



Le Sueur County, MN

Tuesday, July 7, 2015

Regular session

Item 2

Great River Energy

Staff Contact: Kathy Brockway or Michelle Mettler



GREAT RIVER
ENERGY®

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June 25, 2015

Tyrone Project # 78531

Le Sueur County Board and
Planning and Zoning Commission
c/o Ms. Kathy Brockway,
Planning and Zoning Administrator
88 South Park Avenue
Le Center, Minnesota 56057-1652

SUBJECT: Great River Energy Application for Conditional Use Permit for 69 kV
"Tyrone" Transmission Line.

Dear Board Members, Commission Members and Ms. Brockway:

At the June 11, 2015, Conditional Use Permit (CUP) Hearing, the Planning and Zoning Commission, before continuing the CUP hearings to July 7, 2015, asked Minnesota Valley Electric Co-op (MVEC) and Great River Energy (GRE) to provide additional information regarding:

- Locations of the approximately 12 sites reviewed for the proposed substation, and criteria as to how they are chosen and reasons they were not chosen; (MVEC issue)
- Reliability; (MVEC issue)
- Work Plans-future growth needs; (MVEC issue)
- Future growth of Industrial Park in Le Sueur and their needs; (MVEC issue); and,
- Information about the area of moderate biodiversity significance presented in the CapX2020 document introduced into the record. (GRE issue)

Minnesota Valley Electric Co-op will address the first four items listed above in a separate letter to Le Sueur County. GRE's response regarding moderate biodiversity follows.

Area of Moderate Biodiversity

Ms. Emily Pollack submitted to the Planning Commission a January 19, 2010, letter to the Honorable Richard Luis, Office of Administrative Hearings, from Craig Poorker, Great River Energy. We believe Ms. Pollack read the following note contained on page four of the letter and Commissioner Katzenmeyer read a similar statement:

MYRICK STREET ALIGNMENT ALTERNATIVE

The Myrick Alternative follows the north side of the U.S Highway 169 corridor across the Minnesota River. Approximately 900 feet west of the State Highway 112 exit ramp the centerline heads southeast, crossing U.S. Highway 169. After crossing U.S. 169, the route turns slightly, crossing State Highway 112 and into Mayo Park in the City of Le Sueur. The route continues through Mayo Park, turning east at Forest Prairie Road (County Road 28) paralleling the north side of road, a distance of approximately 0.27 miles. The route then crosses Forest Prairie Road, turning in the southeast direction, crossing through a woodland bluff area and farm field line. The route then follows Myrick Street for 0.4 miles, where it heads directly east along a field line and narrow woodland, crossing MCBS moderate biodiversity area, connecting with the Applicants' Modified Preferred route on 320th Street.

In the hearing, it appeared Ms. Pollack and Commissioner Katzenmeyer understood the letter to state that the MCBS moderate biodiversity area crossed over 320th Street thereby intersecting with the proposed substation and the transmission line.

A plain interpretation of the language in the letter submitted by Ms. Pollack would be that the "Myrick Alternative" route crosses through the MCBS moderate biodiversity area, not that the MCBS moderate biodiversity area extends to, or past the 320th Street location of the proposed MVEC substation.

This interpretation is supported by the Exhibit 51 referenced in the letter (Attachment A). A more detailed map is also attached (Attachment B) that depicts the biodiversity area (shown in EIS Exhibit 6 Map.), the Myrick Street Alignment Alternative, and the area where the CapX 2020 Project alternative crosses the biodiversity area.

According to the information introduced into the Hearing record as of the date of this letter, it is clear that the CapX 2020 project did not claim that the area of bio

diversity crosses 320th Street, but rather that the alternate route crossed the area of biodiversity before the alternate route connected with the Preferred Route on 320th Street.

Additional discussion about the area of biodiversity raised questions as to whether or not the projects' nearness to the biodiversity area created significant adverse impacts to the area. To this issue, Great River Energy directs the Commission to the Minnesota Department of Natural Resources (DNR), Division of Ecological and Water Resources, March 18, 2015, letter to Ms. Marsha Parlow, Great River Energy (submitted to the county by Ms. Parlow on June 4, 2015), which expresses no concerns with the project's potential impact on the area of biodiversity or the plant communities. The DNR is responsible for the review of projects and their impact on rare features. Great River Energy's CUP application identifies the biodiversity sites and the plant communities contained within them, i.e. oak, maple, elm.

