way by utilities. Minn. Stat. §222.37, Subd. 1, provides in part:

"Any ... power company ... may use public roads for the purpose of constructing, using, operating, and maintaining lines ... for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same, and in the construction and maintenance of such line ... the company shall be subject to all reasonable regulations imposed by the governing body of any county, town or city in which such public road may be."
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Minn. Stat. § 161.45 provides additional obligations for utility facilities occupying portions of a trunk highway right-of-way. Section 161.45, Subd. 1 provides in part:

“Electric transmission . . . lines . . . which, under the laws of this state or the ordinance of any city, may be constructed, placed or maintained across or along any trunk highway . . . may be so maintained or hereafter constructed only in accordance with such rules as may be prescribed by the commissioner who shall have power to prescribe and enforce reasonable rules with reference to the placing and maintaining along, across, or in any such trunk highway of any of the utilities hereinbefore set forth.”

Subdivision 2 of §161.45 specifies the general rule that if the relocation of a utility placed in a trunk highway right-of-way is necessitated by a construction project on the trunk highway, the utility bears the costs associated with the relocation of its facility. However, if a utility facility is located on the Interstate System, then the cost of relocation of such facility is to be paid out of the state Trunk Highway Fund. See Minn. Stat. § 161.46.

Minnesota Rules part 8910.3100 through 8910.3600 contain rules relating to placement of utility facilities in trunk highway rights of way. Under part 8910.3300, a utility must obtain a permit for any construction or maintenance work in a trunk highway right-of-way. In addition, Subp. 6 of part 8910.3300 requires that, except for the negligent acts of the state, its agents and employees, the utility shall assume all liability for and save the state harmless from any and all claims arising out of the utility’s work and occupation of a portion of the trunk highway right-of-way.

C. Mn/DOT’s Utility Accommodation Policy

Mn/DOT has adopted a policy statement regarding the circumstances and methods under which it will grant permits to utilities to occupy a portion of a trunk highway right-of-way. Mn/DOT’s Utility Accommodation Policy is in conformity with the federal and state statutes and regulations described above, and is also consistent with the American Association of State Highway and Transportation Officials (AASHTO) publications, A Guide for Accommodating Utilities Within Highway Right-of-Way and A Policy on the Accommodation of Utilities Within Freeway Right-of-Way. Mn/DOT’s Utility Accommodation Policy has been reviewed and approved by FHWA under 23 CFR §545.215(b). Therefore, with respect to Federal-aid highways, further review and approval by the FHWA is required for Mn/DOT to grant an exception to the general application of the Policy, but FHWA review and approval is not necessary for permits granted within the scope of the Policy.

Mn/DOT’s Utility Accommodation Policy recognizes that it is in the public interest for utility facilities to be accommodated on highway rights-of-way when such use does not interfere with the flow of traffic and safe operation of vehicles or otherwise conflict with applicable laws or impair the function of the highway. The Policy applies to all utilities, both public and private. Therefore it speaks in somewhat generic terms to cover as many anticipated situations as possible.

The Policy was developed with integrated sections, and two or more sections usually need to be read together when applying the Policy to the context of a utility accommodation circumstance. Some of the provisions most relevant to the Applicants’ route proposals include:

- Part I.F – articulates the general policy of accommodation of utilities;
- Part I.G – contains provisions for granting exceptions to the Policy;

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- Part V – addresses the location requirements for utilities occupying a portion of a highway right-of-way that apply to most highways;
- Part VI – contains special rules for utility accommodation requests along freeways;
- Part X – contains specific requirements relating to overhead power and communication lines.

MnDOT expressly requires to include in its Utility Accommodation Policy some provisions that apply specifically to freeways. 23 CFR §645.205(c). Freeways are characterized by the fact that they are subject to full control of access – i.e., preference is given to through traffic by restricting areas where any person, including vehicles that use the highway, may enter or leave the freeway. By implementing full control of access, through traffic can safely achieve higher speeds and encounter fewer stoppages or slowdowns of the flow of traffic. On freeways, all crossings at grade are prohibited, and fencing is installed along the right-of-way to prevent other persons (including snowmobiles, bicyclists, walkers, etc.) or animals from entering the freeway right-of-way. Freeways also require special design considerations, such as the wider clear zones adjacent to the roadway due to the higher speeds achieved by through traffic on freeways.

The control of access aspect of freeways is a key consideration underlying the special rules regarding utility accommodation requests on freeways. The Utility Accommodation Policy states: “The installation of new utility facilities shall not be allowed longitudinally within the right of way of any freeway, except in special cases under strictly controlled conditions.” Under Utility Accommodation Policy, Section VI.C, the utility seeking to establish that special circumstances exist to justify an installation on a freeway must demonstrate to Mn/DOT’s satisfaction the following:

a. The accommodation will not adversely affect the safety, design, construction, traffic operations, maintenance, or stability of the freeway.
b. Alternate locations are not available or are cost prohibitive from the standpoint of providing efficient utility services.
c. The accommodation will not interfere with or impair the present use or future expansion of the freeway.
d. The location of the utility facility outside of the right of way would result in the loss of productive agricultural land or loss of productivity of agricultural land. In this case, the utility owner must provide information on the direct and indirect environmental and economic effects for evaluation and consideration by the Commissioner of Transportation.
e. Access for constructing and servicing utility facility will not adversely affect safety and traffic operations or damage any highway facility.

Concurrence by the FHWA is also required before the permit for a longitudinal installation on a freeway can be granted.

I. Overview of Transportation-Related Impacts of HVTLS on Trunk Highways

The preferred and alternate routes proposed by the Applicants in this matter either cross over or run parallel to trunk highways in a number of locations. When a route is ultimately selected by the Minnesota Public Utilities Commission (MPUC), the Applicants will need to obtain a valid permit from Mn/DOT in any location where the HVTL will occupy any portion of the highway right-of-way.
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In anticipation of the time when the Applicants will submit applications for permits after a final route is selected, Mn/DO T has engaged in an ongoing dialogue with representatives of the Applicants and the OES in an effort to identify information that will be needed to assess the permit applications and, to the degree that specificity is possible at this stage of the proceedings, areas where specific concerns will need to be addressed along various potential route/alignment scenarios. Mn/DO T believes these discussions have been beneficial for all participants. The discussions have been challenging due to the large number of locations where the proposed HVTL routes and the trunk highways potentially intersect, the variety of unique circumstances that exist along each of these potential locations, and the number of unknowns and uncertainties surrounding the selection of the actual locations where the Applicants will eventually apply for permits from Mn/DO T.

One of the concepts that has been discussed with the Applicants and the OES is the importance of recognizing that highway rights-of-way do not have a uniform width. The width of the right-of-way, and the distance from the centerline of the roadway to the boundary of the right-of-way, varies from highway to highway, and even from mile to mile along a given highway. The reasons for this variability are many, and include considerations such as the time when the right-of-way was purchased, the topography and geology of the area, the negotiations with the individual landowners from whom the right-of-way was acquired, and the timing and nature of changes and upgrades to the highway that have occurred over the years.

Therefore, a uniform policy that an HVTL can safely be located X feet or Y feet outside the highway right-of-way boundary line generally does not work well. A two-dimensional map does not provide sufficient information to determine a suitable alignment for a HVTL. Rather, Mn/DO T's approach is to evaluate the type of activities that regularly occur on and along highways. These activities can be evaluated in three groups – (a) traffic that uses a highway, (b) maintenance, repair and related activities and structures associated with the ongoing operation of the highway, and (c) construction activities that are likely to occur in the foreseeable future. These functions or uses of the highway each have a zone – i.e., a height and width – in which they take place either along the roadway surface or in the ditches, near bridges, intersections or interchanges where the maintenance and construction activities take place.

Once the zones of these recurring highway activities are identified, a safety buffer zone from the location of the energized wires of the HVTLs must be applied. The Occupational Safety and Health Administration (OSHA) and the National Electrical Safety Code (NESC) can provide guidance on the safety clearances for activities near various voltages of HVTLs. The OSHA or NESC safety buffer should be applied between the zones of transportation activities and the location of the energized lines.

1. Traffic That Uses a Highway

Minnesota's trunk highways are designed to facilitate both personal travel and the distribution of freight throughout the state. Pursuant to Minn. Stat. §§169.80 and 169.81, vehicles that do not exceed 13 feet 6 inches in height and 8 feet 6 inches in width can be operated on Minnesota's highways without a permit. Vehicles with larger dimensions, excluding farm vehicles, must obtain a permit. Over the past 5 years, Mn/DO T has issued 233,376 permits for oversize vehicles to operate on state trunk highways. These do not include oversize farm machinery (which do not require a permit) nor movements of houses or other buildings such as grain bins. The number of building moves varies between 400 and 600 per year. Cj
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the oversize vehicle permits issued. 73 were for vehicles over 18 feet 5 inches high, with the largest reaching nearly 37 feet high. An example of the type of oversize loads frequently transported over trunk highways are the blades, base sections and nacelles used in constructing wind turbines.

In addition to freight and building moves, other traffic on the roadway portion of trunk highways includes such activities as snowplows, which operate on both the roadway and the shoulder. Snowplows are about 13 feet tall, and when their boxes are raised to distribute sand and salt, their height can reach as high as 18 feet. The relative size of snowplows on a typical highway surface is depicted in the drawing enclosed as Attachment 1.

2. Maintenance, Repair and Operational Activities

In addition to the zone associated with traffic traveling on a highway, there is another zone associated with maintenance and operational activities alongside the roadways.

Examples of maintenance activities performed by highway workers, and the types of equipment commonly associated with those activities, include the following:

- guardrail and fence installation and repairs, using augers, loaders and skidsteers (which commonly have raised buckets for pulling posts, etc.);
- vegetation control, using mowers, bucket trucks for tree trimming, and equipment for applying herbicides;
- cleaning ditches, culverts and drains, using backhoes and excavators of various sizes that have boom arms that are used to scoop dirt and vegetation and deposit it into a dump truck that will be parked alongside the highway. MnDOT’s larger ditch dredging equipment has a horizontal reach as long as 60 feet and a vertical operating dimension of up to 47 feet;
- vehicular accidents on highways often require special equipment to retrieve vehicles and repair damage. For example, when large vehicles such as trucks or buses run off the road or go down large ditches or into wetlands, large equipment with booms or winches may be used to pull them out;
- bridge inspections, using snoppers which have articulating arms that can lift a worker out over the side and then underneath the bridge structure.

Occasionally there is a need for immediate medical transport from roadside locations due to accidents and illnesses. For these situations there are a number of air medical helicopters stationed throughout Minnesota that will land in the roadside environment. These aircraft require clear approach and departure paths as well as an area large enough for the helicopter to land. Given the dimensions of the helicopters used in Minnesota, an area with a diameter of 90 feet should be considered the minimum requirement for landing. There should be two approaches to this area from different directions separated by an arc of at least 90° so that the aircraft can land and take off without a tailwind. Powerlines can be a particularly difficult obstruction for helicopter landings at night. The lines themselves are nearly invisible to the pilot who must use the presence of poles as evidence that the lines exist. Most helicopters operating in this environment have line cutters installed on the aircraft to cut powerlines they encounter. Even so, helicopter crashes occur when powerlines get entangled in their rotor system or landing gear.
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MnDOT also maintains a number of structures alongside highways necessary for the safe and efficient operation of the highway, each of which requires periodic installation, maintenance and repair work. Examples of these structures include:

- road signs. The largest signs tend to be on freeways. Signs that extend out over the travel portion of a freeway must have 17.33 feet of clearance to the bottom of the sign, and the top of such signs can be 30.5 feet tall and may require boom trucks, bucket trucks or cranes to install or maintain such signs. Roadside guide signs along freeways can reach 13 feet tall and tend to be located as far out in the clear zone as practical.
- light poles, traffic control signals and poles for traffic monitoring cameras exist at various locations along highways, and range in height from 20 to 50 feet.
- high mast light towers are used along some freeways, and range in height from 100 to 140 feet.
- noise walls, which can be up to 20 feet high, are becoming increasingly common along freeways.

The relative size of some of these structures on a typical highway surface is depicted in the drawing enclosed as Attachment 2.

Another type of physical item located along highways is snow fences, either structural or living. Some snow fences are in the highway right-of-way, and others are placed by agreement with adjoining landowners and may be 150 feet off the highway right-of-way. Mn/DOT is usually able to work out arrangements with a utility owner regarding height and placement of vegetation used as a living snow fence in locations where a utility is placed. If living snow fences owned by Mn/DOT need to be removed or relocated to accommodate a utility placement, compensation for the removed vegetation is usually required as a condition for issuance of the permit.

3. Future Construction Activities

Mn/DOT continually evaluates the future needs for the trunk highway system and has construction projects in varying stages of development. Some have been designed and funded and are ready for construction. Others have been identified as needed or are anticipated due to development trends but have not yet been funded. The types of construction projects Mn/DOT performs that could be impacted by the location of a HVTL range from relatively minor changes to the width of a highway to major reconstruction projects. Examples of such construction projects might include:

- widening a roadway by addition of travel lanes or turn lanes, installation of a roundabout, or widening a shoulder area;
- rebuilding a highway in a way that changes the location or grade of a roadway; and
- addition of an overpass or interchange on a freeway or other highway.

In addition to changes in the configuration of a highway, construction must be given to the equipment used during the construction process. Construction projects often involve the use of large excavators and cranes similar in size to the equipment described above which Mn/DOT uses for its maintenance activities. The equipment used in bridge work is especially large, usually requiring cranes with long booms to lift material into place. The equipment used on construction projects also needs to be refueled at the job site, which requires consideration of the safety precautions necessary for this procedure.
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The activities associated with vehicular traffic using the roadway surface have a zone in which they typically occur. The drawings enclosed as Attachments 1, 2, and 3 do not depict a specific location on a specific highway. Rather, they are illustrative of the zones or areas on any given highway where transportation-related activities may take place. The lighter shaded area above the roadway surface in the drawing enclosed as Attachment 3 depicts the zone or area in which vehicular traffic on the roadway may operate. The zone within which the activities associated with maintenance work take place is depicted by the darker shaded area on the drawing enclosed as Attachment 3. In addition to evaluating these zones of activity, MnDOT will also consider factors such as the width of the right-of-way, the topography of the land and the geometry of the roadway in a specific location when assessing the suitability of that location for an HVTI to occupy a portion of a highway right-of-way.

Location of a HVTI in close proximity to a highway right-of-way limits future expansion or reconstruction of highways due to the complex and extremely costly nature of either moving the transmission lines or moving the path of the highway. In order for the Minnesota Public Utilities Commission to make a fully-informed selection of a route based on all the pros and cons of the various alternatives, these costs should be recognized and evaluated in the EIS evaluation of the impacts of the proposed routes. The EIS should include an evaluation of the risk of trunk highway funding liabilities, and the potential magnitude of such liabilities, that may be imposed on the Trunk Highway Fund resulting from various proposed alignments along trunk highway rights-of-way.

III. Bemidji to Grand Rapids Route Proposals

In applying its Utility Accommodation Policy to a permit application, MnDOT must evaluate each proposed pole location individually in relation to the topography of the land, the geometry of the roadway, the width of the highway right-of-way, the design of the HVTI structures, and other factors. Given the variability of these factors and the large number of potential locations, MnDOT is not able to provide specific answers at this time about whether it can grant permits for the potential locations where the various route proposals intersect with highway rights-of-way. As referenced earlier, MnDOT’s approach to the Applicants’ proposal is to work to accommodate these HVTIs within or as near as feasible to the highway right of way, based on an evaluation of the specific locations to ensure that appropriate clearance is maintained to preserve the safety of the traveling public and highway workers and the effective operation of the highway system now and in the foreseeable future.

To the degree that specificity is possible at this stage in the process, MnDOT will provide additional information about a few of the locations proposed in the routes involved in the Applicants’ proposals.

A. Highway Crossing Locations Proposed by the Applicants

The Applicant’s preferred and alternate route proposals contain about nineteen locations where the proposed HVTIs would cross over a trunk highway, as distinguished from circumstances where it would run parallel to the highway.

