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William Cole Storm, Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, Minnesota, 55101

Re: Great Northern Transmission Line Project and Associated Facilities
PUC Docket Nos. ET015/TL-14-21
DOE/EIS 0499

Dear Mr. Cole,

On June 19, 2015, the Minnesota Department of Commerce (DOC) issued a Notice of Availability of Draft Environmental Impact Statement and request for public comments on the Draft Environmental Impact Statement (DEIS) relating to the route permit application by Minnesota Power for the Great Northern Transmission Line Project and Associated Facilities in Beltrami, Itasca, Koochiching, Lake of the Woods, and Roseau Counties Minnesota. The Minnesota Department of Transportation (MnDOT) has reviewed the DEIS regarding the proposed transmission line project and submits the following comments in response to the Notice.

Both the Blue, Orange, Blue/Orange routes and route segment options evaluated in the DEIS have a number of locations that either cross or run parallel to highways that are part of the state trunk highway system and the National Highway System. As previously stated in MnDOT's Scoping Letter dated August 14, 2014, MnDOT's policy seeks to permit utilities to occupy portions of the highway rights of way where such occupation would not put the safety of the traveling public or highway workers at risk or unduly impair the public's investment in the transportation system. The enclosed comments also provide input on specific impacts associated with the proposed project discussed in the DEIS.

MnDOT appreciates the opportunity to comment and commends the Applicants and the DOC for their communication efforts throughout this process. MnDOT wishes to participate in the development of the EIS so that it will contain a thorough evaluation of the effects various route proposals may have on the state transportation system. MnDOT's fundamental interest is to ensure that the EIS identifies and quantifies, to the extent possible, any impacts the proposed high voltage transmission line (HVTL) may have on the safety of the transportation system, the effectiveness of the operations or maintenance of the state trunk highway system, and any additional costs that may be imposed on the state trunk highway fund as a result of the location of the proposed HVTL.

MnDOT has adopted a formal policy and procedures for accommodation of utilities on the highway rights-of-way ("Utility Accommodation Policy"). A copy of MnDOT's policy can be found at http://www.dot.state.mn.us/policy/operations/op002.html.

MnDOT's approach to the high voltage transmission lines ("HVTL") involved in the Applicants' proposal is to work to accommodate these HVTLs within or as near as feasible to the trunk highway rights of way, based on an evaluation of the specific locations to ensure that appropriate clearance is maintained to preserve the safety of the traveling public and highway workers and the effective operation of the highway system now and in the foreseeable future. MnDOT's Utility Accommodation Policy seeks to guide the balance between accommodation of utility operations in the highway rights of way and preserving the safe and efficient operation of the transportation system.

The provisions of the Utility Accommodation Policy are based on the framework of several interrelated state and federal laws that led to its creation. These comments will outline the legal and regulatory structure under which the Policy was adopted, and will then discuss the types of circumstances and concerns that must be considered when applying the Utility Accommodation Policy to a specific situation as MnDOT works to accommodate a utility in a highway right of way while preserving the safe and efficient operation of the highway. The comments will provide as much specific information as is possible at this time on locations where the HVTL routes proposed by Applicants in this application either cross or run parallel to the trunk highway system. Finally, these comments will discuss a few specific portions of the DEIS.

I. Legal Framework Applicable to MnDOT's Utility Accommodation Policy

MnDOT's policy regarding accommodation of utilities is governed by both federal and state statutes and regulations. These comments will first describe the primary federal laws and then the state laws

A. Applicable Federal Laws

Certain highways in Minnesota are part of the National Highway System, which is established under 23.U.S.C. §103. The National Highway System and the Dwight D Eisenhower National System of Interstate and Defense Highways (Interstate System) are together known as the Federal-aid System. 23 U.S.C. §103(a). See also 23 CFR Part 470. In addition to the highways on the National Highway System, other highways also receive federal funding. Together, the highways in the National Highway System, the Interstate System, plus the other highways that receive federal funding are known as "Federal-aid highways." 23 CFR §470.103. Any of the highways in Minnesota that are potentially impacted by the Great Northern Transmission Line route proposal could be Federal-aid highways.