Thus, no facts or real evidence were introduced to demonstrate that the proposed substation and/or the transmission line will touch or have significant adverse effects on the moderate biodiversity area.

Several other issues were raised on June 11th that Great River Energy was unable to address before the meeting was continued to July 7, 2015. In an effort to expedite the hearing on July 7, we believe it prudent to provide written responses in advance for the Commission's, and subsequently the Board's, review.

Archeological and Historic Resources.

Several concerns were raised about the Project's potential impact on archeological resources. The EIS discusses Cultural and Historic Resources in Section 9. P. on page 29. As discussed in the EIS, GRE contracted with HDR, Inc. to complete a cultural resource review for the project area and consulted with the State Historic Preservation Office (SHPO). The SHPO concurred with the archeologist's recommendations in the Tyrone Transmission Line Upgrade Critical Issues Analysis (EIS Appendix B).

As is standard practice for all projects, GRE will continue to work with the SHPO to ensure that the proposed Project does not significantly impact archeological or historic resources. This consultation process is dependent on the level of the transmission line design. As additional information is obtained through permitting processes and agency reviews, the level of the design becomes less granular. As the design becomes less granular, more detailed archeological investigations are performed if the SHPO deems such investigation as prudent through the

consultation process. Given that we do not yet have a transmission line route approved by Le Sueur County via a Conditional Use Permit, it is not practicable to advance to the next stages of the archeological review process.

In its report, HDR “recommends a Phase I archeological reconnaissance survey of the Project ROW. The scope and scale of this investigation should be determined after the project is well defined” (HDR Report pg. 4). The SHPO agrees with these recommendations in their May 26, 2015 letter to Ms. Marsha Parlow thus, this is the process that GRE plans to follow.

It was also noted the proposed transmission line route and/or the substation would be near a Minnesota Department of Transportation rest stop, a 100 year old farm and, a farm President Bush once visited. It is not clear that the line or substation would touch any of these. Nor was any actual evidence provided to indicate how the transmission line or substation would have a significant adverse impact on these locations.

Treated Transmission Line Poles Too Close to Pollack well

The Pollacks expressed concern that the wood poles proposed for this project, would allow pentachlorophenol (PCP) to leach into the ground water and contaminate their well. PCP is used as a wood preservative in the poles.

The EIS addresses this concern in section 9.E. (pgs 15 – 16). The U.S. Environmental Protection Agency (EPA) has compiled health and environmental experts who have completed a comprehensive risk assessment on pentachlorophenol manufacturing and use. With respect to groundwater contamination, the EPA states:

“Degradation of pentachlorophenol will reduce the likelihood of groundwater contamination and indications were that pentachlorophenol did not move significantly to lower depths in contaminated soils from utility poles. In addition, the amount leaching out of the utility poles/square area/time is very small to pose risks to groundwater.

Ultimately, this issue is about the Pollacks’ fear that the PCP used to treat wood poles placed adjacent to their home could contaminate their well. (the Pollacks are the only ones to make this argument and to state that they currently use a well that is only 12 – 15 feet from the ground surface). Therefore, to allay their fears and to move the permit process forward, GRE would not object to a condition in the CUP directing the use of either ductile iron or steel poles, neither of which are treated with PCP. (See Attachment C, letter from Induron Protective

Coatings, regarding safety of epoxy coating used on the base of ductile iron poles).

Increasing Wetlands Priority for County

The EIS has shown the nearest wetland is 620 feet south of 320th Avenue (EIS Pages 13 and 32). To date, no evidence has been presented that the proposed transmission line would cross either a County or DNR designated wetland.

Additionally, it was stated by Ms. Pollack that the transmission line could prevent the development of wetlands. The facts refute this assertion. GRE stated that the transmission line poles will be placed in road right-of-way and therefore, would not prevent wetland development in the area.

Electric and Magnetic Fields (EMF)

GRE submitted information regarding this issue in the EIS (EIS Pages 20-26) that accompanied the CUP application. Briefly, the information cites extensive national and international scientific literature that indicates there is insufficient evidence to prove an association between health effects and EMF.

Line Blow-Out

Blow-out of transmission line conductor wires is accounted for in GRE easements and pole placement. Easements will generally be 35 feet either side of the transmission centerline. Blow-out is usually less than easement width. This is the case for the proposed transmission line, except for the ravine crossing, where pole design and height will avoid blow-out issues. As noted in the CUP application documents and stated at the Hearing, easements are cleared of any vegetation that can grow taller than 15–18 feet above ground.

“What will property value be when this line goes through the front yard?”

