

Minnesota Department of Natural Resources
500 Lafayette Road • St. Paul, MN • 55155-40__



May 9, 2014

Ray Kirsch, Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, Minnesota, 55101

Re: Draft Environmental Impact Statement for the Minnesota to Iowa 345 kV Transmission Line Project proposed by ITC Midwest, LLC in Jackson, Martin and Faribault Counties
PUC Docket Number: ET6675/TL-12-1337

Dear Mr. Kirsch:

The Minnesota Department of Natural Resources (DNR) has reviewed the Draft Environmental Impact Statement for the Minnesota to Iowa 345 kV Transmission Line Project proposed by ITC Midwest, LLC in Jackson, Martin and Faribault Counties. We appreciate the high level of responsiveness and coordination from both ITC Midwest, LLC and the Department of Commerce regarding natural resources for this project. Please consider the following input regarding the DEIS, route options, and rare species.

Routing Analyzed in DEIS

Map 3-10, page 38, depicts the routes by the Des Moines River and North of the Jackson Municipal Airport Runway. The JA-2 route would most minimize impacts to the flora and fauna associated with the Des Moines River.

Map 3-12, page 40 and Map 3-14, page 42, depicts the removal of the existing 161 kV lines from Fox Lake and Lake Charlotte. As indicated in the DEIS, “the removal would positively impact aesthetics at both lakes, and generally in the area, by creating one transmission line ROW instead of two near the lakes. The removal would have a positive impact on agricultural operations along the 161 kV line. The removal would decrease avian impacts at both lakes.” Also note that Fox Lake, and associated upland areas, is a designated State Game Refuge. Waterfowl use can be significantly higher within the State Game Refuge due to the prohibition of waterfowl hunting. Higher waterfowl use increases the risk of avian collisions with transmission lines. The removal of the existing 161 kV line from Fox Lake would also result in removing the existing transmission line by Rooney Run WMA. In addition, having the existing 161 kV line and potentially the 345 kV line crossing a public water with high recreational use could create a hazardous condition if the lines were to be in contact with the water.

Minnesota Rules Chapter 6135, Licenses For Utility Crossings Of Public Lands and Waters, includes criteria for minimizing the environmental impact of public water crossings in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from utility crossings. Minnesota Rules, 6135.1100 Standards for Route Design, Subp. 1 states: “avoid scenic intrusions into stream valleys and open exposures of water.” Minnesota Rules 6135.1100, Subp. 4, Crossing Public Waters, states: “avoid lakes, but where there is no feasible and prudent

1-1

FEIS ID #1

1-1.

Your preferences for the specified routes have been noted and included in the record for this EIS.

1-1
continued

alternative route, minimize the extent of encroachment by crossing under the water.” The DNR believes feasible and prudent alternative routes exist that avoid Fox Lake and Lake Charlotte. The DNR recommends the routes that co-locate the 345 kV line with the existing 161 kV lines be removed from further consideration and not be permitted by the PUC. In addition, the DNR recommends that the existing 161 kV lines be removed from Fox Lake and Lake Charlotte.

Rooney Run WMA should be avoided by running any Routes under consideration to the south of the WMA. The WMA contains intact wildlife habitat, including wetlands, while the area to the south has an existing transmission line and it is a heavily grazed pasture.

Map 3-12, page 40 depicts various Routes near Fox Lake, Four Corners WMA, and the Fox Lake Game Refuge. The DNR is concerned about impacts to this area due to the complex of wetlands that support high use by waterfowl and other wetland dependent species. The use of FL-6 as a connector may be a viable option for minimizing impacts to this area.

Map 3-15, page 43: the DNR can support either Route CC-1 or B in the Center Creek area. The permitted Route width should not include Center Creek WMA.

Map 3-15, page 43, shows the Route B Alternative on the north side of 150th Street. State-listed plants may be present on either side of 150th Street. If there is ground disturbance in this area, surveys may be required. Depending on the survey results, Route B might need to be located on the north or south side of 150th Street. The permitted Route width should include both sides of 150th Street to allow for flexible routing in this area.

1-2

Map 3-16, page 44, depicts the removal of the existing transmission line that would eliminate two crossings of the Blue Earth River and impacts to parcels in Reinvest in Minnesota Conservation Easements. Co-locating the 345 kV and existing 161 kV lines would increase the right-of-way and associated impacts to the Blue Earth River corridor. Removing the existing transmission line will restore the area back to a more natural and less fragmented wildlife corridor. The DNR supports the removal of the existing 161 kV transmission line. Use of Route HI-1 or B would reduce natural resource impacts in this area.

Appendix L, Sheet LH 42 depicts the I-90 Routes crossing Krahmer WMA. Krahmer WMA is located on the north and south sides of I-90. The DNR recognizes that this WMA may need to be impacted if the I-90 Route is selected in order to reduce other project impacts by increasing utilization of a disturbed interstate corridor.

1-3

Appendix L, Sheet LH49, depicts the I-90 Route on the north side of the interstate. However, the Route Width extends to the south side of I-90 and into Lake Guckeen WMA. The Route width should be revised so it does not include Lake Guckeen WMA. The DNR can support I-90 Routes on the north side of the interstate near the WMA.

Please note that if federal funds were used for the purchase of WMA, then federal approval may be required. Federal approval may require that replacement lands be provided for unavoidable impacts. Federal approval can be a lengthy process and it should be taken into consideration during the EIS process. For example impacts to Caron WMA, Toe WMA, or Four Corners WMA may result in a

FEIS ID #1

1-2.

Your preferences for the specified routes have been noted and included in the record for this EIS.

1-3.

The route width for the I-90 route alternatives depicted on Map Sheet LH49 has been modified to avoid the Lake Guckeen WMA.

federal funding review process. The DNR can provide additional detail regarding parcels with federal interest.

1-4

Bird flight diverters can reduce avian collisions with transmission lines significantly. The DNR requests the opportunity to review proposed bird flight diverter locations along the permitted route with the applicant. A permit condition regarding coordinating flight diverter placement is recommended.

Rare Species

Section 5.7.1 State and Federally Listed Threatened and Endangered Species

1-5

Table 5-6: The state status of the bald eagle should be changed from “special concern” to “tracked.”

Section 5.7.2 Rare Communities

1-6

For clarity, this list could be limited to communities within or adjacent to the proposed project.

Section 6.0 Impacts and Mitigation Measures

1-7

Page 111 states that impacts to and mitigation measures for state-listed species of special concern will not be discussed as they are not legally protected under the Minnesota Endangered Species Act. Regardless of state protection status, rare resources merit consideration during the environmental review process and during licensing and permitting decisions. As such, the Final EIS should discuss potential impacts to mitigation measures for all rare resources, including state-listed species of special concern.

1-8

Page 111 states that aquatic species will not be discussed because all watercourses will likely be spanned. If there is any possibility that the watercourses will not be spanned, then potential impacts to and mitigation measures for aquatic organisms should be discussed in the Final EIS. Even if the watercourses will be spanned, there are additional erosion prevention and sediment control measures that could be implemented near watercourses that would help to minimize disturbance to aquatic organisms.

1-9

Page 112 states that it is not possible to provide a cumulative acreage of all rare communities within the right-of-way or route width due to the various overlapping data sources. The proposed routes cross less than 20 Minnesota Biological Survey (MBS) Sites of Biodiversity Significance. It would be relatively straightforward to determine the acreage potentially impacted by the proposed project in the FEIS. For clarity, it should be noted that most MBS Native Plant Communities are within MBS Sites of Biodiversity Significance. Sites of Biodiversity Significance can also contain land/wetland/water that has not been identified as a native plant community.

1-10

As the MBS Sites of Biodiversity Significance and the MBS Native Plant Communities are also part of the Natural Heritage Information System (NHIS), it is confusing to use the term “NHIS native plant community” in the EIS. Also, it is unclear how the acreage of the “NHIS native plant communities” was determined as this data layer does not include any boundary information. As such, with one exception (noted below), the “NHIS native plant community” designation should be removed from consideration

FEIS ID #1**1-4.**

The suggested permit condition regarding bird flight diverter placement is noted and included in the record for this EIS. Section 5.6.3 notes ITCM's commitment to consulting with agencies to identify areas where bird flight diverters should be utilized.

1-5.

The status of the bald eagle has been changed to "tracked" in Table 5-6.

1-6.

In Section 5.7.2, MBS native plant community types that are present within one mile of the project area are discussed to provide a general overview of the communities present in the project area. Section 6 discusses native plant communities that are present within the immediate project area (i.e., ROW and route). The tables in Appendix J provide total acres of native plant communities within 100 feet, 500 feet, and 1 mile of the anticipated alignment, while the tables in Appendix K indicate which particular native plant communities are present within these various distances.

1-7.

Section 6.0 has been revised to include a brief discussion of special concern and tracked species in the vicinity of the routes and route alternatives.

1-8.

Section 5.7.1 discusses the spanning of rivers and streams to avoid direct impacts on aquatic organisms such as mussels and the use of BMPs to minimize indirect impacts on aquatic organisms. Section 5.6.1 indicates that all watercourses in the project area will be spanned and that BMPs will be used to minimize indirect impacts.

1-9.

The acreages of MBS SBS within the 200-foot ROW are summarized in the Rare Communities discussions in Section 6 and illustrated in figures throughout Section 6. These areas may experience mowing or other maintenance activities as part of operation of the project. Section 6.1 has been revised to indicate where MBS SBS cannot be spanned (i.e., greater than 1,000-foot span length).

1-10.

Native plant community data from the NHIS database has been removed from tables, figures, and maps and there is no discussion of these NHIS Native Plant Communities in the EIS.

1-10
continued

as it could cause confusion and is represented by MBS Native Plant Communities and MBS Sites of Biodiversity Significance.

1-11

In order to be able to effectively compare routes and route alternatives, the EIS should include more written detail on impacts to and mitigation measures for rare communities. For instance, what is the conservation status of the native plant community? Will there be ground disturbance within the community or will the community be spanned?

1-12

The DNR recommends avoiding or minimizing disturbance within Sites of Biodiversity Significance, especially within rare native plant communities (conservation status = S1, S2, or S3). Native prairie is a rare native plant community that provides habitat for many state-listed species. Please note that 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. The project proposer should contact Lisa Joyal, Endangered Species Review Coordinator, if there will be any ground disturbance within native prairie, as botanical surveys may be required. The purpose of the surveys would be to reduce the likelihood of an inadvertent taking of a state-protected species and/or to inform the takings permit process if needed. Please coordinate with Lisa Joyal before any survey work is initiated, as the DNR would like the opportunity to provide feedback on surveyor qualifications, survey protocol, and other survey requirements in order to prevent any potential project delays. Project planning should also take into account that botanical surveys need to be conducted during the appropriate time of the year, which may be limited.

Please see the attached table titled: "Potential Impacts to Sites of Biodiversity / Native Plant Communities." The table describes site location, description, and ranking information, along with questions about the type of impact expected and DNR comments regarding MBS Sites of Biodiversity Significance and MBS Native Plant Communities.

Thank you for the opportunity to provide comments regarding the Draft Environmental Impact Statement for the Minnesota to Iowa Transmission Project proposed by ITC Midwest, LLC. Please contact me with any questions.

Sincerely,



Jamie Schrenzel
Principal Planner
Environmental Review Unit
(651) 259-5115

Enclosure: 1

cc: Scott Ek, MN Public Utilities Commission
David Grover, ITC Midwest LLC

FEIS ID #1

1-11.

The conservation status for MBS native plant communities has been added to the data in Appendix K. Native plant communities that cannot be completely spanned have been identified in Appendix J and Section 6.

1-12.

Section 6 discusses that surveys for rare species may be needed if rare communities cannot be avoided. To further address these rare resources, the Commission may include a condition in the route permit requiring ITCM to consult with the DNR on the need for surveys of rare species.

Potential Impacts to Sites of Biodiversity / Native Plant Communities

Route	TRS	Identifying Feature	MBS Site of Biodiversity Significance	MBS Native Plant Community	State Status	Type of Impact	DNR comments
A-LH	T102N R35W S5		None	Mesic Prairie*	S2	Likely able to span if still present?	Survey if ground disturbance
A-LH	T102N R35W S3	Des Moines River crossing	Moderate	Southern Mesic Oak-Basswood Forest	S3	Ground disturbance?	Recommend variation (JA-Var2) that avoids most impact
B-LH	T103N R35W S28	West of Des Moines River	Moderate	Southern Wet-Mesic Hardwood Forest	S2/S3	Looks like avoiding?	
B-LH	T103N R35W S34	Des Moines River crossing	Moderate	Dry Hill Prairie	S2	Likely able to span?	Survey if ground disturbance
B-LH	T103N R35W S34	Unnamed Stream crossing	Moderate	Dry Hill Prairie	S2	Ground disturbance?	Recommend alternative crossing / Survey if ground disturbance
B-LH FL-5	T103N R33W S36	West of Four Corners WMA	Moderate	Dry Hill Prairie	S2	Likely able to span?	Survey if ground disturbance
FL-6	T103N R33W S36	West of Four Corners WMA	Moderate	Mesic Prairie	S2	Ground disturbance? / Existing Line	Survey if ground disturbance
B-LH	T103N R32W S34	Railroad Right-of-Way	Moderate	Mesic Prairie	S2	Known occurrences of state-protected plants / likely	Survey if ground disturbance



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

May 7, 2014

Mr. Ray Kirsch
Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101

Re: Minnesota-Iowa 345 kV Transmission Line Project Draft Environmental Impact Statement

Dear Mr. Kirsch:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (EIS) for the Minnesota-Iowa 345 kV Transmission Line Project (Project) located in Martin, Jackson, and Faribault counties, Minnesota. Minnesota Pollution Control Agency (MPCA) staff has reviewed the Draft EIS and have no comments at this time.

We appreciate the opportunity to review this project. **Please provide the notice of decision on the need for an Environmental Impact Statement.** 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 Draft EIS, please contact me at 651-757-2482.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Kain".

Kevin Kain
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Craig Affeldt, MPCA
Noel Kepler, MPCA
Shawn Ruotsinoja, MPCA
Randy Hukriede, MPCA

FEIS ID #2

2.

Your comment is noted and included in the record for this EIS. An EIS is required under the Power Plant Siting Act for a transmission line project of the size proposed by ITCM (Minnesota Statute 216E.03, Subd. 5). Thus, there is no separate EIS need decision or related notice.



Using the Power of History to Transform Lives
PRESERVING • SHARING • CONNECTING

April 24, 2014

Mr. Ray Kirsch, Environmental Review Manager
Department of Commerce
Energy Environmental Review and Analysis
85 7th Place East, Suite 500
St. Paul, MN 55101

RE: ITC Midwest Huntley-to-Lakefield Junction 345 kV Transmission Line Project
Faribault, Martin, and Jackson Counties
SHPO Number: 2012-2157

Dear Mr. Kirsch:

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

Due to the nature and location of the proposed project, we recommend that a Phase I 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 a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

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 questions regarding our review of this project, please call Kelly Gragg-Johnson at (651) 259-3455.

Sincerely,

Sarah J. Beimers, Manager
Government Programs and Compliance

cc: David Grover, Regulatory Strategy, ITC Midwest LLC

RECEIVED

APR 25 2014

MAILROOM

Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102
651-259-3000 • 888-727-8386 • www.mnhs.org

FEIS ID #003

3.

