

APPENDIX G

APPENDIX G-1



U.S. Fish and Wildlife Service
Morris Wetland Management District
43875 230th St.
Morris, MN 56267

August 25, 2006

Al Koeckeritz
Manager, Delivery Project Development
Otter Tail Power Company
215 S. Cascade Street
P.O. Box 496
Fergus Falls, MN 56538-0496

Dear Mr. Koeckeritz:

Please consider this your letter of authorization to replace the existing electrical transmission system on the Hegland Waterfowl Production Area in Lac Qui Parle County, Minnesota (T. 119N, R. 43W S. 4). You informed me that you can install the new transmission system entirely within your existing right-of-way on the east side of Highway 119 so there is no need for additional right-of-way. Please install the replacement poles and lines between August 1 and April 1 to avoid the primary spring bird nesting season on the waterfowl production area. If these dates don't work for you, please call to discuss alternative dates to minimize wildlife disturbance. This letter of authorization is valid immediately and expires on December 31, 2008. The authorization can be extended if the project is not completed by that date.

Thank you for the excellent coordination and cooperation you have provided on this project. I particularly appreciate your willingness to stay within the existing right-of-way on the waterfowl production area and your willingness to bury lines and eliminate redundant lines on the adjacent state owned land, to minimize wildlife harm caused by the transmission lines.

Sincerely,

Steven J. Delehanty
Wetland District Manager

cc: L. Fairchild, FWS
D. Soehren, DNR
D. Trauba, DNR

APPENDIX G-2



Minnesota Department of Natural Resources

Lac qui Parle Wildlife Management Area
14047 20th ST NW
Watson, MN 56295

August 29, 2006

Mr. Al Koeckeritz
Otter Tail Power Company
215 S. Cascade Street
PO Box 496
Fergus Falls, MN 56538

RE: Appleton to Canby Transmission Line Upgrade

Dear Mr. Koeckeritz:

This letter is meant to acknowledge that wildlife staff from the Minnesota Department of Natural Resources, Lac qui Parle Wildlife Management Area, have been working closely with Otter Tail Power Company on the Appleton to Canby Transmission Line project. I would like to thank Otter Tail Power Company for being proactive in bringing all interested parties to the table early in the process. Due to this early coordination including at least two site visits, I believe we have a plan that minimizes, and in some areas actually enhances the landscape for grassland dependent wildlife species.

The plan thus far is a cooperative venture between Otter Tail Power Company and Agralite Electric Cooperative and discussions have centered on transmission/electrical distribution lines in Sections 27, 28, and 34 of Appleton Township (T120N R43W). At this time the plan briefly consists of such:

- 1) Keep the Otter Tail Power Company Appleton to Canby Transmission Line (upgrade 115kV) in the present easement right-of-way as it crosses the Lac qui Parle Wildlife Management Area (prairie landscape) in Sections 27 & 28, Appleton Township.
- 2) Remove two Agralite Electric Cooperative overhead electrical distribution lines and one Otter Tail Power Company electrical distribution line that cross portions of Sections 27, 28, & 34, Appleton Township.
- 3) Burying an electrical distribution line across the Lac qui Parle Wildlife Management Area. At this time the actual route is unknown until a decision is made relative to future electrical service (Agralite or Otter Tail) to the customer located in Section 34.

I believe this is an accurate summary of our discussions to date.

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929



I look forward to future discussions, especially as related to options for reducing bird strike mortality (visibility markers, limiting/condensing the number of horizontal wires) associated with the native prairie and Minnesota River crossings.

