



City of
BURNSVILLE

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May 4, 2012

Minnesota Department of Commerce
Mr. Ray Kirsch
State Permit Manager
85 7th Place East, Suite 500
St. Paul, MN 55101-2198

RE: Comments from the City of Burnsville
Xcel Energy Black Dog to Savage 115 kV Transmission Line Project
PUC Docket No. TL-11-795

Dear Mr. Kirsch:

Thank you for the opportunity to comment on the referenced proposed project. The City of Burnsville believes the proposed transmission line project is clearly needed to insure that both the residents of Burnsville and the State of Minnesota will have a reliable source of electricity well into the future. We view this project as being critical to maintaining our electrical infrastructure. Working together with Xcel Energy and the PUC, we are confident we can protect the natural resources in the MN River Valley area, while at the same time improving the aesthetics of this very important gateway into our community.

Toward that end, the City of Burnsville has completed a review of the above-referenced Route Permit and respectfully submits the following comments/questions:

Section 3.0 – Project Information

Section 3.2 Project Proposal: Notes that the finish of the proposed poles will be either galvanized steel or weathered steel. Due to the natural character of this area the City feels strongly that weathered steel poles should be utilized for this project.

Section 4.0 – Facility Description and Route Selection Rationale

Section 4.1 Transmission Line Description:

The application indicates the proposed project will generally follow existing rights of way and property lines to the extent feasible. To the City's knowledge there are only limited rights of way in existence west of I-35W, and the proposed locations to the east of I-35W are on Xcel Energy property. The application/maps should be amended to be clear on where the lines will be located in relation to property lines and existing/proposed rights of way.

Section 4.4.3- Underground Design and Construction:

The City understands the challenges of putting the transmission lines underground in the project area east of 35W due to soil conditions and the prevalence of wetlands. However, aesthetic impacts are also a very important consideration west of I-35W, as it is immediately adjacent to the City's future quarry lake and

anticipated recreational, residential, and commercial uses. The proposed transmission structures will have a significant impact on aesthetics and could negatively impact future development in this part of our community. As such, the City's preference is that the overhead lines be buried adjacent to the future quarry lake in the area west of 35W (in lieu of structures 20 – 31A). If underground construction is not feasible, the City requests that aesthetics be strongly considered when determining the spacing and type of transmission structures that will be utilized in this area.

Section 5.0 – Facility Description

Section 5.1.1 Transmission Structures:

In Figure 4, Xcel portrays a single pole (steel) 115 KV double circuit davit structure which it proposes to use west of I35W, and in Figure 5, page 5-3 of the application Xcel portrays a single pole (steel) 115 KV double circuit delta structure which it proposes to use east of I35W. The delta structure has the benefit of a lower profile but with wider ROW than the davit structure. We feel that these structures are appropriate given that the City agrees with Xcel's objective to keep a lower profile east of I35W because of wildlife and appearance reasons. The City requests to be involved in reviewing the construction drawings prior to being finalized to make sure there is agreement on how best to utilize the various structure options to minimize aesthetic impacts.

Section 5.1.2 R-O-W Width - Proposed Route:

The route widths of 750 ft east of I35W and 400 ft west of I35W define corridors within which the final, much narrower, ROW will be selected. Appendix E (Literature Review), page 1 states "Xcel Energy typically requires a right-of-way easement of 75 feet wide (37'6" from centerline of a structure) for a new 115 KV transmission line as proposed in this project. However, at other places in the filing, such as pages 1-3 and 5-5, Xcel states that the ROW width will always be 100 ft. Since Xcel will clear cut any large trees within the final ROW (federally mandated), the City requests that the final ROW width be as narrow as feasible for the recommended structures. The City understands that Xcel Energy has proposed a 50 foot ROW on other 115kV projects in the metro area (*e.g.*, Hiawatha Project). Can a 50 foot ROW be utilized for all or parts of this project?