Congress articulated the transportation policy of the United States in 23 U.S.C. §101(b). Among other things, Congress noted that "it is in the national interest to preserve and enhance the surface transportation system to meet the needs of the United States for the 21st Century," that "the current urban and long distance personal travel and freight movement demands have surpassed the original forecasts and travel demand patterns are expected to continue to change," and that "special emphasis should be devoted to providing safe and efficient access for the type and size of commercial and military vehicles that access designated National Highway System intermodal freight terminals." 23 U.S.C. §101(b)(3)(A), (B) and (E).

Federal law requires that "The real property interest acquired for all Federal-aid projects . . . shall be adequate for the construction, operation, and maintenance of the resulting facility and for the protection of both the facility and the traveling public." 23 C.F.R. §710.201(e). In

addition, all real property that is part of the Federal-aid highway system must be devoted exclusively to highway purposes unless an alternative use is permitted by federal regulation or the Federal Highway Administration ("FHWA"). This basic proposition is stated in 23 C.F.R. §710.403, which provides:

> "(a) The [State Transportation Department] must assure that all real property within the boundaries of a federally-aided facility is devoted exclusively to the purposes of that facility and is preserved free of all other public or private alternative uses, unless such alternative uses are permitted by Federal regulation or the FHWA. An alternative use must be consistent with the continued operation, maintenance, and safety of the facility, and such use shall not result in the exposure of the facility's users or others to hazards."

Similarly, 23 C.F.R §1.23 restricts use of the highway right of way unless otherwise permitted. This section provides:

> "(a) Interest to be acquired. The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation and maintenance of a project.
>
> (b) Use for highway purposes. Except as provided under paragraph (c) of this section, all real property, including air space, within the right of way boundaries of a project shall be devoted exclusively to public highway purposes. No project shall be accepted as complete until this requirement has been satisfied. The State highway department shall be responsible for preserving such right of way free of all public and private installations, facilities or encroachments, except (1) those approved under paragraph (c) of this section; (2) those which the Administrator approves as constituting a part of a highway or as necessary for its operation, use or maintenance for public highway purposes and (3) informational sites established and maintained in accordance with Sec. 1.35 of the regulations in this part.
>
> (c) Other use or occupancy. Subject to 23 U.S.C. 111, the temporary or permanent occupancy or use of right of way, including air space, for nonhighway purposes and the reservation of subsurface mineral rights within the boundaries of the rights of way of Federal-aid highways, may be approved by the Administrator, if he determines that such occupancy, use or reservation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon."

(Emphasis added.)

Federal law recognizes accommodating the placement of utility facilities as a permissible exception to the general mandate that all of a highway right of way, including the air space above the right of way, must be used solely for highway purposes. Section 109(l) of Title 23 of the U. S. Code provides:

> "(1) In determining whether any right of way on any Federal-aid highway should be used for accommodating any utility facility, the Secretary shall—
>
> (A) first ascertain the effect such use will have on highway and traffic safety, since in no case shall any use be authorized or otherwise permitted, under this or any other provision of law, which would adversely affect safety;
>
> (B) evaluate the direct and indirect environmental and economic effects of any loss of productive agricultural land or any impairment of the productivity of any

agricultural land which would result from the disapproval of the use of such right of way for the accommodation of such utility facility; and
(C) consider such environmental and economic effects together with any interference with or impairment of the use of the highway in such right of way which would result from the use of such right of way for the accommodation of such utility facility. "