Archaeological and historic resources in the project area are discussed in Section 5.5 and site-specific impacts on these resources are discussed throughout Section 6.0. To further address these resources, the Commission may include a condition in the route permit requiring ITCM to consult with SHPO on the need for a Phase 1 archaeological survey for portions of the permitted route.



CITY HALL

(507) 847-4410 • Fax (507) 847-5586

April 23, 2014

Mr. Ray Kirsch
Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101

RECEIVED

APR 28 2014

MAILROOM

RE: Docket Number CN-12-1053 and TL-12-1337

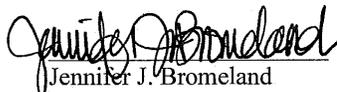
Dear Mr. Kirsch:

The purpose of this letter is to notify you that the City of Jackson owns and operates a municipal airport two (2) miles north of the City. Enclosed, you will find a copy of an approved airport layout plan with proposed runway alignments different from the existing runway configuration. The existing and ultimate airport layout plan was forwarded to Lori Broghammer with ITC Midwest on March 20, 2013. City staff attended a public information and environmental impact scoping meeting on July 17, 2013 in Jackson and stated on the record the City's concern with the selected route if it were to negatively impact the existing or proposed runway approach surfaces or other Federal Part 77 surfaces for the Jackson Municipal Airport.

The City's primary concern is that the Federal Aviation Administration determine that the selected route is not a hazard to aviation, specifically, related to the existing and proposed operation of the Jackson Municipal Airport, and that the selected route is not in conflict with the existing or proposed runway approach surfaces or other Federal Part 77 surfaces for the Jackson Municipal Airport.

Thank you for your time and consideration of the above-described concern involving the Jackson Municipal Airport.

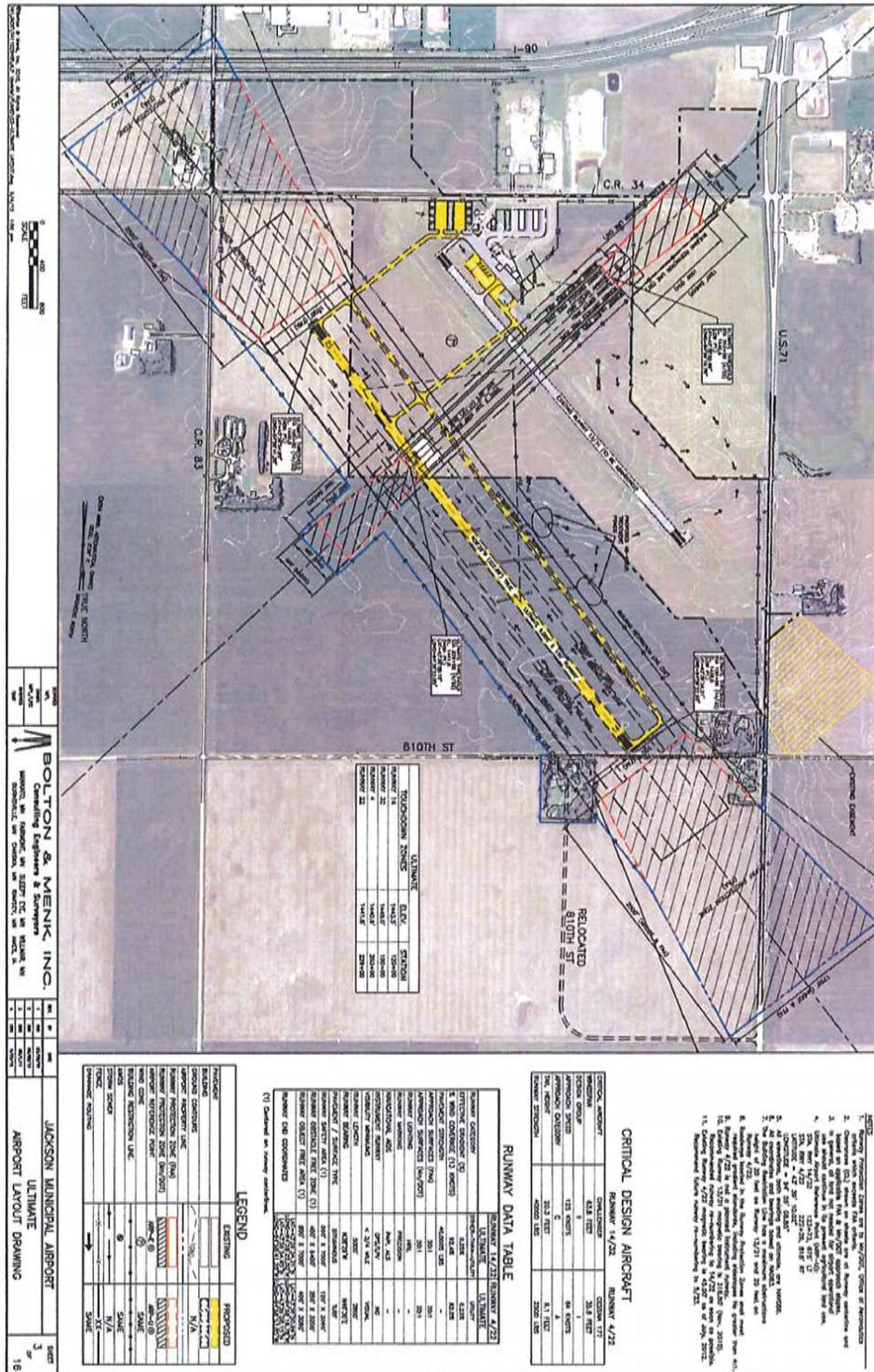
Sincerely,


Jennifer J. Bromeland
City Administrator

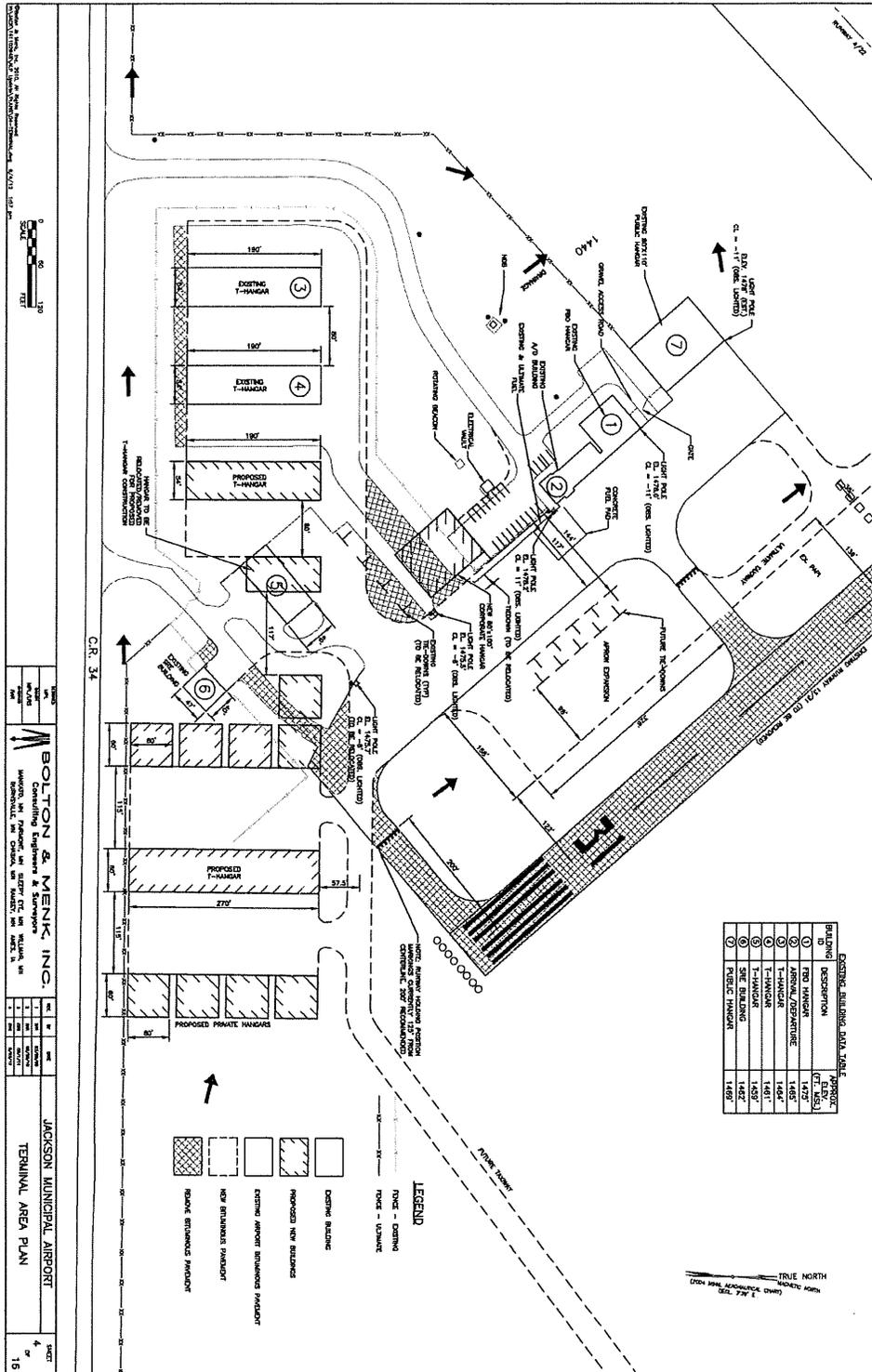
cc: Jackson Mayor and City Council
Jackson Airport Commission
Mr. Bob Cohrs, SEH, Engineering Firm for Jackson Municipal Airport

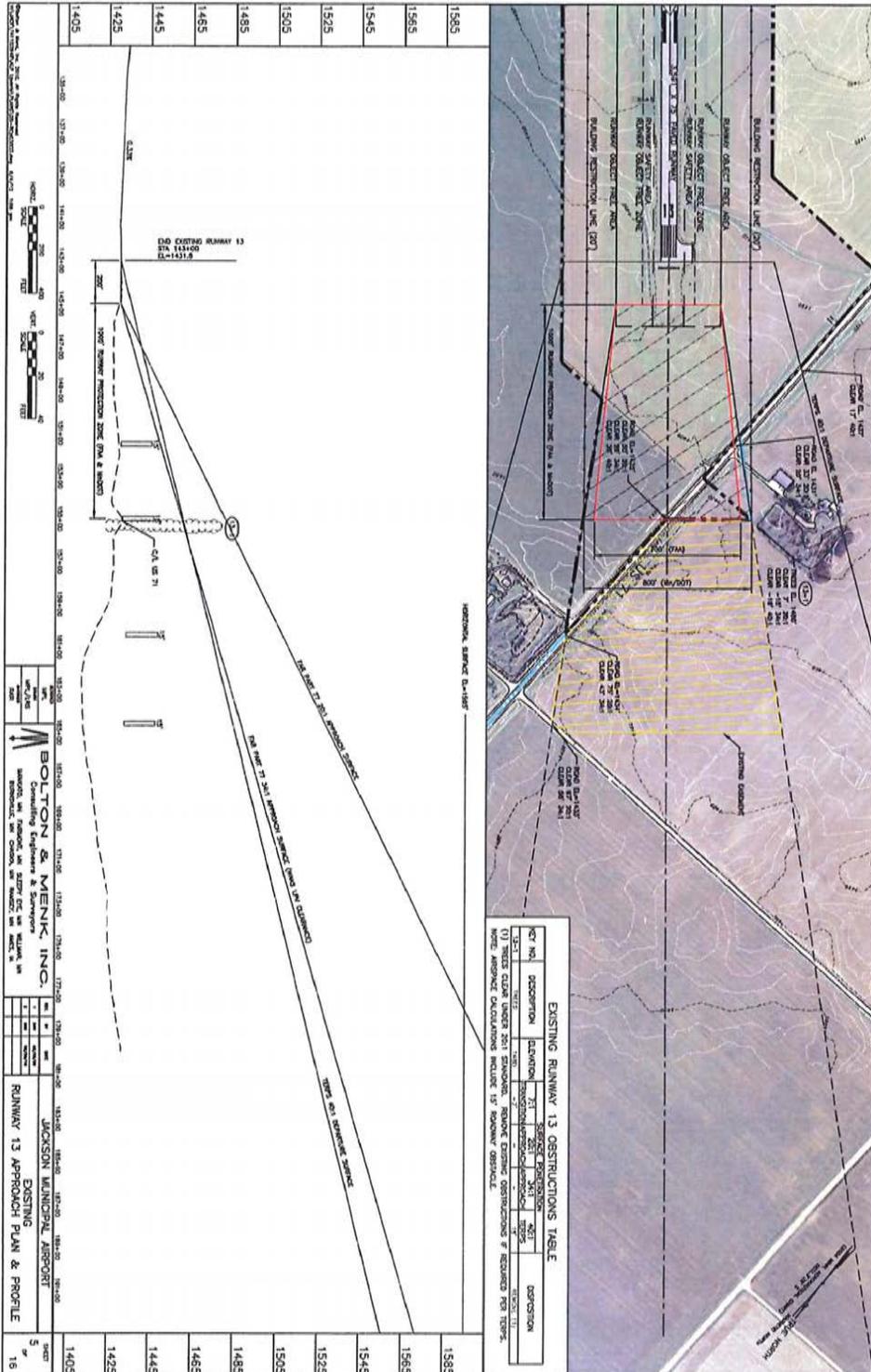
FEIS ID #4**4.**

Sections 5.2.4 and 6.1.2 of the EIS discuss potential impacts to the Jackson Municipal Airport and possible mitigation measures. As noted in 6.1.2, based on FAA analysis to date, no impacts to flight operations at the Jackson Municipal Airport are anticipated with the routing options evaluated in the EIS. Depending on the route permitted by the Commission, mitigation measures (e.g., low-profile structures) may be required to ensure safe operation of the airport. ITCM's coordination with the FAA regarding the Jackson Municipal Airport is discussed in Appendix L of ITCM's route permit application.