Sincerely,



David R. Trauba
Wildlife Manager
Lac qui Parle WMA
14047 20th ST NW
Watson, MN 56295
320-734-4451

Cc: John Schladweiler, Assistant Regional Wildlife Manager, New Ulm
Karla Ihns, Lands & Minerals, New Ulm
Gerald Johnson, Federal Assistance Coordinator
Joyce Pickle, Environmental Scientist, HDR Co.
Steve Delehanty, USFWS

APPENDIX G-3



Minnesota Department of Natural Resources

Natural Heritage and Nongame Research Program, Box 25
500 Lafayette Road

St. Paul, Minnesota 55155-40__

Phone: (651) 259-5107 Fax: (651) 296-1811 E-mail: sarah.hoffmann@dnr.state.mn.us

May 11, 2006

Ms. Michelle Bissonnette
HDR Engineering, Inc.
6190 Golden Hills Drive
Minneapolis, MN 55416-1567

Re: Request for Natural Heritage information for vicinity of proposed Canby to Appleton Transmission Line

NHNRP Contact #: ERDB 20060840

County	Township	Range	Sections
Yellow Medicine	115N	45W	24, 25
	115N	44W	5-8, 17-20
Lac Qui Parle	116N	44W	5-8, 17-20, 29-32
	117N	44W	13-17, 20-24, 29, 32
	117N	43W	4, 5, 8, 9, 16-21
	118N	43W	4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32, 33
	119N	43W	4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32, 33
Swift	120N	43W	15, 16, 21, 22, 27, 28, 32-34

Dear Ms. Bissonnette,

The Minnesota Natural Heritage database has been reviewed to determine if any rare plant or animal species or other significant natural features are known to occur within an approximate one-mile radius of the area indicated on the map enclosed with your information request. Based on this review, there are 60 known occurrences of rare species or native plant communities in the area searched (for details, see enclosed database printout and explanation of selected fields). Following are specific comments for **only those elements that may be impacted** by the proposed project. Rare feature occurrences not listed below are not anticipated to be affected by the proposed project.

- The proposed transmission line passes through or adjacent to several areas identified by the Minnesota County Biological Survey as "Sites of Biodiversity Significance" in T119N R43W Sections 4, 5, & 17 and in T120N R43W Sections 15, 21, 22, 27, & 28. "Sites of Biodiversity Significance" are areas with varying levels of native biodiversity that may contain high quality native plant communities, rare plants, rare animals, and/or animal aggregations. These particular sites, which are mostly within the La qui Parle Wildlife Management Area and the Hastad and Heglund Waterfowl Production Areas, contain mesic, wet, and dry sand-gravel prairie native plant communities (go to <http://deli.dnr.state.mn.us/> to download the boundaries of the sites and communities). Several rare plant, butterfly, and bird species have also been associated with these prairie remnants. Because more than 99% of the prairie that was present in the state before settlement has been destroyed, and more than one-third of Minnesota's endangered, threatened, and special concern species are now dependent on the remaining small fragments of Minnesota's prairie ecosystem, we feel that all prairie remnants merit protection. To protect the prairie and the associated rare species, every effort should be made to restrict construction activities to previously disturbed areas within the existing transmission line corridor. Only vehicles and supplies necessary for installation should be allowed on site. Most importantly, all vehicles and construction equipment should be inspected and cleaned prior to being brought to the site to prevent the introduction and spread of exotic species, such as leafy spurge, into prairie areas.

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Immediately following construction, disturbed areas should be planted with prairie species native to Minnesota. Lastly, given the diversity of rare bird species in the area, it would be advisable to start construction as late in the breeding/nesting season as possible (i.e. end of July or later) to reduce the potential for nest abandonment and disturbance of young.

The Natural Heritage database is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Department of Natural Resources. It is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. Its purpose is to foster better understanding and protection of these features.

Because our information is not based on a comprehensive inventory, there may be rare or otherwise significant natural features in the state that are not represented in the database. A county-by-county survey of rare natural features is now underway, and has been completed for Yellow Medicine, Lac Qui Parle, and Swift Counties. Our information about native plant communities is, therefore, quite thorough for those counties. However, because survey work for rare plants and animals is less exhaustive, and because there has not been an on-site survey of all areas of each county, ecologically significant features for which we have no records may exist on the project area.