The U.S. DOT has implemented this statutory directive by adopting the rules relating to accommodation of utilities found at 23 C.F.R. Part 645, Subpart B. These regulations require that each state transportation department submit its policies for accommodating utilities within highway rights of way to the FHWA. 23 C.F.R §645.215(a). See also 23 C.F.R §645.209(c). The FHWA will approve the policy upon determination that it is consistent with federal statutes and regulations, and any changes to the policy are also subject to FHWA approval. 23 C.F.R §645.215(b) and (c). Once a state's policy has been approved by the FHWA, the state transportation department can approve requests by a utility to use or occupy part of the right of way of a highway that is part of the Federal-aid highway system if the request is encompassed by that policy. Exceptions to the policy can be granted, but if a state proposes to grant to a utility an exception to its utility accommodation policy, the exception is subject to review and approval by the FHWA. 23 C.F.R § 645.215(d). This may be considered a federal action which would need to meet all requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 et seq., to be in conformance with federal regulations.

B. Applicable Minnesota Laws

In addition to these federal laws, MnDOT's policy on utility accommodation must also conform to laws of the State of Minnesota. Article 14 of the Minnesota Constitution establishes the state trunk highway system. It also establishes "a trunk highway fund which shall be used solely for the purposes [of constructing, improving and maintaining the trunk highway system]." Minn. Const. Art. 14, §5. Under Minn. Stat. §161.20, the Commissioner of the Department of Transportation is charged with the responsibility to carry out the directive of Article 14 to construct, improve and maintain the trunk highway system, subject to the directive that trunk highway funds may be used only for trunk highway purposes.

Minnesota has several statutes relating to use of highway rights of way by utilities. Minn. Stat. §222.37, Subd. 1, provides in part:

> "Any . . . power company . . . may use public roads for the purpose of constructing, using, operating, and maintaining lines . . . for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and in the construction and maintenance of such line . . . the company shall be subject to all reasonable regulations imposed by the governing body of any county, town or city in which such public road may be."

Minn. Stat. § 161.45 provides additional obligations for utility facilities occupying portions of a trunk highway right of way. Section 161.45, Subd. 1 provides in part:

> "Electric transmission . . . lines . . . which, under the laws of this state or the ordinance of any city, may be constructed, placed or maintained across or along any trunk highway . . . may be so maintained or hereafter constructed only in accordance with such rules as

may be prescribed by the commissioner who shall have power to prescribe and enforce reasonable rules with reference to the placing and maintaining along, across, or in any such trunk highway of any of the utilities hereinbefore set forth."

Subdivision 2 of §161.45 specifies the general rule that if the relocation of a utility placed in a trunk highway right of way is necessitated by a construction project on the trunk highway, the utility bears the costs associated with the relocation of its facility. However, if a utility facility is located on the Interstate System, then the cost of relocation of such facility is to be paid out of the state Trunk Highway Fund. See Minn. Stat. § 161.46.

Minnesota Rules part 8810.3100 through 8810.3600 contain rules relating to placement of utility facilities in trunk highway rights of way. Under part 8810.3300, a utility must obtain a permit for any construction or maintenance work in a trunk highway right of way. In addition, Subp. 6 of part 8810.3300 requires that, except for the negligent acts of the state, its agents and employees, the utility shall assume all liability for and save the state harmless from any and all claims arising out of the utility's work and occupation of a portion of the trunk highway right of way.

C. MnDOT's Utility Accommodation Policy

MnDOT has adopted a policy statement regarding the circumstances and methods under which it will grant permits to utilities to occupy a portion of a trunk highway right of way. MnDOT's Utility Accommodation Policy is in conformance with the federal and state statutes and regulations described above, and is also consistent with the American Association of State Highway and Transportation Officials (AASHTO) publications, A Guide for Accommodating Utilities Within Highway Right of way and A Policy on the Accommodation of Utilities Within Freeway Right of way. MnDOT's Utility Accommodation Policy has been reviewed and approved by FHWA under 23 CFR §645.215(b). Therefore, with respect to Federal-aid highways, further review and approval by the FHWA is required for MnDOT to grant an exception to the general application of the Policy, but FHWA review and approval is not necessary for permits granted within the scope of the Policy.