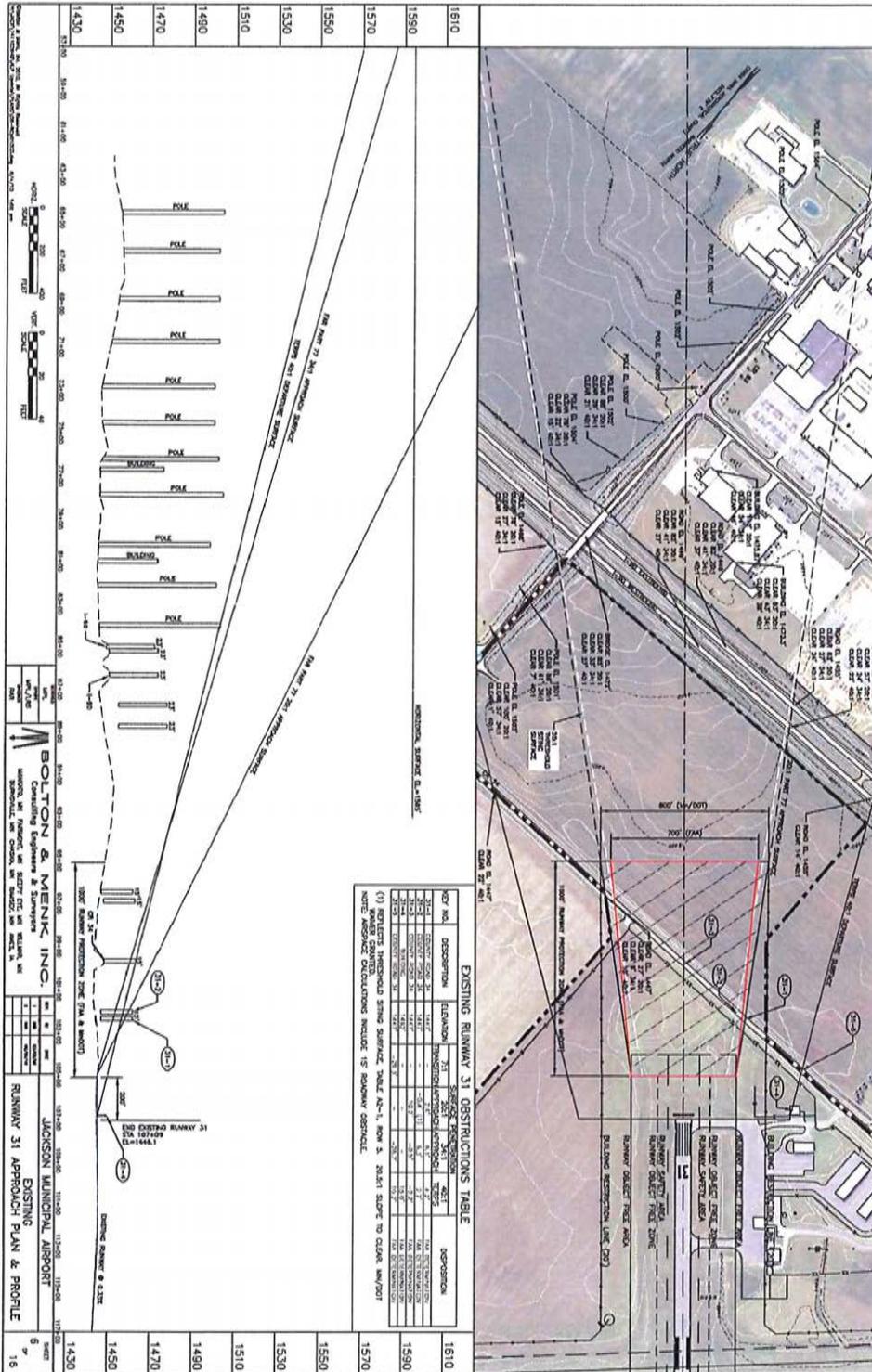


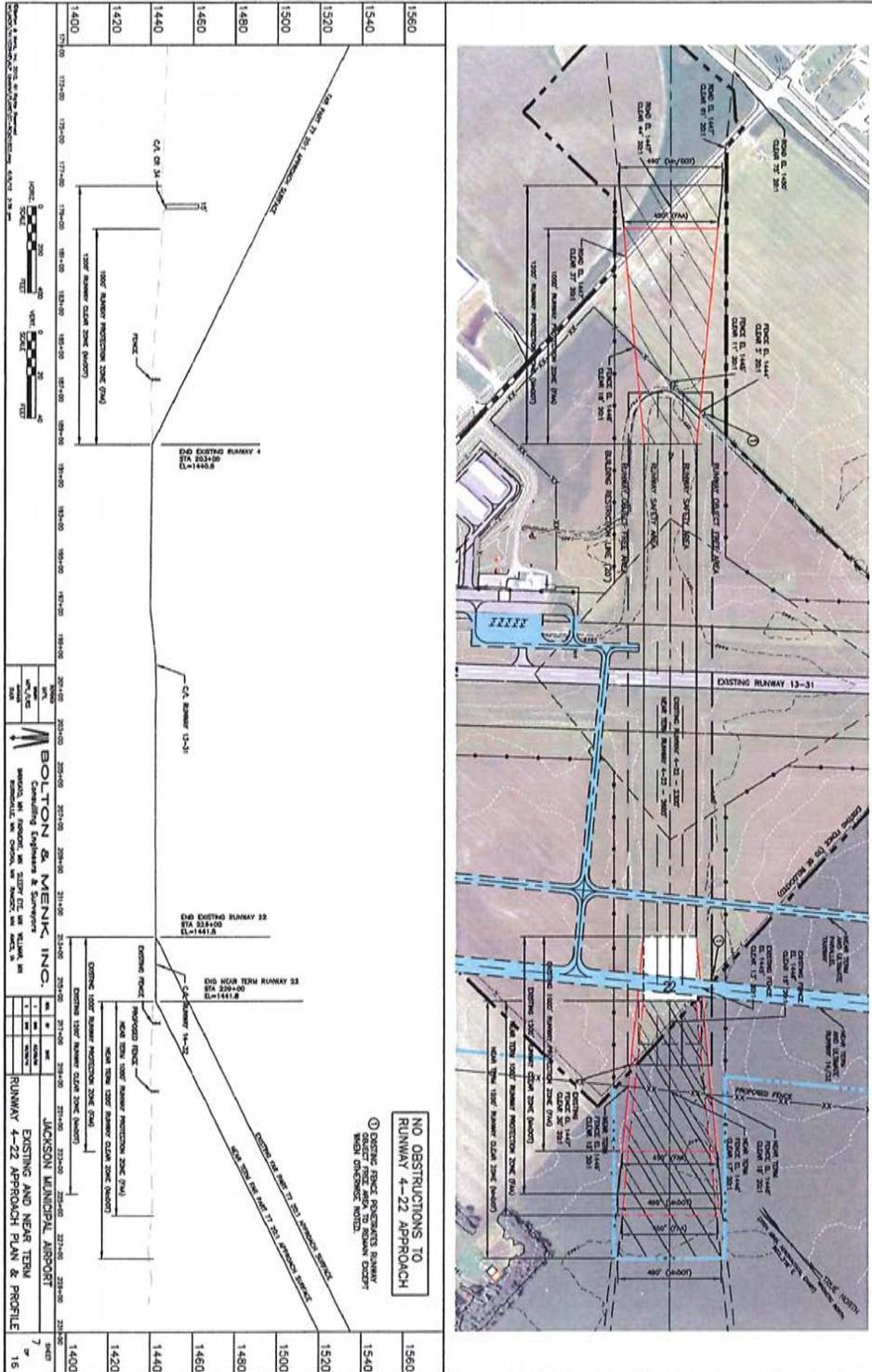
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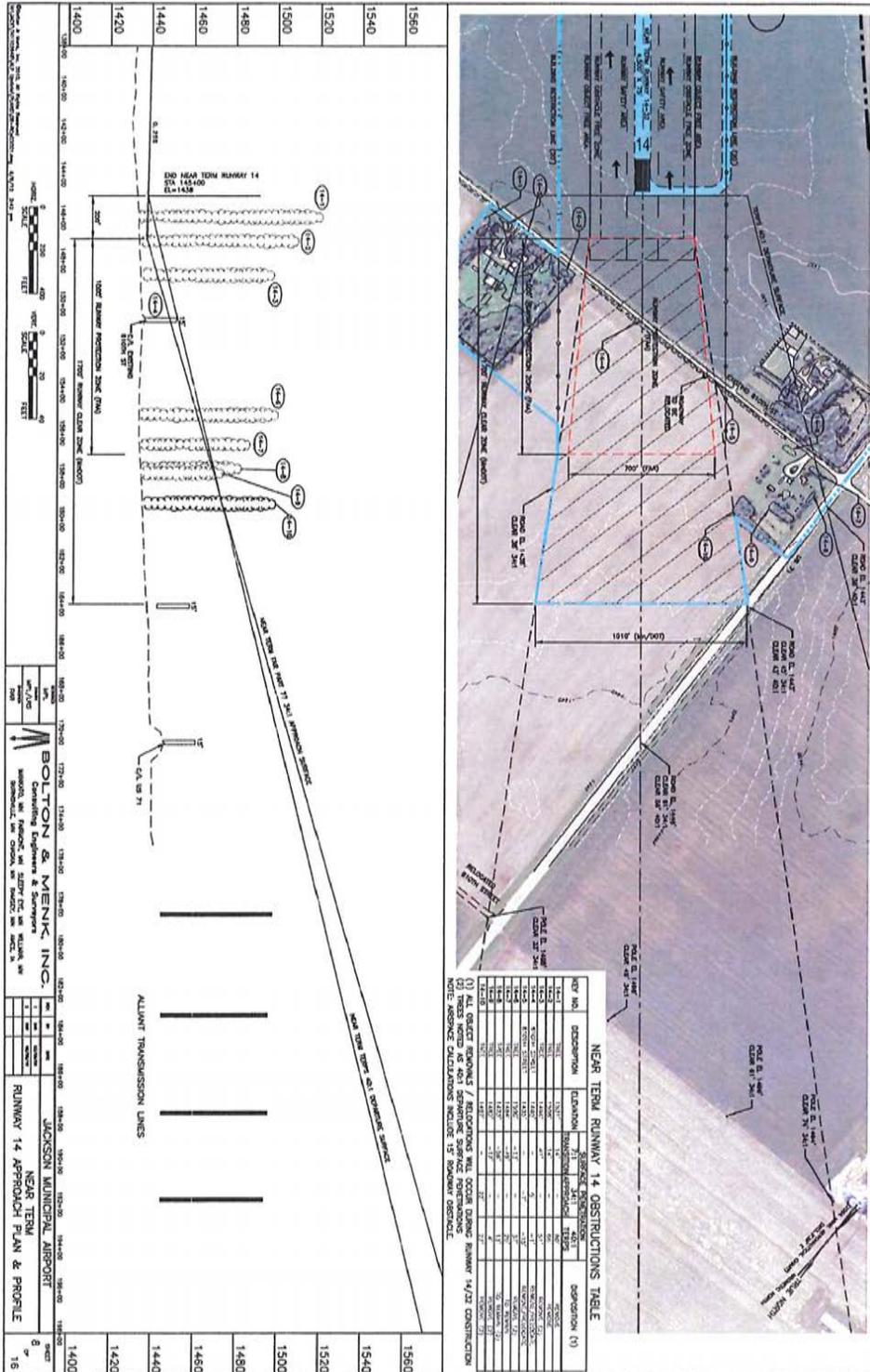


