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May 9, 2014

**VIA ELECTRONIC FILING**

Raymond Kirsch  
Minnesota Department of Commerce  
Energy Environmental Review and Analysis  
85 7<sup>th</sup> 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.

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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.

Clarifications and Revisions

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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"><li><u>1. Des Moines River (1,400 feet);</u></li><li><u>2. South of Lake Charlotte (1,200 feet);</u></li><li><u>3. Lake Charlotte near State Highway 15 (1,400 feet);</u></li><li><u>4. South of and adjacent to the Proposed Northern Huntley Substation (2,200 feet); and</u></li><li><u>5. Along F1-R/HI-1 near the Blue Earth River (1,700 feet).</u></li></ol> <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"><li><u>1. West and south of the Center Creek WMA (3,500 feet) and</u></li><li><u>2. The two miles north of the Iowa border (1.25 miles).</u></li></ol> <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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
Page 16	In Pilot Grove Township near the Iowa border, ITC Midwest requested a route width of 1.25 miles <a href="#">in its Route Permit Application</a> 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. <a href="#">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.</a>
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 <b>Attachment C</b> 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.

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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 <del>elect to are</del> <u>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> <del>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.</del> This statute, sometimes referred to as the “Buy-the-Farm” statute, applies only to transmission facilities that are 200 kV or <b>more</b> <u>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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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> <del>in some instances is considered a transmission voltage and in others a distribution voltage.</del></p>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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.

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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. <b>Attachment B.</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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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 <b>Attachment D</b>.</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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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 <b>Attachment E</b> to this letter.</p>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
Page 88	<p>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.</p>
Page 114	<p>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.</p>
Page 118	<p>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.</p>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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.

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
Figures	<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>
Appendix C	<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 <b>Attachment F</b>.</p>
Appendix E	<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 <b>Attachment G</b> to this letter. Appendix E of the final EIS should include this approved AIMP.</p>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
Appendix L - Associated Facilities	<p>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.</p>
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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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>

<b>Draft EIS Location</b>	<b>Proposed Revision</b>
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>

### 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.

#### *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.

*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:

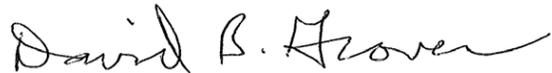
- 1) Identification of and contact information for an Environmental Monitor to oversee the construction process and monitor compliance with the Construction Environmental Control Plan and all plans therein.
- 2) A process for reporting construction status to the Commission.
- 3) A process for internal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

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,

A handwritten signature in cursive script that reads "David B. Grover".

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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