



85 7th Place East, Suite 500, St. Paul, MN 55101-2198
main: 651.296.4026 tty: 651.296.2860 fax: 651.297.7891
www.commerce.state.mn.us

June 15, 2010

James Fritz
Xcel Energy
414 Nicollet Mall
Minneapolis, MN 55401

Robert Redding
Nicollet County Environmental Services
501 S. Minnesota Ave.
St. Peter, MN 56082

**Re: Local Review of 115 kV Transmission Line Rebuild, Courtland Township,
Nicollet County
Commission Docket Number: E002/LR-10-641**

Dear Mr. Fritz and Mr. Redding,

This letter confirms that the Minnesota Public Utilities Commission (Commission) has received notification that Xcel Energy intends to seek local review to rebuild approximately 3,100 ft. of 115 kilovolt (kV) transmission line in Courtland Township, Nicollet County. The rebuild includes the removal of existing structures and the placement of new structures on a straightened alignment with easement modifications.

Under the Power Plant Siting Act, a permit from the Commission is required for transmission line projects over 100 kV (Minn. Stat. § 216E). However, local review and permitting is possible for eligible projects. For such projects, a utility may apply to a local unit of government instead of the Commission for a permit to build the project. This letter confirms that Xcel Energy's proposed project is eligible for local review (Minn. Stat. § 216E.05).

Xcel Energy has indicated that Nicollet County is the local unit of government with jurisdiction to permit the project. A zoning permit request was submitted to Nicollet County on June 11, 2010. A local unit of government may relinquish its jurisdiction by requesting that the Commission assume jurisdiction within 60 days of the filing of an application with the local unit of government (Minn. Rules 7850.5300, subp. 4).

An environmental review process, including the development of an environmental assessment (EA), must be conducted by the local unit of government with jurisdiction over the project. This

letter acknowledges that Nicollet County is the responsible governmental unit for the proposed project and associated environmental review.

Specific requirements with regard to the environmental review process include (Minn. Rules 7850.5300, subp. 5):

- (1) providing an opportunity for the public to participate in the development of the scope of the environmental assessment before it is prepared,
- (2) publishing notice in the EQB Monitor when the assessment is available for review and the procedure for commenting on the assessment, and
- (3) withholding a final decision on the project until at least ten days after the notice appears in the EQB Monitor.

Nicollet County must also provide a copy of the environmental assessment to the Commission when it is completed (Minn. Rules 7850.5300, subp. 5). Electronic filing (eFiling) of the environmental assessment is encouraged (<https://www.edockets.state.mn.us/EFiling>). Files of less than five megabytes (5 MB) in size are also encouraged.

Finally, this letter confirms that Xcel Energy has sent the required notice to those persons on the Commission's general notification list that a permit has been applied for from a local unit of government (Minn. Rules 7850.5300, subp. 3).

Please contact me with any questions.

Sincerely,



Ray Kirsch
Energy Facility Permitting
Office of Energy Security
raymond.kirsch@state.mn.us
651-296-7588

cc: Burl Haar, Commission
Bob Cupit, Commission



414 Nicollet Mall
Minneapolis, Minnesota 55401-1993

June 14, 2010

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: Notice of Election to Seek Local Review and Approval of Proposed Structure Replacement on Existing 115 kV Transmission Line, Courtland Township, Nicollet County, Minnesota PUC Docket No. E002/LR-10-641

Dear Dr. Haar:

In accordance with the Power Plant Siting Act, Minn. Stat. § 216E.05, subd. 3, and Minn. R. 7850.5300, subp. 3, this letter, filed via eFiling, serves as the required notice to the Minnesota Public Utilities Commission (Commission) that Northern States Power Company, a Minnesota corporation (Xcel Energy or Applicant) intends to seek local review and approval to make the necessary improvements to an existing 115 kilovolt (kV) transmission line in Courtland Township, Nicollet County, Minnesota (Project).

Xcel Energy has determined that several of the structures associated with the Project are settling and are in need of replacement (see attached **Figure 1**). The Project area follows along the section line between Sections 30 and 31 and Sections 29 and 32 in Township 110, Range 29 W.

The Project essentially consists of installing pole structures to replace the faulty structures and transferring the existing transmission line to the new structures. Five of the structures either being replaced or constructed are within Swan Lake WMA. Easement modifications have been agreed to which will allow and support the proposed new transmission line location.

The existing line currently follows a non-linear path thru the Swan Lake Wildlife Management Area (Swan Lake WMA) where two of the four existing structures in the water body are leaning badly and consequently need to be replaced. The existing transmission line will be transferred onto the new structures once they are installed. The line voltage will remain the same. However, easement modifications will be required as a result of realigning the transmission line as shown in **Figure 1**.

The Project will specifically involve the following construction activities:

1. temporary access will be created to the four new structure locations and the six existing structure locations;
2. two concrete piling foundations will be constructed for the new single pole structures located within the water body;

3. construct two new single pole structures (approximately 95 feet tall) mounted on the concrete pilings within the water body;
4. direct embed the foundations for the two five-pole structures to be located in upland areas on either side of the water body (maximum height of 88 feet);
5. transfer the existing transmission lines (conductors) from the existing structures to the new structures (approximately 3,100 feet);
6. remove the four existing wood H-frame structures from the water body and the two existing 5-pole structures from the upland areas; and
7. restore site conditions.

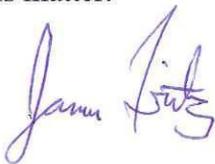
Once complete, the Project will provide stable structures for the transmission line crossing the water body. It will also result in a net loss of two structures within the water body and a straighter, more in-line route crossing the Swan Lake WMA.

Xcel Energy intends to permit the Project through the local unit of government with jurisdiction to permit the Project, the Nicollet County Environmental Services Department. Nicollet County staff has indicated they are willing to review and permit the Project. On June 11, 2010, the Applicant submitted to Nicollet County a written request for a Zoning Permit for the Project. Pursuant to Minn. Stat. § 216E.05, subd. 1(b) and Minn. R. 7850.5300, subp. 4, Nicollet County has been notified that it has 60 days to refer permitting the Project to the Commission. Additionally, the Applicant is working with other applicable regulatory agencies to obtain Project specific required permits regarding public land, water, and wetland crossings.

In accordance with Minn. R. 7850.5300, subp. 3, the Applicant has provided notice to those persons on the general notification list that a permit for the Project has been applied for from Nicollet County. Questions regarding this Project should be directed to Robert Redding, Nicollet County Environmental Services Department, at (507) 934-0251, or me at (612) 330-6956. Thank you for your attention to this matter.