Highway crossings generally do not pose insurmountable difficulties in issuing a permit. MnDOT routinely grants such permits to a variety of types of utilities. These permits usually have conditions associated with them, such as placement of the poles so that they do not become a physical obstruction that might be struck by an errant vehicle or block the visibility of the

Mn/DOT Comments

Responses

Comment 81-1

Although the routes under consideration do contain MnDOT ROW, the Applicants have stated that they do not intend to be within MnDOT ROW. Known MnDOT improvement projects in the Study Area are identified in Section 3.19.1.1. If the Project is outside of MnDOT ROW, there will be no impact to the trunk highway fund. As the MnDOT comments clarified on Page 5, if a utility is placed within a trunk highway ROW and needs to move due to construction on that trunk highway, the relocation costs are borne by the utility. If a utility is located within the Interstate system, relocation costs are born by the Trunk Highway Fund; the only interstate portion in the Study Area is the U.S. Highway 2 – U.S. Highway 71 interchange.

Comment 81-2

Thank you for your comment. It has been noted and included in the record for this EIS.
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traffic. Mn/DOT also does not permit utilities to run diagonally across intersections, and prefers that crossings occur as close to right angles as possible. Under Section V.G.5 of the Utility Accommodation Policy, special handling may be required for crossings of scenic byways. Mn/DOT has a long history of working with utilities, including the Applicants, to establish appropriate conditions in locations where the utility seeks to cross a trunk highway. With the locations proposed by the Applicants in this matter, Mn/DOT does not anticipate encountering such difficulties that there would be locations where it would be unable to grant permits, with appropriate conditions, for the highway crossings proposed in this matter.

B. Locations Parallel to Highway Rights of Way Proposed by the Applicants

Section 3.19 of the DEIS identifies the locations where each of the various potential routes under consideration run parallel to highways and roads. Some of the locations identified are roads or streets maintained by local highway authorities and are not part of the trunk highway system for which Mn/DOT is the responsible highway authority. The highway locations identified in the DEIS that are part of the trunk highway system over which Mn/DOT has jurisdiction include US 2, US 71, MN 371, MN 48, and MN 6.

The DEIS notes in Sections 2.4.5 and 3.19.2 has been supplemented with a discussion of the potential impact to highway ROW drainage.

Comment 81-3
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 81-4
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 81-5
Text in Sections 2.4.5 and 3.19.2 has been supplemented with a discussion of the potential impact to highway ROW drainage.

Comment 81-6
A discussion of the requirement to obtain a permit to access highway ROWs in accordance with the Utility Accommodation Policy appears in Section 3.19.3.1 of the EIS.
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81-6 (cont.)

Page 58, Section 3.1.1.1 of the DEIS takes note of the highway right-of-way, they will need to coordinate these activities with Mn/DOT and obtain any necessary approvals for these activities.

Section 3.1.3, Mitigation. On page 414, Table 3.19-1 on page 414 appears to be missing some items in the list of highway locations affected by the route proposal. The list should include two crossings of US 2 associated with Route Alternative 2 between Zemple and the Boswell substation. (See Appendix D, Sheets 62 and 63.) In addition, there appears to be a conflict on the actual location of Route Alternative 3. Appendix D, sheets 41, 42, 46 and 48, show Route Alternative 3 paralleling MN 6. Table 3.19-2 only lists Alternate Route E paralleling MN 6. The data about the location of the routes should be clarified.

81-7

On page 414, the DEIS notes that there is one safety rest area located near the route proposed by the Applicants. The Cass Lake Safety Rest Area is located on the north side of US 2 in the city of Cass Lake. The Rest Area is located outside the boundaries of the proposed location for Route Alternative 2, and therefore does not appear to be impacted by the Applicants’ proposals.

81-8

Section 3.19.1.1, Federal, State, and County Roads

- Table 3.19-1 on page 414 appears to be missing some items in the list of highway locations affected by the route proposal. The list should include two crossings of US 2 associated with Route Alternative 2 between Zemple and the Boswell substation. (See Appendix D, Sheets 62 and 63.) In addition, there appears to be a conflict on the actual location of Route Alternative 3. Appendix D, sheets 41, 42, 46 and 48, show Route Alternative 3 paralleling MN 6. Table 3.19-2 only lists Alternate Route E paralleling MN 6. The data about the location of the routes should be clarified.

81-9

Section 3.19.2, Direct/Indirect Effects

- On page 414, the DEIS lists several potential direct effects of the project. Mn/DOT’s discussion in earlier portions of this letter expands on the direct effects that a HVTL may have on the trunk highway system, depending on the location selected for the poles. The discussion above focuses on safety considerations as well as maintaining the effectiveness of the operation of the trunk highway system. The considerations discussed earlier in this letter should be reflected in this part of the EIS.

81-10

- In the third line of the fourth paragraph on page 420, the word “land” appears to be a typographical error and should be changed to the word “lame.”

- The fourth and fifth sentences of the fourth paragraph on page 420 briefly discuss the impact that the HVTL would have on highway construction and maintenance operations. The EIS should note that this is especially significant in areas such as the bridge over the Mississippi River west of Ball Club. The snooper used for bridge inspections and maintenance in this regional area has a boom that is 82 feet long and will require sufficient clearance for safe operation. In addition, the bridge will eventually need to be refurbished or replaced. Due to the volume of traffic and the large loads carried by US 2, reconstruction of the bridge one half at a time may not be a feasible alternative. Therefore, a temporary bypass bridge may be necessary, or an equipment staging area to the south between the railroad tracks and the bridge may be used. In either event, the HVTL should not be placed in a location that would interfere with such operations.

81-11

Text in Section 3.19.2 has been edited to correct the noted error.

81-12

Text in Sections 3.19.1.1 and 3.19.2.3 has been supplemented to include information on the future construction plans for the U.S. 2 bridge west of Ball Club and potential impacts from the Project. Text in Section 3.19.2 has been supplemented with information on the clearance required for bridge inspections. The most recent refurbishment, in 1988, used an area between U.S. Highway 2 and the railroad for a staging area. It is the understanding of OES EFP staff that the land used for the staging area is owned by the U.S. Forest Service as part of the Chippewa National Forest.
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81-13
- The last sentence of the fourth paragraph on page 420 states: "If Project structures are placed in clear zones, Mn/DOT may be restricted in performing maintenance and upkeep of these areas." While this is correct, the DEIS should also note that structures placed in the clear zone would also be a safety hazard. For these reasons, Mn/DOT's policy generally does not permit utility structures in the clear zone, and Mn/DOT would work with the Applicants to find an alternative location for the structures to be located outside the clear zone.

81-14
- On page 421 (and also in later sections at pages 423, 425 and 428) the DEIS uses the phrase "the feasible 125-foot-wide ROW". The meaning of this phrase is ambiguous and should be clarified. Is this phrase intended to refer to a specific alignment within a proposed route? Also, the same sentence refers to that "feasible 125-foot-wide ROW" being "located within 300 to 1,500 feet of U.S. 2". This reference should also be clarified. Does this refer to the 125 foot ROW being located between 300 and 1,500 feet away from a designated point on the highway? More detailed information should be provided in terms of where the poles and wires would be located in relation to the mid-point of the highway surface.

Section 3.19.2.3. Route Alternative 2 and Associated Segment Alternatives. On page 426, the DEIS discusses the scenic easement maintained by Mn/DOT that impacts some potential alignments in one of the applicant's route proposals. Specifically, proposed Route Alternative 2 runs along US 2 through the community of Ball Club. This segment of the highway is part of the route that has been designated as the Great River Road National Scenic Byway. In addition, as the DEIS accurately notes, Mn/DOT obtained a scenic easement covering an area of land between the south shore of Ball Club Lake and US 2. It appears that alignments for the HVTL that follow the US 2 right-of-way would involve locating poles in the area subject to this scenic easement. The federal regulation governing areas of scenic enhancement and natural beauty restricts Mn/DOT's ability to grant a permit to the Applicants for this location. The regulation, 23 CFR §645.205(h), provides:

Scenic areas. New utility installations, including those needed for highway purposes, such as for highway lighting or to serve a weigh station, rest area or recreation area, are not permitted on highway right-of-way or other lands which are acquired or improved with Federal-aid or direct Federal highway funds and are located within or adjacent to areas of scenic enhancement and natural beauty. Such areas include public park and recreational lands, wildlife and waterfowl refuges, historic sites as described in 23 U.S.C. 138, scenic strips, overlooks, rest areas and landscaped areas. The State transportation department may permit exceptions provided the following conditions are met:

1. New underground or aerial installations may be permitted only when they do not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.
2. Aerial installations may be permitted only when:
   a. Other locations are not available or are unusually difficult and costly, or are less desirable from the standpoint of aesthetic quality,
   b. Placement underground is not technically feasible or is unreasonably costly, and
   c. The proposed installation will be made at a location, and will employ suitable designs and materials which give the greatest weight to the aesthetic qualities of the area being traversed. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable.
3. For new utility installations within freeways, the provisions of paragraph (c) of this section must also be satisfied.
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81-15 Under this federal regulation, any alignments occupying a portion of US 2 at this location in Bell Club would be prohibited unless the Applicants requested and were granted an exception to this rule. At this time, it is not clear whether the Applicants will request an exception to this regulation and, if they do, what alignment would be proposed. MnDOT understands that to grant an exception under this regulation, the conditions specified in all subparts of 23 CFR §645.209(h) would need to be satisfied.

81-16 Section 3.19.3.1. MnDOT. On page 431 of the DEIS notes that permits are required for locations where transmission lines cross highways and for use of the highway for construction access or maintenance. It should also note that permits are required for locations where a transmission line runs parallel to a highway and any part of the transmission line occupies a portion of the highway right-of-way (including the pole itself, an arm attached to the pole, or the wires that may hang over or blow over the highway right-of-way). This paragraph also notes the preference in MnDOT’s Utility Accommodation Policy that overhead lines be placed near the outer edge of the highway right-of-way. The EIS should expressly recognize that one method of mitigation of the impacts the HVTL would have on trunk highways is the prudent selection of pole locations. Whatever route is ultimately selected, MnDOT intends to work closely with the Applicants when issuing permits to select prudent alignments for the HVTL and specific locations for the poles where the route coincides with highway rights-of-way. Sufficient flexibility to assure that impacts on the highway can be mitigated is imperative.

81-17 Section 3.20. Safety and Health. This section of the DEIS discusses a number of considerations relating to safety and health associated with HVTLs. It should be noted that to the extent that the HVTL is located in or very near to a Highway right-of-way, these factors will also impact highway operations. Highway workers in the vicinity of HVTLs are likely to experience induced voltage. Highway workers, like members of the general population, may have implantable medical devices. Equipment and structures in highway rights-of-way will need to be grounded and inspected for proper grounding regularly. By way of example, MnDOT maintains wire fences all along the right-of-way boundaries of freeways, and these will need to be grounded in all locations where HVTLs are placed nearby. Thus, the EIS should reflect that the discussion in this section is highly relevant to highway operations.

81-18 Finally, MnDOT wishes to underscore the importance of preserving sufficient flexibility for MnDOT to work with the applicant to determine an appropriate specific location for each pole to be placed along a trunk highway right-of-way. As the selection of the final route is made, in all locations where the route will cross or run parallel to a trunk highway it is imperative that the designated route be sufficiently wide so that MnDOT and the applicant can work collaboratively to assess the circumstances at each location and determine a specific alignment that can be permitted consistent with the considerations described in this letter.

MnDOT has a continuing interest in working with the OES to ensure that possible impacts to highways and other transportation infrastructure are adequately addressed. We appreciate the opportunity to provide these comments. Please feel free to contact me if you have any questions regarding the information provided.

Responses

Comment 81-15
A discussion of the restrictions regarding location of utilities within scenic easements appears in Section 3.19.2.3 of the EIS. Text in this section was modified to note that placement of the Project structures within the scenic easement would be prohibited unless an exception is granted.

Comment 81-16
Text in Section 3.19.3.1 has been modified to indicate that a permit would be required if the Project were located within highway ROWs.

Comment 81-17
Text in Section 3.20.1.1 has been supplemented to include a discussion of those persons who could potentially work beneath or in proximity to the transmission line.

Comment 81-18
Thank you for your comment. It has been noted and included in the record for this EIS.
Sincerely,

David G. Seykora
Office of the Chief Counsel

Enclosures
Attachment 1, 2 and 3
Attachment 4, Mn/DOt Comment Letter dated 07/02/09
MN Great River Road – MN Map. (See Great River Road)
MN Lady Slipper Scenic Byway Map. (See Lady Slipper Scenic Byway)
MN Avenue of Pines Scenic Byway Map. (See Avenue of Pines – NF Scenic Byway)
Federal Regulations (See Code of Federal Regulations)
2009 MN Statutes Ch. 101. (See MN Statute 161.45 and MN Statute 161.46)
Mn/DOt Accommodation Policy (See Mn/DOt Accommodation Policy)

cc: Deborah R. Pile, OES
Karen Hammel, OAG
Thomas Bailey, Briggs & Morgan
Robert E. Lindholm, Applicants
Michael Barres, Mn/DOt
Scott Peterson, Mn/DOt
Jon Chiglo, Mn/DOt
Val Svensson, Mn/DOt
Wayne Scher – Mn/DOt District 1
Stephen Fisco – Mn/DOt District 2
Commenter 81 – Minnesota Department of Transportation

Responses
July 02, 2008

Suzanne Steinhauser
Office of Energy Security
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2196

RE: CapX 2020 Bemidji - Grand Rapids 230 kV Transmission Project
PUC Docket No. TL-07-1327

Dear Ms Steinhauser:

The Minnesota Department of Transportation (MnDOT) has reviewed the Route Permit Application for the CapX 2020 Bemidji - Grand Rapids 230 kV Transmission Project. MnDOT appreciates the opportunity to comment and commends the applicants for their communication efforts throughout this process. MnDOT supports the project in general and wishes to participate in the effort to evaluate effects on the state transportation system. We request that the project:

1) not negatively affect the operations or maintenance of the state trunk highway system and
2) not increase or impose additional costs on the state trunk highway fund.

- Our comments focus on route alignments that are within 75' of the trunk highway right of way or roadway clear zone and that may encroach on the trunk highway right of way. Any alignments proposed within 75' of the right of way will have encroachment into the right of way either from the blow out zone or arial intrusion. Alignments closer than 75' to the roadway right of way will have greater impacts. MnDOT is particularly concerned about the proximity of proposed transmission lines to trunk highway right of way and how this might affect MnDOT’s maintenance, reconstruction, or new construction of roads and interchanges.

- Our comments describe the information that we believe is needed to make the route analysis clear and complete, conform to state and federal regulatory and permitting requirements and meet documentation requirements when permits are necessary.

- The commissioner of transportation is required by Minnesota Statutes, chapter 174, to develop, adopt, revise and monitor a statewide transportation plan that includes all modes of transportation, including highway, rail, air, waterways, transit, trails, bicyclists and pedestrians. Therefore, MnDOT comments include information about other transportation services (rail, waterways, airports and scenic enhancements) that could be impacted by the proposed routes.

- It should be noted that alignments proposing aerial or blowout zone encroachment, foundation construction access or encroachment and maintenance access from the trunk highway rights of way will require a permit from MnDOT in accordance with MnDOT’s Utility Accommodation Policy. We request a thorough evaluation of all environmental impacts of the proposed alignments within each route that would involve any use of MnDOT right of way.

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As required by 23 CFR 645.215, MnDOT has adopted a Utility Accommodation Policy to address utility installations in trunk highway right-of-way. Part 645.215 also requires advance Federal Highway Administration (FHWA) approval for all proposed utility installations that are on the national highway system (NHS) and not in conformance with MnDOT’s Utility Accommodation Policy. It should also be noted that aerial or blowout zone encroachment on the Federal-aid highway system that is not in conformance with the MnDOT Utility Accommodation Policy will require advance approval from the FHWA. This would be considered a Federal action and as such would need to meet all requirements of the National Environmental Policy Act (NEPA 42 U.S.C. 4321 et seq.) to be in conformance with Federal regulations.

General Comments

As noted above, it is possible, that both MnDOT and FHWA will have a role in permitting and approving the location of those transmission lines given the range of alignments that are being considered. It has been indicated that the environmental process undertaken by the Office of Energy Security will be the only environmental study that is completed. As such, it is unclear what MnDOT’s role and responsibility will be in ensuring conformance with applicable state and federal regulatory requirements if a permit and federal approval are necessary.

