

11.0 PROJECT NOTIFICATION SUMMARY

The Applicants engaged interested members of the public, agencies, and local government units through a public notification process to discuss Project alternatives. Two letters were sent to the public, State and federal agencies, and local units of government. The first letter was sent to agencies on December 22, 2008, regarding the proposed Project (Appendix H). The letter was intended to inform various regulatory agencies of the Project and solicit comments to identify potential issues, obtain relevant information, and to identify relevant regulations.

A public meeting invitation was sent on January 29, 2009, to all parties owning property within the four study areas, as well as State and federal agencies, and local units of governments (Appendix I). The meeting notice was also published in three local newspapers. The invitation included information regarding the meeting, which was held on February 11, 2009, at Nashwauk City Hall. Approximately 130 people attended the open house, which was staffed with City of Nashwauk and Minnesota Power representatives and the Applicants' consultant, HDR Engineering. The following information was made available to meeting participants:

1. Three large-scale figures identifying the Project study areas;
2. A flow chart of the State route permit application process;
3. Several figures showing the various transmission line structure designs;
4. A computer set up to provide interested parties with individual maps of their property; and
5. A fact sheet describing the proposed project

The intent of this meeting was to solicit comments from local landowners and interested agencies on areas of special interest within the Project area and to seek their suggestions on the routes for the four proposed transmission lines. Meeting minutes were recorded and are included in Appendix I.

11.1 Summary of Public Comments

Several comments have been received as a result of the public notification process. The comments have come in the form of emails, phone calls, verbal communications, and written letters. The most common concerns focused on:

- Avoiding houses
- Using existing transmission line rights-of-way where possible
- Avoiding lakes in the area

11.2 Summary of Agency Comments

The letters sent on December 22, 2008, requesting input on the proposed routes resulted in written responses from the following agencies: the Minnesota Historical Society - State Historic Preservation Office, U.S. Army Corps of Engineers, the Natural Resource Conservation Service, Minnesota Department of Transportation Office of Technical Support, Minnesota Department of Transportation Office of Aeronautics, and the Minnesota Department of Natural Resources. The letter mailed to the agencies, the mailing list, and the full responses received from agencies can be found in Appendix H. Following is a summary of agency comments.

11.2.1 Minnesota Historical Society - State Historic Preservation Office (SHPO)

The SHPO is recommending that the Applicants conduct an archaeological survey. However, if the MPUC-approved routes can be documented as previously disturbed or surveyed, the SHPO would re-evaluate the need for a survey.

11.2.2 U.S. Army Corps of Engineers (USACE)

The USACE provided general information concerning their regulatory program that may apply to the Project. If the proposed project involves activity in waters of the United States, the Applicants would need to file an application with the USACE. USACE recommends a pre-application meeting if the project is large or becomes controversial.

11.2.3 Natural Resource Conservation Service (NRCS)

The NRCS determined that the Project was exempt from the Federal Farmland Policy Protection Act because there is no federal sponsoring agency involved and there would not be any federal financial or technical assistance needed.

11.2.4 Minnesota Department of Transportation - Office of Technical Support

The letter provided guidelines for transmission line routing on or near Minnesota trunk highways.

11.2.5 Minnesota Department of Transportation - Office of Aeronautics

The Department reviewed the proposed Project and determined that transmission lines constructed within the Project area would have no substantial adverse effect on the safe and efficient use of navigable airspace.

11.2.6 Minnesota Department of Natural Resources

The DNR Natural Heritage Program reviewed the Project information and submitted a letter dated April 15, 2009. The DNR provided a list of rare features that may be impacted by the proposed transmission line Project and requested that the Applicants consider rare features in developing avoidance and/or mitigation measures in the Route Application. The Applicants have committed to continued consultation with the DNR.

11.3 Permits and Approvals

In addition to the Route Application, the Applicants are actively working with local, State, and federal agencies to ensure that all other permits, approvals, and decisions required for the Project are obtained prior to commencing construction. The OES would be developing an EIS after the MPUC has determined the Route Application to be complete and has issued its EIS Scoping Decision. The Route Permit process, inclusive of the EIS, generally takes one year to complete. Table 11-1 lists the other possible permits, approvals, and decisions required for this Project.