Sincerely,

XCEL ENERGY



James Fritz
Permitting Analyst

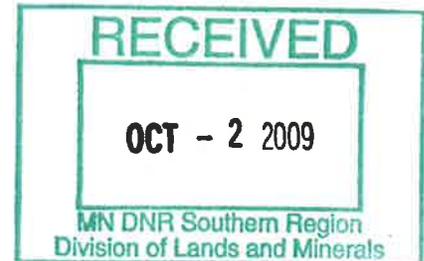
cc: Robert Redding, Nicollet County Environmental Services Department - w/enc.
Deborah Pile, Office of Energy Security – w/enc.
General List of Interested Persons – w/enc.

Enc: Figure 1



414 Nicollet Mall
Minneapolis, Minnesota 55401-1993

September 28, 2009



Mr. Bob Hobart
Lands and Minerals Regional Operations Supervisor
Minnesota Department of Natural Resources
Lands and Minerals Division
261 Highway 15 South
New Ulm, MN 56073

RE: Public Land Crossing License for Xcel Energy Line #0837

Dear Mr. Hobart:

In addition to the water crossing points that were identified in our initial water crossing permit application in August, 2009, the attached map shows where Xcel Energy will be crossing land (a portion of Swan Lake WMA) during the line rebuild. I have attached an Application for License to Cross Public Lands and Waters, a site map, and plan and profile. A check for \$5,000 is also included (check #033540). *2 JA*

Thank you for your attention to this matter. Please feel free to call me at (612) 330-6956 if you have any questions or need additional information.

Sincerely,

James Fritz
Xcel Energy
Permitting Analyst

Enclosures: Application For License to Cross Public Lands or Waters
Site map
Plan and Profile

License #144-06 **2-5332**
 Renewal? Yes No
 Project No.: **0837**



Minnesota Department of Natural Resources
Application for
License to Cross Public Lands and Waters
 (Submit 4 copies of the application and attachments)



Please note: Do not combine land and water crossings on the same application. In addition, only one utility type per application. The applicant, pursuant to Minnesota Statutes, section 84.415 and Minnesota Rules Chapter 6135, applies for a license to cross PUBLIC LANDS or WATERS described below, in accordance with all maps, plans, specifications and other supporting data submitted with this application and made a part hereof.

<input checked="" type="checkbox"/> Send completed license to Applicant (listed below)	<input type="checkbox"/> Send completed license to Applicant's Agent (listed below)
Applicant's Name (as it will appear on official license): A MINNESOTA CO. NORTHERN STATES POWER d/b/a XCEL ENERGY	Agent's Company:
Applicant's Street Address (and Mailing if different): 414 NICOLLET MALL MP-8A MINNEAPOLIS, MN 55401	Agent's Mailing Address:
Applicant's Contact Person: JAMES FITZ	Agent's Contact Person:
Office Telephone No. (612) 330-6956	Alternate No. (i.e. Cell) (612) 437-6899
Applicant's E-mail Address: james.w.fitz@xcelenergy.com	Agent's E-mail Address:



I. UTILITY: one utility type per application (mark appropriate box)

ELECTRIC: Transmission Distribution
 PIPELINE: Gases Liquids Solids in suspension
 COMMUNICATION: Telephone Cable TV Other (specify) _____

Specify Voltage or Rating: **115 kV**
 Specify Pipe Diameter: _____

II. LICENSE OPTIONS: 50 year 25 year

APPLICATION FEES (EFFECTIVE 7/1/09)
 Water Crossings - \$2,000.00 Land Crossings - \$5,000.00

NO ACTION WILL BE TAKEN on this application until the application fee is submitted. The fee is not refundable, even if the application is withdrawn or denied. If uncertain about requirements, please contact appropriate DNR Lands and Minerals regional office on page 3.

MONITORING FEE (EFFECTIVE 7/1/09) – A monitoring fee may be assessed to cover costs for monitoring the construction of the utility line and preparing special terms and conditions of the license to ensure proper construction.

The LICENSE FEE and the MONITORING FEE will be calculated by the DNR. DO NOT SUBMIT THE LICENSE FEE or MONITORING FEE with the application.

III. CROSSING(S): Land Water *DO NOT COMBINE land and water crossings on the same application.*

IMPORTANT NOTE: On 8 1/2" x 11" paper, attach a separate plan, cross-section, aerial photo, and PWI map (if water crossing) for each crossing. (See attached example of maps.) Also include reclamation plans for each site. (Reclamation plans are not needed for low impact crossings).

TABLE INSTRUCTIONS: In the table below (and continued on page 2), number consecutively and fully describe each crossing. If additional crossing entries are needed, use the supplemental crossing table located on page 5.

*For Low Impact crossings: Specify the method of construction in the column below. (Low impact water crossing applications require less DNR review than those of land.) The low impact choices are: 1. Boring or jacking 3. Using existing conduit
 2. Attaching to a bridge 4. Plowing into a roadbed

**The right of way width of the utility corridor is the width needed for construction and maintenance. The right of way length of the crossing is the distance across DNR land or the distance across the public water body (determined by either measuring the distance from bank to bank or shore to shore).

No.	Forty (i.e. SE 1/4 NW 1/4 or Govt. Lot No.)	Sec.	Twp.	Range	County	Water Name or DNR Land Unit	Crossing Method (Click below for choices)	Low Impact Construction Method* (list if applicable) (Click below for choices)	Right of Way** (See explanation above)	
									Width	Length
1	NE 1/4	31	110	29	NICOLLET	SWAN LAKE	OVER	N/A	75'	435'

Application for License to Cross Public Lands and Waters – Page 2 - Crossings (cont.)

No.	Forty (i.e. SE ¼ NW ¼ or Govt. Lot No.)	Sec.	Twp.	Range	County	Water Name or DNR Land Unit	Crossing Method <i>(Click below for choices)</i>	Low Impact Construction Method* (list in if applicable) <i>(Click below for choices)</i>	Right of Way** (See explanation on previous page)	
									Width	Length

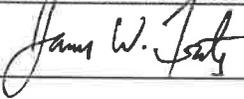
IV. ENVIRONMENTAL PROTECTION, CONSTRUCTION & DESIGN STANDARDS:

Applicant is responsible to ensure that all design construction personnel are familiar with and follow the requirements of Minnesota Department of Natural Resources Rules chapter 6135. The guidelines are listed in Chapter 6135 must be adhered to. Where conflicts or discrepancies occur and the guidelines cannot be followed, a written statement must be submitted with the application explaining in detail the conflicts or discrepancies. A license will not be issued until all discrepancies have been corrected or approved by the Department of Natural Resources.

