

APPENDIX D

AGENCY CORRESPONDENCE

APPENDIX D.1
LIST OF AGENCIES CONCERNING REQUESTS FOR COMMENTS ON PROJECT

Agency	Date of Letter Regarding Project Notice
U.S. Fish and Wildlife Service - Twin Cities Ecological Services Office	March 24, 2011
U.S. Army Corps of Engineers - Regulatory Project Managers	March 24, 2011
MnDNR – Waters Area Hydrologist – Region 3	March 24, 2011
MnDNR – Ecological Resources – Region 3	March 24, 2011
MnDNR Region 3 – Central Minnesota Lands and Minerals	March 24, 2011
MnDOT – Utility Transmission Route Coordinator	March 24, 2011
MnDOT Utility Permits – Metro/Central Office – Permit Supervisor	March 24, 2011
Carver Soil and Water Conservation District – District Manager	March 24, 2011
Carver County-Land & Water Services Division	March 24, 2011
Carver County Farm Service Agency – Service Center Office – Director	March 24, 2011
Scott County Farm Service Agency – Service Center Office – Director	March 24, 2011
Scott County Soil and Water Conservation District-Board of Supervisors	March 24, 2011

APPENDIX D.2
LIST OF LGUs SENT A PROJECT NOTICE LETTER

Local Governmental Unit	Date of Letter Regarding Project Notice
Carver County Board of Commissioners – Chair (District 5)	March 24, 2011
Carver County Board of Commissioners – District 2	March 24, 2011
Carver County Board of Commissioners – District 3	March 24, 2011
Carver County Board of Commissioners – District 4	March 24, 2011
Carver County Board of Commissioners – Vice Chair (District 4)	March 24, 2011
City of Carver – City Administrator	March 24, 2011
City of Carver – City Clerk/Treasurer	March 24, 2011
City of Carver – City Council Members (4)	March 24, 2011
City of Carver – Mayor	March 24, 2011
City of Chanhassen – Assistant City Manager	March 24, 2011
City of Chanhassen – Chair of Environmental Commission	March 24, 2011
City of Chanhassen – Chair of Parks and Recreation Commission	March 24, 2011
City of Chanhassen – City Manager	March 24, 2011
City of Chanhassen – Community Development Director	March 24, 2011
City of Chanhassen – City Council Members (4)	March 24, 2011
City of Chanhassen – Environmental Resource Specialist	March 24, 2011
City of Chanhassen – Mayor	March 24, 2011
City of Chanhassen – Parks and Recreation Director	March 24, 2011
City of Chanhassen – Public Works Director/City Engineer	March 24, 2011
City of Chaska – City Administrator	March 24, 2011
City of Chaska – Assistant City Administrator	March 24, 2011
City of Chaska – Deputy City Clerk	March 24, 2011
City of Chaska – Director, Chaska Parks and Recreation	March 24, 2011
City of Chaska – Mayor	March 24, 2011
City of Chaska – City Council Members (5)	March 24, 2011
City of Shakopee – City Administrator	March 24, 2011
City of Shakopee – Assistant City Administrator	March 24, 2011
City of Shakopee – Parks and Recreation Director	March 24, 2011

Local Governmental Unit	Date of Letter Regarding Project Notice
City of Shakopee – City Council Members (4)	March 24, 2011
City of Shakopee – Mayor	March 24, 2011
Dahlgren Township Board – Chairman	March 24, 2011
Dahlgren Township Board – Clerk	March 24, 2011
Dahlgren Township Board – Supervisors (2)	March 24, 2011
Dahlgren Township Board – Treasurer	March 24, 2011
Laketown Township Board – Chairman	March 24, 2011
Laketown Township Board – Supervisors (2)	March 24, 2011
Scott County Commissioner – District 1	March 24, 2011
Scott County Commissioner – District 2	March 24, 2011
Scott County Commissioner – District 3	March 24, 2011
Scott County Commissioner – District 4	March 24, 2011
Scott County Commissioner – District 5	March 24, 2011

APPENDIX D.3
USFWS RESPONSE

Rogers, Timothy G

From: Andrew_Horton@fws.gov
Sent: Monday, April 25, 2011 2:50 PM
To: Rogers, Timothy G
Subject: Southwest Twin Cities - 115kV Transmission Line Upgrade to the Highway 212 Corridor

Mr. Timothy Rogers,

Thank you for contacting this office about the proposed Southwest Twin Cities - 115kV Transmission Line Upgrade to the Highway 212 Corridor, Carver and Scott County, Minnesota. Our records indicate there are no federally listed or proposed species and/or designated or proposed critical habitat within the action area of the proposed project. In order to minimize avian strikes, we recommend installing bird flight diverters on the shield wire of the transmission line crossing the Minnesota River. If project plans change, additional information on listed or proposed species becomes available, or new species are listed that may be affected by the project, consultation should be reinitiated. If you have any further questions, please contact me at (612) 725-3548 x2208. Thank you.