On the west side of 35W the road referred to as "Quarry Owned" is only partially owned by Kraemer Mining & Materials Inc (KMM). About 2,000 feet of this road is on the land owned by Quarry Property LLC and R. B. McGowan Incorporated. In order to utilize the road to access the proposed pole locations for construction and in the future for maintenance in this area, Xcel will need to acquire easements from these property owners. The City requests a copy of any easements for the project prior to construction.

The City has taken the proposed pole locations and field-located them in relation to the future roadway facilities. The proposed poles need to be at least 50 feet east of the western KMM property line on the proposed north-south road. If they are located closer than that, retaining walls will be required to build the roadway unless additional fill can be placed against the poles.

The future east-west road on the north side of the KMM Quarry will be called 118th Street, not Black Dog Road West or "Chower" Avenue.

Typical sections have been created to illustrate the future road location in relation to the power poles (see Attachment A). The right-of-way and pole locations in this corridor are of great concern to the City.

Section 5.1.3 Requirements and Acquisitions:

The proposed route will require additional temporary easements for construction and potentially permanent easements for maintenance from the affected property owners. The need for these easements should be

noted in the application. Again, the City requests a copy of any easements for the project prior to construction.

Section 5.1.4 Construction and Restoration Procedures:

The City supports the removal of all existing poles that will no longer be used for transmission lines.

Section 5.2.1 Electric Fields

The City agrees with Xcel's statements in Sec 5.2, page 5-9 that electric fields associated with high voltage transmission lines are a function of the operating voltage which is relatively fixed. Therefore, the associated electric field is relatively fixed. We also agree that a maximum field gradient of 1.1013 KV per meter measured one meter above ground is acceptable. However, please note that this value is not shown in Table 9 as Xcel claims in Sec 5.1.1. Table 9 should be amended accordingly.

Section 6.0 – Land Use, Recreation, Historic and Natural Resources

Section 6.2.1 Zoning:

The project makes note of the zoning of the affected properties and indicates that no land use approvals will be required if the Route Permit is approved. The application remains silent on how compliance with local zoning requirements will be met. The properties east of I-35W are zoned Conservancy and within the Floodplain and Shoreland overlay districts. A Conditional Use Permit (CUP) is required for utility uses within the Conservancy District. A CUP is also required for work within the floodplain/floodway and for height within the shoreland overlay district. Of particular concern is how the project will maintain compliance with the shoreland and floodplain ordinances. These are City ordinances but the City is mandated by the Federal Emergency Management Agency (FEMA) and the state Department of Natural Resources (DNR) to implement and enforce them.

On the property west of I-35W the parcels are zoned I-2 PUD (General Industry Planned Unit Development). The primary review items within the affected PUD's relate to future land use plans for the area and how the location of the poles will impact future planned development. The City is not opposed to the transmission line relocate and upgrade, but wants the opportunity to make sure they are in the best place for future planning and to minimize the impacts to the shoreland and floodplain.

The City requests that additional information be supplied so the City can comment on the land-use and zoning impacts. Specifically, information that better identifies the location of the poles so the City can comment on potential issues related to lot lines, setbacks, impervious surface, and tree removal. In addition, a grading plan for pole locations should be submitted for the City to identify impacts to shoreland, flood, elevation changes, and erosion control.

Section 6.2.2 Public Health and Safety:

This section states that buildings are not allowed within the Right-of-Way of the transmission line. There are future plans for development that may be impacted by this on the west side of I-35W. The Right-of-Way should be limited and defined so the City can comment on potential impacts to future building locations.

One of the main reasons for the project is to increase the electric power handling capacity of existing conductors on TL circuit No. 0844 because of a potential outage of a 115 KV circuit breaker at Wilson Substation. The existing conductor is an aluminum steel reinforced (ACSR) conductor with cross sectional area of 636,000 circular mills (see reference in Sec 5.1.1). The proposed new conductor is an aluminum

conductor, steel supported (ACSS), with cross-sectional area of 795,000 circular mills. ACSS is the conductor type used by Xcel on the new 345 KV CapX 2020 projects, but the conductor size is larger (954,000 circular mills vs 795,000 circular mills) than that proposed for the Burnsville rebuild. Please explain the use of a conductor that has only a 17% increase in ampere capacity (at a temperature of 75 degrees C) than the existing conductor, and why a larger conductor size is not planned.