- This proposed crossing complies with all of the environmental standards as listed in Minnesota Rules 6135.1100, Standards for Route Design.
- This proposed crossing does NOT comply with the environmental standards as listed in Minnesota Rules 6135.1100. Attached is an explanation of the conflict or discrepancy.

V. CERTIFICATION

Applicant declares that the information submitted herein and statements made herein are a true and correct representation of the facts, and that the filing of this application and information with the Commissioner of Natural Resources is prima facie evidence of the correctness thereof. Applicant agrees to conform with and be bound by the terms of M.S 84.415, M.S. 103G, and Minnesota Rules Chapter 6135, and additional terms of the license applied for, this application and all attachments of which will become a part.

Applicant's Signature (1 st)		Title	Date
Applicant's Signature (2 nd)		PERMITTING ANALYST	09/28/09
		Title	Date

ADDITIONAL INFORMATION FOR APPLICANTS:

- Use of low impact construction is encouraged and will result in a shorter time between application and issuance of license.
- Any written correspondence from the Minnesota Dept. of Natural Resources relating to the proposed project must be included with the application and will become a part of the license record.
- If needed, environmental and archaeological reviews must be completed before license can be acted on.
- Construction standards are set out in the Minnesota Rules Chapter 6135. Applicant should refer to the Rules for specific requirements. www.leg.state.mn.us
- Site Sketches: The site plan and cross section should include all information necessary to describe the installation, including the land surface profile for the particular crossing site, rather than a "typical site" drawing. Distances from the land surface to water surface, streambed, overhead lines, bridges, etc. should be included. Distance of towers from stream bank and streambed should be included. Photos are helpful, but do not take the place of a site sketch.
**If this is a renewal, an "as built" survey showing the actual location of the utility line must be included.*
- Also state if this is a replacement or upgrade of an existing line, and show the existing line.
- Reclamation Plan: Each crossing site where a "low impact construction method" is not used requires a reclamation plan indicating what the damage will be, what steps will be taken to minimize damage during construction, and what steps will be taken to re-stabilize the damaged area immediately after construction.
- Common practices for damage control and reclamation are use of sediment traps, silt fences, riprap, mulch, and fiber blankets, but other methods will be considered.

Please submit 4 COPIES of the completed APPLICATION, PLAN, CROSS-SECTION, & MAP along with \$2,000 application fee for water crossings and \$5,000 application fee for land crossings (payable to the Department of Natural Resources) to the DNR Regional Lands and Minerals Office responsible for the county in which the public lands or waters crossings are located (see map on page 3). The application and supporting documents will be made a part of the license.

Region 1 – Northwest MN
Regional Operations Supervisor
DNR Lands and Minerals
2115 Birchmont Beach Road NE
Bemidji, MN 56601
(218) 308-2627

Region 2 – Northeast MN
Regional Operations Supervisor
DNR Lands and Minerals
1202 E. Highway 2
Grand Rapids, MN 55744
(218) 999-7894

Region 3 – Central MN
Regional Operations Supervisor
DNR Lands and Minerals
1200 Warner Road
St. Paul, MN 55106
(651) 259-5792

Region 4 – Southern MN
Regional Operations Supervisor
DNR Lands and Minerals
261 Highway 15 South
New Ulm, MN 56073
(507) 359-6071

144-065-7152



414 Nicollet Mall
Minneapolis, Minnesota 55401-1993

August 18, 2009

Mr. Bob Hobart
Lands and Minerals Regional Operations Supervisor
Minnesota Department of Natural Resources
Lands and Minerals Division
261 Highway 15 South
New Ulm, MN 56073

RE: Public Water Crossing License for Xcel Energy Line #0837

Dear Mr. Hobart:

Northern States Power Company-Minnesota, an Xcel Energy Company is planning to rebuild a transmission line and structures associated with transmission line #0837. The proposed work will involve removing existing structures within Swan Lake (Public Water Inventory #57W, Nicollet County) and rebuilding the line across the lake applying a more direct (linear) design (see attached maps and plan and profile drawing). Two of the new structures will be placed at the end of access roads which will be constructed at both ends of the western portion of Swan Lake east of County Road 12.

Attached please find an application for a Minnesota DNR license to cross public waters, a project location map, a plan and profile drawing, and an excerpt from the DNR Public Waters Inventory map showing the crossing location. A check for \$2,000 is also included (Check No. 033533).

In addition to this application for a public water crossing license, Xcel Energy will be applying for the necessary permits with the Army Corps of Engineers to perform the necessary work.

Thank you for your attention to this matter. Please feel free to call me at (612) 330-6956 if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "James Fritz". The signature is fluid and cursive, with the first name "James" and the last name "Fritz" clearly legible.

James Fritz
Xcel Energy
Permitting Analyst

Enclosures: Application For License to Cross Public Lands or Waters
Site map
Plan and Profile
PWI map

License #144-06 5-7152
 Renewal? Yes No
 Project No.: 0873



Minnesota Department of Natural Resources
Application for
License to Cross Public Lands and Waters
 (Submit 4 copies of the application and attachments)



Please note: Do not combine land and water crossings on the same application. In addition, only one utility type per application. The applicant, pursuant to Minnesota Statutes, section 84.415 and Minnesota Rules Chapter 6135, applies for a license to cross PUBLIC LANDS or WATERS described below, in accordance with all maps, plans, specifications and other supporting data submitted with this application and made a part hereof.

<input checked="" type="checkbox"/> Send completed license to Applicant (listed below)	<input type="checkbox"/> Send completed license to Applicant's Agent (listed below)		
Applicant's Name (as it will appear on official license): A MINN. CORP NORTHERN STATES POWER d/b/a XCEL ENERGY	Agent's Company:		
Applicant's Street Address (and Mailing if different): 414 NICOLLET MALL, MP-8A Minneapolis MN 55401	Agent's Mailing Address:		
Applicant's Contact Person: JIM FRITZ	Agent's Contact Person:		
Office Telephone No. (612) 332 6956	Alternate No. (i.e. Cell) (612) 437-6879	Office Telephone No. () - () - ()	Alternate No. (i.e. Cell) () - () - ()
Applicant's E-mail Address: james.w.fritz@xcelenergy.com	Agent's E-mail Address:		



I. UTILITY: one utility type per application (mark appropriate box)

ELECTRIC: Transmission Distribution Specify Voltage or Rating: 115 kV
 PIPELINE: Gases Liquids Solids in suspension Specify Pipe Diameter: _____
 COMMUNICATION: Telephone Cable TV Other (specify) _____

II. LICENSE OPTIONS: 50 year 25 year **APPLICATION FEES (EFFECTIVE 7/1/09)**
 Water Crossings - \$2,000.00 Land Crossings - \$5,000.00

NO ACTION WILL BE TAKEN on this application until the application fee is submitted. The fee is not refundable, even if the application is withdrawn or denied. If uncertain about requirements, please contact appropriate DNR Lands and Minerals regional office on page 3.