- We strongly recommend an inclusive process that engages federal agencies early in the process to aid in expeditious completion of the required documentation. Specifically, the environmental process should identify any locations that would require interaction by the Federal Highway Administration, National Park Service, Fish and Wildlife Service, Advisory Council on Historic Preservation, United States Coast Guard, United States Department of Interior, United States Environmental Protection Agency, Federal Aviation Administration, Natural Resources Conservation Service, Corps of Engineers, Federal Railroad Administration and the United States Department of Energy.
- We request the opportunity to work with you in developing a clear determination of MnDOT’s role and responsibilities through the environmental process.
- The environmental process and subsequent document will need to evaluate sensitive properties and cultural resource impacts of each proposed route alignment so these can be properly assessed to determine if any resources are within MnDOT right of way and would have an impact from the issuance of a Mn/DOT permit.
- We request a thorough evaluation of all environmental impacts of the proposed alignments within each proposed route that would require Mn/DOT to issue a permit for use or encroachment of its right of way.
- It is expected that there may be impacts to non-highway transportation systems in the vicinity of the proposed routes. These systems include riverways and their transportation uses, rail corridors, and airport operations. The environmental process and subsequent document will need to evaluate resource impacts of each proposed route alignment so these can be properly assessed.
- Roadway corridors should be investigated to identify if any of the proposed transmission line routes will impact routes used to move houses or large equipment.
- It is also prudent to identify all requirements for both the Minnesota Environmental Policy Act (MEPA) and NEPA processes in the event a NEPA process is required. The state EIS process may not meet federal regulatory requirements.
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State and National Scenic Byways

Both Routes 1 and 2 cross the Great River Road southwest of Bemidji. Route 1 crosses Beltrami County Road 7 and Route 2 crosses Beltrami County Road 14. Route 2 runs along a Great River Road Alternate Route on TH 2 west of Cass Lake and east of Cass Lake to Cass County 10, which is also the Ladyslipper Scenic Byway. The alternate Great River Road Route follows TH 2 between Cass CR 75 and Cass CR 10. Route 2 runs along the Great River Road route on TH 2 through Bena between National Forest Service Road 51 and Cass CR 8. Route 2 runs along the Great River Road route on TH 2 through Ball Club between Itasca CR 30 and Itasca CR 10.

There is one Scenic Easement on TH 2 in Ball Club, between the highway and Ball Club Lake on the Great River Road. There are several Scenic Easements on TH 71, north of TH 2 in Bemidji along the northern route to Blackduck. These TH 71 scenic easements were part of the original right of way purchases and were required as part of the environmental mitigation for TH 71 when it was realigned from Bemidji to Blackduck in the 1970s. The TH 71 scenic easements extend onto private property adjacent to the roadway and may restrict putting a power line in these areas.

An Alternate route going north to Blackduck and then east to TH 46 or TH 6 would avoid the Great River Road but, at a minimum, would cross TH 46, the Avenue of Pines Scenic Byway. If it would follow TH 46 back to TH 2, it would have a severe adverse impact on nearly that entire byway route. If it were to go further east to TH 6, it would not impact any more Scenic Byways but instead would follow the Bigfork River Valley for many miles between Dora Lake and TH 6. This area is an undisturbed forest area and the Bigfork River is a significant Minnesota canoe route. The use of this route would have an adverse impact on the natural and scenic qualities of the corridor.

Byways are designated because they possess one or more of six intrinsic qualities, including: scenic, cultural, recreational, natural, historic and archaeological. An analysis of the physical and visual impact on these intrinsic qualities should be conducted at each proposed crossing location to determine the route with the least adverse impact on the byway routes and corridors. Mitigation measures should be recommended for unavoidable impacts on intrinsic qualities within the scenic byway corridors.

Each scenic byway has a leaders' group and/or stakeholder group; these groups should be contacted as part of the environmental review process. Scenic easements should be investigated to identify any prohibitions or limitations that apply to land uses in the vicinity of the scenic byway. The state and federal regulations governing scenic byways can be found in the MnDOT Utility Accommodation Policy and 23 CFR 645.209 (n).

Rest Areas

The Cass Lake Rest Area appears to be outside of the proposed Route 2 for the Bemidji to Grand Rapids Transmission Line Project. There are no rest area impacts expected at this time.

Rail Corridors

Where proposed transmission lines may parallel highway right of way and there is a railroad right of way adjacent to the highway, there may not be enough room for construction of the transmission lines outside of the clear zones for both the railroad and the highway. For highways, the clear zone is an undisturbed, relatively flat area that extends out from the traveled lane to give drivers who run off the road a safe place to stop or to regain control of the vehicle. This area must be free from obstructions or other hazards. The railroads may have concerns with overhead crossings in their right of way, gate clearances, foundations, and

Mn/DOT Comments
Commenter 81 – Minnesota Department of Transportation

electrical buildup on the rails. The Railroad that could be affected (depending on route option) is Burlington Northern Santa Fe (BNSF). At a minimum, the railroad noted should be part of the discussions to identify impacts of the proposed routes. MnDOT can provide contact information if requested.

The State Rail Bank Program allows the State to acquire and preserve abandoned rail lines for future transportation use or for transmitting energy, fuel or other commodities. An existing State Rail Bank corridor runs from Benilde to International Falls. The corridor is 100 feet wide, abuts private and government properties and has a small break in its continuity near Bly. A portion of this property could be impacted by the proposed North Corridor alignment. This corridor is currently permitted to the Minnesota Department of Natural Resources (DNR) as an ATV/Snowmobile trail. The DNR should be offered the opportunity to comment on this Route Permit Application.

Given the purpose of the State Rail Bank program, if the North Corridor is chosen, State Rail Bank property could be available to be leased for a portion of the corridor. Other possible alignments that require crossing of State Rail Bank property will require a permit from MnDOT in accordance with MnDOT’s Rail Bank Permit Policy.

Airports

The proposed transmission line routes have the potential to negatively affect airport operations, navigational equipment, and land uses around airports. The commissioner of transportation has general supervision over the statewide system of airports in the state. He must assist political subdivisions, cooperate with federal authorities and promote and protect the utility of all Minnesota public airports and the public investment in them as outlined in Minnesota Statutes, chapter 360. Section 360.063, requires the commissioner to prescribe airport approach and turning standards and authorize the commissioner to indicate circumstances in which structures would be airport hazards.

The routes proposed are in proximity to a number of public airports. Due to the proximity of an airport, a Notice of Proposed Construction or Alteration to the Federal Aviation Administration will be required. Please review the criteria for which notice must be made at the FAA Website - http://forms.faa.gov/forms/10501-1.pdf. A "Determination of Hazard" or "No Hazard" from the FAA is not a permit to construct. Independent of this determination, permits from the local airport zoning authority are required. All public airports within five miles of the project must be notified and given an opportunity to comment on compatibility of transmission lines with airport operations and land use compatibility.

The MnDOT Office of Aeronautics establishes, operates and maintains electronic navigation aids to augment the federal system in Minnesota. The Very High Frequency Omni-Directional Range (VOR) system must be protected. The FAA or MnDOT Office of Aeronautics must be notified to evaluate potential impacts of the proposed routes within five miles of a VOR.

Weather

It is expected that weather events (tornado, ice or blizzard conditions, heavy winds, lightning, etc.) that disrupt transmission services due to down lines could disrupt access to the trunk highway system. This could also impact other uses such as emergency services, large equipment moves, defense actions, evacuation, and emergency landings. In 1998 a severe tornado hit St. Peter, Minnesota and major roadways were closed due to power lines that were down. A similar event that affected Nicollet and St. Peter occurred in 2008 and again required closure of major roadways due to lines on the ground. A third event that affected Hugo required closure of TH 81 to secure the area. The environmental study should collect information on the

MnDOT Comments
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History of transmission line disruption including specific information on how often lines are down and why it would be helpful in evaluating impacts to the transportation system. This would also be helpful in evaluating impacts to the rail corridors and other transportation services that are within the proposed routes.

The location of the blowout zone and/or aerial encroachment may require the removal of or limitation of cost-effective snow protection activities such as living snow fences. The study should address specific limitations to vegetation related to the trunk highway use into the future.

Some of the transmission line routes that have been proposed are in the vicinity of transportation corridors that have limited options for alternate highway routes. The environmental study should address impacts to trunk highway system redundancy resulting from transmission line outages that affect the use of the transportation corridors.

Maintenance

Traditional activities to maintain roadways and bridges could be impacted if the work area is within the blowout zone. The study process should include specific information regarding limitations to the trunk highway use if there is aerial or blowout zone encroachment. Items to address should include the use of heavy equipment, construction activities and vertical clear zone requirements to ensure safety.

The location of the blowout zone or aerial encroachment relative to longitudinal ditch sections should be investigated in proposed parallel installations. Mn/DOT uses large equipment for ditch dredging operations; horizontal reach on the equipment can be as long as 80 feet, with a vertical dimension up to 35 feet.

Permits

State law prohibits locating or servicing utility facilities on state highway right of way without first obtaining a permit from the commissioner of transportation. Freeways are a special case; state law requires that utility facilities be located outside the control of access routes, preferably on private property. Control of access is the condition where the rights of owners or occupants of land abutting highways is fully or partially controlled by public authority. This means that preference is given to through traffic by providing access connections with selected public roads and by prohibiting crossings at grade or direct private driveway connections. The Department of Transportation has adopted a utility accommodation policy that governs the location and installation of utility facilities. If the Department departs from the policy with respect to the location of a utility facility on a freeway, Mn/DOT must obtain the prior approval of the Federal Highway Administration. In all cases, the location of utility facilities on federal-aid highway right of way must not adversely affect highway or traffic safety, impair the present or future use of the highway, impair its aesthetic qualities or conflict with federal laws and rules governing the use of highway right of way.

Safety Impacts

Mn/DOT has the responsibility to maintain and preserve Minnesota highways so they are safe, structurally sound, convenient to use and aesthetically pleasing. Location of lines in close proximity to the right of way may impose hazards to construction and maintenance operations such as mowing, sign placement or replacement, bridge inspection, ditch cleaning and other operations. Many construction and maintenance activities use large equipment that requires large overhead clearances for safe operation. Elimination of these clear areas may not conform to Occupational Safety and Health Administration (OSHA) requirements and may pose a safety hazard for workers within the trunk highway right of way.
Commenter 81 – Minnesota Department of Transportation

Location of lines in close proximity to the right of way may impose hazards to the travelers on the trunk highway system. In areas where the rights of way are narrow, aerial and blowout zone encroachment could extend over the driving lanes limiting the use of the space above the roadway for other transportation purposes.

Location of poles within the clear zone is a safety hazard as the poles for these facilities are fixed objects that would be within the recovery area for vehicles that leave the roadway.

The studies should evaluate risk and overall system safety impacts that may be imposed on Mn/DOT and the State of Minnesota in the event that poles, lines, aerial encroachment, blowout zone, and access are allowed within the Mn/DOT right of way.

Economic Impact to the Transportation System

Location of lines in close proximity to the right of way limits opportunities for future expansion or reconstruction of highways due to the complex and extremely costly nature of moving the transmission lines. This should be part of the economic assessment of the alignments within the routes proposed.

The studies should evaluate risk and overall system and trunk highway funding liabilities that may be imposed on Mn/DOT and the trunk highway fund and the state of Minnesota in the event that poles, lines, aerial encroachment, blowout zone, and access are allowed within the Mn/DOT right of way.

Detailed Comments by Districts

Mn/DOT District 1 (Itasca County)
Routes running parallel to State trunk highways warrant the following comments:

- There are two projects in Mn/DOT's State Transportation Improvement Program (STIP) 10 year time frame. S.P. 3103-63 (TH 2) is an unbonded overlay from Deer River to Cohasset to be let in March 2009 with one-year construction. S.P. 3105-51 (TH 169) is an urban reconstruction on Pokegama Avenue in Grand Rapids to be let in December of 2011.
- The right of way along the south side of TH 2 varies from 50 to 60 feet due to the BNSF. The right of way along the north side of TH 2 from Deer River to Cohasset is generally 100 feet and from Cohasset to Grand Rapids varies greatly but is as narrow as 60 feet.
- In Deer River and Cohasset, the right of way is generally 50 feet.
- After crossing the TH 2 near Reference Point (R.P.) 174, Lakehead Pipeline follows an easement just outside of the right of way until Cohasset where it re-enters the TH 2.
- There are three existing sets of high voltage power lines located between R.P. 178.00-178.159 on the west edge of Cohasset. These lines are supported by multiple poles holding with a cap, not normal metal towers. There are numerous lines on each set of wood "towers". Some of these poles already sit very close to Mn/DOT's clear zone.

Mn/DOT District 2 (Beltrami, Cass and Itasca Counties)
The following comments refer to the proposed North Corridor in District 2:
- TH 71 South of Bemidji – S.P. 0401-12 is a four lane expansion set for 2010/2011 construction. Possible future projects include a resurfacing of this segment. The right of way width varies in this area from 100 to 150 feet. This segment includes Mn/DOT Bridge #04012.
- TH 71 Tenstrike to Blackduck – There are no scheduled projects listed for this segment. Possible future projects for this segment include resurfacing, adding turn lanes,

Mn/DOT Comments
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Intersection improvements and culvert replacements. The right of way width in this area varies from 50 (in those areas adjacent to a 100 foot wide railbank corridor) to 100 feet.

- TH 6 North of Deer River – S.P. 3102-44 is a resurfacing project set to commence in 2008. Possible future projects for this segment include resurfacing, adding turn lanes, intersection improvements and culvert replacements. The right of way width varies in this area from 50 to 100 feet. This segment includes MnDOT Bridges #31031, #31063, #31031 and #31555.

The following comments refer to the proposed Central Corridor in District 2:

- TH 71 South of Bemidji - S.P. 0409-12 is a four lane expansion set for 2010/2011 construction. Possible future projects include a resurfacing of this segment. The right of way width varies in this area from 100 to 150 feet. This segment includes MnDOT Bridge #04012.

- TH 2 Bemidji to Deer River - S.P. 3102-44 is a resurfacing project set to commence in 2009. Possible future projects for this segment include resurfacing, adding turn lanes, intersection improvements and culvert replacements. The right of way width varies in this area from 66 to 200 feet. A significant portion of right of way is adjacent to the BNSF rail line. This segment includes MnDOT Bridges #8549, #8560, #8561 and #8566.

The following comments refer to the proposed South Corridor in District 2:

- TH 64 and TH 200 to North of TH 200 - There are no scheduled projects listed for this segment. Possible future projects for this segment include resurfacing, adding turn lanes, intersection improvements and culvert replacements. The right of way width varies in this area from 75 to 150 feet.

- TH 371 at the intersection of TH 200 - There are no scheduled projects listed for this segment. Possible future projects for this segment include resurfacing, adding turn lanes, intersection improvements and culvert replacements. The right of way width varies in this area from 75 to 120 feet.

- TH 200 from TH 371 to TH 64 - There are no scheduled projects listed for this segment. Possible future projects for this segment include resurfacing, adding turn lanes, intersection improvements and culvert replacements. The right of way width varies in this area from 66 to 200 feet. This segment includes MnDOT bridges #8533, #8534, and #8135.

- TH 2 between Cass Lake to just west of Bena and between Bena and the east county line - MnDOT is on federal land by permit and does not have right of way by fee title.

- MnDOT has worked with the National Forest Service (NFS) to identify 6 to 8 potential areas for passing lanes between Cass Lake and Deer River that are in our long term plan but are currently unfunded. In addition, MnDOT has worked with the NFS to arrange for limited clearing or thinning of trees immediately along the south side of TH 2. This was done to reduce the shading of the road in the winter and help with snow and ice control. The NFS has long maintained that MnDOT should not remove any more trees along this corridor than absolutely necessary.

Mississippi River Crossing at Ball Club

- The current bridge at the Mississippi River crossing near Ball Club was most recently rehabbed in 1988. In this area there are limited roads to route traffic around this bridge.
Commenter 81 – Minnesota Department of Transportation

during construction or emergencies. During the rehab the bridge was constructed under traffic to limit lengthy detours. In order to achieve this, the area to the south between the railroad tracks and the bridge was used for equipment staging including crane pads. The area to the north is low wetland and the only area with high ground in our right of way is to the south. Any emergency work or bridge construction in the future would likely use the same scenario. There is no planned construction of this bridge in the future.