Sincerely,

Andrew Horton
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Twin Cities ES Field Office
4101 American Blvd East
Bloomington, MN 55425-1665
(612) 725-3548 ext. 2208

APPENDIX D.4
MINNESOTA DNR NHIS RESPONSE



Minnesota Department of Natural Resources

Division of Ecological and Water Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 E-mail: lisa.joyal@state.mn.us

May 4, 2011

Correspondence # ERDB 20110451

Ms. Kelly Kunst
Westwood Professional Services, Inc.
7699 Anagram Drive
Eden Prairie, MN 55344

RE: Natural Heritage Review of the proposed Chaska Highway 212 Corridor Transmission Line Conversion;
Carver and Scott Counties

Township (N)	Range (W)	Section(s)
116	24	36
115	24	1-4, 9-12
116	23	31
115	23	4, 6-10, 15

Dear Ms. Kunst,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (for details, please see the enclosed database reports). Given the project details that were provided with the data request form, I do not believe the proposed project will negatively affect any known occurrences of rare species.

Please note, however, that the proposed line crosses a Central Region Regionally Significant Ecological Area (RSEA) in T115N R23W Sections 9 & 10. This particular RSEA is ranked Outstanding. The DNR Central Region (in partnership with the Metropolitan Council for the 7-county metro area), identified these ecologically significant terrestrial and wetland areas by conducting a landscape-scale assessment based on the size and shape of the ecological area, land cover within the ecological area, adjacent land cover/use, and connectivity to other ecological areas. The purpose of the data is to inform regional scale land use decisions, especially as it relates to balancing development and natural resource protection. A GIS shapefile of this data layer can be downloaded from the DNR Data Deli at <http://deli.dnr.state.mn.us>. Additional information, including pdf versions of the RSEA maps, is available at <http://www.dnr.state.mn.us/rsea/index.html>. If you would like help interpreting the RSEA data, please contact Hannah Texler, Regional Plant Ecologist for DNR's Central Region, at 651-259-5811 or hannah.texler@state.mn.us.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS 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. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area.

The enclosed results include an Index Report and a Detailed Report of records in the Rare Features Database, the main database of the NHIS. To control the release of specific location information, which might result in the destruction of a rare feature, both reports are copyrighted.

The Index Report provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an environmental review document (e.g., EAW or EIS), municipal natural resource plan, or

report compiled by your company for the project listed above. If you wish to reproduce the index report for any other purpose, please contact me to request written permission. **The Detailed Report is for your personal use only as it may include specific location information that is considered nonpublic data under *Minnesota Statutes*, section 84.0872, subd. 2. If you wish to reprint or publish the Detailed Report for any purpose, please contact me to request written permission.**

For environmental review purposes, the Natural Heritage letter and database reports are valid for one year; they are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or if an updated review is needed.

Please note that locations of the gray wolf (*Canis lupus*), federally-listed as threatened and state-listed as special concern, and the Canada lynx (*Lynx canadensis*), federally-listed as threatened, are not currently tracked in the NHIS. As such, the Natural Heritage Review does not address these species.

Furthermore, the Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. Additional rare features for which we have no data may be present in the project area, or there may be other natural resource concerns associated with the proposed project. For these concerns, please contact your DNR Regional Environmental Assessment Ecologist (contact information available at http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html). Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,



Lisa Joyal
Natural Heritage Review Coordinator

enc. Rare Features Database: Index Report
Rare Features Database: Detailed Report
Rare Features Database Reports: An Explanation of Fields

cc: Jamie Schrenzel, DNR
Melissa Doperalski, DNR
Hannah Texler, DNR
Trina Zieman, DNR
Deborah Pile, DOC, EFP

Printed April 2011
Data valid for one year

Minnesota Natural Heritage Information System
Index Report of records within 1 mile radius of:
 ERDB #20110451 - Chaska Hwy 212 Transmission Line (20101297.00)
 Multiple TRS
 Carver and Scott Counties

Rare Features Database:

Element Name and Occurrence Number	Federal Status	MN Status	State Rank	Global Rank	Last Observed Date	EO ID #
Vertebrate Animal						
<u>Polyodon spathula</u> (Paddlefish) #4 T27N R24W S23, T115N R23W S16, T115N R23W S17, T115N R38W S28, T [...]; Blue Earth, Brown, Carver, Chippewa, [...] County		THR	S2	G4	2004-12-04	16501
<u>Scaphirhynchus platyrhynchus</u> (Shovelnose Sturgeon) #2 T115N R23W S10, T115N R23W S9; Carver, Scott County		NON	S4	G4	1987-06-05	16499
<u>Scaphirhynchus platyrhynchus</u> (Shovelnose Sturgeon) #73 T115N R23W S10, T115N R23W S9; Carver, Scott County		NON	S4	G4	1999-09-30	26563
Invertebrate Animal						
<u>Actinonaias ligamentina</u> (Mucket) #91 T115N R23W S17, T115N R23W S31, T115N R23W S9, T115N R23W S1; Carver, Scott County		THR	S2	G5	1989-Pre	17125
<u>Arcidens confragosus</u> (Rock Pocketbook) #18 T115N R23W S17, T115N R23W S2, T115N R23W S31, T115N R23W S20, T [...]; Carver, Scott County		END	S1	G4	1989-Pre	26442
<u>Arcidens confragosus</u> (Rock Pocketbook) #26 T114N R25W S35, T109N R29W S7, T109N R30W S12, T114N R24W S30, T [...]; Blue Earth, Brown, Carver, Dakota, [...] County		END	S1	G4	2006-11-PRE	33200
<u>Lampsilis teres</u> (Yellow Sandshell) #10 T109N R27W S36, T111N R26W S22, T111N R26W S21, T115N R23W S20, T [...]; Blue Earth, Brown, Carver, Dakota, [...] County		END	S1	G5	1989-10-09	17146
<u>Quadrula nodulata</u> (Wartyback) #7 T115N R23W S2, T115N R23W S17, T115N R23W S31, T115N R23W S9, T [...]; Carver, Scott County		END	S1	G4	2000-09-20	17140
Animal Assemblage						
<u>Bat Colony</u> (Bat Concentration) #41 T115N R23W S16; Carver, Scott County		N/A	SNR	GNR	2000-06-08	29684
Vascular Plant						
<u>Rorippa sessiliflora</u> (Sessile-flowered Cress) #2 T115N R23W S16, T115N R23W S17, T115N R23W S9, T115N R23W S10, T [...]; Carver County		SPC	S3	G5	1891-07	5464

Native Plant Community (This may not represent a complete list. Also see MCBS Native Plant Communities at <http://deli.dnr.state.mn.us>.)

Printed April 2011
Data valid for one year

Minnesota Natural Heritage Information System
Index Report of records within 1 mile radius of:
ERDB #20110451 - Chaska Hwy 212 Transmission Line (20101297.00)
Multiple TRS
Carver and Scott Counties

Rare Features Database:

Element Name and Occurrence Number	Federal Status	MN Status	State Rank	Global Rank	Last Observed Date	EO ID #
Native Plant Community (This may not represent a complete list. Also see MCBS Native Plant Communities at http://deli.dnr.state.mn.us.)						
<u>Native Plant Community, Undetermined Class #1216</u> T115N R24W S9; Carver County	(NPC Code:)	N/A	SNR	GNR	1995-09-19	21938
<u>Native Plant Community, Undetermined Class #1266</u> T116N R24W S26, T116N R24W S35; Carver County	(NPC Code:)	N/A	SNR	GNR	1995-09-14	21943
<u>Native Plant Community, Undetermined Class #1306</u> T115N R23W S3, T115N R23W S11, T115N R23W S10, T115N R23W S2; Scott County	(NPC Code:)	N/A	SNR	GNR	1995-07-06	21488
<u>Northern Poor Fen Class #36</u> T116N R24W S26, T116N R24W S36, T116N R24W S35, T116N R24W S25; Carver County	(NPC Code: APn91)	N/A	SNR	GNR	1998-07-08	21944

Records Printed = 14

Minnesota's endangered species law (*Minnesota Statutes*, section 84.0895) and associated rules (*Minnesota Rules*, part 6212.1800 to 6212.2300 and 6134) prohibit the taking of threatened or endangered species without a permit. For plants, taking includes digging or destroying. For animals, taking includes pursuing, capturing, or killing.

APPENDIX D.5
MN SHPO RESPONSE



STATE HISTORIC PRESERVATION OFFICE

June 11, 2012

Paul Lehman
Xcel Energy
414 Nicollet Mall
Minneapolis, MN 55401

RE: Northern States Power Company/Xcel Energy and Great River Energy
Upgrade of the Southwest Twin Cities (SWTC) Chaska Area 69 kV transmission line to 115 kV
capacity and modify 5 substations
Carver and Scott Counties
SHPO Number: 2012-1946

Dear Mr. Lehman:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

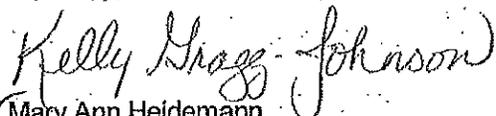
Due to the nature of the proposed project, we recommend that an archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For your information, we have enclosed a list of consultants who have expressed an interest in undertaking such surveys.