MONITORING FEE (EFFECTIVE 7/1/09) – A monitoring fee may be assessed to cover costs for monitoring the construction of the utility line and preparing special terms and conditions of the license to ensure proper construction.

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									Width	Length
1	NE 1/4	31	110	29	NICOLLET	57 W	OVER		75'	1464'
2	NW 1/4	32	110	29	NICOLLET	57 W	OVER		75'	819'

Application for License to Cross Public Lands and Waters – Page 2 - Crossings (cont.)

No.	Forty (i.e. SE ¼ NW ¼ or Govt. Lot No.)	Sec.	Twp.	Range	County	Water Name or DNR Land Unit	Crossing Method <i>(Click below for choices)</i>	Low Impact Construction Method* <i>(list in if applicable)</i> <i>(Click below for choices)</i>	Right of Way** <i>(See explanation on previous page)</i>	
									Width	Length

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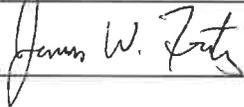
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This proposed crossing complies with all of the environmental standards as listed in Minnesota Rules 6135.1100, Standards for Route Design.

This proposed crossing does NOT comply with the environmental standards as listed in Minnesota Rules 6135.1100. Attached is an explanation of the conflict or discrepancy.

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Applicant's Signature (1 st)		Title PERMITTING ANALYST	Date 09/19/09
Applicant's Signature (2 nd)		Title	Date

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Region 3 – Central MN
Regional Operations Supervisor
DNR Lands and Minerals
1200 Warner Road
St. Paul, MN 55106
(651) 259-5792

Region 4 – Southern MN
Regional Operations Supervisor
DNR Lands and Minerals
261 Highway 15 South
New Ulm, MN 56073
(507) 359-6071

Fritz, James W

From: Richard_Davis@fws.gov
Sent: Monday, July 19, 2010 10:27 AM
To: Fritz, James W
Subject: Re: Opportunity to Comment on Xcel Energy Transmission Rebuild Project

Attachments: Regulatory_Agency_Notice FINAL.PDF; Project_Fact_Sheet_Public_Hearing_w_Fig_1.pdf



Regulatory_Agency_Notice_FINAL...
Project_Fact_Sheet_Public_Hearing_w_Fig_1.pdf

Hello Jim,

I have reviewed the proposed Xcel Energy Transmission Line Rebuild Project in Sections 29 - 32, T 110 N, R 29 W, Nicollet County, Minnesota. At this time there are no federally protected species under the Endangered Species Act (ESA) within Nicollet County, Minnesota. If the proposed project is delayed, or should a new species be listed prior to or during project construction our office should be contacted to reinitiate consultation.

The Service is responsible for administering the Migratory Bird Treaty Act (MBTA), and we offer the following recommendation for your consideration to help reduce potential bird/transmission line collisions and waterfowl avoidance. The proposed aerial lines will bisect a large open water wetland, and we recommend that avian diverts be installed on the aerial lines to make the lines more visible to birds utilizing the area. Power poles can serve as perching structures for raptors, and waterfowl species may avoid using the habitat in close proximity to the power poles. We recommend power poles placed within the open water be topped with structures that will assist in deterring raptors from perching on the poles, i.e. smooth cone structures.

Thank you for the opportunity to comment on your project. If we can be of further assistance please contact me by phone or email.

Sincerely,
Rich Davis

Richard Davis
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Twin Cities Field Office
4101 American Blvd. E.
Bloomington, MN 55425
(612)725-3548 ext. 2214

"Fritz, James W"
<James.W.Fritz@xc
elenergy.com>

To

'Jeanne Daniels'
07/09/2010 01:53 PM <Jeanne.Daniels@dnr.state.mn.us>,
'Pam Rivers'
<privers@co.nicollet.mn.us>

Minnesota Department of Natural Resources

Section of Wildlife • 501 9th St. • Nicollet, MN • 56074
507-225-3572



06/07/10

Xcel Energy
Attn: James Fritz
414 Nicollet Mall
Minneapolis, MN 55401-1993

Dear Mr. Fritz

This letter is in response to your original notice submission of a Water/Wetlands project application dated 05/11/10 for a utility pole replacement of Xcel Energy Line #0837 that will take place on our Courtland West unit of the Swan Lake Wildlife Management Area.

As you may have noticed, this project crosses 3 separate jurisdictions regarding the State of MN Wetland Conservation Act (WCA). My portion only consists of the furthest west pole replacement on the West hill above the large wetland residing on and next to the WMA. As the original application and supplemental maps illustrate, the new location of the West pole (80' east of the old pole) **in no way constitutes a wetland fill violation, no loss determination.** The other poles and their locations that are described in this project will need to be permitted by either Nicollet County or MN DNR Waters Division. I do request when the final location is staked, I am contacted prior to construction to view and verify no loss.

If you have any further questions or need assistance, please feel free to contact me at your convenience. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe M. Stangel'.

Joe M. Stangel
Nicollet Area Wildlife Supervisor

Minnesota Department of Natural Resources

Division of Ecological Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5107 Fax: (651) 296-1811 E-mail: heidi.cyr@state.mn.us



August 11, 2010

Correspondence # ERDB 20110037

Mr. James Fritz
Northern States Power, dba Xcel Energy, Inc.
414 Nicollet Mall, MP-8
Minneapolis, MN 55401

RE: Natural Heritage information in the vicinity of the proposed Courtland Township Transmission Line, T110N R29W Section 29-32, Nicollet County

Dear Mr. Fritz,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, several rare features have been documented within the search area (for details, see the enclosed database reports; please visit the Rare Species Guide at <http://www.dnr.state.mn.us/rsg/index.html> for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following **rare features may be impacted** by the proposed project:

- As you are aware, Swan Lake WMA is located within the area of interest. A Colonial Waterbird Nesting Area is located within this WMA, and may be susceptible to disturbance during the breeding season. As indicated on the NHIS data request form, the proposed construction will occur during the winter months, so I do not believe the proposed project will negatively affect any known occurrences of rare features. However, please contact the DNR Regional Environmental Assessment Ecologist, Kevin Mixon at 507-359-6073, to discuss any concerns he may have regarding the WMA crossing and to inform him of any construction schedule changes that you may have.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Department of Natural Resources, Division of Ecological Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area.