FEIS ID #4

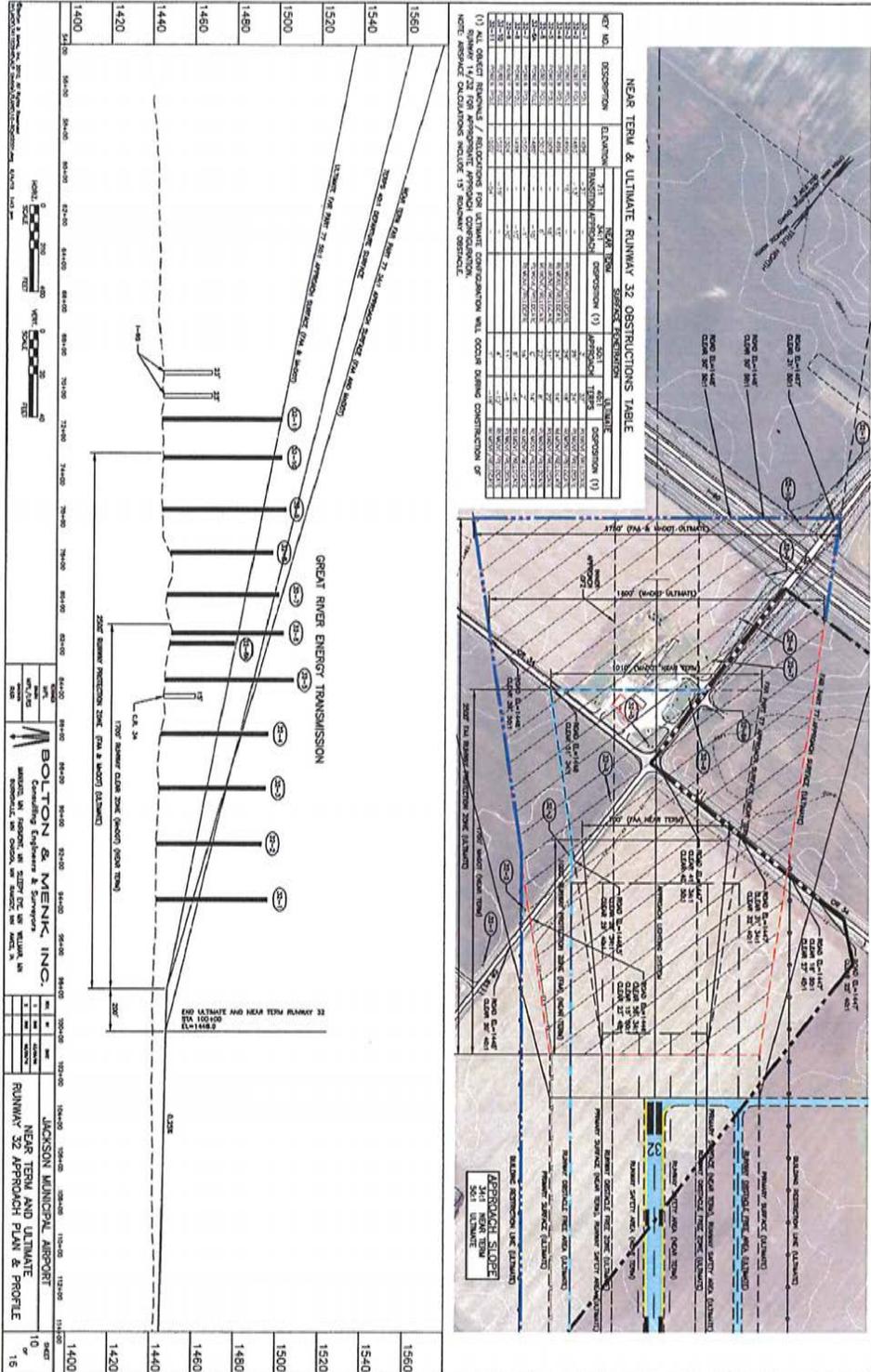


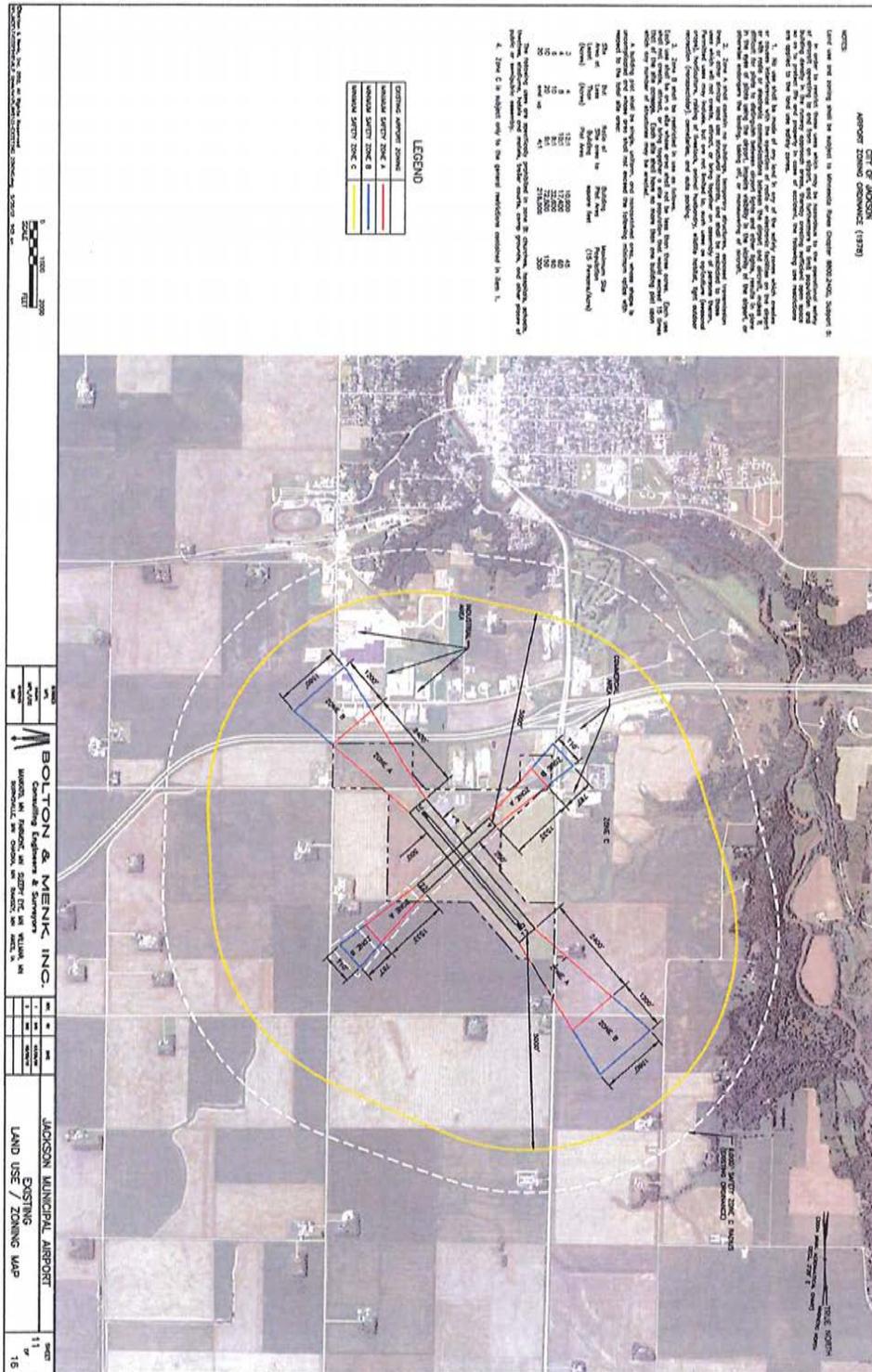


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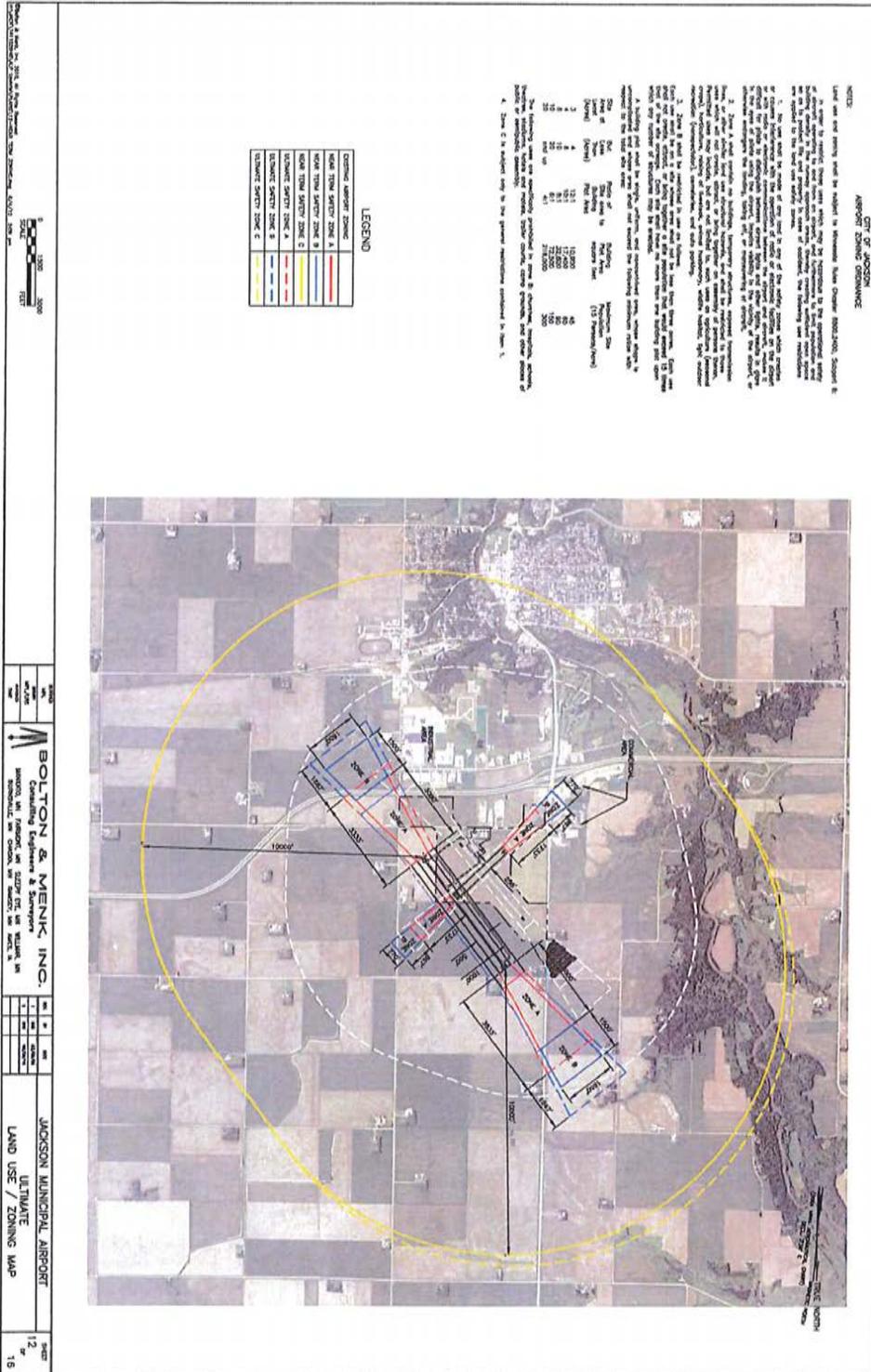


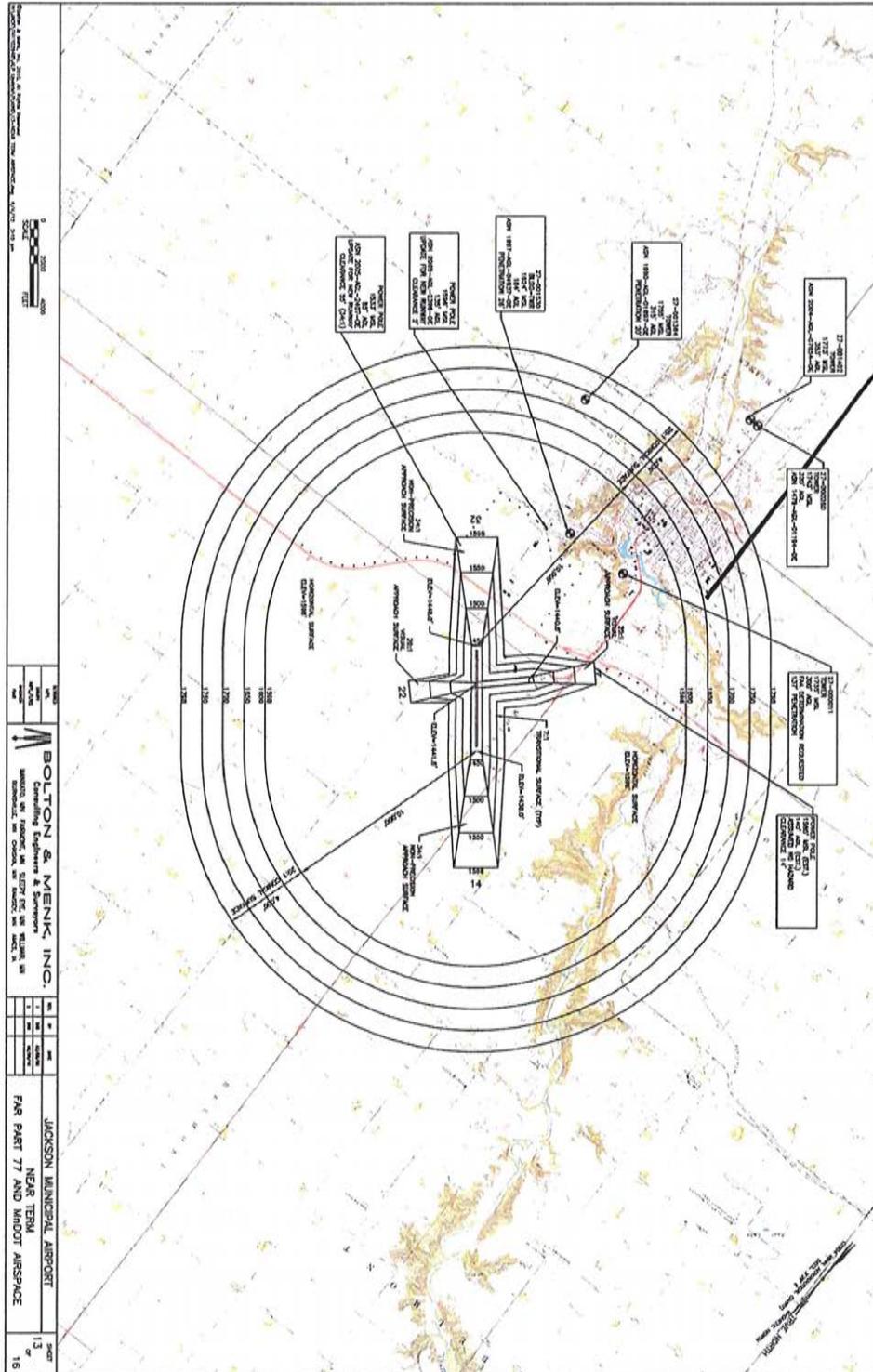
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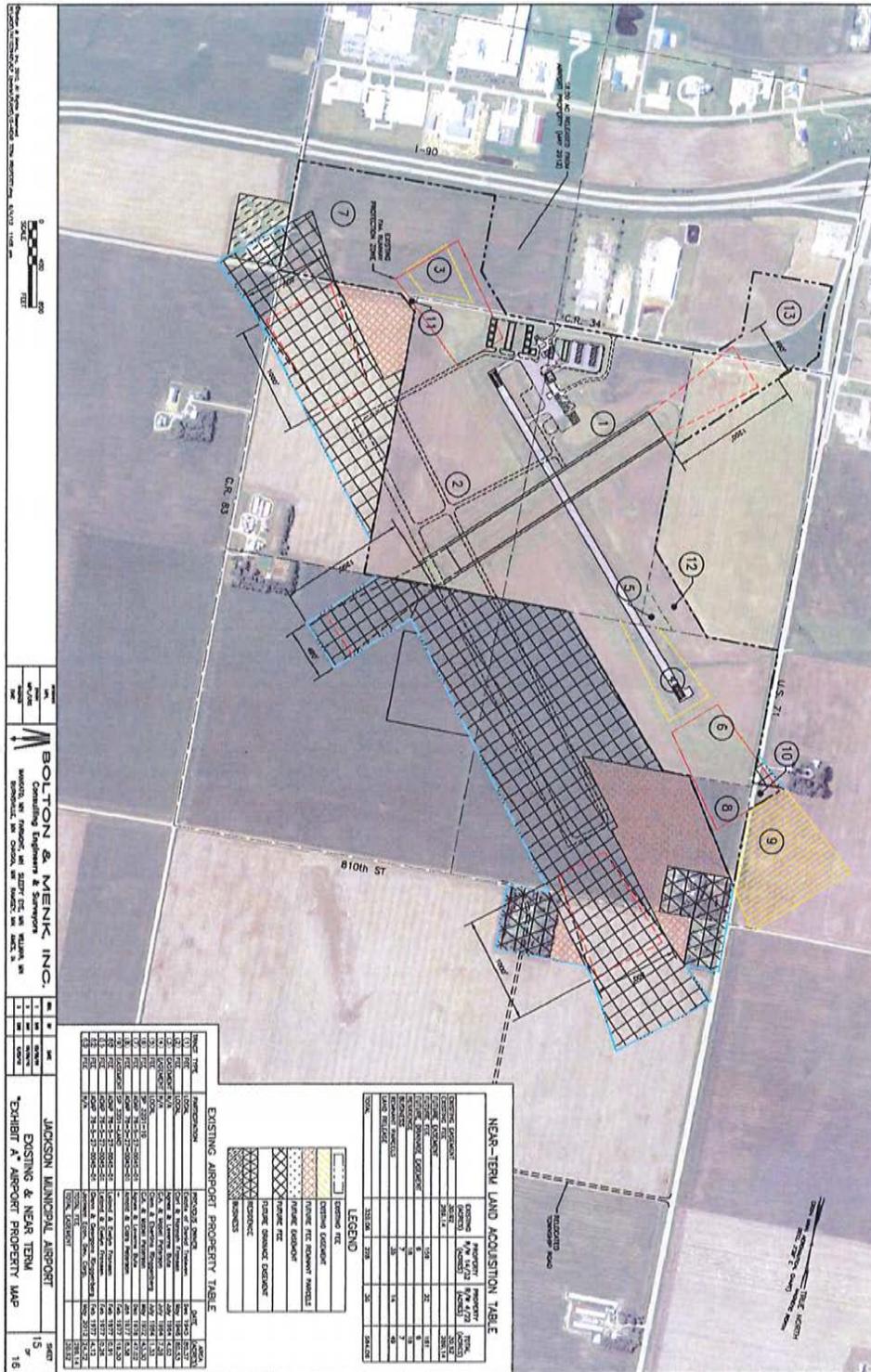




FEIS ID #4







Johnson, Berens & Wilson

Attorneys At Law

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JAMES A. WILSON

NEWTON A. JOHNSON, RETIRED
L.M. WHITEHEAD, 1913-2002

May 6, 2014

Minnesota Dept. of Commerce
ATTENTION: Environmental Review Manager Ray Kirsch
85 Seventh Place East
Suite 500
St. Paul, MN 55101-2198

Re: Environmental Impact Comment
Minnesota to Iowa 345kV transmission line project
Docket no's ET6675/TL-12-1337 & ET6675/CN-12-1053

Dear Mr. Kirsch:

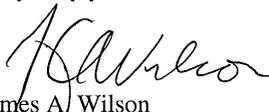
This comment is from the City of Sherburn, Martin County, Minnesota and is with regard to the above proposed transmission line project.

The City Council of the City of Sherburn has asked me to advise you that the City of Sherburn is in support of both Route A-modified, or Route B where the transmission line is north of I-90 and outside the City limits of the City of Sherburn.

The City is opposed to Route A as the City of Sherburn is located south of Interstate 90 at the intersection of State Highway 4. Sherburn has a population of 1,137 residents and proposed Route A would impact Martin County West High School and Elementary School, a church, the City Fire Hall, and personal residences. It is not a desired route in the City of Sherburn.

Keeping a route selection north of Interstate 90 and outside the City limits of the City of Sherburn is our request.