Section 6.2.4 Television and Radio Interference:

The application states the project is not expected to cause radio and television interference. There are weather devices located adjacent to Xcel property that may be more directly affected. Has Xcel contacted Meterologix (11400 Rupp Drive) about this project? Are there any specific issues identified that might impact this equipment?

Section 6.2.9 Aesthetics:

The City disagrees that the project will have “nominal effects on the visual and aesthetic character of the area”. While the application addresses aesthetics on the east side of I-35W, there is the potential for significant visual impacts on the west side of I-35W in terms of future land uses and within the traveled I-35W corridor.

As stated earlier, aesthetic impacts are a very important consideration in this area, as it is immediately adjacent to the City’s future Quarry Lake and anticipated recreational, residential, and commercial uses. This area is within the Gateway Overlay District of the City with special aesthetic considerations as adopted within the City’s Comprehensive Land Use Plan which has been approved by the Metropolitan Council. The City is aware that Xcel has utilized special architectural structures in the downtown Minneapolis area next to the river. The City is interested in exploring the use of these specialized architectural transmission structures beginning with the last pole on the east side of I-35W, over the highway, and all poles on the west side of I-35W (if the lines cannot be buried).

Section 6.5.2 Waterbodies:

This section makes no reference to how Xcel will adhere to the Shoreland Ordinance. This is a State requirement administered by the City of Burnsville (see notes in comments on 6.2.1). The City has specific concern regarding the extent and location of vegetative alterations. Intensive vegetative clearing is not allowed within shore impact zones (75 feet from the river and 25 feet from Black Dog Lake). The applicant should provide a tree inventory indicating what trees are proposed to be removed and what is to be preserved. Once more information is provided on the locations and extent of vegetative alterations, a variance from State shoreland regulations may be needed. Also, a grading permit is required per the shoreland requirements. A variance to the shoreland requirements is also needed for the height of the structures. The applicant should submit additional information to show compliance with DNR shoreland regulations.

Also, this section states that the project is located within the boundaries of the Black Dog Watershed Management Organization (BDWMO). This is incorrect – the project is located within the jurisdiction of the Lower MN River Watershed District.

Section 6.5.3 Wetlands:

The MN Wetland Conservation Act states that utility work is exempt from replacement plan requirements if installation of utility lines avoids wetland impacts to the extent possible, and the project impacts less than 0.5 acres of wetland (MN Rule 8420.0420 subp. 6A.1).

Xcel should submit wetland delineation reports and plans to the City to make it clear whether the total wetland impacts will meet the exemption requirements stated above or not.

Section 6.5.4 Floodplain:

The application recognizes that a portion of the project area is within FEMA designated floodplain. The area east of I-35W is within the floodway, the most restricted zone for land disturbance. No activities are permitted that may cause any increase to the flood profile elevations. Therefore, Xcel must supply the river modeling to show compliance with this ordinance requirement.

Transmission lines require a Conditional Use Permit (CUP) per State/City floodplain ordinance. Will the DNR be administering the land use clearance or will Xcel be submitting for a CUP with the City to be compliant with State and Federal flood plain rules? The City requests that the applicant be required to apply for a CUP prior to beginning work.

Exhibit F of the application includes a narrative as to why Xcel doesn't feel they need to do any further modeling. As noted above, the required modeling must demonstrate no increase in elevation of the river's profile during the defined 100-year event.