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

The **Index Report** provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an environmental review document (e.g., EAW or EIS), municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the index report for any other purpose, please contact me to request written permission. **The Detailed Report is for your personal use only as it may include specific location information that is considered nonpublic data under Minnesota Statutes, section 84.0872, subd. 2. If you wish to reprint or publish the Detailed Report for any purpose, please contact me to request written permission.**

This letter does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. Additional rare features for which we have no data may be present in the project area, or there may be other natural resource concerns associated with the proposed project. For these concerns, please contact your DNR Regional Environmental

DNR information: 651-296-6157

● 1-888-646-6367

● TTY: 651-296-5484

● 1-800-657-3929

Assessment Ecologist, Kevin Mixon, at (507) 359-6073. Please be aware that additional site assessments or review may be required.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Heidi Cyr', enclosed within a hand-drawn oval.

Heidi Cyr
Endangered Species Environmental Review Specialist

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

cc: Kevin Mixon
Lisa Gelvin-Innvaer
Bob Hobart

Printed August 2010
 Data valid for one year

Minnesota Natural Heritage Information System
 Index Report of records within 1 mile radius of:
 ERDB #20110037 - Courtlund Township Transmission Line
 T110N R29W Sections 29-32
 Nicollet County

Rare Features Database:

Element Name and Occurrence Number	Federal Status	MN Status	State Rank	Global Rank	Last Observed Date	EO ID #
------------------------------------	----------------	-----------	------------	-------------	--------------------	---------

Vertebrate Animal

Rallus elegans (King Rail) #8 T110N R30W S1, T109N R28W S6, T109N R29W S2, T109N R29W S4, T [...]; Nicollet County		END	S1B	G4	1955-08-01	16412
---	--	-----	-----	----	------------	-------

Animal Assemblage

Colonial Waterbird Nesting Area (Colonial Waterbird Nesting Site) #1013 T110N R29W S31; Nicollet County		N/A	SNR	GNR	2000	28121
--	--	-----	-----	-----	------	-------

Records Printed = 2

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

Printed August 2010
Data valid for one year

Vertebrate Animal

Element Name and Occ. #: Rallus elegans (King Rail) #8 EO ID #: 16412

Observed Area: Last Observed Date: 1955-08-01 MN Status: Endangered

Extent Known?: Y - Confident full extent of EO is known Federal Status:

Ownership Type: Unknown State Rank: S1B

Location Description: Nicollet County, MN Global Rank: G4

T110N R30W S1, T109N R28W S6, T109N R29W S2, T109N R29W S4, T [...]
Site Name: BRIGHTON 1 EO Rank: Not ranked

Survey Site #/Name: Managed Area(s):
Survey Type:
Surveyor(s): Longley, W. H.

General Description: Heavy bullrush in shallow water.
EO Data: Breeding Season Observation. One bird observed in heavy bullrush in shallow water at shoreline; young suspected.

Animal Assemblage

Element Name and Occ. #: Colonial Waterbird Nesting Area (Colonial Waterbird Nesting Site) #1013 EO ID #: 28121

Observed Area: Last Observed Date: 2000 MN Status: N/A
Extent Known?: First Observed Date: 2000 Federal Status:

Ownership Type: MN DNR Wildlife State Rank: SNR

Location Description: Nicollet County, MN Global Rank: GNR

T110N R29W S31 EO Rank: Not ranked

Site Name: SWAN LAKE WMA Managed Area(s): Swan Lake WMA

Survey Site #/Name: Survey Type:
Surveyor(s): Newman, D.

General Description: COURTLAND WEST. GREAT BLUE HERON
EO Data:

The Division of Ecological Resources recently adopted a new database system called Biotics. As a result of this change, the layout and contents of the database reports have been revised. Many of the fields included in the new reports are the same or similar to the previous report fields, however there are several new fields and some of the field definitions have been slightly modified. We recommend that you familiarize yourself with the latest field explanations.

Rare Features Database Reports: An Explanation of Fields

The Rare Features Database (Biotics) is part of the Natural Heritage Information System, and is maintained by the Division of Ecological Resources, Minnesota Department of Natural Resources (DNR).

Please note that the print-outs are copyrighted and may not be reproduced without permission

Field Name: [Full (non-abbreviated) field name, if different]. Further explanation of field.

-E-

Element Name and Occ #: [Element Name and Occurrence Number]. The Element is the name of the rare feature. For plant and animal species records, this field holds the scientific name followed by the common name in parentheses; for all other elements (such as native plant communities, which have no scientific name) it is solely the element name. Native plant community names correspond to Minnesota's Native Plant Community Classification (Version 2.0). The Occurrence Number, in combination with the Element Name, uniquely identifies each record.

EO Data: [Element Occurrence Data]. For species elements, this field contains data collected on the biology of the Element Occurrence* (EO), including the number of individuals, vigor, habitat, soils, associated species, peculiar characteristics, etc. For native plant community elements, this field is a summary text description of the vegetation of the EO, including structure (strata) and composition (dominant/characteristic species), heterogeneity, successional stage/dynamics, any unique aspects of the community or additional noteworthy species (including animals). Note that this is a new field and it has not been filled out for many of the records that were collected prior to conversion to the new database system. Some of the information meeting the field definition may be found in the General Description field.

EO ID#: [Element Occurrence Identification Number]. Unique identifier for each Element Occurrence record.

EO Rank: [Element Occurrence Rank]. An evaluation of the quality and condition of an Element Occurrence (EO) from A (highest) to D (lowest). Represents a comparative evaluation of: 1) quality as determined by representativeness of the occurrence especially as compared to EO specifications and including maturity, size, numbers, etc. 2) condition (how much has the site and the EO itself been damaged or altered from its optimal condition and character). 3) viability (the long-term prospects for continued existence of this occurrence - used in ranking species only). EO Ranks are assigned based on recent fieldwork by knowledgeable individuals.

Extent Known?: A value that indicates whether the full extent of the Element is known (i.e., it has been determined through field survey) at that location. If null, the value has not been determined.

-F-

Federal Status: Status of species under the U.S. Endangered Species Act: LE = endangered; LT = threatened; LE,LT = listed endangered in part of its range, listed threatened in another part of its range; LT,PDL = listed threatened, proposed for delisting; C = candidate for listing. If null or "No Status" the species has no federal status.