Cass Lake/Pike Bay

- The current bridge on TH 2 at this location is not scheduled for reconstruction, and although the area is not as constricted as the Ball Club crossing, if the bridge were in need of repairs or reconstruction the immediate area would be needed for equipment staging including cranes in order to limit lengthy detours of the TH 2 traffic. There is also a multi-use trail in place that is on the south side of the highway.

Mn/DOT has a continuing interest in working with the Office of Energy Security to ensure that possible impacts to highways, airports, waterways, rail lines and the environmentally significant areas of highway right of way are adequately addressed. We appreciate the opportunity to provide these comments. Please feel free to contact me if you have any questions regarding the information provided.

Sincerely,

Michael A. Barnes, P.E.
Director, Engineering Services Division
Exclusions
Great River Road - MN Map
MN Great River Road
Lilac Slipper Scenic Byway Map
MN Lilac Slipper Scenic Byway
Federal Regulations
Code of Federal Regulations
2006 MN Statutes
Chapter 161, TRUNK HIGHWAYS
MN Statutes 161.45
MN Statutes 151.60
Mn/DOT Accommodation Policy
Mn/DOT Accommodation Policy

Cc: Commissioner Tom Ronal
Khuri Sahelj
Denise Turner – FHWA, Minnesota Division Administrator
Rina Kavas
Patricia Robben
Joshua Gackle
Deborah Pila – CES

Mn/DOT Comments
Thank you for your comment. It has been noted and included in the record for this EIS.

Text in Section 6 has been supplemented with a discussion of the requirements under the Clean Water Act Section 401.

Text in Section 3.4.3 has been modified with a description of which permits would be required for the Project. Text in the section has been supplemented to note that additional permits or approvals may be required from local governmental units.
Comment 82-4
Text in Section 3.4.3 has been modified to remove the discussion of pre-construction erosion controls and supplemented with additional detail on potential sediment control measures.

Comment 82-5
Text in Section 3.4.3 has been modified to note that wastewater and storm water control measures would be used to meet the effluent limits in permits prior to discharging from construction sites to surface water. Revised language proposed by the USEPA was used for the description of the Best Management Practice.

Comment 82-6
Thank you for your comment. It has been noted and included in the record for this EIS. Mitigation measures that would be required by federal agencies as permitting conditions would be included in the Record of Decision (ROD) issued by each federal permitting agency.

Comment 82-7
Text in Section 3.4.3 notes that use of appropriate spill prevention and containment procedures, which would include secondary containment, is a potential Best Management Practice that could be required as a permitting condition.

Comment 82-8
A description of transmission line construction procedures appears in Section 2.4.5 of the EIS. It is unknown if HDD would be required during construction of the Project.

Comment 82-9
Thank you for your comment. It has been noted and included in the record for this EIS. It is unknown if HDD would be required during construction of the Project. The Route Alternatives have been developed to span all water bodies.
The Honorable Eric L. Lipman
April 30, 2010
Page 3

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 Elise Doucette of my staff by e-mail at elise.doucette@state.mn.us or by telephone at 651-757-2316.

Sincerely,

Craig Affeldt
Supervisor
Environmental Review and Feedlot Section
Regional Division
CA/EMD-mbo

cc: Suzanne Steinhauer, Minnesota Office of Energy Security
    Kevin Molloy – MPCA, St. Paul
    Bill Wilde – MPCA, St. Paul
    Scott Lucas – MPCA, Brainerd Office
    Reed Larson – MPCA, Brainerd Office
Thank you for your comment. It has been noted and included in the record for this EIS.

Thank you for your comment. It has been noted and included in the record for this EIS. A discussion of cumulative effects appears in Section 4 of the EIS. CapX2020 projects were determined to be outside the resource-specific geographic boundaries defined for the cumulative effects analysis.

Thank you for your comment. It has been noted and included in the record for this EIS. Although portions of the Great River Road are within the 1,000-foot-wide route alternatives under consideration, the actual cleared ROW would be outside the highway ROW. A visual assessment of the Study Area and visual simulations of the Project are included in Appendix E of the EIS. Additional visual assessments will not be prepared for the EIS.
Commenter 83 – Mississippi River Parkway Commission of Minnesota

Responses

[Map of Mississippi River Parkway Commission of Minnesota]
**Commenter 84 – Santee Sioux Nation**

04/02/2013 10:57 FAX 402 437 5498

**USDA - Rural Development**
United States Department of Agriculture - Rural Development
P.O. Box 100, GPO Station H - Madrono, WA 98604-0001

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**FAX COVER SHEET**

**Date:** 4-2-10

**TO:** Coleen Landkamer
Address

**ATTN:** Minnie Moum
State Director

**FAX NUMBER:** 651-602-7626
**TELEPHONE NUMBER:** 402-437-5651
**PHONE NUMBER:** 651-602-7600
**FAX NUMBER:** 402-437-5438

**SUBJECT:** Fax Received in Error

**MESSAGE:**

We believe this was faxed to us in error and Minnie asked that I send this on to you.

Please feel free to call me if you have any questions.

Mary Troechenberg /\twc
Special Projects Coordinator

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**CONFIDENTIALITY NOTICE**

This communication is intended for the sole use of the person to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient or person responsible for the message is strictly prohibited. If you have received this communication in error, please phone this office immediately and notify the communicator to return it to the addressor.
TO:        Marine Moul (Nebraska)
FAX #:     (402) 457-5404  
FROM:      Program Support Staff
RE:        See Below
DATE:      Thursday, April 1, 2010   PAGES: (including cover page) 4

REMARKS: Due to the urgent nature of the information contained in the following pages, we
are providing you with an advance copy so that you can act in a timely manner. The original
has been mailed to your office today. If you have any questions, you may contact Bertha
Comment 84-1
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 84-2
Thank you for your comment. The comment letter was provided to the Rural Utilities Service, the federal lead agency responsible for Section 106 consultation. RUS will include the Santee Sioux Nation in the Unanticipated Discovery stipulation of the PA.
Comment 85-1
A discussion of soils information available for the Study Area appears in Section 3.3 of the EIS. The Section includes a discussion of potential impacts to saturated soils. Wetland delineation will be conducted by the Applicants and their consultants on the route selected prior to construction of the Project.
Comment 85-2
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 85-3
Vegetative cover was analyzed in the EIS using vegetation cover types defined by Minnesota Geographic Analysis Program (GAP) Land 4 level cover data, which was obtained from the Minnesota Department of Natural Resources (DNR). Detailed information on the type of wetlands, which would allow for classification using the Eggers and Reed Community Classification System, was not available for the Study Area. Broadleaf Sedge/Cattail is defined by DNR as wetlands with less than a 10 percent crown cover, dominated by emergent herbaceous vegetation such as broadleaf sedges and/or cattails. Additional description of cover types appears in Appendix F of the EIS.

Comment 85-4
Text in Section 1.3.4 and the Executive Summary has been edited with the suggested text.

Comment 85-5
Table ES-3 and 5-2 have been modified to note that BMPs would be required under a Section 404 permit.

Comment 85-6
Text in Section 1.2.5 has been edited to correct the noted error.

Comment 85-7
Text in Section 1.2.5 has been modified as requested.

Comment 85-8
Text in Section 3.4.2.1 has been edited to correct the noted error.

Comment 85-9
Text in Section 3.5.2.2 of the EIS has been corrected to reference Table 3.4-6.

Comment 85-10
Text in Section 3.5.2.3 of the EIS has been corrected to reference Table 3.4-6.

Comment 85-11
Text in Section 3.6.3 has been supplement with the recommended language regarding the replacement of wetlands functions and services.

Comment 85-12
Text in Section 3.6.3 has been modified to note that mitigation would be compensatory mitigation.

Comment 85-13
A definition of wetland type conversion and a discussion of the potential impacts of wetland type conversion appear in Section 3.6.2 of the EIS.
Comment 85-14
Table 3.11-5 has been edited to correct the noted error.

Comment 85-15
Please see response to Comment 85-5, which addresses the same concern.
April 15, 2010

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

Subject: 230 kV Bemidji – Grand Rapids Transmission Project

Dear Ms. Strength:

The Department of the Interior (Department) has reviewed the February 10, 2010 Draft Environmental Impact Statement (DEIS) for the 230 kV Bemidji – Grand Rapids Transmission Project, in Beltrami, Hubbard, Cass, and Itasca Counties, Minnesota. With respect to resources or issues for which the Department or its bureaus have jurisdiction or special expertise, we offer the following comments and recommendations for your consideration.

Section 7 Consultation

In accordance with Section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA), it is the responsibility of the Rural Utilities Service (RUS) to determine if its actions "may affect" listed species or critical habitat. The RUS is required to prepare a Biological Assessment (BA) for Federal actions that are "major construction activities" [50 CFR 402.12 (b)]. The BA should evaluate the potential effects of the proposed action on Canada lynx (Lynx canadensis) and gray wolf (Canis lupus) and designated critical habitat and determine whether any such species or critical habitat is likely to be adversely affected by the action [50 CFR 402.12 (a)].

On December 17, 2009, RUS, the lead Federal action agency, prepared a Biological Assessment and Evaluation (BA/BE) to assess impacts to the Canada lynx and the gray wolf, both of which are listed as threatened under the ESA and have been documented to occur within the project area. No critical habitat has been designated in the project area for either the Canada lynx or the gray wolf. The RUS has determined that the proposed action, as described in the DEIS and which would include Alternative Route 1, 2, or 3, may affect, but is not likely to adversely affect either the Canada lynx or gray wolf.

The FWS has the following comments related to the BA/BE in the DEIS:
### Commenter 86 – United States Department of the Interior

**Canada lynx**

The Land and Resource Management Plan – Chippewa National Forest, uses various indicators to analyze the effects of projects on the amount of foraging habitat, unsuitable lynx habitat and denning habitat, as well as connectivity and human disturbance within each lynx analysis unit (LAU). RUS described potential effects of the proposed action on these indicators in the BA/BE, but not within the context of LAU’s. Nevertheless, use of these indicators is an appropriate way to assess effects of the proposed RUS action.

- Appropriate forest cover habitat for Canada lynx will decrease as a result of this project. Indirect effects include the removal of snowshoe hare habitat (young forests with dense understory) along right-of-ways, which may limit the available food sources to the Canada lynx. The proposed action may result in some effects to Canada lynx, but those effects are likely to be insignificant or discountable because a small area of habitat will be affected relative to the typical size of a Canada lynx home range. Moreover, there are no recent verified records of Canada lynx in the Study Area.

- Canada lynx may alter movements to avoid construction areas, but this impact will be temporary and it is unlikely that these effects to movement will result in reduced survival or reproduction of Canada lynx.

The FWS concurs with the RUS determination that the proposed action will not adversely affect the Canada lynx.

**Gray wolf**

- This action is not expected to adversely affect gray wolf prey density nor will it increase permanent human population densities or road densities. Appropriate forest cover habitat for gray wolf will decrease as a result of this project. Gray wolves may alter movements to avoid construction areas, but this impact will be temporary.

The FWS concurs with the determination that the proposed action will not adversely affect the gray wolf.

**Bald eagle Haliaeetus leucocephalus**

Although the bald eagle was delisted pursuant to the ESA on August 8, 2007, it remains protected from harassment and disturbance under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (Eagle Act). The Eagle Act (1940) 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.” The FWS has developed The National Bald Eagle Management Guidelines (http://www.fws.gov/midwest/eagle/guidelines/)

### Responses

**Comment 86-1**

Thank you for your comment. It has been noted and included in the record for this EIS.

**Comment 86-2**

Thank you for your comment. It has been noted and included in the record for this EIS.

**Comment 86-3**

Thank you for your comment. It has been noted and included in the record for this EIS. The Department of Interior recommends siting high voltage transmission lines at least two miles away from nests, foraging areas, and communal roosts of bald eagles. The recommendation may not be feasible to follow given the high density of bald eagles in the Study Area. Text in Section 3.8.1.1 has been supplemented with information on the number of bald eagle nesting sites within one mile of the Route Alternatives. Text in Section 3.8.3 has been supplemented with mitigation measures to reduce potential impacts on nesting sites, including implementing construction restrictions during the breeding season if activities are proposed within 660 feet of an active nest. Additional information is included in the Biological Assessment and Evaluation, included in Appendix G of the EIS.
Commenter 86 – United States Department of the Interior

guidelines, which are intended to help landowners minimize disturbance to bald eagles, thereby benefiting bald eagles and protecting landowners. The FWS strongly encourages adherence to these guidelines. The guidelines outline the following recommendations to avoid disturbing nesting eagles:

- Keeping a distance between the activity and the nest (distance buffers),
- Maintaining preferably forested (or natural) areas between the activity and around nest trees (landscape buffers), and
- Avoiding certain activities during the breeding season.

The FWS recommends a buffer distance of 600 feet if the proposed activity is visible from an active nest. One bald eagle nest was documented within the Route 1 Alternative and three nests were documented within the Route 2 Alternative.

The following guidelines should be followed in order to minimize disturbance to nesting bald eagles along any of the route alternatives.

- To avoid collisions, site high voltage transmission power lines at least two miles away from nests, foraging areas, and communal roost sites.
- Employ industry-accepted best management practices to prevent birds from colliding with or being electrocuted by utility lines, towers, and poles. If possible, bury lines in important eagle areas.
- Minimize potentially disruptive activities and development in the eagles’ direct flight path between their nest and roost sites and important foraging areas.
- Where bald eagles are likely to nest in human-made structures and such use could impede operation or maintenance of the structures or jeopardize the safety of the eagles, equip the structures with either (1) devices engineered to discourage bald eagles from building nests, or (2) nesting platforms that will safely accommodate bald eagle nests without interfering with structure performance.
- Protect and preserve potential roost and nest sites by retaining mature trees and old growth stands, particularly within ½ mile from water.
- Utility lines should be strong in areas where surrounding vegetation is higher than utility poles to reduce collision risk.
- Providing perch guards on utility line poles in areas of high bald eagle concentration to prevent bird electrocution.
- Educate construction personnel of the presence of bald eagle nests along the transmission line routes and about the need for not approaching any actively nesting bald eagles, particularly on foot.
Commenter 86 – United States Department of the Interior

86-3 (cont.)

- Inform the Twin Cities ES Field Office, FWS of any unusual bald eagle activity noted during or after project construction at (612) 725-3548 x2202.

We appreciate the opportunity to review the document and provide comments.

Sincerely,

Michael T. Chezick
Regional Environmental Officer

cc:
N. Rowse, FWS, Bloomington, MN
Cathy Thompson, USFS, Cass Lake, MN

Responses
Comment 87-1
Text in Section 5 has been supplemented to include a discussion of the federal agency Preferred Alternative.

Comment 87-2
Text in Section 5 has been supplemented to include a rationale for the selection of the federal agency Preferred Alternative.
Comment 87-3
FEIS should identify whether or not the FEIS Preferred Alternative is, or is likely to be, the Corps of Engineers’ least environmentally damaging practicable alternative (LEDPA) for Clean Water Act (CWA) Section 404 permitting for this proposal.

Given the amount and variety of resources of concern to the various local, state, tribal and federal resource agencies, the identification of adequate avoidance, minimization and compensation mitigation measures along with consideration of the feasibility of implementing the measures identified should be a key consideration when proposing an FEIS Preferred Alternative. The DEIS identifies potential avoidance and minimization mitigation measures. However, it is not clear which measures will definitely be undertaken if the project moves forward. In addition, it is not clear that compensation mitigation will be undertaken, in part, to compensate for: 1) the long-term loss of approximately 166 to 269 acres of forested wetland due to tree clearing, 2) the permanent loss of approximately 419 to 813 acres of upland forest (including CNF and LLR forest lands), and 3) the potential loss of cultural and traditional resources important to the LLBO. The FEIS should include a wetland mitigation plan.

Consequently, EPA has concerns regarding potential environmental impacts to wetlands, surface waters, ground water, and the St. Regis Superfund Site, the alternatives analysis and identification of the EIS preferred alternative, and the adequacy of currently proposed mitigation. We give the DEIS and the three major route alternatives and their associated segment alternatives an EC-2 rating (environmental concerns – additional information needed). This means that EPA has identified environmental impacts that should be avoided in order to fully protect the environment. Additional information regarding the preferred alternative selection process, and mitigation commitments for first avoiding, then minimizing, and finally compensating for impacts that cannot be avoided should be developed in consultation with the local, state, tribal and federal agencies and included in the FEIS and Record of Decision (ROD). We also recommend revising some language in the FEIS. A summary of EPA’s rating definitions is enclosed.