Section 7.0 – Agency Involvement, Public Participation, and Required Permits and Approvals

Section 7.3- Required Permits and Approvals

This section references the various agency permits that are required. While there is mention of DNR Public Waters permits, there is no mention of permits required for work within the DNR designated Shoreland as described in Section 6.5.2 above. There is also no mention of required permits needed for work within FEMA designated floodplain for compliance with the NFIP (National Flood Insurance Program) as noted in the above section 6.5.4. The City is the administrator of both programs as delegated by the DNR. The project should recognize what local permits do apply as they are administered by the City via DNR and FEMA.

This section should note that permits are required from the City of Burnsville related to the Wetlands Conservation Act.

The City is seeking Xcel compliance with these regulations for the City to remain in good standing with the DNR and FEMA/NFIP program. The plan should indicate they will obtain required permits from the City and comply with shoreland, wetland and floodplain regulations.

Figure B-1 Project Route Corridor Map:

In other sections of the application Xcel notes that the poles will be all be located south of the existing Black Dog Road (which the City supports), yet this area of the proposed route is not proposed to be "excised." The City requests that any areas north of the existing Black Dog Road be excised from the proposed Route.

Figure B-1 also shows that the rebuilt 115 KV line will intersect the existing 115 KV line east of Savage Substation. It is not clear on the drawings if the existing 115 KV line will be rebuilt all the way into the Savage Substation or if the existing structures are adequate to handle the larger conductor size. We recommend that Xcel clarify where the rebuild will end.

Other Comments:

In Burnsville with any development proposal, the applicants are required by City ordinance to cover any public expenses in reviewing and processing their application. This is similar to the permit fees required by

the PUC to cover the state's time/cost to process the application. The City would like the same consideration. The City requests that Xcel be required to cover City review costs for the Route Permit. These costs are not excessive. We would be very happy to provide an estimate of these costs.

The City appreciates the opportunity to comment on this project. Pending resolution of the issues noted, the City is supportive of the project and agrees with the decision to not pursue the alternative route. We look forward to working with Xcel and the PUC to refine the project so it meets the needs of all parties impacted.

Please contact me at 952-895-4465 if you have any questions regarding the City's comments.