State law requires GRE to fairly compensate owners for easements acquired. This includes both the actual area of the land to be used plus, any other effect to the adjoining land. GRE has stated and hereby re-affirms that GRE will work with land owners to negotiate fair payments for the easement.

Bird diverter's should be placed on spans other than the river crossing, i.e. near the Katzenmeyer property.

GRE previously submitted information regarding this project to the Minnesota Department of Natural Resources (DNR) and U.S. Fish and Wildlife Service (FWS) and provided their comments to the County (submitted on June 4, 2015). Neither agency raised concerns or required diverters in such areas. However, should either agency change their opinion regarding this proposed transmission

line and request diverters in the future, bird diverters will be placed as requested by DNR or FWS.

CRP and transmission line.

An assertion was made that the transmission line would “affect” any land enrolled in the Conservation Reserve Program (CRP). However, no evidence was presented to indicate that the transmission line would damage CRP plantings, cause or promote erosion of the soil, diminish water quality or, harm either wildlife or wildlife habitat.

GRE submits that assertions alone cannot form the basis for findings of fact to support a CUP decision.

GRE did, however, state that, pursuant to County Ordinance, transmission line poles will be placed in the road rights-of-way, outside CRP land. These poles do not require frequent maintenance or repair, nor do they have physical emissions. Thus, it would seem more likely that the existence of the road itself, via roadway traffic and maintenance, i.e. oil, salt, road grading, vehicle exhaust, etc. would be more detrimental to CRP lands and wildlife than the proposed transmission line.

“GRE doesn’t have pole locations and sizes already determined”

In order to design a transmission line engineers must have a complete survey of the route, know the topography of the land, know the soil type where the poles might be placed and, know where and how the new line will connect into or pass near existing distribution and transmission lines. It is too costly to acquire all of this information and then design a line simply on the chance that the proposed route might be approved by the permitting governmental entity. Therefore, until a route permit is issued, GRE can only provide general information regarding the line and specific information where possible until the actual route is known and permitted.

“GRE keeps changing their mind all the time about the project and saying whatever to push their agenda forward”

GRE explained at the open houses that our practice is to listen and learn from owners and other parties and adapt our plan accordingly. GRE uses these open houses to gain insight and other considerations when routing a project. GRE works with landowners to address their concerns and to make accommodations for those concerns when able.

“The line location will make the land across from Pollack’s current home unbuildable”

The County setback requirement along 265th Avenue is 75 feet from edge of road right-of-way. The GRE transmission centerline will be 3 – 5 feet from the edge of the road right-of-way, towards the road centerline. The edge of the transmission line easement, for overhang purposes, will be approximately 32 feet onto the Pollack property. Therefore, any structure placed on that property must, by county ordinance, be at least 78 feet from the transmission centerline and approximately 42 feet from the edge of the transmission easement. Such a configuration will not make the lot unbuildable.

What Distance Does the Minnesota Department of Health Require Transmission Lines to be Setback From a Well?

According to the Minnesota Department of Health the minimum setback for a well to an electric transmission line is 10 feet.

According to 4725.4450 Water-Supply Well Distances From Contamination Source – Part of the Well Management Program Rules Handbook:

“The rules require that the isolation distance to a **sensitive well** is doubled where a contaminant is (actively) entering the soil. A “sensitive well” is a well with less than 50 feet of watertight casing which is not cased through 10 feet of confining materials.”

“The isolation distances in this part are minimum distances measured horizontally from the closest part of the upper termination of the water-supply well casing to the closest part of the contamination source, or the vertical projection of the contamination source on the established ground surface, whichever is closer”.

Assuming a well meets the “sensitive well” clause, the Tyrone 69 kV Transmission Line would have a minimum setback to such a well of 20 feet.

“GRE has said that those who live across the road from the project do not matter”

To clarify, GRE does listen to the concerns of those who live across a road from or near a proposed transmission line, but those parties do not have an easement on their property for the line. However, GRE does not acquire easements from properties not directly affected by a transmission line. During the initial stages of a project, GRE actively listens and engages all local landowners and those interested in the project.

“If easements do not state 69 kV limitations in them then GRE can change the line voltage at any time”

GRE cannot change the voltage (less than 100 kV) of the transmission line unless the CUP is amended. Such amendment would entail notice, public hearing, and all other requirements for a CUP. To increase the voltage to over 100 kV, GRE must follow state transmission line permitting law, which would likely require obtaining a permit either through the County's local permitting process or from the Minnesota Public Utilities Commission. Also, as stated in the Hearing, GRE has no objection to placing language in easements limiting the easements to 69 kV.