Very truly yours,



James A. Wilson
City Attorney, City of Sherburn

JAW:sh

RECEIVED

MAY - 9 2014

MAILROOM

FEIS ID #5

5.

Your preferences for modified route A or route B are noted and included in the record for this EIS. Your objection to route A is noted and included in the record for this EIS.



Martin County Coordinator's Office

201 Lake Ave. Room 100 • Fairmont, MN 56031

Scott Higgins - County Coordinator
Julie Walters - Administrative Assistant

Visit us at: www.co.martin.mn.us

May 14, 2014

Honorable Members of the
Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

Scott Ek
Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

Ray Kirsch, State Permit Manager
Energy Facility Permitting
85 7th Place East, Suite 500
St. Paul, MN 55101

Dear Public Utilities Commission Members:

The Martin County Board of Commissioners supports the proposed Minnesota-Iowa 345 kV Electric Transmission Project, which is going through Martin County, MN. However, we have a few concerns and comments regarding the proposed route(s) for the transmission lines that we would ask the Commission to consider and be aware of when making your final decisions.

The County Board members have attended the various public meetings held throughout the county, including the most recent meeting held in Fairmont, MN on April 22, 2014. Over the course of these meetings, we have heard from our constituents who are potentially affected by the Project. The Board, and on behalf of those residents who are affected by the proposed transmission project, we would state the following concerns,

- That the chosen route does not go through the north end of the city of Sherburn, MN
- That the chosen route does not go over existing homes or livestock facilities/buildings
- That the chosen route does not span over Fox Lake
- It would be preferred that the transmission lines be routed along Interstate 90

Again, we ask that you please consider the aforementioned concerns when finalizing the route for the Minnesota-Iowa 345 kV Electric Transmission Project.

Our Mission:

Martin County Government is to provide efficient and quality service to taxpayers and customers, utilizing partnerships, communication, and cooperation.

Phone: (507) 238-3126 • Fax: (507) 238-3136

E-mail: scott.higgins@co.martin.mn.us • E-mail: Julie.Walters@co.martin.mn.us

AN EQUAL OPPORTUNITY EMPLOYER

FEIS ID #6

6.

Your objection to routing near Sherburn, over existing homes or livestock facilities/buildings, or over Fox Lake, and your preference for routing along Interstate 90 have all been noted and included in the record for this EIS.

Page 2
Minnesota-Iowa 345 kV Electric Transmission Project

Thank you for your consideration.

Sincerely,



Dan Schmidtke
Chair, Martin County Board of Commissioners

Cc: Lori Broghammer, Area Manager at ITC Midwest

FEIS ID #6

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ITC Midwest LLC • 901 Marquette Avenue, Suite 1950 • Minneapolis, MN 55402

May 9, 2014

VIA ELECTRONIC FILING

Raymond Kirsch
Minnesota Department of Commerce
Energy Environmental Review and Analysis
85 7th Place East, Suite 500
St. Paul, MN 55101

RE: *In the Matter of ITC Midwest LLC's Certificate of Need and Route Permit Applications for the Minnesota - Iowa 345 kV Transmission Project in Jackson, Martin, and Faribault Counties, Minnesota*
PUC Docket Nos. ET6675/CN-12-1053 and ET6675/TL-12-1337
Draft Environmental Impact Statement Comment Letter

Dear Mr. Kirsch:

ITC Midwest LLC ("ITC Midwest") has reviewed the draft Environmental Impact Statement ("EIS") prepared by the Department of Commerce, Energy Environmental Review and Analysis ("EERA"), for the Minnesota portion of the Minnesota - Iowa 345 kV Transmission Project in Jackson, Martin, and Faribault Counties ("Project") and provides the following comments.

The draft EIS includes information on the routes and connector segments proposed in ITC Midwest's Route Permit Application and information on possible combinations of route and alignment alternatives proposed in the EIS Scoping Decision. In February 24, 2014 direct testimony, ITC Midwest identified Modified Route A as its recommended route. The draft EIS includes analyses of all of the individual EIS Scoping Decision route and alignment alternatives comprising Modified Route A, but does not specifically include a route analysis of Modified Route A from the Lakefield Junction Substation to the Huntley Substation and from the Huntley Substation to the Iowa border. The final EIS should include an analysis of Modified Route A.

7-1

FEIS ID #7

7-1.

The EIS has been amended to include analysis of modified route A (MRA). Amendments include (1) revised discussion of the project and routing options (Section 3), (2) revised discussion in the route variation sections where the modifications to route A occur (Sections 6.1.2 and 6.2.2), (3) a revised relative merits discussion (Section 7) and (4) revised maps throughout.

Raymond Kirsch
May 9, 2014
Page 2

7-2

ITC Midwest included information on the potential impacts of Modified Route A in its direct testimony, but that format is different than that included in the draft EIS. To ensure a full and developed record, ITC Midwest included an evaluation of Modified Route A in a format similar to that presented in Chapters 6 and 7 and Appendix J of the draft EIS in the rebuttal testimony of ITC Midwest witness Jack Middleton. Mr. Middleton's testimony also includes several comments on portions of the draft EIS that should be evaluated for inclusion or revision in the final EIS. Mr. Middleton's rebuttal testimony is attached to this letter as **Attachment A**. This letter provides further comments on the draft EIS and suggests various clarifications, updates, and modifications that ITC Midwest recommends incorporating into the final EIS.

As EERA prepared the draft EIS, it submitted several requests to ITC Midwest for information. Included with this letter as **Attachment B** are copies of the responses to EERA's requests. This attachment also includes the cover letter and electric and magnetic field calculations included in Appendix H-2 of the draft EIS.

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7-2.

Comments contained in Mr. Middleton's rebuttal testimony are noted and addressed below. See comments 7-46 through 7-56.

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 Page 3

Clarifications and Revisions

7-3

7-4

Draft EIS Location	Proposed Revision
Page 1	<p>The draft EIS states: "In addition to these approvals . . . would require approvals (e.g., permits, licenses) from the other state agencies, federal agencies, and local units of government." ITC Midwest recommends that the statement be revised for the final EIS to reference the binding effect of the Route Permit as follows (additions in blue double underlined text) to match the statement on page 57 of the DEIS:</p> <p style="padding-left: 40px;">In addition to these approvals . . . would require approvals (e.g., permits, licenses) from the other state agencies, federal agencies, and local units of government. <u>However, under Minnesota's Power Plant Siting Act, the route permit issued for the HVTL "shall be the sole site or route approval required to be obtained by the utility. Such permit shall supersede and preempt all zoning, building or land use rules, regulations or ordinances promulgated by regional, county, local and special purpose government. (Minnesota Statutes, section 216E.10).</u></p> <p>ITC Midwest believes that this revision will ensure that the reader is fully informed on the Commission's authority under the Power Plant Siting Act, Minnesota Statutes Chapter 216E.</p>
Page 14	<p>The draft EIS states that the expansion of the Lakefield Junction Substation for the Project "would require acquisition of approximately three acres of land, with the fenced area of the substation expanding by about 2.2 acres." While these statements are correct, ITC Midwest notes that it has entered into a purchase agreement with the adjacent landowner for 31.52 acres.</p>

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7-3.

Text in Section 1.3 has been modified to address this comment.

7-4.

This comment is noted and included in the record for this EIS.

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 Page 4

7-5

7-6

Draft EIS Location	Proposed Revision
Pages 14 and 15	<p>The associated facilities for the Project and the proposal for the Winnebago Junction Substation are discussed on pages 14 and 15 of the draft EIS. ITC Midwest would like to clarify that, as stated in the draft EIS, it proposes to remove and decommission the Winnebago Junction Substation as part of the Project after the new Huntley Substation is constructed. The draft EIS incorrectly states that one 161 kV transmission line and one 69 kV transmission line would remain on the Winnebago Junction Substation property after the Project is complete. Instead, one 161 kV transmission line and two 69 kV transmission lines will cross the Winnebago Junction Substation property. ITC Midwest proposes to place one of the 69 kV lines (built to 161 kV specifications) with the 161 kV line on 69 kV/161 kV double-circuit structures and the other 69 kV line (built to 161 kV specifications) on single-circuit structures.</p>
Page 15	<p>ITC Midwest recommends the following additional language to clarify that the permittee can request post-route permit changes.</p> <p style="padding-left: 40px;">The transmission line must be constructed within the Commission’s designated route <u>unless subsequent permissions are sought by ITC Midwest from, and approved by, the Commission.</u></p>

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7-5.

Text in Section 3.4.2 has been modified to correctly identify the number of transmission lines that will remain on the Winnebago Junction substation property.

7-6.

Text in Section 3.5 has been modified to address this comment.

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 Page 5

7-7

Draft EIS Location	Proposed Revision
Page 16	<p>To ensure a complete evaluation of routes under consideration for the Project, Modified Route A should be added to discussions in the final EIS. Specifically, the areas where ITC Midwest has requested additional route width beyond 1,000 feet should be noted in the final EIS.</p> <p>Please add the following text to the route width discussion of the EIS after item 2:</p> <p><u>After Submitting its route permit application, ITC Midwest continued its routing and easement acquisition in Iowa. Because nearly all easements for the transmission line south of the Iowa border to the Ledyard Substation have been acquired, ITC Midwest has requested that the width of Route A be decreased to 1,000 feet, centered on the existing 161 kV transmission line, in this area from the 1.25 mile width requested in Pilot Grove Township in the route permit application. Additionally, after submitting its route permit application, ITC Midwest identified five areas where the route width for Modified Route A is wider than 1,000 feet:</u></p> <ol style="list-style-type: none"> 1. <u>Des Moines River (1,400 feet);</u> 2. <u>South of Lake Charlotte (1,200 feet);</u> 3. <u>Lake Charlotte near State Highway 15 (1,400 feet);</u> 4. <u>South of and adjacent to the Proposed Northern Huntley Substation (2,200 feet); and</u> 5. <u>Along F1-R/HI-1 near the Blue Earth River (1,700 feet).</u> <p><u>Should Route B be selected for the project, there are two areas where a route width greater than 1,000 feet is requested:</u></p> <ol style="list-style-type: none"> 1. <u>West and south of the Center Creek WMA (3,500 feet) and</u> 2. <u>The two miles north of the Iowa border (1.25 miles).</u> <p><u>Route B would also require a connector segment 1,000 feet in width on the north side of the Iowa border from Route B to the west where it could connect with the Iowa portion of the project.</u></p>

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7-7.

Text in Section 3.5.1 has been modified to further describe route widths requested for the project.

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 Page 6

7-8

7-9

7-10

Draft EIS Location	Proposed Revision
Page 16	In Pilot Grove Township near the Iowa border, ITC Midwest requested a route width of 1.25 miles <u>in its Route Permit Application</u> to provide flexibility in coordinating the route in Minnesota with the portion of the project to be approved by the Iowa Utilities Board and constructed in Iowa. <u>Because nearly all easements for the transmission line south of the Iowa border to the Ledyard Substation have been acquired at this time, ITC Midwest requests that the A-HI route width in this area be decreased to 1,000 feet centered on the existing 161 kV transmission line.</u>
Pages 21 and 23	Table 3-2 includes the technical specifications of 345 kV structures proposed in the Route Permit Application. This table should be revised to include all 345 kV structures identified in Appendix H-2. Included with this letter at Attachment C is a revised table for your consideration for Table 3-2 in the final EIS. Additional structure types from those identified in the Route Permit Application are identified in red text.
Page 24	The draft EIS states that construction of the Project would not commence until all necessary permits and final plan and profile approvals were obtained. While it is true that all required permits and other approvals are necessary before ITC Midwest may proceed with construction, if all approvals for a portion of the Project are received, construction on that portion may proceed while waiting for approvals on other portions of the Project.

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7-8.

This comment is addressed in the response to comment 7-7. Route A-HI is that segment of route A from the Huntley substation to the Iowa border. Route A-HI is part of route A and is appropriately described by the modified text in Section 3.5.1.

7-9.

Table 3-2 has been revised to address this comment.

7-10.

Text in Section 3.8 has been modified to address this comment.

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 Page 7

7-11

7-12

Draft EIS Location	Proposed Revision
Page 25	<p>The draft EIS includes a discussion of Minnesota Statutes 216E.12, subdivision 4. ITC Midwest requests that this language be revised to recognize that the statute contains eligibility criteria and not all properties along the 345 kV line route approved by the Commission may be eligible. The following language is proposed for inclusion in the final EIS:</p> <p style="padding-left: 40px;">There may be instances where landowners elect to are eligible to require ITC Midwest to purchase their property, rather than acquiring only an easement for the transmission facilities under Minnesota Statutes, section 216E.12, subdivision 4. <u>exercise their rights under Minnesota Statutes, section 216E.12, subdivision 4, which would to purchase their property, rather than acquiring only an easement for the transmission facilities.</u> This statute, sometimes referred to as the “Buy-the-Farm” statute, applies only to transmission facilities that are 200 kV or <u>more and to properties that meet certain other criteria</u>; thus, this statute would apply to parcels crossed by the 345 kV transmission line but not to parcels crossed by the 161 kV transmission line.</p>
Page 25	<p>The draft EIS includes a statement that “ITCM notes that it would also upgrade existing roads or construct new roads, where necessary.” ITC Midwest, in its Route Permit Application at page 47, committed to the following: “ITC Midwest will ensure that township, city, and county roads used for purposes of access during construction will be returned to either the condition they were in, or better, before right-of-way clearing began.” The commitment in the draft EIS should be deleted and the final EIS should be revised to reflect ITC Midwest’s commitment stated in its Route Permit Application.</p>

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7-11.

Text in Section 3.8.1 has been modified to address this comment.

7-12.

Text in Section 3.8.2 has been modified to address this comment.

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 Page 8

7-13

7-14

7-15

Draft EIS Location	Proposed Revision
Page 27	<p>The cost for Route B in Table 3-4 of the DEIS does not include either the cost to install the 161 kV arms and circuit in the future or the cost to rebuild the existing 161 kV line in its current location, which would be required if Route B were selected. This information, provided in the Route Permit Application, should be added to the FEIS.</p> <p>Additionally, after submitting the Route Permit Application, ITC Midwest identified a need for reactors at the Huntley Substation at an added cost of approximately \$2 million as stated in the direct testimony of ITC Midwest witnesses Amy Ashbacker and William Coeur. This amount should be added to Project costs in the final EIS.</p>
Page 48	<p>The draft EIS includes an evaluation of a No-Build Alternative to the Project on page 48. This evaluation includes the following statement: "These shortcomings would likely lead to higher prices for transmission in the project area." The no-build alternative will not impact transmission prices and the statement should either be deleted, or the word "electricity" should be substituted for "transmission."</p>
Page 48	<p>The draft EIS states that in "some instances" a 69 kV transmission line "is considered a transmission voltage and in others a distribution voltage." The 69 kV transmission lines in the Project area are transmission lines and this language should be revised as follows:</p> <p style="padding-left: 40px;">Some lines operate at 69 kV, a voltage that <u>is considered a transmission voltage in the Project area</u> in some instances is considered a transmission voltage and in others a distribution voltage.</p>

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7-13.

Text in Section 3.9 has been modified to address this comment. Table 3-4 and Table 6-5 have been modified to reflect project costs with reactors at the Huntley substation.

7-14.

Text in Section 4.2 has been modified to address this comment.

7-15.

Text in Section 4.5.1 has been modified to address this comment.

