



US Army Corps
of Engineers
St Paul District

APPLICANT: CapX2020

Public Notice

ISSUED: 8-MAR-2013

EXPIRES: 6-APR-2013

REFER TO: 2008-01307-DAS

SECTION:404 - Clean Water Act,
10 – Rivers and Harbors Act

1. APPLICATION FOR PERMIT TO cross navigable waters of the United States and to discharge dredged and fill material into wetlands for the construction of pole structures, access roads, and associated substation facilities in conjunction with the construction of a new 345 kilovolt (kV) transmission line and a 161 kV transmission line, in southeastern Minnesota and southwestern Wisconsin (CapX2020 Hampton-Rochester-La Crosse).

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 414 Nicollet Mall MP4
Minneapolis, Minnesota 55401

AGENT: Stantec Consulting Services Inc.
AGENT'S ADDRESS: 2335 West Highway 36
St. Paul, Minnesota 55113

PROJECT LOCATION: The project site is located in Goodhue, Wabasha, Dakota, and Olmsted counties, Minnesota; and Buffalo and Trempealeau counties, Wisconsin. The approximate coordinates are: North Point 44 38' 17.719" N, -92 59' 44.579" W; South Point 43 56' 54.356" N, -91 16' 11.013" W.

DESCRIPTION OF PROJECT: CapX2020 is an initiative of Northern States Power Company (Xcel Energy) and ten other regional utilities. The applicants propose to construct a new, 155 mile long, 345 kV overhead electric transmission line between an existing substation near Hampton, Minnesota, located near Highway 52, approximately 25 miles south of St. Paul, Minnesota, to a proposed North Rochester Substation. The line would then continue east, and cross the Mississippi River at river mile 750.5, near Alma, Wisconsin, then turn southeast to a new substation in the La Crosse, Wisconsin area. The applicant also proposes a new, 0.75 mile long, 161 kV overhead transmission line between a proposed Briggs Road Substation and the existing line where it crosses US-53, near Holmen, Wisconsin. The project would meet local community load serving needs in Rochester and Winona, Minnesota; and La Crosse, Wisconsin, improve community and regional reliability, and increase generation outlet capacity. If authorized, construction activities are planned to begin in July 2013, with the final segment starting in December 2014.

The proposed project would be constructed mostly with single-pole steel structures, ranging in height from 130 to 175 feet, with an average span of 1,000 feet between poles. The 161-kV line would be constructed mostly with single-pole steel structures ranging in height from 70 to 105 feet, with a span of 400 to 700 feet.

QUANTITY, TYPE, AND AREA OF FILL: The impacted wetlands are adjacent to the tributary system to the Mississippi River in the Zumbro River, Cannon River, Mississippi River – Lake Pepin, Mississippi River – Winona, Trempealeau River, and Black River watersheds. The wetland impacts include a total of 0.346 acres of wetlands for the construction of pole structures with permanent impacts and into 18.92 acres of wetland for the construction of poles and access roads with temporary impacts in conjunction with the construction of the new transmission line and associated substation facilities. An additional, 57.35 acres of impact would occur as a result of the permanent conversion of forested wetland to non-forested wetland. The wetland impact types are identified as follows:

Totals of Permanent Wetland Impact (Minnesota)

Season-ally flooded basin T1	Flood-plain forest T1L	Sedge meadow T2	Fresh (wet) meadow T2	Wet to wet mesic prairie T2	Shallow marsh T3	Deep marsh T4	Shallow open water	Shrub carr or alder thicket T6	Hard-wood or conifer-ous swamp	Open or conifer-ous T8
95 sf	2,725 sf		4,858 sf		831 sf			588 sf		

Totals of Temporary Wetland Impact (Minnesota)

Season-ally flooded basin T1	Flood-plain forest T1L	Sedge meadow T2	Fresh (wet) meadow T2	Wet to wet mesic prairie T2	Shallow marsh T3	Deep marsh T4	Shallow open water	Shrub carr or alder thicket T6	Hard-wood or conifer-ous swamp	Open or conifer-ous T8
0.74 ac	3.38 ac		0.96 ac		3.69 ac			0.3 ac	0.79 ac	

Totals of Wetland Areas Converted (Minnesota)

Season-ally flooded basin T1	Flood-plain forest T1L	Sedge meadow T2	Fresh (wet) meadow T2	Wet to wet mesic prairie T2	Shallow marsh T3	Deep marsh T4	Shallow open water	Shrub carr or alder thicket T6	Hard-wood or conifer-ous	Open or conifer-ous T8
	34.16 ac									

Totals of Permanent Wetland Impacted (Wisconsin)

Seasonally flooded basin T1	Floodplain forest T1L	Sedge meadow T2	Fresh (wet) meadow T2	Wet to wet mesic prairie T2	Shallow marsh T3	Deep marsh T4	Shallow open water	Shrub carr or alder thicke	Hardwood or coniferous	Open or coniferous T8
1,087sf	4,709sf		183sf							