MnDOT's Utility Accommodation Policy recognizes that it is in the public interest for utility facilities to be accommodated on highway rights-of-way when such use would not interfere with the flow of traffic and safe operation of vehicles or otherwise conflict with applicable laws or impair the function of the highway. The Policy applies to all utilities, both public and private. Therefore it speaks in somewhat generic terms to cover as many anticipated situations as possible.

II. Overview of Transportation-Related Impacts of HVTLs on Trunk Highways

The preferred and alternate routes proposed by the Applicants in this matter either cross over or run parallel to trunk highways in a number of locations. When a route is ultimately selected by the Minnesota Public Utilities Commission (MPUC), the Applicants will need to obtain a valid permit from MnDOT in any location where the HVTL will occupy any portion of the highway right of way. It is acknowledged that the Applicant states multiple times that the potential impacts to the state transportation system will be limited, short-term and localized.

In anticipation of the time when the Applicants will submit applications for permits after a final route is selected, MnDOT has engaged in an ongoing dialogue with representatives of the Applicants and the DOC in an effort to identify information that will be needed to assess the permit applications and, to the degree that specificity is possible at this stage of the proceedings, areas where specific concerns will need to be addressed along various potential route/alignment scenarios. MnDOT believes these discussions have been beneficial for all participants. The discussions have been challenging due to the large number of locations where the proposed HVTL routes and the trunk highways potentially intersect, the variety of unique circumstances that exist along each of these potential locations, and the number of unknowns and uncertainties surrounding the selection of the actual locations where the Applicants will eventually apply for permits from MnDOT.

One of the concepts that has been discussed with the Applicants and the DOC is the importance of recognizing that highway rights of way do not have a uniform width. The width of the right of way, and the distance from the centerline of the roadway to the boundary of the right of way, varies from highway to highway, and even from mile to mile along a given highway. The reasons for this variability are many, and include considerations such as the time when the right of way was purchased, the topography and geology of the area, the negotiations with the individual landowners from whom the right of way was acquired, and the timing and nature of changes and upgrades to the highway that have occurred over the years.

Therefore, a uniform policy that an HVTL can safely be located "X" feet or "Y" feet outside the highway right of way boundary line generally does not work well. A two-dimensional map does not provide sufficient information to determine a suitable alignment for a HVTL. Rather, MnDOT's approach is to evaluate the type of activities that regularly occur on and along highways. These activities can be evaluated in three groups – (a) traffic that uses a highway, (b) maintenance, repair and related activities and structures associated with the ongoing operation of the highway, and (c) construction activities that are likely to occur in the foreseeable future. These functions or uses of the highway each have a zone – i.e., a height and width – in which they take place either along the roadway surface or in the ditches, near bridges, intersections or interchanges where the maintenance and construction activities take place.

Once the zones of these recurring highway activities are identified, a safety buffer zone from the location of the energized wires of the HVTLs must be applied. The Occupational Safety and Health Administration (OSHA) and the National Electric Safety Code (NESC) can provide guidance on the safety clearances for activities near various voltages of HVTLs. The OSHA or NESC safety buffer should be applied between the zones of transportation activities and the location of the energized lines.

1. Traffic That Uses a Highway

Minnesota's trunk highways are designed to facilitate both personal travel and the distribution of freight throughout the state. Pursuant to Minn. Stat. §§169.80 and169.81, vehicles that do not exceed 13 feet 6 inches in height and 8 feet 6 inches in width can be operated on Minnesota's highways without a permit. Vehicles with larger dimensions, excluding farm vehicles, must obtain a permit. On average, MnDOT has issued tens of thousands of permits each year for oversize vehicles to operate on state trunk highways. These do not include oversize farm machinery (which do not require a permit) nor movements of houses or other buildings such as

grain bins. The number of building moves varies between 400 and 600 per year. Of the oversize vehicle permits issued, some were for vehicles over 18 feet 5 inches high. An example of the type of oversize loads frequently transported over trunk highways are the blades, base sections and nacelles used in constructing wind turbines.

