

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Route Permit Application by
Great River Energy and Xcel Energy for a
345 kV Transmission Line from Brookings
County, South Dakota to Hampton, Minnesota

ISSUE DATE: July 10, 2012

DOCKET NO. ET-2/TL-08-1474

ORDER APPROVING MINOR
ALTERATIONS TO ROUTE PERMIT

PROCEDURAL HISTORY

On September 14, 2010, the Commission issued its Order Granting a Route Permit for a 345 kV Transmission Line from Brookings County, South Dakota to Hampton, Minnesota to Great River Energy and Xcel Energy (Permittees) in this Docket. The Commission's Order addressed all segments of the route save for the segment between the Cedar Mountain Substation near Franklin, and the Helena Substation near New Market.

On March 1, 2011, the Commission issued its Order Granting Route Permit for Remanded Segment of Route,¹ authorizing construction of the final segment of the route. The project is in Lincoln, Lyon, Yellow Medicine, Chippewa, Redwood, Brown, Renville, Sibley, Le Sueur, Scott, and Dakota Counties.²

On May 22, 2012, Permittees filed an application with the Commission under Minn. Rules, part 7850.4800,³ to approve a minor alteration to the route for four modifications in the Lyon County to Cedar Mountain segment in Redwood, Renville and Brown counties. Permittees requested the minor alteration to address engineering constraints and landowner concerns regarding the approved route.

On May 30, 2012, the Commission issued a Notice of Minor Alteration Application and Comment period. The Commission requested that comments be submitted by June 12, 2012.

¹ Order Granting Route Permit on Remand, this Docket (March 1, 2011).

² The Commission amended the route permit in an order dated February 29, 2012, at the Permittees' request to clarify certain provisions of the route permit and to authorize additional conductors at the crossing of Interstate 35 in Dakota County.

³ Minn. Rules, part 7850.4800 governs the procedures to be used in seeking minor alteration authorization from the Commission.

Comments from the Minnesota Department of Natural Resources (DNR) on the proposed route changes were submitted on June 12, 2012.

On June 13, 2012, the Minnesota Department of Commerce, Energy Facility Permitting Staff (EFP) filed comments, recommending approval of three of the four Minor Alterations (1, 2, and 3) and recommending that the Commission require the submission of additional information and a more thorough evaluation of Minor Alteration 4 before action is taken as to Minor Alteration 4.

On June 20, 2012, the Permittees filed supplemental comments regarding Minor Alterations 1 and 4, and provided an update regarding its coordination with landowners and with the DNR.

On June 21, 2012, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. Introduction and Background

High-voltage transmission lines and the towers required to support them are disruptive to the natural environment and to residents, landowners, and communities along their routes. For that reason, the Commission must undertake a thorough and careful analysis before arriving at a proposed route. The Commission undertook such an analysis prior to making its original route permit decisions in this matter.

In the initial route permit proceedings, the Commission solicited and received public comment from affected landowners and residents and received assurances from the Permittees that they would work with landowners and residents along the approved route to minimize adverse effects as much as possible.

Permittees now seek to make certain minor alterations to the approved route permit. A minor alteration is a change in a large electric power generating plant or high voltage transmission line that does not result in significant changes in the human or environmental impact of the facility. Minn. Rules, part 7850.4800. Upon receiving a minor alteration application, the Commission must mail notice of receipt of the application to those persons on the general list and to those persons on the project contact list. The Commission is also required to provide at least a 10 day period for interested persons to submit comments on the request.

II. Proposed Route Changes

Since the route permit was issued, Permittees engaged in more site-specific review, including property records, and commenced detailed design work of the route. Through these efforts, Permittees identified several areas where they believe route adjustments would be appropriate to address engineering considerations and to minimize impacts to the environment and human settlement.

The Permittees state that all of the requested changes have impacts comparable to the impacts associated with the route initially approved by the Commission, and therefore do not result in significant changes in the impact of the facility on the environment or human settlement.