If the project area can be documented as previously disturbed or previously surveyed, we will re-evaluate the need for survey. Previously disturbed areas are those where the naturally occurring post-glacial soils and sediments have been recently removed. Any previous survey work must meet contemporary standards.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office by the responsible federal agency.

If you have any questions on our review of this project, please contact our Compliance Section at (651) 259-3455.

Sincerely,


Mary Ann Heidemann
Manager, Government Programs and Compliance

Enclosure: List of Consultants

APPENDIX D.6
USACE RESPONSE



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

REPLY TO
ATTENTION

APR 26 2011

Operations
Regulatory (2010-01923-MTS)

Mr. Timothy G. Rogers
Xcel Energy, Inc.
414 Nicollet Mall (MP-8A)
Minneapolis, Minnesota 55401

Dear Mr. Rogers:

We have received your letter, dated March 24, 2011, concerning the Proposed Southwest Twin Cities 115kV Transmission Line Upgrade to the Highway 212 Corridor. We reviewed the information and exhibit provided in your letter. Please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, 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. Based on the information you provided, a transmission line segment would cross the Minnesota River, a navigable water of the United States. This activity would require a Department of the Army Permit under Section 10.

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

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

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.

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.

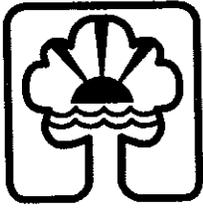
For further information or to request a pre-application consultation meeting, please contact Michael Setering at 651-290-5396, the Corps' project manager for Scott and Carver Counties.

Sincerely,



for Tamara E. Cameron
Chief, Regulatory Branch

APPENDIX D.7
CITY OF CHASKA RESPONSE



CITY OF CHASKA
ONE CITY HALL PLAZA
CHASKA, MN 55318

April 19, 2011

Xcel Energy
Mr. Timothy Rogers
Supervisor of Siting and Permitting
414 Nicollet Mall (MP-8A)
Minneapolis, Mn. 55401

Dear Mr. Rogers,

The City of Chaska would like to take this opportunity to comment on the March 7, 2011 letter from Xcel Energy regarding the proposed transmission line upgrades from the new Chaska West Creek substation to downtown Chaska.

As you know, the City of Chaska is in need of this transmission line upgrade to service the electrical needs of southwest Chaska. Specifically, the City has been working with the West Creek Corporate Center development, located just to the north and west of the Highway 212/Co Rd 10 interchange. The United Health Data Center is currently being constructed on the site. To support this new use, the City is in need of a new substation and transmission line service to the substation.

The City would like to make some suggestions for alignment as to where the transmission line crosses the Chaska BioTech Center (new corporate/industrial development area) and the Heights of Chaska area. Specifically, the City of Chaska would offer the following comments related to the new location of the transmission lines:

- ❖ The City of Chaska prefers the transmission line alignment shown in the September 2010 "SW Twin Cities Project Phase 3" map whereby the transmission line follows Co Rd 110 (Creek Road) and then the east side of TH212 to Co Rd 140, rather than following Co Rd 10 (Engler Boulevard) and then the west side of TH212 to Co Rd 140. The current proposed alignment severely impacts the value/usefulness of the property at the southwest corner of the interchange of Engler Boulevard and TH212.
- ❖ The City of Chaska is working with the Minnesota Department of Transportation to locate an interchange at the intersection of TH212 and Co Rd 140. This area is identified by the City of Chaska as additional future corporate/industrial development. Identifying this area as a primary search area for a substation would be problematic. The search area should be revised to be at the periphery of these development areas, either to the east or to the west so as not to hamper the development of these highly valuable sites. OK

Phone: 952-448-9200 // Fax: 952-448-9300 // Website: www.ci.chaska.mn.us

- ❖ The City of Chaska questions the rationale of "Abandon in Place" the section of transmission line west of TH212 on Co Rd 140. We would like to have Xcel explore whether there is an identified future use for this transmission line or whether these lines will be completely abandoned into the future. It would be the City's preference that if these transmission lines are formerly abandoned, the lines and poles also be removed at that time.

Besides these comments, the City of Chaska would also like to have Xcel at least consider the proposed search area for a substation and explore whether it should be just for Xcel or a partnership with Minnesota Valley Electric Cooperative, Chaska Electric, and Xcel. It would be our preference to limit the number of sites occupied by substations to as few places as possible. Any opportunity to share in these facilities would be viewed favorably by the City of Chaska.

If you have any questions on the comments we have provided, please feel free to contact me at 952-227-7523, or Chaska's Electric Director, Dan Geiger, at 952-448-4335. I appreciate your consideration of our comments.

Sincerely,



Matthew Podhradsky
City Administrator
City of Chaska

MP:ms