First Observed Date: Date that the Element Occurrence was first reported at the site in format YYYY-MM-DD. A year followed by "Pre" indicates that the observed date was sometime prior to the date listed, but the exact date is unknown.

-G-

General Description: General description or word picture of the area where the Element Occurrence (EO) is located (i.e., the physical setting/context surrounding the EO), including a list of adjacent communities. When available, information on surrounding land use may be included. Note that the information tracked in this field is now more narrowly defined than it was in the old database system, and some of the information still in this field more accurately meets the definition of the new EO Data field. We are working to clean up the records so that the information in the two fields corresponds to the current field explanations described herein. Also note that the use of uppercase in sentences in this field is not significant but rather an artifact of transferring data from the old database system to the new system.

Global Rank: The global (i.e., range-wide) assessment of the relative rarity or imperilment of the species or community. Ranges from G1 (critically imperiled due to extreme rarity on a world-wide basis) to G5 (demonstrably secure, though perhaps rare in parts of its range). Global ranks are determined by NatureServe, an international network of natural heritage programs and conservation data centers.

-L-

Last Observed Date: Date that the Element Occurrence was last observed to be extant at the site in format YYYY-MM-DD.

Last Survey Date: Date of the most recent field survey for the Element Occurrence, regardless of whether it was found during the visit. If the field is blank, assume the date is the same as the Last Observed Date.

Location Description: County or Counties in which the Element Occurrence was documented followed by Township, Range, and Section information (not listed in any particular order). Each unique Township, Range, and Section combination is separated by a comma. In some cases, there are too many Township, Range, and Section combinations to list in the field, in which case, the information will be replaced with, "Legal description is too lengthy to fit in allotted space".

-M-

Managed Area(s): Name of the federally, state, locally, or privately managed park, forest, refuge, preserve, etc., containing the occurrence, if any. If this field is blank, the element probably occurs on private land. If "(Statutory Boundary)" occurs after the name of a managed area, the location may be a private inholding within the statutory boundary of a state forest or park.

MN Status: [Minnesota Status]. Legal status of plant and animal species under the Minnesota Endangered Species Law: END = endangered; THR = threatened; SPC = special concern; NON = tracked, but no legal status. Native plant communities, geological features, and colonial waterbird nesting sites do not have any legal status under the Endangered Species Law and are represented by a N/A.

-N-

NPC Classification (v1.5): Native plant community name in Minnesota's Native Vegetation: A Key to Natural Communities (Version 1.5). This earlier classification has been replaced by Minnesota's Native Plant Community Classification (Version 2.0).

-O-

Observed Area: The total area of the Element Occurrence, in acres, which is measured or estimated during fieldwork. If null, the value has not been determined.

Ownership Type: Indicates whether the land on which the Element Occurrence was located was publicly or privately owned; for publicly owned land, the agency with management responsibility is listed, if known.

-S-

Site Name: The name of the site(s) where the Element Occurrence is located. Sites are natural areas of land with boundaries determined and mapped according to biological and ecological considerations.

Survey Site #/Name: The name of the survey site, if applicable, where the Element Occurrence is located. Survey sites are sites that provide a geographic framework for recording and storing data, but their boundaries are not based on biological and ecological considerations. Minnesota County Biological Survey site numbers, if applicable, are also listed in this field.

Survey Type: Information on the type of survey used to collect information on the Element Occurrence.

Surveyor(s): Name(s) of the person(s) that collected survey information on the Element Occurrence.

State Rank: Rank that best characterizes the relative rarity or endangerment of the taxon or plant community in Minnesota. The ranks do not represent a legal status. They are used by the Minnesota Department of Natural Resources to set priorities for research, inventory and conservation planning. The state ranks are updated as inventory information becomes available. S1 = Critically imperiled in Minnesota because of extreme rarity or because of some factor(s) making it especially vulnerable to extirpation from the state. S2 = Imperiled in Minnesota because of rarity or because of some factor(s) making it very vulnerable to extirpation from the state. S3 = Vulnerable in Minnesota either because rare or uncommon, or found in a restricted range, or because of other factors making it vulnerable to extirpation. S4 = Apparently secure in Minnesota, usually widespread. S5 = Demonstrably secure in Minnesota, essentially ineradicable under present conditions. SH = Of historical occurrence in the state, perhaps having not been verified in the past 20 years, but suspected to be still extant. An element would become SH without the 20-year delay if the only known occurrences in the state were destroyed or if it had been extensively and unsuccessfully looked for. SNR = Rank not yet assessed. SU = Unable to rank. SX = Presumed extinct in Minnesota. SNA = Rank not applicable. S#S# = Range Rank: a numeric range rank (e.g., S2S3) is used to indicate the range of uncertainty about the exact status of the element. S#B, S#N = Used only for migratory animals, whereby B refers to the breeding population of the element in Minnesota and N refers to the non-breeding population of the element in Minnesota.

-V-

Vegetation Plot: Code(s) for any vegetation plot data that have been collected within this Element Occurrence (i.e., either Releve Number or the word "RELEVE" indicates that a releve has been collected).

* Element Occurrence – an area of land and/or water in which an Element (i.e., a rare species or community) is, or was, present, and which has practical conservation value for the Element as evidenced by potential continued (or historical) presence and/or regular recurrence at a given location. Specifications for each species determine whether multiple observations should be considered 1 Element Occurrence or 2, based on minimum separation distance and barriers to movement.

Data Security

Locations of some rare features must be treated as sensitive information because widespread knowledge of these locations could result in harm to the rare features. For example, wildflowers such as orchids and economically valuable plants such as ginseng are vulnerable to exploitation by collectors; other species, such as bald eagles, are sensitive to disturbance by observers. For this reason, we prefer that publications not identify the precise locations of vulnerable species. We suggest describing the location only to the nearest section. If this is not acceptable for your purposes, please call and discuss this issue with the Endangered Species Environmental Review Coordinator at (651) 259-5109.



STATE HISTORIC PRESERVATION OFFICE

March 5, 2010

Mr. Jim Fritz
Permitting Analyst
Xcel Energy
414 Nicollet Mall, 7th Floor
Minneapolis, MN 55401

RE: Structure Repair on Xcel Energy Line #0837 at Swan Lake Wildlife Management Area
T110 R29 S31, 32, Nicollet County
SHPO Number: 2010-1567

Dear Mr. Fritz:

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

Based on our review of the project information, we conclude that there are no properties listed on the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

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 permit or license, it should be submitted to our office with reference to the assisting federal agency.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Britta L. Bloomberg'.