Totals of Temporary Wetland Impact (Wisconsin)

Seasonally flooded basin	Floodplain forest T1L	Sedge meadow T2	Fresh (wet) meadow T2	Wet to wet mesic prairie	Shallow marsh T3	Deep marsh T4	Shallow open water	Shrub carr or alder thicket	Hardwood or coniferous	Open or coniferous
3.05 ac	4.89 ac		0.78 ac							

Totals of Wetland Areas Converted (Wisconsin)

Seasonally flooded basin T1	Floodplain forest T1L	Sedge meadow T2	Fresh (wet) meadow T2	Wet to wet mesic prairie T2	Shallow marsh T3	Deep marsh T4	Shallow open water	Shrub carr or alder thicke	Hardwood or coniferous	Open or coniferous T8
	23.19 ac.									

MITIGATION: The applicant has proposed the following as compensatory mitigation for the wetland impacts described above:

Minnesota Fill Impacts: 0.21 ac. @ 2:1 ratio: 0.42 acres
 Minnesota Permanent Conversion of Wetland Type: 34.16 ac. @0.25:1 ratio: 8.54 acres
 Subtotal: 8.96 acres

Wisconsin Fill Impacts: 0.14 ac. @ 2:1 ratio: 0.28 acres
 Wisconsin Permanent Conversion of Wetland Type: 23.19 ac. @ 0.25:1 ratio: 5.80 acres
 Subtotal: 6.08 acres

Total Replacement Minnesota and Wisconsin: 15.04 acres

A summary of the wetland replacement required by watershed location is provided in the table below.

Watershed Name	Watershed # or HUC #	Wetland Replacement
Cannon River - MN	Watershed: 39	1.30 ac.
Zumbro River - MN	Watershed: 41	3.29 ac.
Mississippi River (Winona) - MN	Watershed: 40	4.37 ac.
Subtotal		8.96 ac.
Buffalo - Whitewater, Trempealeau, Black –WI	HUC 070400	6.08 ac.
Subtotal		6.08 ac.
Total		15.04 ac.

Below is a summary of the replacement sites proposed for the wetland impacts.

Name of Wetland Replacement Site/Acct.	Major Watershed Name/#	County	CBSA	Wetland Circ. 39/Plant Type	Wetland Credits	Upland Buffer Credits
1083	Zumbro/41	Dodge	8	3/U	5.1025 ac.	2.5575 ac.
1288	Cannon/39	Cannon	8	2/3	1.30 ac.	
Winegarden Wetland Bank	Black/HUC #0704007	Clark	N/A	2/3/5	6.08 ac.	

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Mr. David Studenski at the La Crescent office of the Corps, telephone number (651) 290 - 5902.

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SUBJECT: Notice of Application for Permit

To receive Public Notices by e-mail, go to: http://www2.mvp.usace.army.mil/list_server/ and add your information in the New Registration Box.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

The USDA Rural Utilities Service (RUS) has been designated as the lead federal agency for the purpose of consultation pursuant to the Endangered Species Act. This public notice is being coordinated with the U.S. Fish and Wildlife Service. Any comments concerning federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

MINNESOTA

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency, Municipal Division,
Attention 401 Certification, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

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WISCONSIN

The State of Wisconsin, Department of Natural Resources, has evaluated this activity for water quality certification pursuant to Section 401 of the Clean Water Act and Chapter NR 299, Wis. Adm. Code. The Department has determined that this activity will result in a discharge to waters of the state and that there is reasonable assurance that this activity will be conducted in a manner which does not violate the standards enumerated in Section NR 299.04, Wis. Adm. Code. Certification is granted provided the following conditions are complied with:

The applicant shall notify the Wisconsin Department of Natural Resources of its intent to start the discharge at least five business days prior to the beginning of the discharge.

Within 5 business days after the completion of the discharge, the applicant shall notify the Wisconsin Department of Natural Resources of the completion of the discharge.

The applicant shall allow the Wisconsin Department of Natural Resources reasonable entry and access to the discharge site to inspect the discharge for compliance with the certification and applicable laws.

The applicant is hereby advised that the activity may require additional authorization under requirements of state law administered by the Department which are not related to water quality.

Notice of Appeal Rights. Any person whose substantial interest may be affected by the Department's determination may request a contested case hearing by serving a petition for hearing on the Secretary of the Department within 30 days after publication.

This determination shall become final in accordance with the provisions of NR 299.05(7), Wis. Adm. Code. The final decision of the Department shall be judicially reviewable as provided under ch. 227, Wis. Stats.

For judicial review you have 30 days after the decision becomes final to file your petition with the appropriate circuit court and serve the petition on the Department. The petition shall name the Department as the respondent.