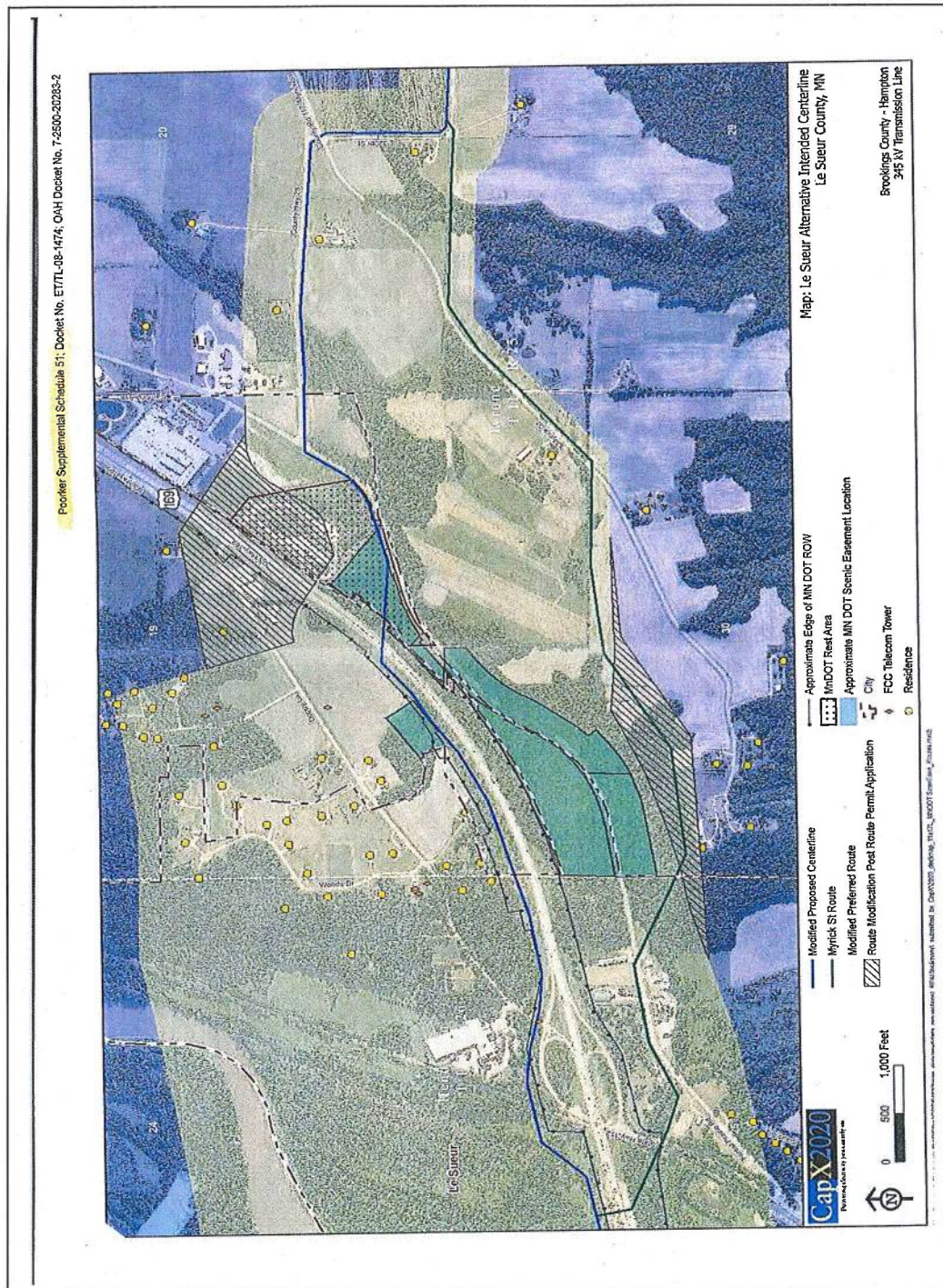
Sincerely,



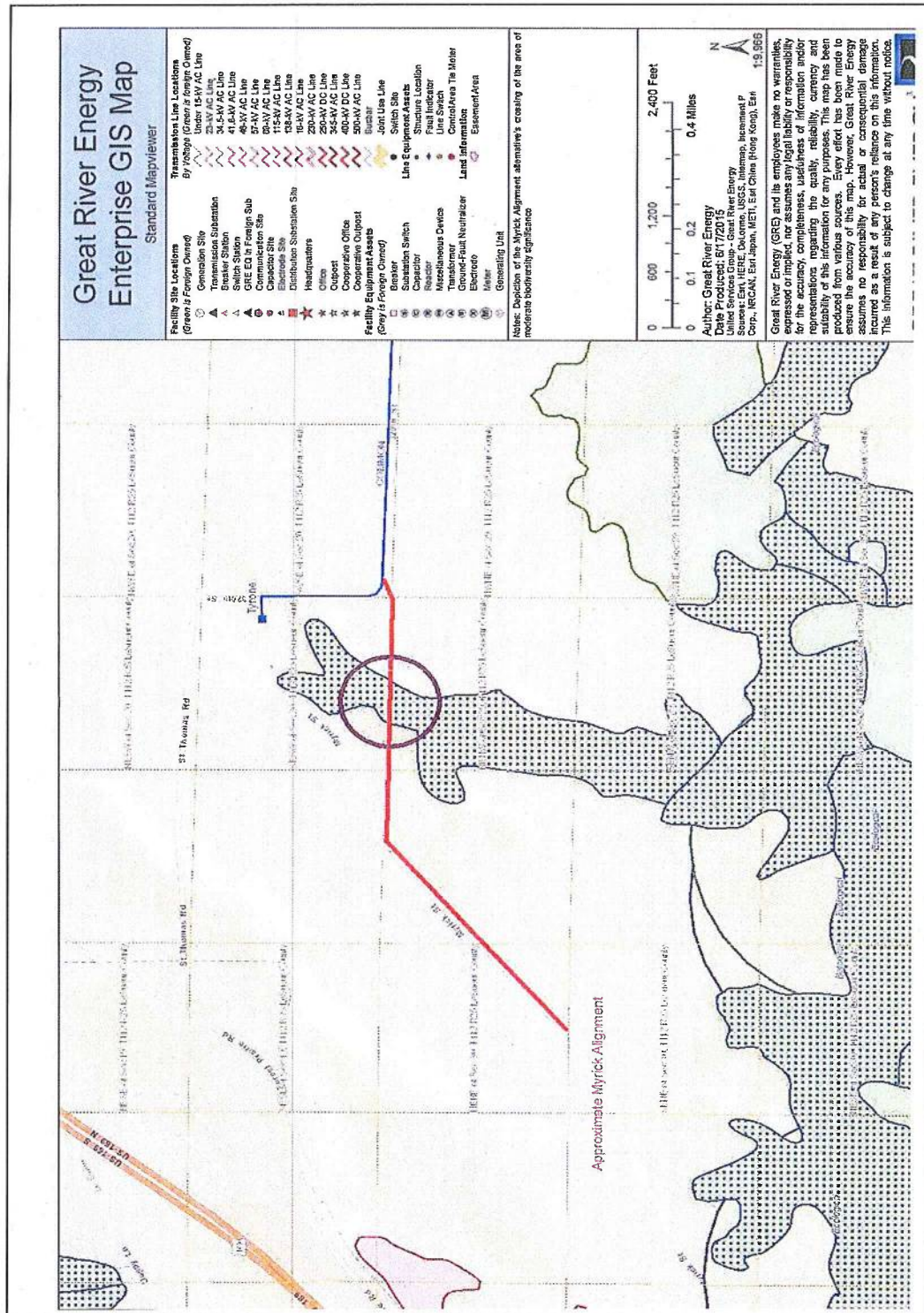
Great River Energy
Peter Schaub

ATTACHMENT A

CapX 2020 Exhibit 51 referenced in the January 19, 2010 Letter Submitted by Ms. Pollack



Detailed Map of Myrick Street Alternative Highlighting Biodiversity Area Crossing



ATTACHMENT C



Look Beneath the Surface.

June 18, 2015

Warren Stewart
McWane Poles

RE: Permasafe Pole and NSF Drinking Water Approval

Warren:

Permasafe Pole coating is also sold under the name Ceramawrap (used in the ductile iron pipe industry- exactly the same ceramic epoxy). The piping systems sometimes require a pipe to run through a potable water tank in water treatment plants or in food processing, so we have an NSF Certification for the coating.

The NSF certification is tested and recertified yearly to make sure that no harmful extractable amounts (sometimes referred to as "leaching") are present in the drinking water. There is no higher safety certification for a coating.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Rowell".

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