Britta L. Bloomberg
Deputy State Historic Preservation Officer



STATE HISTORIC PRESERVATION OFFICE

September 22, 2010

Mr. Mike Magner
MN Dept. of Natural Resources
Division of Forestry
413 SE 13th Street
Grand Rapids, MN 55744

RE: Structure Repair on Xcel Energy Line #0837 at Swan Lake Wildlife Management Area
T110 R29 S31 & S32, Nicollet County
SHPO Number: 2010-1567

Dear Mr. Magner:

We previously commented on the above referenced project, addressing state level review requirements.

We have now been advised that the project will include a federal involvement, and so the Section 106 review requirements must be met. Accordingly, we have reviewed the project pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

Based on available information, we conclude that **no properties** eligible for or listed in the National Register of Historic Places are within the project's area of effect.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Britta L. Bloomberg'.

Britta L. Bloomberg
Deputy State Historic Preservation Officer

cc: Jim Fritz, Xcel Energy

September 2, 2010

James Fritz Permitting Analyst
Xcel Energy
414 Nicollet Mall
Minneapolis MN 55401-1993

RE: Proposed structure replacement in Swan Lake Wildlife Management Area, Xcel
Energy Line #08037

Dear Mr. Fritz,

The Nicollet Soil and Water Conservation District's District Manager, Kevin Ostermann and the District Technician, Blake Honetschlager viewed the site of the proposed easterly five-pole structure #147. The WCA Technical Evaluation Panel has discussed the soils, aeriels, NRCS/FSA aerial slides and the findings from the site visit. It was determined that there were no wetlands located in the impact area for the easterly five-pole structure #147.

Sincerely,



Pamela S. Rivers
WCA Administrator

Copy: Nicollet County TEP Members:
Kevin Ostermann, SWCD
Jeremy Maul, BWSR
Joseph Stangel, DNR
File



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 FIFTH STREET EAST, SUITE 401
ST. PAUL MN 55101-1638

MAY 13 2010

REPLY TO
ATTENTION OF
Operations
Regulatory (2010-01323-MTS)

Mr. James Fritz
Northern States Power
d/b/a Xcel Energy
414 Nicollet Mall
Minneapolis, Minnesota 55401

Dear Mr. Fritz:

We have reviewed information about your permit application to remove and relocate transmission line structures in an unnamed waterway in the Swan Lake Wildlife Management Area in the NE ¼ of the NE ¼ Section 31, Township 110N., Range 29W., Nicollet County, Minnesota.

Department of the Army Regional General Permit-03-MN (RGP-03-MN) provides authorization under section 404 of the Clean Water Act for certain categories of activities involving the discharge of dredged or fill material into waters of the U.S. We have determined that the described work is authorized by RGP-03-MN, provided the attached Standard Conditions are followed.

This determination covers only the project as described above. If the design, location, or purpose of the project is changed, our office should be contacted to make sure the work would not result in a violation of Federal law.

If your project will require off-site fill material that is **not** obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

This General Permit is valid until August 2, 2011, unless modified, reissued, or revoked. The time limit for completing the work described above ends on that day, OR two years from the date of this letter, whichever occurs later. It is the permittee's responsibility to remain informed of changes to the General Permit program. If this authorized work is not undertaken within the above time period, or the project specifications have changed, our office must be contacted to determine the need for further approval or re-verification.

It is the permittee's responsibility to ensure that the work complies with the terms of this letter and any enclosures, AND THAT ALL REQUIRED STATE AND LOCAL PERMITS AND APPROVALS ARE OBTAINED BEFORE WORK PROCEEDS.

A preliminary jurisdictional determination (JD) has been prepared for the site of your project. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps representative identified in the final paragraph of this letter. You also may provide new information for further consideration by the Corps to reevaluate the JD. If this JD is acceptable, please sign and date both copies of the Preliminary Jurisdictional Determination Form and return one copy to the address below within 15 days from the date of this letter.

U.S. Army Corps of Engineers
St. Paul District
190 5th Street East, Suite 401
St. Paul, Minnesota 55101-1638
Attn: Michael Setering

If you have any questions, contact **Michael Setering** in our Saint Paul office at (651) 290-5396. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



 Tamara E. Cameron
Chief, Regulatory Branch

Enclosures

Copy furnished to:

Leo Getsfried
DNR Waters
21009 547th Avenue
Mankato, Minnesota 56001

Karla Ihns
DNR Lands and Minerals
261 Highway 15 South
New Ulm, Minnesota 56073

Pam Rivers
Environmental Services Department
Nicollet County Government Center
501 South Minnesota Avenue
Saint Peter, Minnesota 56082

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office: St. Paul District File/ORM #: 2010-01323-MTS PJD Date: May 11, 2010

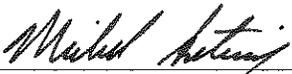
State: MN City/County: Courtland Twp./Nicollet
Name/Address of Person Requesting PJD: Mr. James Fritz
Northern States Power
d/b/a Xcel Energy
414 Nicollet Mall
Minneapolis, Minnesota 55401
Nearest Waterbody: Minnesota River
Location: TRS, Lat/Long or UTM: Section 31, Township 110N., Range 29W.

Identify (Estimate) Amount of Waters in the Review Area:
Non-Wetland Waters: Stream Flow: Perennial
 linear ft width 57 acres
Wetlands: acre(s) Cowardin Class: N/A
Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: Non-Tidal:
 Office (Desk) Determination
 Field Determination: Date of Field Trip:

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite quad name: Nicollet County DRG
- USDA Natural Resources Conservation Service Soil Survey. Citation: Nicollet County
- National wetlands inventory map(s). Cite name: Nicollet County
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs: Aerial (Name & Date): 2008 FSA aerial imagery
 Other (Name & Date): "Google Maps", "Bing Maps"
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


Signature and Date of Regulatory Project Manager (REQUIRED) 05/11/2010

Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office: St. Paul District File/ORM #: 2010-01323-MTS PJD Date: May 11, 2010

State: MN City/County: Courtland Twp./Nicollet
Nearest Waterbody: Minnesota River
Location: TRS, Lat/Long or UTM: Section 31, Township 110N., Range 29W.
Name/Address of Person Requesting PJD: Mr. James Fritz
Northern States Power
d/b/a Xcel Energy
414 Nicollet Mall
Minneapolis, Minnesota 55401