If you have any questions regarding our comments, please contact Virginia Laszewski, lead reviewer to this project, at (312) 886-7501 or laszewski.virginia@epa.gov. Please send EPA three hard copies and four CDs of the FEIS when available for our review and comment.

Sincerely,

[Signature]
Kenneth A. Weglake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosures: 2
Commenter 87 – United States Environmental Protection Agency

EPA Comments Regarding USDA-Rural Utilities Service (RUS) Bemidji to Grand Rapids 230-kV Transmission Line Project Draft Environmental Impact Statement
CEQ No.: 20100060

The Role of the EIS in Agency Review of the Project: The U.S. Army Corps of Engineers (Corps), U.S. Forest Service (FS), Chippewa National Forest (CNF), and the Leech Lake Band of Ojibwe (LLBO), Leech Lake Division of Resource Management (LLDRM) are identified as cooperating agencies on the EIS. The DEIS (page 7) identifies the EIS prepared for the Project will be used by Agencies responsible for review, permitting and issuing Decision Notices on the Project. The DEIS identifies (page 1-5) that the Corps intends to adopt the EIS as part of its review of the Project.

Under Section 404 of the Clean Water Act (CWA), a permit is required from the U.S. Army Corps of Engineers (Corps) for the discharge of dredge or fill material into waters of the U.S. The DEIS does not identify which 404 permitting mechanism (e.g., individual permit, regional general permit) that the Corps proposes to use for this proposal.

Recommendation: We recommend the FEIS identify the specific 404 permitting mechanism (e.g., individual permit, regional general permit) that the Corps intends to use for this proposal. In addition, we recommend the FEIS identify whether or not the Corps will require compensation mitigation for all wetland loss, including the permanent loss of forested wetland due to tree clearing of the right-of-way.

Alternatives Analysis and Identification of the FEIS Preferred Alternative: A DEIS preferred alternative is not identified. All three major route alternatives (Alternatives 1, 2, and 3) and their associated segment alternatives (segment alternatives A through T) would impact a variety of resources. Due to the linear nature of the project some resources such as forested wetlands and upland forest will be impacted by all major route alternatives and associated segment alternatives. Specific areas such as the St. Regis Superfund site and the Ten Section Area in the CNF could be avoided by choosing one major route alternative over another and/or by incorporating segment alternatives that avoid these areas. It is clear that trade-offs will need to be made between various resources when identifying the major route alternative and associated segment alternatives that will comprise the FEIS identified Preferred Alternative.

Recommendation: The FEIS should clearly explain the process and underlying rationale for the selection of the major route alternative and any associated segment alternatives that together comprise the FEIS identified Preferred Alternative.

Recommendation: The FEIS should also identify whether or not the Corps considers the FEIS identified Preferred Alternative as the Corps’ least environmentally damaging preferred alternative (LEDPA) for Clean Water Act (CWA) Section 404 permitting.

Wetlands Impacts and Mitigation: The amount of permanent direct wetland impact due to the placement of dredge and fill for this proposal is far less than the impacts associated with
Comment 87-10

Wetland delineations will be completed by the Applicants and their consultants once a Route Alternative is selected. Specific measures to avoid, minimize, and replace wetlands will be developed based on the Route Alternative selected and results of surveys. As such, final impacts to wetlands are unknown and a wetland mitigation plan has not been developed for inclusion in the EIS.

Comment 87-11

Text in Section 3.4.3 has been revised with the proposed text changes.
Comment 87-12
Text in Section 3.4.3 has been revised with the proposed text changes.

Comment 87-13
Text in Table 6-1 has been revised with the proposed text changes.

Comment 87-14
Text in Table 6-1 has been revised with the proposed text changes.

Comment 87-15
Text in Table 6-1 has been modified to include a description of applicable CERCLA regulations.
Commenter 87 – United States Environmental Protection Agency

87-16 St. Regis Company Superfund Site: Alternative 2 and Segment F have the potential to be located within a portion of the existing boundaries and potential future boundaries of the St. Regis Company Superfund Site south of Highway 2 in the City of Coo Lake, Minnesota. If Alternative 2 and/or Segment F were identified as components of the FEIS preferred alternative where work will occur on CERCLA Superfund sites listed on the National Priorities List, such as the St. Regis Company Superfund Site, the proponent must seek prior approval from EPA. The EPA contact is Timothy Drexler, EPA Remedial Project Manager, who may be reached at 312/353-4567 or drexler.timothy@epa.gov.

Recommendation: The DEIS includes inaccurate and/or incomplete information regarding the St. Regis Superfund Site that needs to be corrected in the FEIS, as follows:

87-17 Section 2.2, page 24, Table 2-2: Segment Alternatives Evaluated in the EIS. Under Segment Alternative F, amend the written description to more correctly identify that Segment F is potentially within the St. Regis Superfund Site.

87-18 Section 4.1.4, page 465, 1st full paragraph: Current contaminations of concern should include dioxin. In addition, the Feasibility Study being developed is only for contaminated soil and it is not complete. Finally, EPA hopes to have a public hearing on contaminated soil alternatives during 2010, not early 2010.

87-19 Section 4.1.4, page 465, 2nd full paragraph: The proposed Segment F to Alternative 2 is potentially still within the St. Regis Site on both its eastern and western north-south legs. A significant portion of the western north-south leg is on the eastern side of Highway 371. This area, within the DNR Railway Co.-right-of-way, has elevated levels of dioxin, pentachlorophenol, and PAHs in surficial soil. The eastern north-south leg of Segment F is near the contaminated ground water plume of the St. Regis Site.

87-20 Section 4.2, page 466, Table 4-2: Resource-Specific Cumulative Effects Analysis. Under the “Water” resource, add “Penetration of the contaminated ground water plume at the St. Regis Superfund Site for the construction of Alternative 2 may result in increased health concerns and interfere with ongoing remediation at the site.”

87-21 Section 4.2.10.2, page 479, top of the page: The current outline of the St. Regis Superfund Site is subject to change based on the remedial alternatives selected. The statement that the St. Regis Superfund Site “is not expanding” should, therefore, be removed.

Upland Forest Impacts and Mitigation

Upland forests help to protect water quality in the immediate watershed, provide wildlife habitat, sequester carbon, act as living snow fences next to roadways and provide aesthetic quality to viewsheds along designated scenic byways in the project area. The proposal would permanently eliminate approximately 579 acres (Alternative 1), 439 acres (Alternative 2) or 813 acres (Alternative 3) of upland forest. Much of this land is located in the CNF and in the LLC.

Responses

Comment 87-16
Text in Table 6-1 has been modified to include a description of applicable CERCLA regulations.

Comment 87-17
Text in Sections 2.2.3.1 and 2.2.5.1 has been modified to note that Segment Alternative F is partially located within the St. Regis Superfund Site.

Comment 87-18
Text in Section 4 has been modified to include dioxin as a current contaminant of concern at the St. Regis Superfund Site.

Comment 87-19
Text in Section 4 has been modified to note that Segment Alternative F is partially located within the St. Regis Superfund Site.

Comment 87-20
Text in Section 4 has been modified to note that Segment Alternative F is partially located within the area of the St. Regis Superfund Site contaminated ground water plume.

Comment 87-21
Text in Section 4 referencing no planned expansion of the St. Regis Superfund Site has been removed.
Commenter 87 – United States Environmental Protection Agency

Compensation mitigation for the short-term and long-term temporal loss of upland forest is not mentioned in the DEIS. Due to the important role that forests play in the watershed, we encourage voluntary compensation mitigation for both the short-term and long-term temporal loss of upland forest. Mitigation might include, but need not be limited to, assisting local, county, state, federal and/or tribal agencies with any on-going or planned forest reclamation or living snow fence projects in the watersheds where the loss occurs.

**Recommendation:** In addition to the avoidance and minimization measures suggested (pages 379 and 380) in the DEIS, we recommend the FEIS identify whether compensation mitigation for the loss of upland forest will be required by the CNF and/or the LDRM for upland forest lost on CNF land and/or LLR land. We also recommend the FEIS identify potential compensation mitigation opportunities for the loss of upland forest at the local, state, federal and tribal levels. Where upland forest compensation is not required by CNF, LLBO, state or local agencies, we recommend the FEIS identify whether or not project proponents propose to undertake voluntary compensation mitigation measures in consultation with private land owners, local, state, federal and/or tribal entities.

**Tribal Concerns**
Alternative 1 and 2 substantially cross the sovereign lands of the LLBO. The DEIS identifies that the tribe has indicated a number of concerns regarding impacts to traditional cultural, biological and socioeconomic resources. The DEIS also identifies (page ES-8) that within the Project area, RUS and the federal cooperating agencies have a trust responsibility to manage natural resources in accordance with various objectives listed here in the DEIS and with consideration to the specific land use policies of the LLBO.

**Recommendation:** The FEIS should include a description of how tribal concerns were considered in the identification of the Preferred Alternative. Also, prior to development of the FEIS, additional consultation should be conducted to address tribal concerns in greater detail, including the identification of mitigation commitments.

**National Historic Preservation Act, Section 106**
Section 3.9.7, page 240, states, “In accordance with 36 CFR §§ 800.4(b)(2) and 800.5(a)(3), RUS may phase Section 106 identification, evaluation and application of the criteria of effect. The regulations establish that phasing is appropriate ‘where alternatives under consideration consist of corridors or large land areas’ as is the case with the alternatives under consideration in this DEIS. RUS may defer the steps in Section 106 review if it is specifically provided for in a Programmatic Agreement (PA).’”

Page 240, goes on to state, “In meeting this requirement, RUS has developed a draft PA in consultation with the other federal agencies, LLBO, other participating Indian tribes, the SHPO and the Applicants. Because not all affected historic properties would be known prior to selection of the preferred alternative, the draft PA establishes procedures to guide the identification and evaluation of historic properties, the assessment of adverse effects and the

Responses

**Comment 87-22**
The United States made treaties with the Ojibwe that created the reservation and ceded areas of land in northern Minnesota to the federal government. The treaties also reserved the right of the Ojibwe bands to hunt, fish, and gather within the treaty area. The Forest Service has committed through its Forest Plan to facilitate the overall ability of the Ojibwe to exercise these rights in a sustainable fashion on NFS lands. Text in Section 3.9.7 has been supplemented with a discussion of mitigation measures that would be required by the CNF on CNF lands to mitigate potential impacts to the LLBO.

**Comment 87-23**
Text in Section 5 has been supplemented to include a discussion of the federal agency Preferred Alternative. Potential impacts unique to the Leech Lake Reservation are discussed throughout the EIS.

**Comment 87-24**
Text in Section 3.9.7 has been supplemented with a discussion of mitigation measures that would be required by the CNF on CNF lands to mitigate potential impacts to the LLBO.
The EIS has been supplemented with a draft Programmatic Agreement, which is included as Appendix K.

87-25 | **Recommendation:** We recommend the FEIS include the signed PA.
SUMMARY OF RATING DEFINITIONS
AND FOLLOWUP ACTIONS*

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC—Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO—Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU—Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate
EPA believes the draft EIS adequately sets forth the environmental impacts(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2—Insufficient Information
The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3—Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage.

EPA does not believe that the draft EIS is adequate for the purposes of NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.
Comment 88-1
A discussion of potential health effects appears in Section 3.20 of the EIS. A discussion of potential effects to biological resources appears in Section 3.7.2 of the EIS.

My opinion about this is it's not right because think about the animals, pregnant woman. Think about everybody not just yourself. I don't really know much about it but the things I heard were negative.
Comment 89-1
A discussion of potential health and safety effects appears in Section 3.20 of the EIS.

I think that they shouldn't put this Transmission Line because it could kill many babies and unborn babies. This line could kill and give people cancer. I don't think it's right to kill people. Putting it right next to the powerline and could cause an explosion.

There are four options for submitting comments on this project:
1) Submitting comments at the conclusion of tonight's meeting
2) Emailing comments to samuell.mpuc@state.mn.us or terry.n.baker@usda.gov
3) Submit your comments electronically at http://energyfacilities.usa.gov/Docket/HB/19144
4) Fold, tape, and mail this form to the address on the reverse side of this sheet

Comments must be received by April 28, 2010
Comment 90-1
A discussion of vegetation cover appears in Section 3.7.2.1 of the EIS. The affected acreage of each type of vegetation appears in Table 3.7-10 of the EIS.

Comment 90-2
A discussion of the potential to overlap the Project ROW with existing road ROW appears in Section 3.19 of the EIS. For purposes of analysis, it is assumed that the Project ROW would be located parallel to and close-by, but not overlapping with existing ROW. The distance between the Project ROW and any existing ROWs would be determined during structure siting and final placement of the transmission line alignment, after a Route Alternative is selected.

Comment 90-3
Text in Sections 3.11.2, Impacts to Homes and Structure, and 3.11.3.6 has been supplemented with a discussion on the potential to avoid impacts to homes through route flexibility. The number of homes listed in Table 3.11-10 are those within a certain distance to a feasible transmission line alignment. The actual alignment and associated ROW would be adjusted to avoid impacts to homes and other structures as practicable.
Comment 91-1

My name is Phillip Avery, and I own land within one of the projected routes. I wish I could look at the map and say which route number effects me, it is hard to tell. I am on the route closest to Lake Irving and Hwy 2, south and west of Bemidji. I live quite close to Hwy 2 under existing transmission lines. I have attended the various open-houses, and will surely be attending the one in Bemidji, next Tuesday.

I am writing to say the obvious: I already have power lines across my front yard, and as near as I can tell, new lines would run parallel to the existing ones which would be directly over my home, as well as those of my neighbors to the north and south. I would, of course, prefer to see the lines run on the more rural route.

I know you will work hard to determine the best solution for all concerned, and I hope you will take my comments into consideration.

Sincerely,

Phillip Avery
1315 Lynn Marie Ct. SW
Bemidji, MN 56601
Comment 92-1

Thank you for your comment. It has been noted and included in the record for this EIS.

As a Long Lake property owner for almost 40 years, I am strongly opposed to the Route 3 proposal for the new transmission line. It is obvious that either Route 1 or 2 are more economical solutions since either one is substantially shorter in length than Route 3. As a result, the use of Route 3 will result in much higher costs for the consumers of Minnesota. Moreover, there is no clear advantage to adopting Route 3. Instead it will result in serious adverse impacts on waterfowl and agricultural lands and will reduce many private property values, particularly with respect to the Chippewa National Forest and more specifically around Long Lake. Since power is lost the farther it travels on transmission lines, Route 3 seems like the least prudent choice. Thank you for consideration of my views on this important matter.

Sincerely, Linda H. Bathen
Comment 93-1

I don't think it will do any good giving opinions. Nobody listened to the protest against the pipeline. I just don't want people getting killed like them pipeliners in Clearbrook. So I choose not to say yes or no. I don't make the final choice. I think this is non-native people trying to get rid of the native Americans off like the Europeans did to a lot of native Americans.
A discussion of impacts to forested areas appears in Section 3.15.2 of the EIS. A discussion of impacts to land cover and land use appears in Section 3.10.2 of the EIS. The potential to co-locate the Project with existing pipeline corridor and resulting potential effects are discussed in Section 3.18 of the EIS.

My name is Mary Bedeau. I am 11 years old and I have lived on the reservation my entire life. I am disappointed as is in the pipeline running right by my school. And the fact that there is an idea of putting the power line right by our pipeline intimidates me. Just the general idea of even putting it up makes me scared. They have torn down many trees because of this pipeline and they will cut down even more for the power line. I am against it.
Comment 95-1

A discussion of the potential effect of the Project on property values appears in Section 3.11.2 of the EIS. A discussion of the property acquisition process appears in Section 2.4.3 of the EIS.
Comment 95-2

A discussion of potential health effects appears in Section 3.20 of the EIS. A discussion of the potential impact on property values appears in Section 3.11.2 of the EIS.