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7-16

7-17

7-18

Draft EIS Location	Proposed Revision
Page 55	The draft EIS, at page 55, states that “[c]onstruction noise would occur during daytime hours, so only daytime standards would apply.” Although ITC Midwest intends to limit construction activities to daytime hours between 7 a.m. and 10 p.m., EERA has recognized in prior environmental review documents that “[o]ccasionally there may be construction outside of these hours or on a weekend if the company is required to work around customer schedules, line outages, or has been significantly impacted due to other factors.” <i>In the Matter of the Route Permit Application for the Canisteo High Voltage Transmission Line in Itasca County, ENVIRONMENTAL ASSESSMENT</i> at 28-29, Docket No. E015/TL-13-805 (Apr. 2, 2014). Language similar to this should be incorporated into the final EIS.
Page 56	Table 5-1 includes Noise Area Classification 1, for residential use. Because the nearest noise receptor to the Huntley Substation, at the site proposed in the Route Permit Application, is non-residential, the appropriate Noise Area Classification should be added to Table 5-1 in the final EIS.
Page 57	The draft EIS includes an evaluation of property values. The draft EIS states that “[t]he value of agricultural property decreases when transmission line poles interfere with farming operations.” The meaning of inference is not defined and there are no analyses or studies referenced to support the statement. The final EIS should define the meaning of interference and list all supporting references for this statement.

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7-16.

Text in Section 5.1.3 has been modified to address this comment.

7-17.

Table 5-1 has been modified to address this comment.

7-18.

Section 5.1.4 references Appendix G which includes a review of studies on property value impacts due to transmission lines. Included in these studies is the final EIS for the Arrowhead-Weston Electric Transmission Line Project. This EIS, after review of several studies, articles, and court cases, concluded that the value of agricultural property is likely to decrease if power line poles are placed in an area that inhibits farming operations (see Appendix G).

Potential interference with agricultural operations (or in the terms of the Arrowhead-Weston EIS, "inhibition") is described in Section 5.4.1 of the EIS and this description is referenced in Section 5.1.4. As described in Section 5.4.1, potential impacts to agricultural operations due to transmission lines include potential interference with on-the-ground field operations, aerial spraying, irrigation, organic farming, livestock husbandry, and precision farming systems.

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7-19

7-20

Draft EIS Location	Proposed Revision
Page 58	<p>The draft EIS includes language related to restoring electronic reception to pre-project quality should any issues arise as a result of the Project. ITC Midwest understands that the language referenced is included in the Generic Route Permit Template provided in Appendix B. ITC Midwest requests further consideration of revising this language to the following:</p> <p style="padding-left: 40px;">Should electronic interference occur as a result of the project, ITCM will work with affected landowners on a case-by-case basis to assess the cause of the interference and, to the extent practicable, restore electronic reception to pre-project quality.</p> <p>This language was previously requested by ITC Midwest. Attachment B. This language clarifies that ITC Midwest will work with landowners to determine the cause of any interference and will restore reception if the interference is caused by the Project. ITC Midwest recommends that this language also be added to the end of Section 5.4.1, Precision Farming Systems on page 73 of the draft EIS.</p>
Page 60	<p>The draft EIS states that “ITCM indicates that it plans to locate the structures along I-90 at least 65 feet, and in most places 100 feet, from the edge of the Minnesota Department of Transportation (MnDOT) ROW.” This language is consistent with the Route Permit Application (p. 35), but only applies to Route A as proposed in the Route Permit Application. In its direct testimony, ITC Midwest proposed to locate <i>Modified</i> Route A as close as 30 feet to the MnDOT right-of-way along the north side of I-90 just east of Sherburn and approximately 100 feet from the MnDOT right-of-way along the south side of I-90 in this area (Middleton, Schedule 11). The final EIS should be revised to reflect this information.</p>

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7-19.

Text in Section 5.1.6 and 5.4.1 has been modified to address this comment. The modifications reflect the Commission's generic route permit template (see Appendix B). To the extent the commenter wishes to modify the text of the Commission's generic route permit template or to suggest permit language for this project, the comment is not addressable in this EIS.

7-20.

Text in Section 5.2.1 has been modified to address this comment.

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 Page 11

7-21

7-22

Draft EIS Location	Proposed Revision
Page 61	<p>The draft EIS discusses that routes for the Project parallel existing “power lines” and where this occurs “the lines could be co-located to minimize the number of transmission structures.” If the final route selected for the Project follows an existing distribution line, the distribution line would likely be constructed underground at a cost of approximately \$80,000 per mile.</p>
Page 64	<p>The draft EIS states that the studies in Appendix H1 conclude there is “[a] need for a precautionary approach in the design and use of all electrical devices, including transmission lines.” Further, that the Commission “has adopted a precautionary approach” to magnetic fields from transmission lines.</p> <p>These statements do not appear to accurately reflect the state’s policy on EMF and should be revised. The Minnesota Interagency Working Group on EMF evaluated multiple policy approaches to addressing low frequency magnetic fields and recommended that a “prudent avoidance approach” be taken in the context of routing transmission lines (p. 36). As stated in its report (p. 28), prudent avoidance “is very similar to the precautionary principle . . . however, prudent avoidance generally does not carry the same connotations of shifting the burden of proof to the proposer of the activity in question.”</p>

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7-21.

Text in Section 5.2.2 has been modified to address this comment.

7-22.

Text in Section 5.3 has been modified to address this comment.

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 Page 12

7-23

7-24

Draft EIS Location	Proposed Revision
Pages 65 and 66	<p>The discussion of “Regulatory Standards” in the draft EIS for electric fields and magnetic fields includes both a general discussion in the EIS and a summary in Appendix H1 titled “Electric and Magnetic Fields Health Studies”. The text of the draft EIS on pages 65-66 includes a citation to the BioInitiative report, which is not included in Appendix H1. The EIS on pages 65-66 should be revised to include only the supporting information provided in Appendix H1.</p> <p>In the alternative, if EERA chooses not to revise this section, EERA should include a discussion of the testimony provided by Dr. Valberg provided in opposition to Dr. Carpenter’s opinion for the Brookings County to Hampton 345 kV transmission line project (Docket No. ET2/TL-08-1474) and the ALJ and Commission conclusions from that proceeding. Specifically, the text should note that the report authored by Dr. Carpenter and Cindy Sage, as it relates to extremely low frequency electric and magnetic fields, is not widely accepted and many researchers in this field do not find its conclusions persuasive. Further, its conclusions have been criticized by independent and governmental research groups for its lack of balance, including the Health Council of the Netherlands, and the European Commission’s EMF-Net coordination group.</p>
Page 67	<p>Table 5-5 identifies magnetic field calculated values for “Future Maximum”. This term is defined in column 2 of page 66 of the draft EIS. It would be helpful to the reader if the Table 5-5 included an explanation of “Future Maximum” in the lead-in text contained in the yellow box. Specifically, the lead-in box should include the following: “‘Future Maximum’ magnetic field calculations assume that 2,000 megawatts (MW) of new generation are added in southwest Minnesota over the next several years.”</p>

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7-23.

Though Appendix H1 provides additional information on reviews and studies regarding potential health impacts related to EMF, it is not intended that there be a one-to-one correspondence between Appendix H1 and the text of the EIS. Appendix H1 supplements the text of the EIS.

Text in Section 5.3.1 has been modified to note that there was testimony provided in the Brookings County to Hampton project in opposition to Dr. Carpenter's opinion in the matter.

7-24.

Table 5-5 has been modified to address this comment.

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 Page 13

7-25

7-26

7-27

7-28

Draft EIS Location	Proposed Revision
Page 69	<p>At page 69, the draft EIS discusses several topics related to the operation of high voltage transmission lines. ITC Midwest requests that revisions be made to the Stray Voltage (Section 5.3.3) and Induced Voltage (Section 5.3.4) sections to clarify misleading statements. These revisions are included with this letter at Attachment D.</p> <p>Revision 1 is requested because stray voltage can be experienced when there is contact between the livestock and <u>one</u> metal object that is not properly grounded. Additionally, a more appropriate citation for Reference 25 would be to a scientific paper evaluating stray voltage and explaining how it can occur in a livestock setting.</p> <p>Revision 2 is requested because 69 kV lines in the area of the Project are transmission lines. The revisions requested here clarify this paragraph.</p> <p>Revision 3 is requested to clarify the paragraph and add that another method of mitigation should stray voltage occur on a distribution circuit is isolation of the end-user neutral.</p> <p>Revision 4 is requested as the paragraph regarding magnetic fields in the "Induced Voltage" paragraph is not an accurate description of induced voltage. The first paragraph in Section 5.3.4 accurately describes induced voltage.</p>

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7-25.

Text in Section 5.3.3 has been modified to address this comment.

7-26.

Text in Section 5.3.3 has been modified to address this comment.

7-27.

Text in Section 5.3.3 has been modified to address this comment.

7-28.

Text in Section 5.3.4 has been modified to address this comment. The description of the phenomenon of the discharge of a voltage from an insulated conductive object is correct. This description has been placed in a separate paragraph to indicate that it can occur with all induced voltages, not solely with those created by alternating magnetic fields.

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 Page 14

7-29

7-30

Draft EIS Location	Proposed Revision
Page 72	<p>The draft EIS discusses steps that can be implemented to mitigate impacts to agricultural lands when designing and constructing the Project. One method discussed is the placement of transmission structures parallel, and not diagonal, to existing field lines. Diagonal crossings of agricultural fields by themselves do not necessarily impact agricultural operations. Instead, should a diagonal crossing be necessary, spanning the field and placing structures on field lines can mitigate potential impacts. The final EIS should be revised as follows:</p> <p style="padding-left: 40px;">Where structures are placed in fields, impacts could be mitigated by not placing structures diagonally across fields, but rather parallel to existing field lines <u>or spanning fields where practicable if diagonal crossings are necessary.</u></p>
Page 73	<p>The draft EIS discusses precision farming systems and global positioning systems on page 73. ITC Midwest requests several revisions to this section to clarify the technology and also include a more detailed list of possible interferences with these real-time kinematic systems. The proposed revisions are included in Attachment E to this letter.</p>

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7-29.

Text in Section 5.4.1 has been modified to address this comment.

7-30.

Text in Section 5.4.1 has been modified to address this comment.

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 Page 15

7-31

7-32

7-33

Draft EIS Location	Proposed Revision
Page 88	The draft EIS discusses that the existing 161 kV lines “across Fox Lake and Lake Charlotte could be removed from the lakes” by co-locating the existing 161 kV line along a new 345 kV line route. Specifically, the draft EIS identifies Route Alternatives I90-1 and I90-2 as providing this option and Route Variations FL-3 and FL-4 for removal from Fox Lake and “several” Route Variations for removal from Lake Charlotte. The final EIS should include that ITC Midwest has proposed Modified Route A to provide an open 161 kV position on the Project structures to relocate the 161 kV lines from the lakes in the future when existing 161 kV structure maintenance occurs or other operational conditions warrant or should the Commission require this relocation as part of the Project.
Page 114	The draft EIS includes the following statement: “The Lake Charlotte area has public and private investments. To the extent that new investments . . . are harmonious with current investments, impacts to property values are likely minimized in the Lake Charlotte area as a whole.” The content and intent of this information are unclear and revisions appear to be necessary. There is no explanation of the meaning of “harmonious with current investments.” The final EIS should include more information on what this statement means, especially the term “harmonious,” or the statement should be removed from the final EIS.
Page 118	The draft EIS includes a statement that the aesthetic impacts would be greater on I90-1 and I90-2 because “two sets of conductors being less desirable to look at than one.” This statement is not supported by any studies or analyses. The final EIS should list all supporting references for this statement and provide more analysis to support the conclusion.

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7-31.

Text in the Section 6.0 summary has been modified to address this comment.

7-32.

The text cited in this comment is in Section 6.1.2, p. 141. The text discusses potential aesthetic impacts associated with routing options in the Lake Charlotte area.

The EIS uses the term “harmonious” throughout its discussions of potential aesthetic impacts. As discussed in Section 5.1.1, aesthetic impacts are anticipated to be fewer where new infrastructure is harmonious, to the extent possible, with the existing natural and built landscape. This landscape often includes horizontal (e.g., roads) and vertical (e.g., buildings, wind turbines) elements. In short, putting “like with like” is anticipated to minimize the aesthetic impacts of new infrastructure.

Section 5.1.4 discusses potential property value impacts due to the project. The discussion in this section notes that transmission lines can impact the viewshed (i.e., natural and built landscape) associated with a particular property and adversely impact property values. The text cited in this comment (Section 6.1.2) connects these two sets of analysis – aesthetics and property values – in describing potential aesthetic impacts associated with routing options in the Lake Charlotte area.

7-33.

The text cited in this comment is based on the experience of EERA staff with environmental review of transmission line projects in Minnesota and on common observation.

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7-34

7-35

Draft EIS Location	Proposed Revision
Page 119	Table 6-5 provides a comparison of costs for the listed routes. The reference citation is to a Minnesota State Historic Preservation Office Archaeological Reports Database. This reference should be appropriately updated in the final EIS.
Page 189	The draft EIS identifies one archaeological resource within 100 feet of the A1-HI anticipated alignment. The draft EIS suggests training of construction workers regarding handling of archaeological resources. ITC Midwest intends to inform construction personnel of known archaeological resources along the final approved route for the Project. ITC Midwest will avoid known resources to the extent practicable during construction of the Project. Should a resource be encountered, the Minnesota State Historic Preservation Office (“SHPO”) will be notified and ITC Midwest will coordinate with SHPO on appropriate mitigation measures. ITC Midwest does not intend to train all construction workers on the identification of historic and archaeological resources although these workers will be informed of known resource areas. ITC Midwest’s environmental monitor will be responsible for the identification and reporting of any suspected resources encountered during construction.

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7-34.

The reference for Table 6-5 has been modified to address this comment.

7-35.

This comment is noted and included in the record for this EIS.

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7-36

7-37

7-38

7-39

Draft EIS Location	Proposed Revision
<p>Figures</p>	<p>The figures within the draft EIS illustrate general alignments or rights-of-way but do not show the route widths. Appendix L of the draft EIS is the only location in the document that illustrates the route width associated with each of the routes, route alternatives, and route variations. ITC Midwest recommends that each figure showing route, route alternative, or route variation include a statement that: (1) the figure only illustrates the right-of-way; (2) ITC Midwest will be issued a route permit for a specific route width; and (3) the proposed route widths are available in Appendix L.</p> <p>The draft EIS, throughout Chapter 6, includes photographs of various existing conditions in the Project area. These photographs do not include perspective directions to assist the reader in understanding the point of view of the photograph. It would be helpful to the reader if all photographs in the final EIS included the direction of the photograph perspective (i.e. the direction that the photographer is facing).</p>
<p>Appendix C</p>	<p>ITC Midwest revised its proposed structure drawings for the Project. All electric field and magnetic field calculations included in the draft EIS are based on these revised structure drawings. Appendix C should be revised for the final EIS to include the structure drawings provided in Schedule 6 to ITC Midwest witness William Coeur’s direct testimony, included here as Attachment F.</p>
<p>Appendix E</p>	<p>On May 1, 2014, the Minnesota Department of Agriculture approved ITC Midwest’s Agricultural Impact Mitigation Plan (“AIMP”). The AIMP and the approval letter are included at Attachment G to this letter. Appendix E of the final EIS should include this approved AIMP.</p>

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7-36.

Maps in Sections 3.0 and 6.0 have been revised to include information regarding route widths for the routing options depicted.

7-37.