In addition to freight and building moves, other traffic on the roadway portion of trunk highways includes such activities as snowplows, which operate on both the roadway and the shoulder. Snowplows are about 13 feet tall, and when their boxes are raised to distribute sand and salt, their height can reach as high as 18 feet.

2. Maintenance, Repair and Operational Activities

In addition to the zone associated with traffic traveling on a highway, there is another zone associated with maintenance and operational activities alongside the roadways. Examples of maintenance activities performed by highway workers, and the types of equipment commonly associated with those activities, include the following:

- guardrail and fence installation and repairs, using augers, loaders and skidsteers (which commonly have raised buckets for pulling posts, etc.).
- vegetation control, using mowers, bucket trucks for tree trimming, and equipment for applying herbicides.
- cleaning ditches, culverts and drains, using backhoes and excavators of various sizes that have boom arms that are used to scoop dirt and vegetation and deposit it into a dump truck that will be parked alongside the highway. MnDOT's larger ditch dredging equipment has a horizontal reach as long as 60 feet and a vertical operating dimension of up to 47 feet.
- vehicular accidents on highways often require special equipment to retrieve vehicles and repair damage. For example, when large vehicles such as trucks or buses run off the road or go down large ditches or into wetlands, large equipment with booms or winches may be used to pull them out.
- bridge inspections, using snoopers which have articulating arms that can lift a worker out over the side and then underneath the bridge structure.

Occasionally there is a need for immediate medical transport from roadside locations due to accidents and illnesses. For these situations there are a number of air medical helicopters stationed throughout Minnesota that will land in the roadside environment. These aircraft require clear approach and departure paths as well as an area large enough for the helicopter to land. Given the dimensions of the helicopters used in Minnesota, an area with a diameter of 90 feet should be considered the minimum requirement for landing. There should be two approaches to this area from different directions separated by an arc of at least 90° so that the aircraft can land and take off without a tailwind. Powerlines can be a particularly difficult obstruction for helicopter landings at night. The lines themselves are nearly invisible to the pilot, who must use the presence of poles as evidence that the lines exist. Most helicopters operating in this environment have line cutters installed on the aircraft to cut powerlines they encounter.

Even so, helicopter crashes occur when powerlines get entangled in their rotor system or landing gear.

MnDOT also maintains a number of structures alongside highways necessary for the safe and efficient operation of the highway, each of which requires periodic installation, maintenance and repair work. Examples of these structures include:

- road signs. The largest signs tend to be on freeways. Signs that extend out over the travel portion of a freeway must have 17.33 feet of clearance to the bottom of the sign, and the top of such signs can be 30.5 feet tall and may require boom trucks, bucket trucks or cranes to install or maintain such signs. Roadside guide signs along freeways can reach 13 feet tall and tend to be located as far out in the clear zone as practical.
- light posts, traffic control signals and poles for traffic monitoring cameras exist at various locations along highways, and range in height from 20 to 50 feet.
- high mast light towers are used along some freeways, and range in height from 100 to 140 feet.
- noise walls, which can be up to 20 feet high, are becoming increasingly common along freeways.

Another type of physical item located along highways is snow fences, either structural or living. Some snow fences are in the highway right of way, and others are placed by agreement with adjoining landowners and may be 150 feet off the highway right of way. MnDOT is usually able to work out arrangements with a utility owner regarding height and placement of vegetation used as a living snow fence in locations where a utility is placed. If living snow fences owned by MnDOT need to be removed or relocated to accommodate a utility placement, compensation for the removed vegetation is usually required as a condition for issuance of the permit.