Comment 95-3

Thank you for your comment. It has been noted and included in the record for this EIS. A description of the process used in developing the scope for the EIS is included in Section 1.4. Section 2.1.2 identifies the areas considered for development of route alternatives. Section 2.2 identifies the alternatives evaluated in the EIS, while Section 2.3.3 discusses why some route alternatives considered during scoping were not carried further in the evaluation. More detail on the scoping decision is included in Appendix A. All route alternatives under consideration contain forested areas, and all cross portions of the Chippewa National Forest.

Comment 95-4

A discussion of easement compensation and mitigation measures applicable to private land owners appears in Sections 3.11.3.5 and 3.11.3.6, respectively.
Comment 96-1
Thank you for your comment. It has been noted and included in the record for this EIS.

Gentlemen:

At the present time, MPX has a corridor from the Boswell plant at Cloquet to Sunny River, MN, south of U.S. Highway 2. Since my family and I own several parcels north of U.S. Highway 2, we would appreciate your staying south of the highway along the present corridor with your new 230-kv transmission line. I see no reason to go north of the highway and ruin the value of more property. There is much potential to develop the land on the north side.

George Berbee
Comment 97-1
The Applicants have requested to construct a line using a permanently cleared ROW of approximately 125 feet. The Applicants have requested a 1,000-foot route to allow some flexibility to work with landowners and avoid homes and other sensitive areas before determining a final alignment of their 125-foot wide ROW. Although the specified property (Jefferson Avenue and 15th Street SW) is included within the 1,000-foot width of Route Alternative 2, the most likely alignment and feasible ROW evaluated in the EIS would be closer to U.S. Highway 2 in this area, north and east of the described property.

Comment 97-2
Thank you for your comment. It has been noted and included in the record for this EIS.
Commenter 98 – Lisa Burlage

To: Lisa Burlage
Cc:
Subject: RE: Bemidji-Grand Rapids 230KV Transmission Project - Maps
Date: Wednesday, March 10, 2010 9:22:26 AM
Attachments: Bemidji-Grand Rapids, Map Sheet 2.pdf

Miss Burlage,

Thank you for your note. I believe you are on Map Sheet #2 of the maps included with the draft environmental impact statement (DEIS). The DEIS and associated maps are available online: [http://energyfacilities.puc.state.mn.us/resource.html?id=26061](http://energyfacilities.puc.state.mn.us/resource.html?id=26061).

From your note, it appears that you have found the DEIS and maps. I’ve attached Map Sheet #2 to this email. You can zoom in and out on these maps by using the zoom buttons (“+” and “-) in Adobe PDF program. The maps do not show individual addresses, but I believe, if you zoom in, you will be able to determine where you are located with respect to the proposed routes.

I hope this is helpful. Please get back to me with any additional questions.

Best regards,

Ray

Ray Kirsch, Planner
Minnesota Department of Commerce
Office of Energy Security
Energy Facility Permitting
85 7th Place East, Suite 500
St. Paul, MN 55101-2198
651-296-7588
raymond.kirsch@state.mn.us
http://energyfacilities.puc.state.mn.us/

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From: Lisa Burlage [mailto:lislburlage@paubunyan.net]
Sent: Tuesday, March 09, 2010 6:00 PM
To: Steinhauser, Suzanne [COMM]; Kirsch, Raymond [COMM]; stephnie.strength@wcd.usda.gov
Subject: Bemidji-Grand Rapids 230KV Transmission Project – Maps

I received notification today regarding the upcoming Public Information Meetings for the Bemidji-Grand Rapids 230KV Transmission Project.

Where can I find a map with each of the projected routes displayed for my specific home address? My husband is out of State for the next two weeks and therefore will not be able to attend any of the meetings. I was hoping to locate a map to gather his input and attend one of the meetings myself.

I found several great maps via the websites provided in the letter, but none that I can “zoom” in on.

Thank you for your time,

Lisa

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Comment 98-1

Thank you for your comment. OES Staff provided the requested map on March 10, 2010.
Lisa Burlage
2901 Monroe Ave SW
Bemidji, MN 56601
lisahome@paulbunyan.net
218-556-5137 (cell)
218-759-8995 (fax)
218-444-4819 (home)
Comment 99-1
A discussion of potential health effects appears in Section 3.20 of the EIS.

I think it will be a very bad thing to do. I could kill people and make them sick. I think it is a conspiracy to kill people.
Commenter 100 – Denny and Jane Carlson

From: dleneh
To: Stephanie Streitenberger (EIS)
Cc: 
Subject: dels comments, dl-grand rapids 230 Kv transmission line
Date: Wednesday, March 17, 2010 10:00:42 PM

i am forwarding an email from the carlsons.

thank you, diane plath

-----Original Message-----
From: Jane Carlson [mailto:jncdrac@gmail.com]
Sent: Monday, March 15, 2010 10:12 PM
To: dp
Subject: Catch Up

Hi dp,

...Here's our short statement for the record:

After reading much of three different studies done regarding issues and concerns that apply in selecting an appropriate route from the now three remaining alternate routes for the Bemidji to Grand Rapids 230kv powerline, we would like to go on record as strongly encouraging the selection of either alternate routes 1 or 2, which are by far the most cost effective; a difference of 47 miles of disruption at a cost difference of 36.5 million. This extra cost will be borne by the power companies and ultimately their patrons, extravagant at any time but particularly so given the current economy.

If we understood the process correctly, the alternate route 3 or the northern route was identified and studied as a result of the Leech Lake Tribal Council's desire to circumvent LLR lands as much as possible. The "Comparative Impacts of Route Alternatives" from the "Environmental Impact Statement" (pp 165-187) shows that the northern route does, in fact, accomplish that. However, there seem to be few if any other advantages to following that route including but not limited to impacting the most acres of the Chippewa National Forest and the most lakes, streams and wetlands. It would affect the largest number of property owners. And the loadability of the 230kv line would be only 75% of the other two alternate routes - less efficiency for more money. As taxpayers and as users and payers of the power generated, we feel that selection of the northern route would not be in the best interest of the most people who will be affected.

Denny and Jane Carlson
9647 Howling Wolf Rd NE
Bemidji MN 56601

Response

Comment 100-1

Thank you for your comment. It has been noted and included in the record for this EIS.
Comment 101-1

I am in opposition to these power lines coming through my reservation (Leech Lake), I will fight along with my brothers and sisters against it.
A discussion of cumulative effects with the Enbridge Energy pipeline expansions appears in Section 4 of the EIS. Minimum lot sizes in Bemidji Township, and other areas where zoning is administered by the Greater Bemidji Area Joint Planning Board, vary from 6,000 square feet to five acres, depending on the zoning classification. Minimum lot sizes are exclusive of easements for roadways and major utilities. Text in Section 3.10.2.2 has been supplemented to include information on minimum lot sizes and the potential impact of the Project on residential development.

Maps included in Appendix D of the EIS have been updated with recent aerial photographs to display homes located in proximity to the Study Area.

A discussion of health effects appears in Section 3.20 of the EIS.
Commenter 103 – Scott and Benita Dingman

We believe the power line should NOT follow Route 3 for the following reasons.

1) Greater cost of construction and maintenance
2) Significant energy loss due to the greater distance of the line
3) Higher environmental impact on the endangered plants and animals
4) Substantially higher exposure to the risk of downed power lines

Responses

Comment 103-1
Thank you for your comment. It has been noted and included in the record for this EIS.
Commenter 104 – Harriet Evans

Responses

Comment 104-1
Thank you for your comment. It has been noted and included in the record for this EIS.

I would like to see it go on the south side of town east of Deer River.
Comment 105-1

Thank you for your comment. It has been noted and included in the record for this EIS. A discussion of the presence of and potential impacts to biological resources and species of concern appears in Sections 3.7 and 3.8 of the EIS, respectively.

Mark Frederick
1570 River Island W SW
Bemidji MN 56601
218-759-1956

I have a lot of owls nesting every year. Suckers & northern pike spawn in the river. Plants just like at the Big walk in Bemidji St. Peak Red fox, grey fox, fisher, wolverine, deer etc.
Commenter 106 – James Gladen

Thank you for the prompt response, Suzanne. It looks like the line will run well-north of our family farm and I do not anticipate any objections on our part. Good luck with the rest of the process.

Regards,
James

Responses

Comment 106-1
Thank you for your comment. It has been noted and will be included in the record for this EIS.

From: Steinhauser, Suzanne [mailto:Suzanne.Steinhauser@state.mn.us]
Sent: Monday, March 22, 2010 4:06 PM
To: James T. Gladen
Cc: gladen1@aol.com; Eric Gladen; allroberts@aol.com; Marian.E.Gladen@well Fargo.com
Subject: RE: Bemidji-Grand Rapids 230kV Transmission Project

Mr. Gladen –

I’m attaching a map (sheet 4 of 47) showing the route under consideration in the area you are concerned about (roughly the intersection of Hubbard County Rds. 0 & 45).

My maps don’t have parcel boundaries, but if I understand the description of the property you are concerned about, it appears that Route 1 (shown with the red line) and route segment K (shown in the purple shaded area) are in the vicinity of your property, but approximately 1/2 mile north of your property. Route 1 runs generally along the existing Great Lakes gas pipeline.

Please let me know if you have additional questions. The comment period on the Draft EIS is open until 4:30 pm, April 26th.

Regards,
Suzanne Steinhauser

From: James T. Gladen [mailto:JamesGladen@fmlaw.com]
Sent: Monday, March 22, 2010 3:29 PM
To: Steinhauser, Suzanne
Cc: gladen1@aol.com; Eric Gladen; allroberts@aol.com; Marian.E.Gladen@well Fargo.com
Subject: Bemidji-Grand Rapids 230kV Transmission Project

Dear Suzanne,

I just recently became aware of the Bemidji-Grand Rapids 230kV Transmission Project. My family owns property in northern Hubbard County and I am concerned with the location of the transmission line. Unfortunately, the map that was included with the letter I received does little to explain where exactly this line will go and whether this line may be located near or perhaps within our property.

Before getting too ruffled up about this, I was hoping you could provide me with a better map that would show the proposed route (including alternatives) of the transmission line around the Nory to Gullers area in greater detail. Our property is located just south of the intersection of County 9 and County 45 on County 45. Assuming the line is not going through our property (or too closely by it) my inquiries may stop here. Any information you can provide would be appreciated. Thank you.

Regards,
James T. Gladen
Commenter 107 – David Gooch

Bemidji-Grand Rapids 230 kV Transmission Line
MPUC Docket Number TL-07-1327

Name: David Gooch


107-1

I have a question:

Way not route, route 3 from Wilton Substation along 71 N. This would avoid several residents in or around the city of Bemidji.

David Gooch
dragooch@paulbryan.net

Responses

Comment 107-1
The Applicants evaluated alternative locations for Route Alternative 3 prior to developing the route described in the EIS. During the evaluation it was determined that extending Route Alternative 3 east from the Wilton Substation to Highway 71 would require siting the Project through a high density residential development. Extending Route Alternative 3 north of Bemidji along Highway 71 would require siting the Project through additional residential and commercial developments, which are located north of Bemidji and near Turtle River, Ten Strike, and Blackduck. In addition, the Bemidji Airport is located in proximity to Highway 71 and may have been affected by a potential Route Alternative along the highway.
Comment 108-1
Thank you for your comment. It has been noted and included in the record for this EIS. A discussion of potential health effects appears in Section 3.20 of the EIS. A discussion of the potential impact of the Project on property values appears in Section 3.11.2 of the EIS. A discussion of the aesthetic impact from tree clearing appears in Section 3.1.2 of the EIS.

Regard,

Jim Gorham
Commenter 109 – Jane and Dale Grasdalen

From: JANE AND DALE GRASDALEN
To: [Redacted] (continued)
Subject: Berdit–Grand Rapids 230-kV transmission line
Date: Saturday, April 10, 2010 2:19:20 PM

If route 1 is chosen the line will cross our house requiring our relocation. Our homestead is house on 20 acres. We have already been adversely affected by defunct development to the north of the property; this power line also devalues the property. While I recognize the greater need for the line, we will need to be compensated at a level to be equally relevant.

Thank You,
Jane and Dale Grasdalen

Responses

Comment 109-1
Thank you for your comment. It has been noted and included in the record for this EIS. A discussion of the potential for home displacement is addressed in Section 3.11.2, Impacts to Homes and Structures. Home displacement is rare in the routing of transmission lines in Minnesota.
Commenter 110 – Dean Greenside

From: greenside45@comcast.net
To: Suzanne Steinhauser (COMM) <Suzanne.Steinhauser@state.mn.us>
Sent: Wednesday, March 24, 2010 8:58:58 AM GMT -06:00 Guadalajara / Mexico
Subject: RE: Bemidji-Grand Rapids (230-kv)

Mr. Greenside–

Thank you for your interest in the proposed Bemidji – Grand Rapids Transmission Line. No route has been selected at this time, there are three routes under consideration and we are taking comments on the Draft EIS until April 26.

I’m attaching two which shows the location of the routes under consideration in the Cass Lake area (the routes are shown in the blue and purple shaded areas). In that area, the routes under consideration are on the southern side of the city, and appear to be some distance away from the property you mentioned (located on the NE corner of the US 2 & MN 371 intersection).

Please let me know if you have any other questions, or need additional information.

Regards,
Suzanne Steinhauser

From: greenside45@comcast.net [mailto:greenside45@comcast.net]
Sent: Tuesday, March 23, 2010 8:29 PM
To: Steinhauser, Suzanne (COMM)
Subject: Bemidji-Grand Rapids (230-kv)

Dear Suzanne,

I couldn’t attend the meeting in Cass Lake last week about the transmission line that is going through the area. I have received maps of the proposed routes and I believe the one going through Cass Lake will be south of US highway 2. Am I correct in assuming this?

The reason I am concerned because we have property on the northeast corner where US 2 and MN 371 intersect. We would not want the line to interfere with the future development of this property.
Commenter 110 – Greenside

Would you please contact me and let me know what the actual plan will be. You can email me or if you want to call me my number is (763)427-3628.

Thank you,

Dean L. Greenside
241 McKinley St NW
Anoka, MN 55303
Commenter 111 – Peter Guggenheimer

DEIS Comment Sheet

Bemidji-Grand Rapids 230 kV Transmission Line

MPUC Docket Number TL-07-1327

Name: PETER F. GUGGENHEIMER


1700 CANOPY LANE S.E.
BEMIDJI, MN 56601

REQUEST PAPER COPY OF DRAFT ENVIRONMENTAL IMPACT STATEMENT.

Responses

Comment 111-1

A hard copy of DEIS was provided to the commenter.
Commenter 112 – Norley Hansen

DEIS Comment Sheet

Bemidji-Grand Rapids 230 kV Transmission Line

MPUC Docket Number T1-07-1327

Name: Norley Hansen


I have a farm stand on the north side of the city of Cohasset and north of US Highway #2. This property is already impinged by two huge pipeline corridors.

I would strongly recommend Minnesota Power would use their power corridor that exists on the south side of Highway #2 and they own many sections of property in this area. This route would be the one with least interruption of private property.

A new power corridor across my property would about negate my property for any purpose!! I would not be able to subdivide if I ever chose to do so. The chances of ever selling my property with THREE power corridors would be almost non-existent and would cause extreme financial hardship.

There are four options for submitting comments on this project:
1) Submitting comments at the conclusion of tonight’s meeting
2) Emailing comments to norlee.steinhaser@state.mn.us or stephanie.steensrud@wsc.mn.us
3) Submit your comments electronically at http://energy.facilities.puc.state.mn.us/Docket.html?Id=19144
4) Fold, tape, and mail this form to the address on the reverse side of this sheet

Responses

Comment 112-1
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 112-2
A discussion of the loss of land use to private land owners appears in Section 3.10.2.2 of the EIS. A discussion of the potential effect on property values appears in Section 3.11.2 of the EIS.
Ms. Steihauer,

Thank you for sending me the notice for the upcoming public meeting on Docket No. TL-07-132. Unfortunately I will not be able to be present at any of these public meetings but would like to say something for the record. I did send an email when you sent out the previous or first notice of this project. I went on record as opposed to the 3rd route for obvious reasons because it may go next to or through my property. I mentioned about it being a little piece of God’s Country and how saving all your life for something you’ve dreamt about and clearing the land yourself makes it a very special place.