Photograph captions have been modified to include the perspective of the photograph.

7-38.

Appendix C has been revised to include updated structure drawings for the project.

7-39.

Appendix E has been revised to include the Agricultural Impact Mitigation Plan (AIMP) for the project, as approved by the Minnesota Department of Agriculture.

Text in Section 5.4.1 has been modified to reflect that Appendix E is the AIMP for the project and not an example AIMP.

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7-40

7-41

Draft EIS Location	Proposed Revision
Appendix L - Associated Facilities	Appendix L of the draft EIS does not illustrate the route widths for associated facilities as shown in the EIS Scoping Decision, and in some instances (for example, LH50, LH52, LH53, LH54, LH55, LH56, and LH57) shows no route width. The final EIS should include a new map set of the associated facilities to reflect the route widths identified in the EIS Scoping Decision and the map should clearly illustrate that the Alternative Southern Huntley Substation site, encompassing all of Section 2 of Joe Daviess Township, only applies to Route Alternative I90-5.
Appendix L	<p>Revise route widths at the Iowa border for A-HI to illustrate the 1,000-foot route width that ITC Midwest is currently requesting in this area. Additionally, Appendix L should include the 1,000-foot wide connector segment between B-HI and A-HI at the Iowa border illustrated in Schedule 12 to ITC Midwest witness William Coeur’s direct testimony. The route widths greater than 1,000 feet that ITC Midwest has requested for Modified Route A should also be included in Appendix L.</p> <p>ITC Midwest does not propose or support route widths narrower than 1,000 feet for the 345 kV portions of the Project. ITC Midwest also continues to support route widths of at least 500 feet for the Associated Facilities of the configuration contemplated in the Route Permit Application. ITC Midwest believes these route widths balance the desire for landowner certainty and company flexibility that may be necessary to address engineering and/or landowner considerations during the design and construction phase of the Project.</p>

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7-40.

Appendix L has been revised to indicate route widths for associated facilities as shown in the EIS scoping decision.

7-41.

Map Sheets HI11 and HI12 have been modified to indicate the 1,000 foot route width for modified route A. The wider 1.25 mile route widths for route A and route B remain, consistent with the EIS scoping decision. Because the 1.25 mile route widths for these two routes (A and B) overlap, they include any connector segment between routes A and B in this area. Route widths greater than 1,000 feet for modified route A have been included in Appendix L.

Raymond Kirsch
 May 9, 2014
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7-42

7-43

Draft EIS Location	Proposed Revision
Appendix L	<p>The route widths provided in Appendix L of the draft EIS do not match the route widths presented in the EIS Scoping Decision. The EIS Scoping Decision route widths are not all centered on the anticipated alignment. The draft EIS appears to center all 1,000-foot route widths on the anticipated alignment.</p>
Alternative Southern Huntley Substation	<p>The draft EIS, in Appendix L (see LH50 and HI3) and in maps (see Map 3-4, Map 3-6, Map 6-2, Map 6-4, etc.) identifies a 32-acre site for the Alternative Southern Huntley Substation immediately north of I-90 at the intersection with Route A. Additionally, Chapter 6 evaluates this precise area for the Alternative Southern Huntley Substation.</p> <p>The selection of this location in the draft EIS for the Alternative Southern Huntley Substation is arbitrary and should be revised in the final EIS. The EIS Scoping Decision identifies all of Section 2 of Joe Daviess Township as the "Proposed Huntley Substation - Alternative." No steps have been taken by ITC Midwest to identify a substation location in this area. Instead, ITC Midwest would not begin such work until after a Route Permit was issued by the Commission that selected I90-5 for the Project.</p> <p>The final EIS should include all of Section 2 of Joe Daviess Township as part of I90-5 (both Option 1 and Option 2) and throughout all other maps and analysis for the Alternative Southern Huntley Substation to reflect the area identified in the EIS Scoping Decision and requested by ITC Midwest to allow ITC Midwest to work with landowners in the area to acquire the most appropriate substation site should I90-5 be selected for the Project.</p>

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7-42.

Route widths in Appendix L have been modified, as necessary, to reflect the EIS scoping decision.

7-43.

Maps in Section 3.0 and Appendix L have been modified to indicate that the Alternative Southern Huntley Substation site could be located anywhere in Section 2 of Jo Daviess Township, consistent with the EIS scoping decision.

In order to analyze the potential impacts associated with route alternatives I90-5, Options 1 and 2, a more exact location (more exact than "anywhere in Section 2 of Jo Daviess Township") for the Alternative Southern Huntley Substation was required. Analysis using this specific location, just north of I-90 and along the existing 161 kV line, is believed to be fairly representative of locating the substation in Section 2 of the township.

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7-44

Draft EIS Location	Proposed Revision
Appendix J	<p>In Appendix J of the draft EIS, Table J-1 (<i>Route Analysis Data for Routes, Route Alternatives, and Route Variations</i>), pp. J-10 through J-11 provides the estimated lengths the draft EIS Route Alternatives and Route Variations share with existing linear features through the Project area. These linear features include transmission lines, lines of land division, trails, county township roads, railroads, pipelines, field lines, highways, and none (presumably indicating that no existing linear feature is being paralleled). In addition, the table includes combinations of these features for particular types of right-of-way sharing employed by the draft EIS Route Alternatives and Route Variations.</p> <p>The method used to calculate the values displayed in this portion of Table J-1 is unknown and difficult to replicate. For example, the value for Route Alternative A-LH right-of-way sharing with transmission lines listed in Table J-1 is 10.9 miles (p. J-10). The value for that same route for field line right-of-way sharing is 5 miles (p. J-10). However, the value listed for the combined right-of-way sharing of transmission lines and field lines column is listed as 27.9 miles for Route Alternative A-LH (p. J-10). The sum of transmission line sharing (10.9 miles) and field line sharing (5 miles) provided in Table J-1 would appear to be 15.9 miles rather than the 27.9 miles listed in the 'Field Line-Transmission Line' column.</p> <p>Similar examples can be found throughout Table J-1 for other linear feature sharing combinations. ITC Midwest recommends that the right-of-way sharing data provided in Appendix J be clarified in the final EIS so that a total amount of right-of-way sharing can be more readily identified for each linear resource to provide a clear comparative of the draft EIS Route Alternatives, Route Variations, and Modified Route A.</p>

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7-44.

The total length of each route is provided in the first table in Appendix J. The table on pages 10 and 11 of Appendix J splits out the miles and percentages of the various types of right-of-way sharing along each route, including "none" for sections of the route that do not follow any existing right-of-way at all. Each column in the table is a separate, distinct right-of-way category. The total miles for of all the individual columns should add up to the total route length that is provided in the first table in Appendix J.

Therefore, the single right-of-way categories in the table were not meant to be added together to get the combined categories in the manner suggested in the comment. That is, the combined right-of-way categories (such as Field Line-Transmission Line) are not the sum of their individual categories. Instead, the combined categories are separate, distinct categories where the route happens, in this case, to follow an existing transmission line that runs along a field line. For example, Route A-LH follows 10.9 miles of existing transmission, 5 miles of field lines, and 27.9 miles where the existing transmission already follows field lines.

To make this clearer, the table headings in this section of Appendix J have been revised so that the combined right-of-way columns have the word "and" between the categories. For example, the Field Line-Transmission line category is now titled "Field Line and Transmission Line."

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Route Permit Conditions

The draft EIS includes both a Generic Route Permit Template and an Example Route Permit at Appendix B. Appendix B-1, the Generic Route Permit Template, includes a list of Special Conditions in Section 4.10, including a list of possible Plans. These plans are an Avian Mitigation Plan, Construction Environmental Control Plan, Agriculture Mitigation Plan, and Vegetation Management Plan. The Example Route Permit included at Appendix B-2 required all of these plans as special conditions. ITC Midwest has reviewed these special conditions and offers the following regarding applicability for the Project. The final EIS should include a list of plans that EERA believes are appropriate for the Project based on its environmental review, including supporting rationale for those plans.

7-45

Agriculture Mitigation Plan

ITC Midwest has worked closely with the Minnesota Department of Agriculture for over a year on developing an AIMP for the Project. ITC Midwest believes that a special condition requiring an AIMP for the Project is appropriate.

Avian Mitigation Plan

ITC Midwest intends to work with the Minnesota Department of Natural Resources ("MnDNR") and United States Fish and Wildlife Service ("USFWS") to identify proper locations for installation of bird flight diverters. Additionally, the Project will be constructed in accordance with the Avian Power Line Interaction Committee standards. ITC Midwest believes that a special condition requiring an Avian Mitigation Plan for the Project is appropriate.

Vegetation Management Plan

ITC Midwest has requested a 200-foot right-of-way for the 345 kV portions of the Project and a 150-foot right-of-way for the Associated Facilities. ITC Midwest's vegetation management will be confined to this right-of-way unless additional vegetation management rights beyond the right-of-way are sought and obtained from landowners. ITC Midwest believes that a special condition requiring a Vegetation Management Plan for the Project is appropriate so long as the vegetation management requirements do not violate sound engineering principles or system reliability criteria.

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7-45.

The EIS identifies, throughout, measures that could be used to mitigate potential impacts of the project. These measures could be included in a route permit issued by the Commission. Some of these measures are already included in the Commission's generic route permit template; others are included in the example route permit (Appendix B). The development of exact permit language for project-specific mitigation measures and mitigation plans is not a function of the EIS. EERA staff will provide comments to the administrative law judge regarding route permit conditions, per the Commission's order of June 27, 2013, in this matter.

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May 9, 2014
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Construction Environmental Control Plan

ITC Midwest has reviewed the Construction Environmental Control Plan requirements in the Example Route Permit provided in Appendix B-2 of the draft EIS. If a Construction Environmental Control Plan is recommended by EERA for the Project, the condition should avoid duplication with the other special conditions and plan descriptions. If recommended by EERA, ITC Midwest suggests the following language:

The Construction Environmental Control Plan shall include all environmental control plans and special conditions imposed by permits or licenses issued by state or federal agencies related to agency-managed resources. Plans within the Construction Environmental Control Plan shall include the Agricultural Impact Mitigation Plan (AIMP), an Avian Mitigation Plan (AMP), a Vegetation Management Plan (VMP), and a Stormwater Pollution Prevention Plan (SWPPP). The Construction Environmental Control Plan shall be filed with the Commission ten (10) days prior to submitting the Plan and Profile. The plan shall include the following:

- 1) Identification of and contact information for an Environmental Monitor to oversee the construction process and monitor compliance with the Construction Environmental Control Plan and all plans therein.
- 2) A process for reporting construction status to the Commission.
- 3) A process for internal tracking of construction management, including required plan or permit inspection forms.

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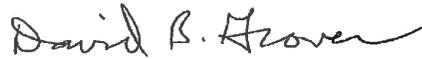
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Raymond Kirsch
May 9, 2014
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Closing

ITC Midwest appreciates EERA consideration of these comments as it prepares the final EIS.

Sincerely,



David B. Grover
Manager, Regulatory Strategy (Minnesota)

Enclosures

cc: Certificate of Need Application Service List (ET6675/CN-12-1053)
Route Permit Application Service List (ET6675/TL-12-1337)

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ITC Midwest's DEIS Comment Letter
Attachment A

Rebuttal Testimony and Schedules

Jack Middleton

STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Application of
ITC Midwest LLC for a Certificate of
Need for the Minnesota-Iowa 345 kV
Transmission Line Project in Jackson,
Martin, and Faribault Counties

PUC Docket No. ET6675/CN-12-1053
OAH Docket No. 60-2500-30782

In the Matter of the Application of
ITC Midwest LLC for a Route Permit
for the Minnesota-Iowa 345 kV
Transmission Project and Associated
Facilities in Jackson, Martin, and
Faribault Counties

PUC Docket No. ET6675/TL-12-1337
OAH Docket No. 60-2500-30782

REBUTTAL TESTIMONY OF

JACK MIDDLETON

On Behalf of

ITC MIDWEST LLC

April 25, 2014

Exhibit _____

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I. INTRODUCTION

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23

Q. PLEASE STATE YOUR NAME.

A. My name is Jack Middleton.

Q. DID YOU PROVIDE DIRECT TESTIMONY IN THESE PROCEEDINGS?

A. Yes. I provided direct testimony on February 24, 2014 on behalf of ITC Midwest LLC ("ITC Midwest" or "Company").

Q. SUMMARIZE YOUR DIRECT TESTIMONY.

A. In my direct testimony, I summarized the route development process undertaken by myself, ITC Midwest witness William ("Dick") Coeur, Routing & Siting Specialist at MBN Engineering, Inc., and ITC Midwest. I discussed the pre-application route development process and the activities undertaken to further evaluate routes after the issuance of the Environmental Impact Statement ("EIS") Scoping Decision. These routes were proposed to be evaluated in the EIS by the Department of Commerce, Energy Environmental Review & Analysis ("EERA"). I provided a comparative analysis of the potential environmental and human settlement impacts associated with the route alternatives identified in the EIS Scoping Decision. I also provided an update on the route alternatives that Mr. Coeur and I recommended ITC Midwest incorporate into what is referred to as "Modified Route A", the route ITC Midwest prefers for the

1
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1 Minnesota portion of the Minnesota – Iowa 345 kV Transmission Project in
2 Jackson, Martin, and Faribault counties (“Project”).
3

4 **Q. DID YOU REACH ANY GENERAL CONCLUSIONS IN YOUR DIRECT TESTIMONY?**

5 A. Yes. In my direct testimony, I concluded that Modified Route A best
6 balances overall impacts on the environment and human settlement.
7 Should Modified Route A not be selected for the Project, I recommended,
8 in order of preference, Route A then Route B (including Scoping Decision
9 route alternatives M15-R and F3-R, identified in the Draft EIS as CC-1 and
10 HI-3, respectively), over the other routes in the EIS Scoping Decision.
11

12 **Q. IS THERE ANYTHING IN YOUR DIRECT TESTIMONY THAT YOU WOULD LIKE TO
13 EXPLAIN FURTHER?**

14 A. I would like to provide further explanation on Modified Route A in two
15 areas of the route. One related to routes near the Des Moines River and
16 another related to the routes near the Blue Earth River immediately south
17 of the Huntley Substation site proposed by ITC Midwest in its Route
18 Permit Application.
19

20 **Q. WHAT WOULD YOU LIKE TO EXPLAIN FURTHER ABOUT MODIFIED ROUTE A
21 NEAR THE DES MOINES RIVER?**

22 A. At the Des Moines River, the EIS Scoping Decision included an alignment
23 alternative, J3-A (identified as JA-2 in the Draft EIS), that followed the
24 existing 161 kV line across the river and for approximately 0.6 mile before

2

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1 turning north between field lines. The west-east portion of the existing
2 Lakefield Junction – Fox Lake – Rutland – Winnebago Junction – Winnco
3 (“Lakefield to Border”) 161 kV Transmission Line crosses through the
4 center of agricultural fields just east of the Des Moines River. In comments,
5 the Minnesota Department of Natural Resources (“MnDNR”) stated a
6 preference for a perpendicular crossing of the river instead of using the
7 existing 161 kV line crossing. ITC Midwest developed Modified Route A in
8 this area to stay within EIS Scoping Decision J1-R with a slight alignment
9 modification. The diagonal portion of Modified Route A west of the Des
10 Moines River was developed to provide the ability to place the Project
11 structures on field lines, and locate the conductors across the fields
12 diagonally. This was done to minimize potential impacts to agricultural
13 operations in this area.