3. Future Construction Activities

MnDOT continually evaluates the future needs for the trunk highway system and has construction projects in varying stages of development. Some have been designed and funded and are ready for construction. Others have been identified as needed or are anticipated due to development trends but have not yet been funded. The types of construction projects MnDOT performs that could be impacted by the location of a HVTL range from relatively minor changes to the width of a highway to major reconstruction projects. Examples of such construction projects might include:

- widening a roadway by addition of travel lanes or turn lanes, installation of a roundabout, or widening a shoulder area;
- rebuilding a highway in a way that changes the location or grade of a roadway; and
- addition of an overpass or interchange on a freeway or other highway.

In addition to changes in the configuration of a highway, consideration must be given to the equipment used during the construction process. Construction projects often involve the use of large excavators and cranes similar in size to the equipment described above which MnDOT uses for its maintenance activities. The equipment used in bridge work is especially large, usually requiring cranes with long booms to lift material into place. The equipment used on construction projects also needs to be refueled at the job site, which requires consideration of the safety precautions necessary for this procedure.

The activities associated with vehicular traffic using the roadway surface have a zone in which they typically occur. In addition to evaluating these zones of activity, MnDOT will also consider factors such as the width of the right of way, the topography of the land and the geometry of the roadway in a specific location when assessing the suitability of that location for an HVTL to occupy a portion of a highway right of way.

Location of a HVTL in close proximity to a highway right of way limits future expansion or reconstruction of highways due to the complex and extremely costly nature of either moving the transmission lines or moving the path of the highway. In order for the Minnesota Public Utilities Commission to make a fully-informed selection of a route based on all the pros and cons of the various alternatives, these costs should be recognized and evaluated in the EIS evaluation of the impacts of the proposed routes. The EIS should include an evaluation of the risk of trunk highway funding liabilities, and the potential magnitude of such liabilities, that may be imposed on the Trunk Highway Fund resulting from various proposed alignments along trunk highway rights-of-way.

III. Routes, Route Segment and Route Variation Proposals

In applying its Utility Accommodation Policy to a permit application, MnDOT must evaluate each proposed pole location individually in relation to the topography of the land, the geometry of the roadway, the width of the highway right of way, the design of the HVTL structures, and other factors. Given the variability of these factors and the large number of potential locations, MnDOT is not able to provide specific answers at this time about whether it can grant permits for the potential locations where the various route proposals intersect with highway rights of way. As referenced earlier, MnDOT's approach to the Applicants' proposal is to work to accommodate these HVTLs within or as near as feasible to the highway rights of way, based on an evaluation of the specific locations to ensure that appropriate clearance is maintained to preserve the safety of the traveling public and highway workers and the effective operation of the highway system now and in the foreseeable future.

To the degree that specificity is possible at this stage in the process, MnDOT will provide additional information about the locations proposed in the routes involved in the Applicant's proposals.

A. Highway Crossing Locations Proposed by the Applicants

The Applicant's preferred and alternate route proposals contain over 15 locations where the proposed HVTLs would cross over a trunk highway, as distinguished from circumstances where it would run parallel to the highway.

Highway crossings generally do not pose insurmountable difficulties in issuing a permit. MnDOT routinely grants such permits to a variety of types of utilities. These permits usually have conditions associated with them, such as placement of the poles so that they do not become a physical obstruction that might be struck by an errant vehicle or block the visibility of traffic. MnDOT also does not permit utilities to run diagonally across intersections, and prefers that crossings occur as close to right angles as possible. Special handling may be required for crossings of scenic byways. MnDOT has a long history of working with utilities, including the Applicants, to establish appropriate conditions in locations where the utility seeks to cross a trunk highway. With the locations proposed by the Applicants in this matter, MnDOT does not

anticipate encountering such difficulties that there would be locations where it would be unable to grant permits, with appropriate conditions, for the highway crossings proposed in this matter.