The enclosed results of the database search are provided in two formats: short record report and long record report. To control the release of locational information, which might result in the damage or destruction of a rare element, both printout formats are copyrighted.

The short record report provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an Environmental Assessment Worksheet, municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the short record report for any other purpose, please contact me to request written permission. **The long record report includes more detailed locational information, and is for your personal use only. If you wish to reprint the long record report for any purpose, please contact me to request written permission.**

Please be aware that review by the Natural Heritage and Nongame Research Program focuses only on *rare natural features*. It does not constitute review or approval by the Department of Natural Resources as a whole. If you require further information on the environmental review process for other natural resource-related issues, you may contact your Regional Environmental Assessment Ecologist, Todd Kolander, at (507) 359-6073.

An invoice in the amount of \$176.31 will be mailed to you under separate cover within several weeks of the date of this letter. You are being billed for map and database search and staff scientist review. Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,



Sarah D. Hoffmann
Endangered Species Environmental Review Coordinator

encl: Database search results
Rare Feature Database Print-Outs: An Explanation of Fields

cc: Todd Kolander
John Schladweiler
Dave Trauba

APPENDIX G-4



DEPARTMENT OF THE ARMY

St. Paul District Corps of Engineers
190 Fifth Street East
St. Paul, Minnesota 55101-1683

May 19, 2006

REPLY TO
ATTENTION OF

Operations
Regulatory (2006-2223-TMV)

Ms. Michelle Bissonnette
HDR Engineering, Inc.
6190 Golden Hills Drive
Minneapolis, Minnesota 55416

Dear Ms. Bissonnette:

This letter responds to your request for comments about the Otter Tail Power Company project which involves upgrading approximately 42 miles of 41.6kV transmission line to 115kV line between Appleton and Canby and expanding or relocating the Dawson substation. The project is located in Yellow Medicine, Lac qui Parle, and Swift Counties, Minnesota.

Based on the information provided, we have preliminarily determined that the project area does contain waters of the United States, including wetlands, which are within the regulatory jurisdiction of the Corps of Engineers. Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). Without detailed construction plans, we cannot provide specific comments regarding Department of the Army permit requirements. In lieu of a specific response, please consider the following general information concerning the Corps Regulatory Program as it applies to the proposed project.

When a proposal involves activity in navigable waters of the United States, such as the Minnesota River, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves deposition of dredged or fill material into waters of the United States, including discharges associated with mechanical land clearing, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

Temporary placement of fill material into any waterbody or wetland for purposes such as bypass roads, temporary stream crossings, cofferdam construction, or storage sites may require a Department of the Army permit.

The placement of poles and/or overhead wiring at upland locations is not within the jurisdiction of the Corps of Engineers, provided the work does not involve the placement of dredged or fill material into any waterbody or wetland.

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

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

Without detailed construction plans, we cannot provide specific comments regarding the effects that the proposed activity would have on watercourse floodstages. It has been our experience that overhead utility construction has negligible effects on flood stages, provided excess construction material is removed from the floodplain and additional care is taken not to disturb its hydraulic characteristics.

You may also need city, county, and/or State permits for the project. You should contact the appropriate agencies for their permit requirements. If the project includes the placement of dredged or fill material in a Federally regulated waterbody, we will notify the responsible State agency for water quality (401) certification.

You should also contact the State Historical Preservation Officer (SHPO) to determine if there are any known historic or archeological sites in the area or if any cultural resource survey would be required.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions or to request a pre-application consultation meeting, contact Todd Vesperman in our St. Paul District office at (651) 290-5358. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

A handwritten signature in black ink that reads "Todd Vesperman". The signature is written in a cursive style with a long horizontal line extending to the right.

for Robert J. Whiting
Chief, Regulatory Branch

Copy furnished:
Al Koeckeritz-Otter Tail Power Company