14
15 **Q. WHAT WOULD YOU LIKE TO FURTHER CLARIFY ABOUT MODIFIED ROUTE A**
16 **NEAR THE BLUE EARTH RIVER?**

17 **A.** Just south of the Huntley Substation site proposed by ITC Midwest, the
18 existing Lakefield to Border 161 kV Transmission Line crosses the Blue
19 Earth River twice. Modified Route A incorporates a variation of EIS
20 Scoping Decision route alternative F1-R (identified at HI-1 in the Draft
21 EIS). F1-R and HI-1 cut diagonally across a field in this area. Modified
22 Route A in the same area was developed to more closely follow the edge of
23 the field line and limit additional potential impacts to agricultural
24 operations while balancing residential proximity concerns and avoidance

3

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1 of the Blue Earth River and riparian corridor in Section 23 of Verona
2 Township.

3

4 **Q. WHAT SCHEDULES ARE ATTACHED TO YOUR REBUTTAL TESTIMONY?**

5 A. Schedule 21: FL-4 and Modified Route A Comparison.

6 Schedule 22: I90-4 and Route A Draft EIS Route Width South of the
7 Proposed Northern Huntley Substation.

8 Schedule 23: EIS B2-HI at Iowa Border.

9 Schedule 24: I-90-R Option 3 and I90-3 Alignment Comparison.

10 Schedule 25: Alternative Southern Huntley Substation Maps with
11 Applicable Routes.

12 Schedule 26: Modified Route A Potential Impact Tables Divided by
13 Lakefield Junction Substation - Huntley Substation and
14 Huntley Substation - Iowa border.

15 Schedule 27: Draft EIS Chapter 6 Charts with Modified Route A.

16 Schedule 28: Map Illustrating I90-2 and Modified Route A near Fox Lake.

17 Schedule 29: Draft EIS Chapter 7 Tables with Modified Route A.

18

19 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY IN THIS**
20 **PROCEEDING?**

21 A. I testify to provide information on Modified Route A in the same format as
22 that presented in Chapter 6 and Chapter 7 of the Draft EIS prepared by
23 EERA to aid the Administrative Law Judge in making his recommendation
24 and the Minnesota Public Utilities Commission ("Commission") in its

4

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1 decision-making process. I also testify to provide information on Draft EIS
2 statements for EERA's consideration as it prepares the Final EIS for the
3 Project.

4

5 **Q. IS MODIFIED ROUTE A REFERENCED IN THE DRAFT EIS?**

6 A. No. However, the Draft EIS evaluates all of the segments that make up
7 Modified Route A.

8

9 **Q. PLEASE EXPLAIN.**

10 A. ITC Midwest's direct testimony supporting Modified Route A was filed on
11 February 24, 2014. The Draft EIS was released a month later on March 21,
12 2014. Modified Route A is a combination of route segments presented in
13 the EIS Scoping Decision. Although the various route segments that make
14 up Modified Route A are all included in some form in the Draft EIS, EERA
15 presented its evaluation of routes based on what I would refer to as
16 "combinations" instead of each individual route segment presented in the
17 EIS Scoping Decision. For example, the Draft EIS evaluates the variation
18 "FL-4" around Fox Lake. FL-4 is a combination of Scoping Decision
19 alternative M5-R for approximately four miles, Route B (approximately
20 three miles), and MR-2 (approximately one mile). In this area, Modified
21 Route A is a combination of Route A for approximately three miles, M5-R
22 for approximately 1.2 miles (plus an additional 0.9 mile when it crosses
23 back to the north side of I-90, Route A, Route B (approximately three
24 miles), and MR-2 (approximately one mile).

5

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1
2 A figure illustrating these routes is provided in **Schedule 21** to my rebuttal
3 testimony. The comparison information I provided in my direct testimony
4 analyzed segments of Modified Route A against the alternatives using the
5 naming conventions in the EIS Scoping Decision. For ease of reference, my
6 rebuttal testimony includes this comparison data using the revised route
7 variation naming conventions in the Draft EIS. Additionally, I provide an
8 augmented relative merits evaluation of Modified Route A using the same
9 evaluation criteria EERA employed in Chapter 7 of the Draft EIS.

10

11 **II. THE DRAFT EIS**

12

13 **Q. HAVE YOU REVIEWED THE DRAFT EIS?**

14 **A. Yes.**

15

16 **Q. DOES THE DRAFT EIS INCLUDE THE SAME NAMING CONVENTION THAT WAS**
17 **USED IN THE EIS SCOPING DECISION TO IDENTIFY ROUTE AND ALIGNMENT**
18 **ALTERNATIVES?**

19 **A. No.** The Draft EIS assigned different names to the Route Alternatives
20 (routes between the Lakefield Junction and Huntley substations and the
21 Huntley Substation and the Iowa border) and Route Variations (possible
22 route options to Route Alternatives) than the route and alignment
23 alternatives presented in the EIS Scoping Decision and sent to landowners
24 in late 2013. The Draft EIS does, however, provide Table 3-1 that relates the

6

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1 Draft EIS nomenclature with the nomenclature used in the EIS Scoping
2 Decision. Instead of evaluating individual route alternatives (*i.e.*, J1-R
3 compared to Route A for the same length, etc.), the Draft EIS creates longer
4 variations that provide suggested combinations of route alternatives (*i.e.*,
5 FL-1 combines M3-R and M4-R). As the Draft EIS recognizes on page 16,
6 there are other possible routing options that may be selected using a
7 combination of the EIS Scoping Decision alternatives. Modified Route A
8 would be one of these other routing options. In EIS Scoping Decision
9 nomenclature, Modified Route A, in order from west to east, combines
10 Route A, J1-R with a portion of J3-A, Route A, M5-R, Route A, Route B,
11 M2-R, Route A, a portion of M8-R, M9-R, Route A, a portion of F1-R, and
12 Route A.

13

14 **Q. DO YOU HAVE ANY GENERAL COMMENTS ON THE DRAFT EIS?**

15 A. EERA undertook a large data evaluation process in its development of the
16 Draft EIS. Based on my review, it provides the analysis required according
17 to the Commission rules for EISs. To provide additional analysis of the
18 alternatives proposed for the Project, the Draft EIS analyzed individual
19 segments proposed during the EIS scoping process and in ITC Midwest's
20 Route Permit Application. The analysis of potential impacts for these
21 variations need to be combined together to provide an end-to-end
22 comparison of Project route alternatives from the Lakefield Junction
23 Substation to the Iowa border. This requires that the associated facilities

7

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1 proposed for each Route Alternative be incorporated for a comprehensive
2 comparison.

3

4 Further, the Draft EIS separates the Project into two segments for its
5 potential impact evaluation in Chapter 6 and Appendix J: (1) the Lakefield
6 Junction Substation to the Huntley Substation and (2) the Huntley
7 Substation to the Iowa border. The Draft EIS also includes evaluations of
8 two Huntley Substation locations. The first location (referred to in the
9 Draft EIS as the "Proposed Huntley Substation" or the "Proposed
10 Northern Huntley Substation" and in the EIS Scoping Decision as
11 "Huntley Substation - Application") is located in Section 14 of Verona
12 Township and is closest to the to-be-decommissioned Winnebago Junction
13 Substation. The second location (referred to in the Draft EIS as the
14 "Alternative Southern Huntley Substation" and in the EIS Scoping
15 Decision as "Huntley Substation - Alternative") is located in Section 2 of Jo
16 Daviess Township. The EIS Scoping Decision stated that the "Alternative
17 Southern Huntley Substation/Huntley Substation - Alternative" site was
18 only an option for EIS Scoping Decision route I-90-R Option 1 and I-90-R
19 Option 2, referred to as I90-5 in the Draft EIS.

20

21 **Q. DO YOU BELIEVE ANY TECHNICAL CORRECTIONS SHOULD BE MADE TO THE**
22 **DRAFT EIS?**

23 **A. Yes, I do in a several areas that I have summarized as follows:**

8

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7-46

1 • In reviewing the data analysis for the Draft EIS Route Alternatives, it
2 appears the Appendix J potential impact tables only include a route
3 width of approximately 723 feet for I90-4 across the Blue Earth River
4 instead of the 1,000 foot width shown in the EIS Scoping Decision.
5 The Draft EIS also appears to reduce the Route A (A1-HI) width
6 from 1,000 feet as requested by ITC Midwest in its Route Permit
7 Application to 723 feet. The discrepancies in route width are
8 illustrated in Schedule 22 to my testimony. This should be restored
9 to a 1,000-foot route width in the final EIS and the potential impacts
10 should be updated as necessary in Appendix J or in other locations
11 where this data may appear.

7-47

12 • In the Draft EIS, the Route B2-HI anticipated right-of-way extends
13 south of the Iowa border. Specifically, the portion of the Route
14 Alternative that would be necessary to connect Route B to the
15 connection point at the Iowa border, appears to not center the
16 anticipated right-of-way on the anticipated alignment and places
17 some of the right-of-way south of the Iowa border. None of the other
18 alternatives considers the right-of-way and potential impacts south
19 of the Iowa border. Schedule 23 attached to my testimony illustrates
20 this discrepancy. In my opinion, the Final EIS should be revised to
21 correct this error.

7-48

22 • In reviewing the data analysis for the I90 Route Alternatives, it
23 appears the location of the alignment for I90-3 in the Draft EIS,
24 referred to as I-90-R Option 3 in the EIS Scoping Decision, is in a

9

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7-46.

The Appendix L maps showing the route width were incorrect and have been revised for the final EIS. The data in Appendix J were not affected by the error shown on the maps.

7-47.

Maps have been revised to show that the B2-HI alignment and right-of-way do not extend south across the Iowa border.

7-48.

The anticipated alignment for route alternative I90-3 identified in the scoping decision was, because of an apparent data transfer error, not available as a complete shapefile during development of the draft EIS. A shapefile for the alignment was re-created through use of the scoping decision and by using the common mitigation strategy of placing the alignment across the road from residences. Thus, as noted in the comment, the anticipated alignment of I90-3 near the proposed Huntley substation site is on the south side of 160 St. to avoid impacts to a residence and associated windbreak.

7-48
continued

1 slightly different location than depicted in the Scoping Decision. The
2 alignment presented in the Draft EIS for I90-3 starts farther to the
3 east in Section 4 of Jo Daviess Township. Continuing north, the Draft
4 EIS I90-3 alignment parallels the I-90-R Option 3 alignment until
5 crossing over to the west side of Section 33 in Verona Township,
6 maximizing its distance from the I-90-R Option 3 alignment
7 presented in the EIS Scoping Decision at approximately 96 feet.

8
9 In addition, the two alignments differ along 160th Street, with the
10 I90-3 Draft EIS alignment remaining on the south side of the road as
11 it turns to head east, while the I-90-R Option 3 alignment crosses to
12 the north side of 160th Street in Section 16 of Verona Township. An
13 example of the difference in alignment is illustrated as **Schedule 24**.
14 The Final EIS should provide an explanation as to why the I90-3
15 alignment differs from the I-90-R Option 3 alignment.

- 16 • In the Draft EIS, Route Alternative A2-H1 and Route Alternative B2-
17 HI denote routes between the Huntley Substation and the Iowa
18 border. Both alternatives originate from the Alternative Southern
19 Huntley Substation/Huntley Substation – Alternative along
20 Interstate 90. These Route Alternatives are intended to only provide
21 an alternate substation location for Draft EIS Route Alternative I90-5
22 Option 1 and Option 2, referred to in the EIS Scoping Decision as I-
23 90-R Option 1 and I-90-R Option 2, rather than functioning as an
24 alternative substation location available for any Huntley to Iowa

10

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1 border route alternative. As noted in the Draft EIS maps, a site at
2 Alternative Southern Huntley Substation/Huntley Substation -
3 Alternative has not been identified and an investigation within
4 Section 2 of Jo Daviess Township would be necessary to locate a 40-
5 acre parcel acceptable for the substation.

6
7 Should either option for I90-5 and the Alternative Huntley
8 Substation be selected for the Project, all of Section 2 should be
9 designated for the substation site to allow for ITC Midwest to
10 identify an appropriate location for the parcel. Based on the final
11 substation site selected for this route alternative, associated facilities
12 may need to be routed in a manner different than the Draft EIS for
13 I90-5 Option 1 and Option 2. Maps illustrating these alternatives are
14 provided with my rebuttal testimony as **Schedule 25**. The Final EIS,
15 specifically the Appendix J tables for A2-HI and B2-HI, should be
16 revised to make it clear that this substation site and these Huntley
17 Substation to Iowa border Route Alternatives are only associated
18 with I90-5 Option 1 and Option 2.

7-49

19
20 **Q. YOU MENTIONED THAT THE DRAFT EIS EVALUATES POTENTIAL IMPACT**
21 **DATA IN TWO SEGMENTS. HAS ITC MIDWEST PROVIDED THIS INFORMATION**
22 **FOR MODIFIED ROUTE A?**

23 **A. Yes, but not in the split-segment format. I included Modified Route A**
24 **Impact Tables as Schedule 12 to my direct testimony evaluating the full**

11

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7-49.

See response to comment 7-43.

Maps in Section 3.0 and Appendix L have been modified to indicate that the Alternative Southern Huntley Substation site could be located anywhere in Section 2 of Jo Daviess Township, consistent with the EIS scoping decision.

In order to analyze the potential impacts associated with route alternatives I90-5, Options 1 and 2, a more exact location (more exact than “anywhere in Section 2 of Jo Daviess Township”) for the Alternative Southern Huntley Substation was required. Analysis using this specific location, just north of I-90 and along the existing 161 kV line, is believed to be fairly representative of locating the substation in Section 2 of the township.

1 summary of potential impacts of the Project between the Lakefield
2 Junction Substation and the Iowa border. I have included Impact Tables
3 for Modified Route A divided into the two segments analyzed in the Draft
4 EIS at **Schedule 26** to allow for a more accurate comparison of the split-
5 segment format presented in the Draft EIS.

6

7 **Q. CHAPTER 6 OF THE DRAFT EIS INCLUDES TABLES COMPARING POTENTIAL**
8 **RESOURCE IMPACTS OF THE ROUTES IDENTIFIED. HAVE YOU COMPLETED A**
9 **SIMILAR ANALYSIS OF MODIFIED ROUTE A?**

10 **A.** Yes. After receiving the Draft EIS, we felt it was appropriate to compare
11 the potential resource impacts of Modified Route A in the same format as
12 that presented by EERA for the DEIS route alternatives. Attached to my
13 testimony as **Schedule 27** are the charts presented in Chapter 6 of the Draft
14 EIS updated to include Modified Route A. In **Schedule 27**, I also identify
15 several assumptions that were made in creating these bar charts in the
16 Draft EIS. These assumptions are identified as footnotes to the applicable
17 charts.

18

19 **Q. ARE THERE ANY DATA CONSIDERATIONS THAT NEED TO BE KEPT IN MIND**
20 **WHEN REVIEWING THE CHAPTER 6 BAR CHARTS IN THE DRAFT EIS?**

21 **A.** Yes. In Figure 1 (Draft EIS Figure 6-1) of **Schedule 27** to my rebuttal
22 testimony, the output of Proximity of Homes - Lakefield to Huntley
23 includes an additional home not included in the data used for Modified
24 Route A in my direct testimony, **Schedule 12**. This is a result of the specific

12

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and ET6675/TL-12-1337
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