A. Proposed Alteration 1

Alteration 1 is located in an agricultural area at the Lyon County Substation. It is approximately 1.9-miles long and moves the alignment from the south side of the Lyon County Substation from the section line south of the substation to approximately the quarter section line to the north outside of the approved route. According to Permittees, the alignment change is required in this location due to engineering constraints at the substation.

During the detailed design phase, engineers determined that there is inadequate space for the connection to be made on the south side of the substation. To accommodate this new alignment, Permittees requested that the route width be extended to the north by 490 feet.

B. Proposed Alteration 2

Alteration 2 is located in New Avon Township in Redwood County. It is approximately 0.7 miles long and the centerline has been moved south 270 feet from the initial alignment to follow a field line. As a result, the transmission line right-of-way for the line is outside the right-of-way by approximately 75 feet. To accommodate this adjusted alignment, Permittees requested that the route width be extended to the south by 75 feet.

This alignment change was requested by the affected landowners and will have impacts comparable to the initial alignment except that the line will be approximately 235 feet closer to the residence in Section 10, New Avon Township. The owner of this house is one of the landowners who requested the change. Permittees also note that there is a small shed in the proposed right-of-way. Permittees have reviewed clearance requirements and determined that the shed will not need to be removed.

C. Proposed Alteration 3

Alteration 3 is between Structures 244 and 245 in Eden Township in Brown County and is 1,000 feet long. The alteration is needed to accommodate a modified alignment that changes the orientation of the structures from a right angle to a straight line to follow an existing drainage ditch. For this new alignment, Permittees request that the route width be extended by 210 feet south and by 580 feet east. Permittees state that no changes in impacts result from this alignment and route change.

D. Proposed Alteration 4

Alteration 4 is located at the border of Renville County and Brown County at the Minnesota River crossing. It is approximately 1.7 miles long from Structure 259 to Structure 268. At the river crossing and to the south, a new route designation is proposed to avoid impacts to wetlands and the DNR's Aquatic Management Area. On the north end, Permittees request a widening of the route by approximately 75 feet to 184 feet to accommodate a revised alignment requested by owners of two residences, between which the original alignment is located.

III. Positions of the Parties

A. Department of Natural Resource

The DNR filed comments on June 12, 2012, focusing on Proposed Alteration 4. DNR provided its

analysis of the impact of Alteration 4 as it relates to the DNR Aquatic Management Area, and commented that the proposed Alteration minimizes impacts to the Aquatic Management Area in comparison to the permitted route. DNR also initially voiced concerns that Alteration 4 would cross a Minnesota County Biological Survey Site of Biodiversity Significance (MCBS), in comparison to the permitted route. DNR stated that with the proposed alteration, there would be potential impacts to a prairie located within the MCBS site⁴ and that there are botanical species of special concern located within the MCBS site.

Finally, DNR recommended bird diverter placement from poles 262 to 264 near the Nesburg's Landing Aquatic Management Area and the Minnesota River Crossing.

After review of the supplemental information submitted by Permittees, DNR stated that proposed Alteration 4 would in fact potentially reduce the impacts to the Aquatic Management Area, and that the MCBS would benefit by removal of the overgrown cedar trees in the prairie area. Accordingly, the DNR voiced its supports for proposed Alteration 4.

B. EFP

The EFP filed comments regarding the proposed minor alterations. After review, the EFP concluded that the proposed minor alterations for requests 1, 2, and 3 were reasonable, and that the impacts for the proposed deviations would be similar to, or improve those in the original route permit and will not result in any additional changes in the human or environmental impacts of the approved route.

Based on DNR's initial concerns as to the impacts from proposed Alteration 4, EFP recommended that the Permittees be required to provide additional information and consult with the DNR concerning the crossing of the MCBS site located at the Minnesota River crossing.

C. Reply Comments of the Permittees

Permittees filed supplemental comments on June 20 addressing issues raised during the proceeding with respect to proposed Alterations 1 and 4.

Permittees stated that Alteration 1 is necessary due to engineering constraints at the Lyon County Substation. Due to inadequate space for the line to exit to the south, Permittees evaluated an exit to the north and determined that proposed Alteration 1 not only addressed the engineering constraint, but would also reduce impacts on two homesteads that were originally bisected by the line. Permittees stated that they had consulted with the 6 affected landowners, who stated that they agree with the proposed change.