Identify (Estimate) Amount of Waters in the Review Area:
Non-Wetland Waters: Stream Flow: Perennial
 linear ft width 57 acres
Wetlands: acre(s) Cowardin Class: N/A
Name of Any Water Bodies on the Site Identified as: Section 10 Waters: Tidal: Non-Tidal:
 Office (Desk) Determination
 Field Determination: Date of Field Trip:

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite quad name: Nicollet County DRG
- USDA Natural Resources Conservation Service Soil Survey. Citation: Nicollet County
- National wetlands inventory map(s). Cite name: Nicollet County
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs: Aerial (Name & Date): 2008 FSA aerial imagery
 Other (Name & Date): "Google Maps", "Bing Maps"
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Shelby Steing 05/11/2010
Signature and Date of Regulatory Project Manager
(REQUIRED)

Signature and Date of Person Requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

RGP-03-MN STANDARD CONDITIONS

All RGP-03-MN authorizations are subject to the following standard conditions, as applicable. These conditions must be satisfied for any RGP authorization to be valid:

1. Mitigation/Sequencing. Discharges of dredged or fill material into waters of the United States must be avoided and minimized to the maximum extent practicable.

2. Suitable fill material. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). All fill (including riprap) authorized under this permit, must consist of suitable material free from toxic pollutants in other than trace quantities. In addition, rock or fill material used for activities dependent upon this permit and obtained by excavation must either be obtained from existing quarries or, if a new borrow site is opened up to obtain fill material, St. Paul District must be notified prior to the use of the new site to determine whether a cultural survey of the site is necessary.

3. Proper maintenance. Any structure or fill authorized shall be properly maintained, including maintenance, to ensure public safety.

4. Erosion and siltation controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date. Work should be done in accordance with state-approved, published practices, such as defined in Minnesota Pollution Control Agency Document, PROTECTING WATER QUALITY IN URBAN AREAS - BEST MANAGEMENT PRACTICES FOR MINNESOTA.

Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion. Cofferdams shall be constructed and maintained so as to prevent erosion into the water. If earthen material is used for cofferdam construction, sheet piling, riprap or a synthetic cover must be used to prevent dam erosion.

5. Removal of temporary fills. Temporary fills are allowed to remain in place for up to three months. Upon request the District Engineer may extend this period allowing temporary fills to remain in place for up to a total of 180 days, where appropriate.

At the end of the specified timeframe, temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

6. General Information-information about Federal Endangered species may be obtained by contacting the U. S. Fish and Wildlife Service at (612) 725-3548. The District's web page (www.mvp.usace.army.mil/regulatory/) will also contain a link to the U.S. Fish and Wildlife Service. Information concerning cultural resources may be obtained by contacting the State Historic Preservation Office at (651) 296-5462. Project proponents are encouraged to contact these agencies early in project planning because doing so can help avoid violations of Federal law and potentially lengthy permitting delays. Persons performing work should be aware that Federal or state regulations concerning endangered species and cultural resources may apply to their projects whether or not the work requires a Corps permit. If referenced web sites are unavailable or the necessary information is not available on the referenced web site, the Corps contact for your county can be found on our web site referenced above, or you may call 651-290-5375.

7. Other permit requirements. No Corps RGP-03-MN authorization eliminates the need for other local, state or Federal authorizations, including but not limited to National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permits from the Minnesota Pollution Control Agency, public waters work permits from the Minnesota Department of Natural Resources, or Wetland Conservation Act authorizations from the applicable local governmental unit.

8. Historic properties, (cultural resources). No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325 Appendix C. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

9. Cultural resources. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

10. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery

effort or if the site is eligible for listing in the National Register of Historic Places.

11. Spawning areas. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

12. Obstruction of high flows. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

13. Adverse effects from impoundments. If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

14. Waterfowl breeding areas. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

15. Navigation. No activity may cause more than a minimal adverse effect on navigation.

16. Aquatic life movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.

17. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

18. Tribal rights. No activity or its operation may impinge or abrogate reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

19. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency with direct management responsibility for such river has determined that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service.)

20. Water quality standards. All work or discharges to a watercourse resulting from permitted construction activities, particularly hydraulic dredging, must meet applicable

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Federal, State, and local water quality and effluent standards on a continuing basis.

21. Preventive measures. Measures must be adopted to prevent potential pollutants from entering the watercourse. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter the watercourse as a result of spillage, natural runoff, or flooding.

22. Spill contingency plan. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at 1-800-422-0798 and the U.S. Coast Guard at telephone number (1-800) 424-8802.

23. Disposal sites. If dredged or excavated material is placed on an upland disposal sight (above the ordinary high-water mark), the site must be securely diked or contained by some other acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. The containment area, whether bulkhead or upland disposal sight, must be fully completed prior to the placement of any dredged material.

24. Water intakes/activities. No activity, including structures and work in waters of the U.S. or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

25. Endangered Species.

a. No activity is authorized which is likely to adversely affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

b. Authorization of an activity under RGP-03-MN does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and

Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their World Wide Web pages on the Internet.

c. If it becomes apparent that a federally listed endangered plant or animal species will be affected by work authorized by this permit, work must be stopped immediately and the St. Paul District of the Corps of Engineers must be contacted for further instruction.

26. Known Populations of Federally Listed Threatened and Endangered species. Information on known populations of Federally listed species and their designated critical habitat is available on our web site and from the Twin Cities Field Office of the U.S.F.W.S. See standard condition 6 or contact information.

27. The time limit for completing work authorized by RGP-03-MN ends upon the expiration date of RGP-03-MN. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least three months before the expiration date is reached.

28. You must maintain the authorized activity in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

29. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of RGP-03-MN.

30. State Section 401 Water quality Certification. The Minnesota Pollution Control Agency has waived Section 401 certification for RGP-03-MN.

31. Coastal Zone Management consistency determination. The State of Minnesota has determined that GP-03-MN is consistent with the Minnesota CZM program.

Further Information:

I. Congressional Authorities: You have been authorized to undertake the activity described

above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. RGP-03-MN does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. RGP-03-MN does not grant any property rights or exclusive privileges.

c. RGP-03-MN does not authorize any injury to the property or rights of others.

d. RGP-03-MN does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In authorizing work, the Federal Government does not assume any liability, including but not limited to the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that a proponent's project is authorized by RGP-03 will be made in reliance on the information provided by the applicant.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR

326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. Standard condition 27 above, establishes a time limit for the completion of the activity authorized by this general permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. This permit becomes effective upon the issuance date specified after the Federal official, designated to act for the Secretary of the Army, has signed below. This general permit remains in effect for five years unless it is otherwise modified, suspended, or revoked.