Table 11-1: List of Possible Permits and Decisions

Permit/Decision	Jurisdiction
Federal Approvals	
Section 404 Wetland Permit	U.S. Army Corps of Engineers
Endangered Species Consultation	U.S. Fish and Wildlife Service
Notice of proposed Construction or Alteration	Federal Aviation Administration
Minnesota State Approvals	
Route Permit Application	Minnesota Public Utilities Commission
Environmental Impact Statement	Office of Energy Security
Cultural and Historic Resources Review	State Historic Preservation Office
Utility Permit	Department of Transportation
Endangered Species Consultation	Department of Natural Resources Ecological Services
License to Cross Public Lands and Waters	Department of Natural Resources Lands and Minerals
Public Waters Work Permit	Department of Natural Resources Waters
Section 401 Water Quality Certification	Pollution Control Agency
National Pollutant Discharge Elimination System Permit	Pollution Control Agency
Noxious Weed Management Plan	Department of Agriculture
Local Approvals	
Wetland Conservation Act Permit	Itasca Soil and Water Conservation District, City of Nashwauk
Road Crossing/Right-of-Way Permits	County, Township, City
Public Lands Permits	County, Township, City
Building Permits	County, Township, City
Overwidth Load Permits	County, Township, City
Driveway Access Permits	County, Township, City

11.3.1 Federal and State Approvals

Based on the proposed Project, the Applicants are actively working with federal and State agencies to ensure that the following approvals can be obtained as required:

- Section 404 Wetland Permit – USACE regulates discharges of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act, 33 U.S.C. § 1344. Consultation with the USACE has been initiated. The Applicants would apply for this permit as necessary once a route for the Project is determined.
- Cultural and Historic Resources Review - Minn. Stat. § ch. 138 designates the Director of the Minnesota Historical Society as the State Historic Preservation Officer (Minn. Stat. § 138.081) and places responsibility for the historic preservation program with the Minnesota Historical Society. Consultation with program staff has been initiated on the Project regarding known historic and archaeological resources within the Project area.

- Utility Permit - A permit from MnDOT is required under Minn. R. 8810.3300 for construction, placement, or maintenance of utility lines adjacent or across highway rights-of-way.
- Endangered Species Consultation - The DNR Natural Heritage and Nongame Research Program collects, manages, and interprets information about nongame species (Minn. Stat. § 4.0895; Minn. R. 6134.0100-0400 and 6212.1800-2200). Consultation with program staff has been initiated on the Project regarding rare and unique species.
- License to Cross Public Lands and Water - The DNR's Division of Lands and Minerals regulates utility crossings over, under, or across any State land or public water identified on the Public Waters and Wetlands Maps. A license to cross public waters is required under Minn. Stat. § 84.415 and Minn. R. ch. 6135. The Applicants are coordinating DNR review of the Project's Routes for possible licensing.
- Public Waters Work Permit – The purpose of this program is to regulate development activities below the ordinary high water mark of wetlands, streams, and lakes in Minnesota. Under Minnesota Statute 103G.245, Subdivision 1, a Public Waters Work Permit is required for any action taken by the State, political subdivision of the State, corporation, or person that alters or develops any obstruction to public waters or changes the course of a public waterway or body. The Applicants would apply for this permit as necessary.
- Section 401 Water Quality Certification – Minnesota Pollution Control Agency regulates water quality under Section 401 of the Clean Water Act 33 U.S.C. § 1344. The Applicants would apply for this certification if a Section 404 permit is required.
- National Pollutant Discharge Elimination System (NPDES) Permit - An NPDES permit from the MPCA is required for storm water discharges associated with construction activities disturbing an area of one acre or more (Minn. R. 7090.0030). A requirement of the permit is to develop and implement a Storm Water Pollution Prevention Plan, which includes best management practices to minimize discharge of pollutants from the site. The Applicants would apply for this permit as necessary.
- Noxious Weed Management Plan – Under Minn. Stat. § 18G.04, the Minnesota Department of Agriculture has the responsibility for eradication, control and abatement of nuisance plant species. The local County Agricultural Inspector administers the program.
- Notice of Proposed Construction or Alteration form is required to be submitted to the FAA. The prime objectives of the FAA are to promote air safety and the efficient use of the navigable airspace. To accomplish this mission, aeronautical studies are conducted based on information provided by proponents on an FAA Form 7460-1, Notice of Proposed Construction or Alteration.

11.3.2 Local Actions

Once the routing and design of the Project are complete, the Applicants would work with local units of government to obtain any of the following approvals that may be required:

- Wetland Conservation Act Permit - The Itasca Soil and Water Conservation District and City of Nashwauk administer the State Wetland Conservation Act pursuant to Minn. R. Ch. 8420. The Project may require a permit under these rules if permanent impacts to wetlands are anticipated because of construction. The Applicants would apply for this permit (which is applied for jointly with Section 404 permit from USACE) as necessary.

- Road Crossing/Right-of-Way Permits - These permits may be required to cross or occupy county, township, and city road rights-of-way.
- Public Lands Permits - These permits may be required to occupy county, township, and city lands such as parklands, watershed districts, and other properties owned by these entities.
- Building Permits - These permits may be required by the local jurisdictions for substation modifications and construction.
- Overwidth Load Permits - These permits may be required to move overwidth or heavy loads on county, township, or city roads.
- Driveway Access Permits - These permits may be required to construct access roads or driveways from county, township, or city roads.

This page intentionally left blank.