Further, Permittees stated that clearing the trees behind the affected residences should not have any impact on known wildlife habitat. Finally, the proposed alternative would enable Permittees to maximize the spans east of the substation through the agricultural land, thereby minimizing the number of poles surrounding the Lyon County Substation.⁵

⁴ DNR stated that the prairie could be impacted by the proposed placement of a pole, Structure 0956-266, within the MCBS area.

⁵ Permittees indicated that proposed Alternative 1 would eliminate one pole from the original design.

With respect to the proposed Alteration 4, Permittees responded to the concerns raised by DNR regarding potential impacts to a prairie located within the MCBS site and concerns to impacts concerning rare plant communities. Permittees conducted their own review and site investigation, the results of which they shared with DNR prior to the hearing on this matter. Permittees stated that the DNR now agrees that the overall environmental impacts from the route will be minimized with proposed Alteration 4 and supports the Minor Alteration.

Finally, Permittees also voiced their willingness to accept DNR's recommendation regarding bird diverters from poles No. 262 to 264.

IV. Commission Action

The transmission routing rules provide for granting minor alterations to permitted routes due to the need for flexibility. The details that make specific parts of a proposed route less suitable than originally understood – or that make a small deviation from the permitted route more appealing – are not always apparent at the time a route permit is under consideration. And when analyzing a transmission line route spanning more than 240 miles, these details must be correspondingly large before they will be accounted for in the route permit order.

Given this context, the Commission will approve the requested minor Alterations 1, 2, 3, and 4, with the concurrence of all parties, for the reasons set forth herein. All parties agree that the impacts of Alterations 2 and 3 are comparable to those approved in the initial route permit. Having reviewed the proposed alterations, the Commission finds that Alterations 2 and 3 will also result in no significant changes in the human or environmental impacts of the approved route. The proposed changes accommodate landowner concerns and minimize the effect on agricultural lands, and the Commission will so approve.

Further, having reviewed the supplemental information submitted by Permittees as to proposed Alterations 1 and 4, and with the concurrence of all parties at the Commission hearing, the Commission finds that Permittees have adequately addressed the concerns raised by the DNR and the Commission as to these Minor Alterations.

The Commission requested the Permittees to work with affected residents and landowners to seek transmission line routes that avoid or minimize the impacts to homes and farmsteads. Here, proposed Alteration 1 will reduce the impacts on two homesteads that were originally bisected by the line. Importantly, the six landowners potentially affected by proposed Alteration 1 agree with the proposed change. Further, Permittees have attempted to accommodate concerns raised regarding the number of poles in close proximity to the Lyon County substation, and have been able to eliminate one pole from the original design.

In addition, the Commission finds that Permittees have satisfactorily addressed the concerns raised about proposed Minor Alteration 4. The Commission appreciates the comments and review of the DNR, particularly as to environmental concerns surrounding the proposed river crossing, the potential impacts to sensitive plant communities and native prairie, and the minimization of effects on the MCBS and the Aquatic Management Area.

After review of the supplemental comments filed by Permittees, the DNR now supports Permittees' proposed Minor Alteration 4. The Commission has reviewed the supplemental information submitted, and with the support of the DNR, as well as all affected landowners,

concur that proposed Minor Alteration 4 minimizes the overall impacts to landowners and the environment, and does not result in a significant change in the human or environmental impact of the facility. Accordingly, the Commission will so approve.

The purpose and effects of the proposed minor adjustments are consistent with the purposes set forth in the route permit – to minimize the loss of agricultural land and to avoid homes and farmsteads. While several of the adjustments are proposed to move the transmission line to accommodate landowner concerns at the four sites, the adjustments will also have beneficial effects on the human settlement (by placing the line to avoid impacts on farmsteads), as well as the environment (by the proposed clearing of an area currently overgrown with cedar trees).

For all these reasons, the Commission will approve the four minor route adjustments requested in the petition.

ORDER

1. The Commission grants the Permittees' petition to make the four route adjustments described herein as minor alterations to the approved route.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary



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