With this been said I have a few concerns; my property is 3 miles north of Talmoon and is on the east side of the highway. It is 6 acres and is 200ft. wide running from northeast to southwest starting on the lakeshore so if the line were to cross my property it would take a pretty good chunk out of it. The other thing is the noise factor and you always hear of the dangers or weird things happening to people living close to transmission lines. Are any of these things to be concerned with? Also do you get compensated for the use of your property or is it just gone? I don’t want to sell our place and if there is a power line running through it it wouldn’t be worth a lot anyway.

These are just some of my concerns and I know that whatever I say will not have any bearing on a final decision. I do know that I’m not the only one that would rather it didn’t cross their property but at least you people know how I stand. Do you have a more detailed map of where the lines would go if you chose Route #3 or will that not happen until the final decision is made?

Please keep me posted on the outcome. Thank you.

Sincerely,

Richard Herfindahl
617 E. 5th St.
Albert Lea, MN 56007
<table>
<thead>
<tr>
<th>Commenter 114 – Lester Hiltz</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bemidji-Grand Rapids 230 kV Transmission Line</td>
</tr>
<tr>
<td>MPUC Docket Number TL-07-1327</td>
</tr>
</tbody>
</table>

**Name:** LESTER HILTZ


114-1 This line will destroy our property and we will not be compensated. This form is a 3-4 generation.

114-2 I live five miles west of the line and the noise is a problem. We want to live on our land. We do not want to live with the noise from the line.

114-3 It affects our property. We do not want to have this noise in our yard.

114-4 What can we do with our property after the line is built? How will we be compensated if we do not like the situation?

114-5 Our property value and increased our taxes.

114-6 The line is within 3 feet of my property line. This is not the middle of my property. I think this property owner should be compensated every year.

<table>
<thead>
<tr>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Comment 114-1</strong></td>
</tr>
<tr>
<td>A discussion of potential impacts to property values appears in Section 3.11.2 of the EIS. A discussion of the easement acquisition and compensation process appears in Section 2.4.3 of the EIS.</td>
</tr>
</tbody>
</table>

| **Comment 114-2** |
| A discussion of EMF appears in Sections 3.20.1.1 and 3.20.2.2 of the EIS. |

| **Comment 114-3** |
| A discussion of the loss of land use to private land owners appears in Section 3.10.2.2 of the EIS. |

| **Comment 114-4** |
| A discussion of the easement acquisition and compensation process appears in Section 2.4.3 of the EIS. |

| **Comment 114-5** |
| A discussion of cumulative effects from co-location of the Project with the Enbridge Energy pipeline expansion appears in Section 4 of the EIS. |

| **Comment 114-6** |
| Thank you for your comment regarding the request for property owners to receive annual compensation. It has been noted and included in the record for this EIS. |
A discussion of potential health and safety effects appears in Section 3.20.2 of the EIS.
A discussion of the loss of property use within an easement appears in Section 3.10.2.2, Loss of Use, of the EIS. Text in Section 3.10.2.2 has been supplemented to note that the Project could limit the ability to locate sewer and utility lines in addition to the impact on the ability to construct building structures.
Comment 117-1
A discussion of potential health effects appears in Section 3.20 of the EIS.

Responses

Commenter 117 – Noel Lafermiere

I think its nonsense, it shouldn't be done because of the unhealthy and dangerous effects.
Comment 118-1
Thank you for your comment. It has been noted and included in the record for this EIS.

It would be greatly appreciated if you do not send the power line through. The reason is there will be long term effects from the power line.
Thank you for your time.
Comment 119-1
This transmission line is not a good idea. Why would you rather risk many peoples health than to save $200,000.00.
This whole thing is terrible.
Just very terrible.

Responses

Comment 119-1
A discussion of potential health and safety effects appears in Section 3.20 of the EIS.
Commenter 120 – Steven Lindahl

From: apcpl@edims.state.mn.us
To: Appliance_Power_Projects@edims.state.mn.us
Subject: Undated Sun Apr 11 22:24:32 2010 T1-07-1327
Date: Sunday, April 11, 2010 10:29:43 PM

This public comment has been sent via the form at:
www.energyfacilities.puc.state.mn.us/publicComments.html

You are receiving it because you are listed as the contact for this project.

Project Name: Barrett - Grand Rapids 230 kV Transmission Project
Docket Number: T1-07-1327
User Name: Steven Lindahl
County: Mower County
City: Quackduck
Email:
Phone:

Impact: I was against this project the first I had heard of it a couple years ago because myself and none of my neighbors had heard anything about this until the processes for this project were already well under way behind our backs.

I sent a couple letters off explaining why I was so against this project. I never heard another thing about it until I just recently received a notice of public hearings that are coming up. I am definitely going to try to make it to one of these hearings, although I'm not sure why because this notice also says the ALJ will make a recommendation on which route to authorize. That sounds to me like it is going through no matter what the majority of the public thinks about it.

I am definitely against the route which would run these lines through my property or close to it, but am also against the entire project, no matter where it would run.

These power hungry power providers have been ripping us off for years and it needs to stop. In fact, I am currently living without electricity for financial reasons. I simply can't afford it. And I don't see these expensive huge power lines making my monthly bill any less. Sure the power companies can save money in the long run supplying power to the area, but do you actually believe they're going to pass any savings on to the consumer? I'm sorry but I don't believe they will.

What happened to going green? I have seen wind farms going up all over the country. These are also very expensive to put up but in the long run are better all the way around. Why not focus on that, instead of insisting that the big money stay with the money hungry power companies. But it's been made very obvious to me that it isn't going to matter what I think about this as the wheels have been turning behind our backs again since the first time I heard of the project. In fact, I still have not heard of one person in northern MN that is for this. I'm sure there are a few that are for it, but I personally have not met them, nor would I care to as I think they are ignorant.

Response:

Comment 120-1
Thank you for your comment. It has been noted and included in the record for this EIS.
Commenter 120 - Lindahl

I am a layman and don't claim to know everything about this project, but feel we (the general public) are being taken advantage of and duped by the actions and politics going on behind our backs on this issue. Most of us are working and trying to survive in the current economy. So how many people have been able to devote the time needed to try and stop this project? I would like to go to the public hearings and will try, but if for some reason I'm not able to (like many others that cannot afford for various reasons) our voices don't matter? I would like my comments to be seen by others if possible on the website to help others make their decisions on the project in hopes that it will help stop this project completely. Although it sounds like it's too late anyway and the project will be done no matter what the public wants, at least I can voice my opinion publicly.

Mitigation:

Submission date: Sun Apr 11 22:29:12 2010

This information has also been entered into a centralized database for future analysis.

For questions about the database or the functioning of this tool, contact:

Andrew Koebnick
andrew.koebnick@state.mn.us
Thank you for your comment. It has been noted and included in the record for this EIS.
Commenter 121 – LLBO Member Petition

PETITION DRIVE
CapX 2020 Proposed Transmission Line
Bemidji to Grand Rapids via Leech Lake Reservation
230 kV Power Line

By signing my name, my signature is evidence that I oppose the 230 kV Power transmission power line that is proposed to go through my homelands of the Leech Lake Reservation from Bemidji to Grand Rapids, Minnesota. I understand my signature opposing this power line will go to the Public Utilities Commission and/or any other agency that hears the publics' comments on the power line.

Savannah Siegel, Grand Rapids

Noel LaFramboise, Ball Club

JANUARY 2010 D.O.M.F.
Comment 122-1
Thank you for your comment. In September 2009, the MnPUC approved Enbridge Energy’s request for a deviation from the permitted route in this area to address environmental and cultural resource concerns associated with crossing the Necktie River. Revised maps with the new pipeline alignment have been requested from Enbridge Energy.
Commenter 123 – Carol McLaughlin

DEIS Comment Sheet

Bemidji-Grand Rapids 230 kV Transmission Line

MPUC Docket Number TL-97-1327

Name: Carol McLaughlin

Comment: I am concerned about my property (other people's property) in Turtle River Twp. I live in section 14, just off of Rte. 27 (Long Lake Rd.)

If the power line runs this close to Long Lake it will impact a number of lake property owners with fairly small lots. This is fairly valuable property.

There seems to be other routes that would go through less populated areas.

Route #3 would run through a highly populated area! (Many small lots)

There are four options for submitting comments on this project:

1) Submitting comments at the conclusion of tonight's meeting
2) Emailing comments to program.maine@state.mn.us or stephanie.streng@nce.usda.gov
3) Submitting your comments electronically at:
   http://mpuc.fcl.mn.us/mpuc/19344
4) Fold, tape, and mail this form to the address on the reverse side of this sheet

Comments must be received by April 26, 2010

Bemidji MN

58601

218-546-3744

Thank you for your comment. It has been noted and included in the record for this EIS.
Comment 124-1
Thank you for your comment. It has been noted and included in the record for this EIS.

This public comment has been sent via the form at www.energyfacilities.puc.state.mn.us/publicComments.html
You are receiving it because you are listed as the contact for this project.
Project Name: Berndt - Grand Rapids 230 kv Transmission Project
Docket number: TL-07-1327
User Name: Mark Michalek
County: Isanti County
City: Blackduck
Email: Michfarm@paulbuynyan.net
Phone:

Impact: I strongly disagree with the northern line you are thinking about running at the meeting on March 17, 2010 in Blackduck not many questions were answered. You can clearly see the way it should be run, I have a power line already running though my land and I surely don't need another one. I know my thoughts don't mean very much to a company this size, but think of all the homesteads that will have to pay the extra, all the extra coal that needs to be burned over the year's to come. We all know the reasons why this long route has been looked at I hope you make the right decision.

Mitigation:
Submission date: Wed Mar 24 19:44:51 2010

This information has also been entered into a centralized database for future analysis.
For questions about the database or the functioning of this tool, contact:
Andrew Koebnick
andrew.koebnick@state.mn.us
Comment 125-1

Thank you for your comment. It has been noted and included in the record for this EIS.

A this disappear if there live near to the #1 female just in my acreage acre
It is a environment area 1 more own for
If you need to be further change by
What if comments!
Comment 126-1

Thank you for your comment. It has been noted and included in the record for this EIS.
Commenter 127 – Diane and Ernest Plath

April 20, 2010
EHS Comments

Honorable Eric L. Lipman
Administrative Law Judge
P.O. Box 64620
600 North Robert Street
Saint Paul, MN 55164-0620

Honorable Eric L. Lipman:

Following are comments regarding the EIS for the Bemidji-Grand Rapids Transmission Line as it exist on this date. Some comments are in general and some are specific.

General:

In general, the EIS provides considerable information relevant to construction of the Project. As is the nature of such an undertaking, much of the information requires an extreme stretch of the imagination to accept its relevance. Since an EIS exercise does nothing to acquire the basic needs of humankind, the best it can do is to help identify measures which might minimize the use of natural resources necessary to construct the project. In actuality, the Applicants probably identified most of these measures in their study leading up to their permitting request.

Essentially every life form on this planet is dependent on water, food, and shelter for their existence. These basic needs, in one form or another, come from natural resources and, indeed, from other life forms. All creatures are very creative in their efforts to survive but in the end create nothing except more of their species. Those that fail to adapt to ever changing conditions eventually perish.

Whether we like it or not, the use of natural and human resources to generate, transmit, and utilize electrical energy is a necessary part of our environment today and, more likely, into the foreseeable future. Harnessing of electrical energy was developed to aid the human species in performing work necessary to obtain their basic needs. The human species is apparently half-bent on populating itself to near or complete extinction and therefore we are considering the Project. While we “consider”, the Chinese are bringing on-line one coal-fired electrical generation plant every week along with the necessary distribution systems. While we “consider”, the Chinese and other countries are exploring for new energy sources and looking up as many existing sources as possible.

Cost of any construction project is directly tied to use of natural resources and human resources (additionally dependent on natural resources). The Applicants, after considering other supply sources, addition of generating capacity, and various routes, applied for permitting for Routes 1 or 2 which appeared to meet the increased need, the overall grid
Commenter 127 – Diane and Ernest Plath

April 20, 2010

EIS Comments

requirements, and to have the least cost. Routes 1 and 2 remain the best options. Estimated costs of all options considered are now, approximately three years later, only higher. As time passes by, the price of dwindling non-renewable resources will only go up, not down. If any or all of the Applicants may need financing to construct their portion of the Project there will be interest charge costs. Hopefully they will not have been delayed to the point they face rising interest rates which will pass through to the customers.

The EIS provides a pretty good description of possible construction details. More detail is most likely not possible pending route selection and final design. At this point it is not clear whether it is planned to clear the entire 125’ ROW for each route or to, where possible, widen existing electrical ROWs to meet 230KV requirements and convert to a two-tier configuration. Obviously a plus would be less loss of trees in forested areas and less loss of area to all affected parties. The trade-off would apparently be higher structures, increased difficulty in maintenance/repair operations, and certainly more risk to linemen working with and near ‘hot’ high-voltage lines. The linemen, in most cases, are only allowed one mistake. The trade-offs in cost are not readily apparent at this time.

It is unclear whether a separate central-corridor option for an entirely new two-tier 230KV system on a new ROW has been considered with the upper line installed initially and the second line installed now or at some date in the future. With a government intent on pushing the populace into ‘damn the cost’ electric cars this may come sooner than later. This option would apparently lessen the risk to linemen during construction. It sufficiently removed from existing transmission lines this could, at some point, make possible removal of the existing lines and structures with the opportunity to reuse the abandoned area. Most of the removed materials would, in fact, be reusable or recyclable. Initial costs would obviously be higher but, how much is unclear. Future costs could be lower and the ‘permitting’ process much less onerous and costly than starting all over with a new transmission line and ROW.

The EIS, almost is passing, notes that the Project will impact some private property owners. Information on the number of owners, the acreage taken by the ROW, the acreage of forested land removed, and other considerations is almost non-existent and minuscule compared to the pages and tables dedicated to CNF and LLR lands. Some space is dedicated to negotiating a “fair market value” for loss of use. Of course, in the event of no agreement on ‘fair market value’ there is mention of Eminent Domain. Private owners can gain some indication of their situation on pages 281 - 287. The private owner that retains “ownership” of the property will, of course, be permitted to pay property taxes on the total acreage regardless of loss related to the ROW, wetlands, setbacks, zoning restrictions, land-use restrictions, etc. Some property owners per statute are seemingly excluded from any compensation. Can any rational person argue that “private property” exists in this nation today?

April 29, 2010
Commenter 127 – Diane and Ernest Plath

EIS Comments

The 'fair market value' and Eminent Domain, mentioned above, work basically as follows:
1. You need to give us the engine out of your car.
2. The 'fair market value' of your car is near zero since it has no engine.
3. We could give you scrap value for the engine.
4. If you don’t agree meet Eminent Domain.

Oh, incidentally, you are still responsible for loan repayment, any applicable fees or taxes, replacement costs, insurance, etc.

Specifics:

The Executive Summary appears to emphasize concerns of some and minimize the concerns of others. The bulk emphasizes negative impacts, some real and others a real stretch, while listing very few positive impacts. As much or more than the total EIS document could be written in rebuttal. A few items can be mentioned in an attempt to present some perspective.

No-Build Alternative:

Of 20 categories selected to summarize only 2 one-liners are offered in two categories. No Effect is listed for 18 categories. Perhaps an electrical shutdown of a week or a month in the dead of winter might suggest other impacts worth mention.

Aesthetics:

Suffice it to say scenes that are pleasing to some are often unpleasant to others. It is hard to view with alarm an immobile and static transmission line in a nation proceeding to trash the entire Great Plains from Canada to the Gulf with wind generators, millions of miles of buried cables, switching/control structures, substations, and, indeed, more overhead lines to convey energy to central distribution locations. The impact on the nervous system of humans and other animals from overhead electrical lines will, most probably, be negligible compared to what is coming.

Air Quality and Climate:

The concern over fugitive dust anticipated during the Project might be put in proper perspective by considering the impact on people and environment exposed to the fallout below a volcanic dust cloud.

Vehicle emissions due to the Project may well be less than the total emissions from all vehicles, in the area served, in just a few days.
The USDA considers all species in the Orobanche genus to be noxious weeds. However, the Minnesota Department of Natural Resources Exotic Species Program Report specifically excludes thirteen Orobanche species, including Orobanche uniflora, from the Minnesota and Federal Prohibited and Noxious Weed List. The species is not listed on the Minnesota Department of Agriculture prohibited, restricted, and secondary noxious weed lists. With only fourteen documented populations in Minnesota, the species is considered very rare and there is consideration for updating its Minnesota status to threatened.