B. Locations Parallel to Highway Rights of Way Proposed by the Applicants

Section 5.2.1.6 of the DEIS identifies the locations where each of the various potential routes under consideration run parallel to or cross highways and roads. Some of the locations identified are roads or streets maintained by local highway authorities and are not part of the trunk highway system for which MnDOT is the responsible highway authority. The highway locations identified in the DEIS that are part of the trunk highway system over which MnDOT has jurisdiction include MN 1, MN 6, MN 11, MN 38, MN 46, MN 65, MN 72, MN 89, MN 217, MN 308, MN 310, MN 313, US 2, US 71 and US 169.

IV. Specific Comments on Matters Discussed in the DEIS

Although MnDOT cannot at this time state with specificity where permits might be granted for each of the locations listed above, there are a few situations where some additional information can be provided that would assist in the development of the EIS.

Section 2.12.1 Transmission Line Maintenance and Operation. On page 40, the DEIS discusses the maintenance and inspection of the transmission line that will be necessary during the life of the structures. The EIS should note that in any locations were the Applicants seek to gain access to the HVTL from a trunk highway for these purposes, or trim vegetation in a trunk highway right of way; they will need to coordinate these activities with MnDOT's Roadside Vegetation Management Unit and obtain any necessary approvals for these activities.

Section 5. 2.1.6 –
Roadways and Railways in the ROI. Railroads that could be affected by a HVTL route application should be part of the discussions to identify impacts of the proposed routes. Where a proposed HVTL may parallel highway rights of way and there is an existing freight railroad right of way adjacent to the highway, there may not be enough room for construction of the transmission lines outside of the clear zones for both the railroad and the highway. The clear zone is an area that must be free from obstructions or other hazards. The railroads may also have concerns with overhead crossings in their right of way, gate clearances, foundations, and electrical buildup on the rails.

General Impacts, Construction Impacts and Operation, Maintenance, and Emergency Repair Impacts. PUC route permit conditions should include mitigation measures relating to any short term impacts to roadways including but not limited to; temporary closing of roadways, traffic delays, halting of construction for traffic and train accommodation, physical damage to roadways, right of way restoration, temporary MnDOT land access and proper Oversized/Overweight permitting.

Section 5.2.1.9 Recreation and Tourism. On page 140, the DEIS identifies the scenic byways impacted by the routes under considerations – i.e., MN 11, MN 38, and MN 46. Scenic byways are designated because they possess one or more of six intrinsic qualities, including scenic, cultural, recreational, natural, historic and archaeological. An analysis of the physical and visual impact on these intrinsic qualities should be conducted at each proposed crossing location to determine the route with the least adverse impact on the byway routes and corridors. Mitigation

measures should be recommended for unavoidable impacts on intrinsic qualities within the byway corridors. Each scenic byway has a leaders' group and/or stakeholder group which should be contacted as part of the environmental review process. Scenic easements should be investigated to identify any prohibitions or limitations that apply to land uses in the vicinity of the scenic byway.

Finally, MnDOT wishes to underscore the importance of preserving sufficient flexibility for MnDOT to work with the applicant to determine an appropriate specific location for each pole to be placed along a trunk highway right of way. As the selection of the final route is made, in all locations where the route will cross or run parallel to a trunk highway it is imperative that the designated route be sufficiently wide so that MnDOT and the applicant can work collaboratively to address the circumstances at each location and determine a specific alignment that can be permitted consistent with the considerations described in this letter.

MnDOT has a continuing interest in working with the DOC to ensure that possible impacts to highways and other transportation infrastructure are adequately addressed. We appreciate the opportunity to provide these comments. Please feel free to contact me if you have any questions regarding the information provided.

Sincerely,

Stacy Kotch
Utility Transmission Route Coordinator
Minnesota Department of Transportation

cc: Stephen Frisco – MnDOT District 2A Permits
Darren Laesch – MnDOT District 2 Planning Director
Earl Hill – MnDOT District 2B Permits
Wayne Scheer – MnDOT District 1 Permits