Respectfully,

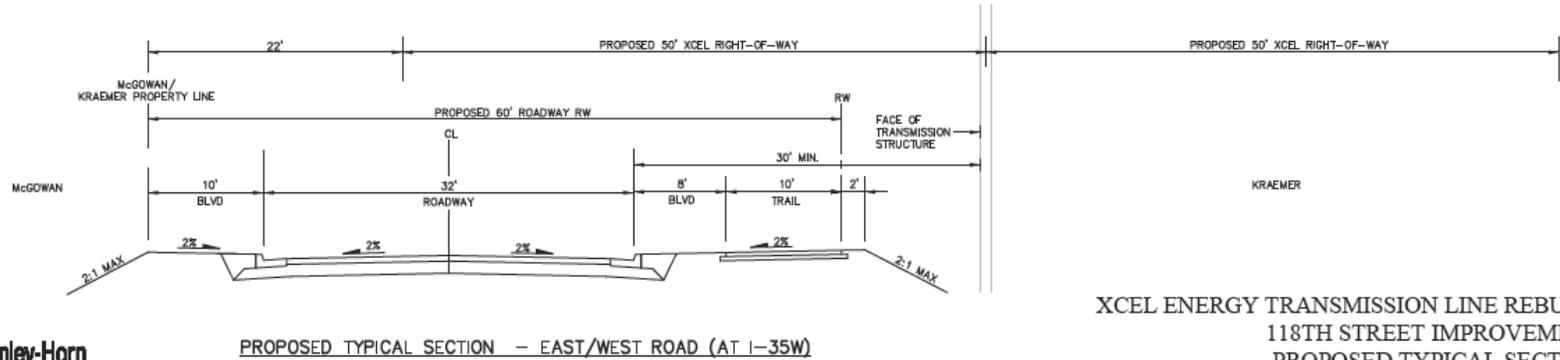
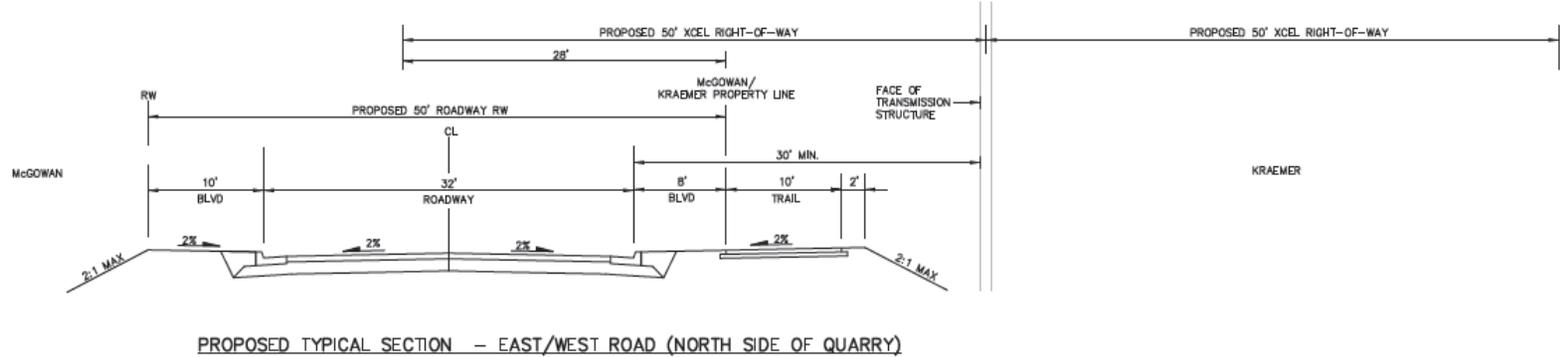
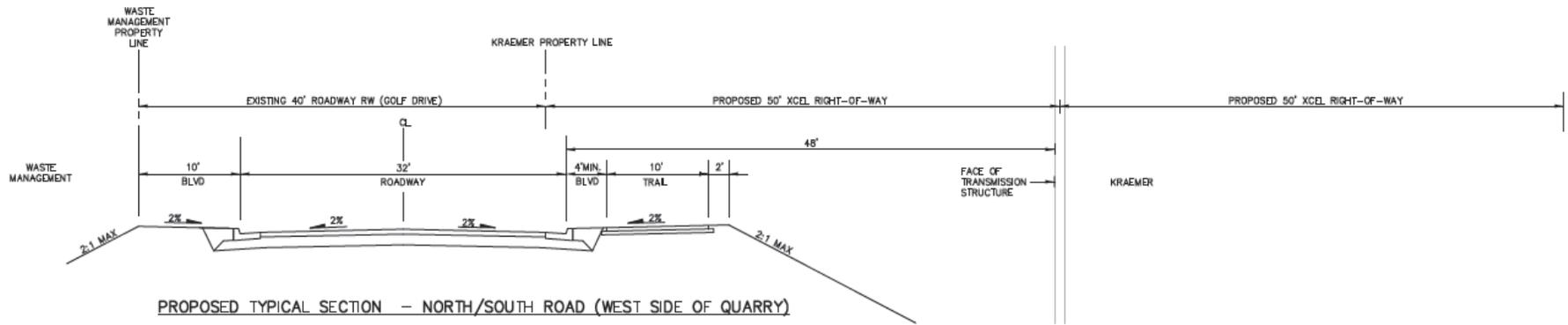
CITY OF BURNSVILLE

A handwritten signature in black ink, appearing to read "Craig L. Ebeling". The signature is fluid and cursive, with the first name "Craig" being the most prominent.

Craig L. Ebeling
City Manager

ATTACHMENT: Exhibit "A" - Proposed Typical Road Sections

cc: Dr. Burl W. Harr, Executive Secretary – MN Public Utilities Commission



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XCEL ENERGY TRANSMISSION LINE REBUILD/
118TH STREET IMPROVEMENTS
PROPOSED TYPICAL SECTIONS

EXHIBIT D

ATTACHMENT "A"