Respectfully,

Diane L. Plath

Ernest D. Plath

(I, Ernest D. Plath, have read and concur with this letter. Written signature can be requested at 360-533-5058, if required.)
Comment 128-1
A discussion of potential health effects appears in Section 3.20 of the EIS. A discussion on potential effects to biological resources appears in Section 3.7.2 of the EIS.

Comment 128-2
A discussion of cumulative effects from the Project and others located in the Study Area appears in Section 4 of the EIS.

We are opposed to the transmission line because we don't want it going through the recreation area because we already have so many toxic forces to live with. Our family spends a lot of time outdoors near the places you intend to put the power lines. Not to mention the impact it will have on our animal populations. The powerline going through Highway 2. Please listen to us when we say that I, all the people will be affected by these lines in a very harmful way. Don't spoil our lands and make it more inhabitable than it already is. Stay away with your powerline.

My name is Winona Richardson and I live in Ryans Village with my family and many relatives and pets.
Commenter 129 – Nathan Richter

DEIS Comment Sheet

Bemidji-Grand Rapids 230 kV Transmission Line

MPUC Docket Number TL-07-1327

Name: Nathan Richter 129-1


Thank you for your comment. It has been noted and included in the record for this EIS.
Comment 130
Thank you for your comment. The requested information was provided to the commenter.
<table>
<thead>
<tr>
<th>Commenter 131 – Mike Schmid</th>
<th>Responses</th>
</tr>
</thead>
</table>
| From: Mike Schmid [mailto:MSSchmid@cdbs.k12.mn.us]  
Send: Monday, April 12, 2010 9:35 AM  
To: Kerch, Raymond (COMM); stephanie.streng@wdc.usda.gov  
Subject: comment  

To Whom It May Concern:  

4/12/10

I am writing in regard to the Bemidji-Grand Rapids 230 kv Transmission Project. We live adjacent to (south of) the Enbridge Pipeline on Hubbard County 101, so we will be directly impacted if the power line route follows the pipeline. Our legal land description is: Section 14, Twp. 145, Range 030, 14-1, Lot 1. My family and I are opposed to the pipeline route for several reasons.

We live on a beautiful 40 acre homestead in a home that we built ourselves. It is located in the northwest quadrant of the acreage and has about 10 acres of mature woods to the north and west of the house which serves as an effective windbreak. It contains meadow flowers, cedars, pines, as well as part of our oil trail. The pipeline has already destroyed part of our woods. If the power line is placed south of the pipeline, we will lose even more of our woods and windbreak. We have already done our share for the public good by putting up with the pipeline. Why must the very same people suffer more loss of land and a further decrease in property value?

Common sense tells us that putting explosive petroleum and electric wires next to each other is a dangerous combination. It also increases the likelihood of losing both utilities at the same time in the event of a natural or man-made disaster near the pipeline.

Finally, the Highway 2 corridor already has power lines, so adding to their capacity would not inconvenience any homeowners or cause a further loss of their land.

Thank you.

Sincerely,

Mike Schmid  
49635 317th Ave.  
Cass Lake, MN 56633  
218 766-2365 |

**Comment 131-1**  
Thank you for your comment. It has been noted and included in the record for this EIS.

**Comment 131-2**  
A discussion of the loss of land use to private land owners appears in Section 3.10.2.2 of the EIS. The cumulative impacts of the Project with respect to pipelines are discussed in Section 4.

**Comment 131-3**  
Text in Section 3.18.2.2 has been supplemented to include a discussion of the potential for the Project to interfere with natural gas and crude oil pipelines and result in ignition of released natural gas or crude oil. Text in Section 3.18.3.3 has been supplemented to included mitigation measures to address potential interference.

**Comment 131-4**  
Thank you for your comment. It has been noted and included in the record for this EIS.
I think it's ridiculous that they would even try to put something up that would cause all this harm. Don't they realize there going to make our Native American people suffer just for there benefits?
On September 24, 2008 the Beltrami County Turtle River Watershed Association’s Annual Meeting registered over 50 people who unanimously voted to oppose the Northern Corridor of the proposed Bemidji-Grand Rapids 230 Kilovolt transmission line. There was general consensus that the Central Corridor should be of highest priority of the three remaining alternatives.

With almost 300 paid members The Turtle River Watershed Association represents 12 lakes and the river in Beltrami County with a mission statement to promote understanding, appreciation, enjoyment, protection and preservation of a precious resource our watershed area. Therefore the following reasons are given explaining our opposition to the Northern Corridor:

- Our members have chosen to live here because of its natural beauty, therapeutic and esthetic value including the big pines, lakes, and the Turtle River. For many of our members this esthetic value would be directly and immediately destroyed because of the close association of this line to their houses. All other members would suffer the same lose to a lesser extent.

- Financial cost of both total distance of installation and all future maintenance points to using the most direct and shortest distance route which is the central corridor.

- We believe there will be a significant increase to waterfowl injury including swans, cranes, herons, ducks and shorebirds with the Northern Corridor compared to the central. Because, as example: we have nesting swans over a dozen pair north and northwest of Lake Bemidji. The swans plus all other waterfowl use the Turtle River and the Mississippi as a fly way throughout the summer nesting season. The Northern Route runs parallel and travels both these rivers for a greater distance than the Central corridor line would as Illustrated on your map (figure 1) black line running on the north edge of HWY 2. Waterfowl summer flyway movements are predominantly greater East and West North of HWY 2 than they are north to South crossing HWY 2. Therefore, you have fewer incidents of waterfowl hitting transmission lines on the HWY 2 corridor.

September 29, 2008

Suzanne Steinhuaser
Dept. of Commerce
Office of Energy Security
85 7th Place East, Suite 300
St. Paul, MN 55101-2198
Commenter 133 – Turtle River Watershed Association

- It's a well-documented fact that power lines and support structures kill songbirds of all species. Birds are particularly susceptible during Spring and Fall migration time with right-of-way. Therefore the Northern Corridor, which is almost twice the distance compared to the central route, would indeed double the kill rate. Also, there would be significant loss of habitat to birds due to the tree cutting and removal necessary in the Northern Corridor compared to the central. Considering the declining population data of songbirds and waterfowl as documented by The Audubon Society, DNR, and Ducks Unlimited, the Northern Corridor is unacceptable.

- There is also unanimous support that where ever the lines are sited it should be buried. What is the long-term financial analysis to bury it versus building and maintaining of towers?

- Finally, some members of TRWA have concerns about the possible adverse health effects of living near high-voltage power lines. There is also an additional concern about the potential effects of herbicides and other chemical applications to the right-of-way. Can you or your agency supply our association with information on the health consequences of high-voltage power lines?

- Beltrami County lake and rivers, and in particular lakes and rivers affected by the northern corridor, are some of the cleanest and least impaired in the state. Clear-cutting within the shore land impact zone would most certainly have a profound effect on surface water quality and in particular anywhere closer to water's edge. Lake shores and river banks are being considered more important than wetlands for local surface water quality impact. We feel that protecting sensitive watershed resources needs to be one of your top priorities in your decision process. If the Northern Route is selected we would like to review an environmental impact analysis comparing all the potential routes.

We appreciate the opportunity to comment on the location of this power line. We are curious if there will be another public forum where the above issues will be addressed by your agency.

Ralph D. Mortis M.D., M.P.H
Chairperson
Turtle River Watershed Association
Post Office Box 3088
Bemidji, MN 56619-3088
Thank you for your comment. It has been noted and included in the record for this EIS.
Comment 135-1

Thank you for your comment. It has been noted and included in the record for this EIS.
Hello Suzanne,

We learned recently that some of our neighbors have gotten an update letter regarding the proposed Bemidji-Grand Rapids Transmission Line. Since we live extremely close to one of the proposed routes, (one of the pipes added during a pipeline expansion is only about 30’ from our house), we are also very concerned about how this transmission line could potentially affect us.

We saw the newspaper notice of the March 16 meetings in Bemidji, and plan to attend one of those. At previous meetings, we were very concerned, because our house was not identified as a residence on the map. On three separate occasions, we have noted that in writing or have told a person directly, who made note of it. We will check on March 16 to see if our home is now recognized as a residence.

Our address is:
Dallas and Joyce Way
1929 Jefferson Ave SW
Bemidji, MN 56601

Sincerely,
Joyce Way

Comment 136-1
Maps contained in Appendix D of the EIS have been updated with recent aerial photographs to display homes located in proximity to the Study Area.
Commenter 136 – Joyce Way

From: Dallas and Joyce Way [mailto:waysy@psulbyryan.net]
Sent: Tuesday, September 30, 2008 11:20 AM
To: Suzanne.Steihauser@state.mn.us
Subject: Transmission Project Comment

We are writing in regard to the proposed Bemidji – Grand Rapids 230 kV Transmission Project.

Our property is right in the middle of the 1,000’ preferred route in Bemidji T146 R33. Our house was not identified as a residence at the two meetings we attended, but we did point that out verbally and in a previous communication that we mailed in. There are many families in our neighborhood that could be affected. The necessary right-of-way would probably include our entire house, if the proposed route is followed. Moving the route slightly to the north might be possible, but that would likely affect several people as well. Aesthetically, the line would lower values of the adjacent properties. If any of the affected people would have to give up their homes, it is our hope that the compensation would be large enough to allow all of them to purchase homes that would more than comparable, since it would not be their choice to leave their homes.

Dallas and Joyce Way
1929 Jefferson Avenue SW
Bemidji, MN 56601

Responses

Comment 136-2
A discussion of the easement acquisition and compensation process appears in Section 2.4.3 of the EIS.
Comment 137-1
A discussion of the potential loss of land use for private land owners appears in Section 3.10.2.2 of the EIS. A discussion of the potential impacts to homes appears in Section 3.11.2, Impacts to Homes and Structures, of the EIS. The cumulative impacts of the Project with respect to pipelines are discussed in Section 4.

Comment 137-2
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 137-3
Thank you for your comment. It has been noted and included in the record for this EIS.
Comment 138-1

Thank you for your comment. It has been noted and included in the record for this EIS.

Single pole construction is way easier to look at as compared to two pole.
Comment 139-1

Thank you for your comment. It has been noted and included in the record for this EIS.

Dave West
Senior Program Officer Business Finance
Northwest Minnesota Foundation

From: Dave West [mailto:davewest@nwmn.org]
Sent: Wednesday, March 10, 2010 5:24 AM
To: Stahnhauer, Suzanne (COMM)
Cc: Kirsch, Raymond (COMM)
Subject: RE: Benildi-Grand Rapids transmission project.

I would like to clarify that there is no “exact proposed route.” At this point there are three routes and 20 shorter segment alternatives under consideration.

There are more detailed route maps on OES’s website for the Project. [http://energystatelines.ouc.state.mn.us/resource.html?id=20001]. The maps are located at the bottom of the page, the first map is an overview map that can orient you to the routes.

If you can let me know the property (address or crossroads) that you are concerned about I can help you locate it.

Regards,
Suzanne Stahnhauer
Commenter 139 – Dave West

Subject: Bemidji-Grand Rapids transmission project
Perhaps a bit hurriedly, I reviewed the websites given in the Notice issued February 23, 2010, but could not find what I was looking for. Could you please tell me where, specifically, to find the -exact- proposed route?

Thank you.

Dave West
Senior Program Officer - Business Finance
Northwest Minnesota Foundation
4255 Technology Drive NW
Bemidji, MN 56601
218-750-2081
or in MN 800-650-7660
FAX 218-750-0520
dwest@nmf.org
www.nmf.org

Responses

Comment 139-2
Thank you for your comment. A response to the information request was provided to the commenter.
Comment 140-1
Thank you for your comment. It has been noted and included in the record for this EIS.

Comment 140-2
As discussed in Section 2.1.2, the Applicants originally proposed two routes for consideration. Since the release of the DEIS, the Applicants have identified a preferred route that combines certain aspects of Route Alternatives 1 and 2, as well as some Segment Alternatives evaluated in the DEIS; this route is described in Section 2.2.5 and is evaluated alongside the other three Route Alternatives throughout this document. The Minnesota Public Utilities Commission, not the Applicants, will select the final route, as required by Minnesota Statute 216E. Likewise, other federal and state agencies have decisions that will influence the final selection of the route. The routing process for HVTLS in Minnesota tries to balance landowners’ desire for certainty with the need for the alternative routes and alignments to minimize impacts. The area between the Wilton and Boswell substations presents many constraints (homes, water bodies, biologically sensitive areas, roads, and existing utilities) that limit where a transmission line can be placed. The environmental review process looks at larger areas to identify both avoidance areas and areas which may be better suited to placing transmission lines.

Comment 140-3
Detailed maps of the Route and Segment Alternatives are displayed in Appendix D of the EIS. The Applicants have developed a feasible 125-foot wide alignment for each of the Route Alternatives, which is displayed in Appendix D. The final location of the transmission line alignment and placement of structures has not been determined. Please see response to Comment 140-2, which addresses a similar concern.

Comment 140-4
Route Alternative 1 has been extended beyond the standard 1,000-foot width in the area of the Bemidji Slough WMA to allow for flexibility so that impacts to the WMA can be minimized or avoided. The areas north and west of the Bemidji Slough WMA are zoned for low-density commercial development. Placement of the transmission line within a commercially-zoned area would not preclude commercial development.

(cont. on next page)
Commenter 140 – David West

Bemidji and MN State citizen

Mitigation:
Submission date: Tue Apr 13 08:53:44 2010

This information has also been entered into a centralized database for future analysis.

For questions about the database or the functioning of this tool, contact:

Andrew Koebrick
andrew.koebrick@state.mn.us

Responses

Comment 140-5 (from previous page)
A discussion of the number and acreage of wetlands crossed by the Route Alternatives appears in Section 3.6.1.1. A discussion of the number and acreage of wetlands potentially affected by the feasible 125-foot ROW developed for each Route Alternative appears in Section 3.6.2.
Commenter 141 – Adam White

DEIS Comment Sheet

Bemidji-Grand Rapids 230 kV Transmission Line

MPUC Docket Number TL-07-1327

Comments

Comment 141-1

A discussion of EMF appears in Sections 3.20.1.1 and 3.20.2.2 of the EIS.

Responses

Comment 141-1

You can't cause EMFs to mess with little kids brains and people not cool.

You wanna be cool right?

Then don't do it.
Comment 142-1
A discussion of purpose and need appears in Section 1.1 of the EIS.

Comment 142-2
A discussion of the potential effects on human health and safety appears in Section 3.20.2 of the EIS. A discussion of the effects on biological resources appears in Section 3.7.2 of the EIS.
Commenter 143-1
A discussion on the effects on biological resources appears in Section 3.7.2 of the EIS.

I think the powerline will affect the animals that live in the area. The animals in the area could be killed by the motion of the powerline. It could make the animals get sick by the radiation coming from power lines and there is a lot of animals around the reservation.
Comment 144-1
A discussion of potential impacts to property values and homes appears in Section 3.11.2 of the EIS. A discussion of the easement acquisition and compensation process appears in Section 2.4.3 of the EIS.

We came back from a couple months stay down south - to find your proposed power line project - in our mail. We have absolutely had it . . . . with ongoing eminent domain proceedings that involve Eabridge. We just LOST eleven (yes 11!) acres of beautiful forest and shelterbelt, right next to our residence of over 35 years.

We will NOT go through this again.

I am making you a pledge . . . . if you decide to come across our homestead property with your lines - it will be . . . . OVER MY DEAD BODY.

We own land, under Charles and Mary Worms, and also under Spruce Shadows Inc. We request that you do NOT enter any of our properties without first contacting Charles, at 218-766-3816, for permission.

We are prepared to prevent you from crossing ANY of our properties, using ALL the resources we have available.

Charles and Mary Worms
4048 Big North Rd. NW
Bemidji, Mn. 56601
Response:

Comment 145-1
Maps in Appendix D of the EIS have been updated with recent aerial photographs to display homes located in proximity to the Study Area.

145-1

Regarding Farden Township. THIS R3252

The "oval" shaped road on Page 4 of 47 showing where the residences are. You are missing 2 homes that have been there before most of the other "yellow dots" on the map. Those missing are within the boundary of the transmission line.