7. HISTORICAL/ARCHAEOLOGICAL.

RUS has been designated as the lead federal agency for the purpose of project review pursuant to Section 106 of the National Historic Preservation Act. The state historic preservation offices (SHPOs) in Minnesota and Wisconsin are engaged in this review. Several consultation meetings have been conducted with various American Indian tribes. Survey work to identify historic properties has been completed, but there are ongoing efforts to identify historic properties of religious and cultural significance to the tribes. Coordination is ongoing with the SHPOs. A programmatic agreement outlining the requirements for completion of the Section 106 review has been executed and incorporated into the EIS for the project, because the review may not be finished prior to subsequent federal action.

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8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Tamara E. Cameron
Chief, Regulatory Section

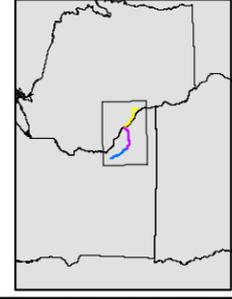
Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

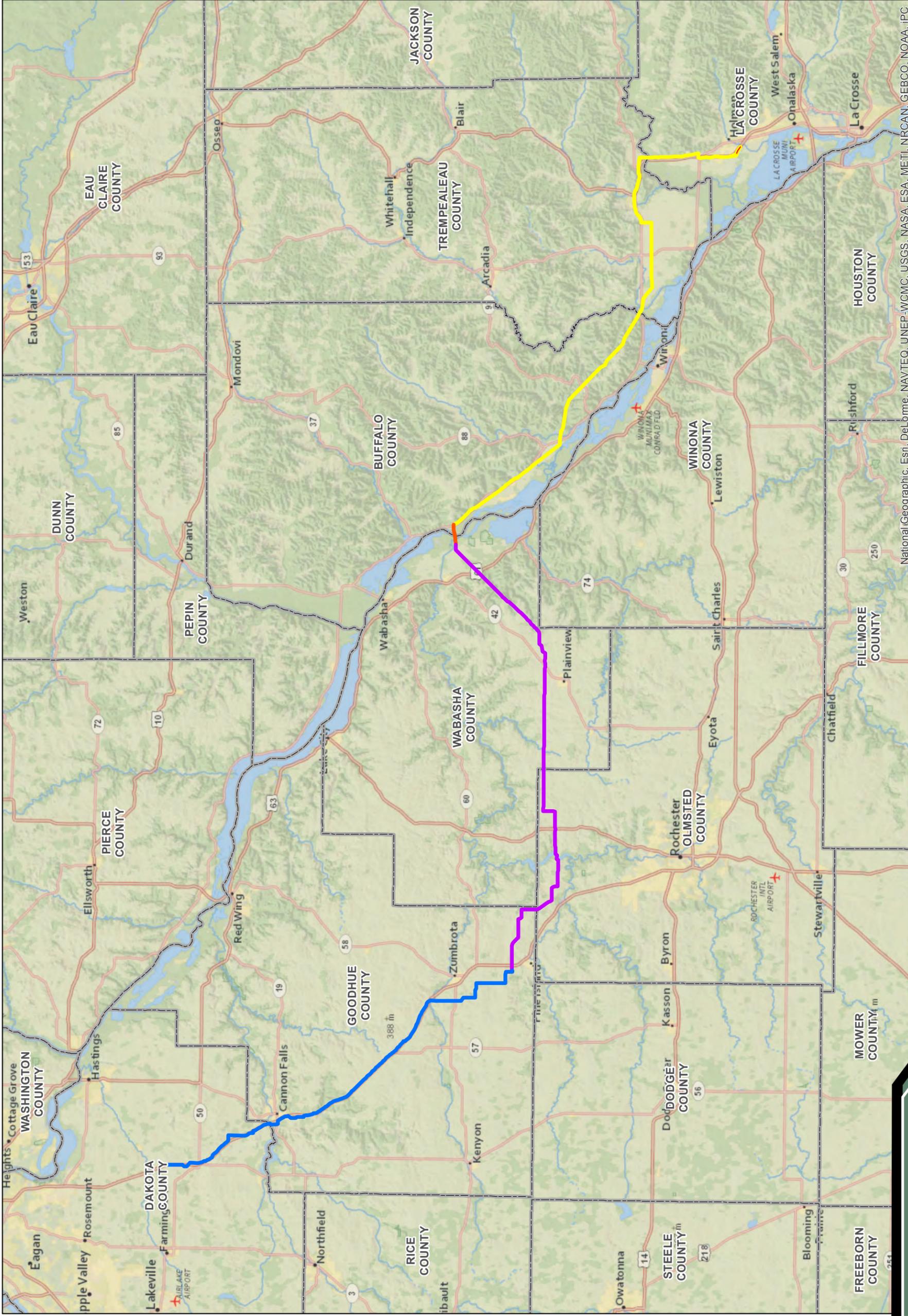
**Figure 1.
Project Location
Map**

Legend

- Hampton to North Rochester
- North Rochester to Alma
- Mississippi River Crossing
- Mississippi River to Briggs Road Substation
- Tremval to Mayfair



Data Sources: Xcel, Esri.



National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC

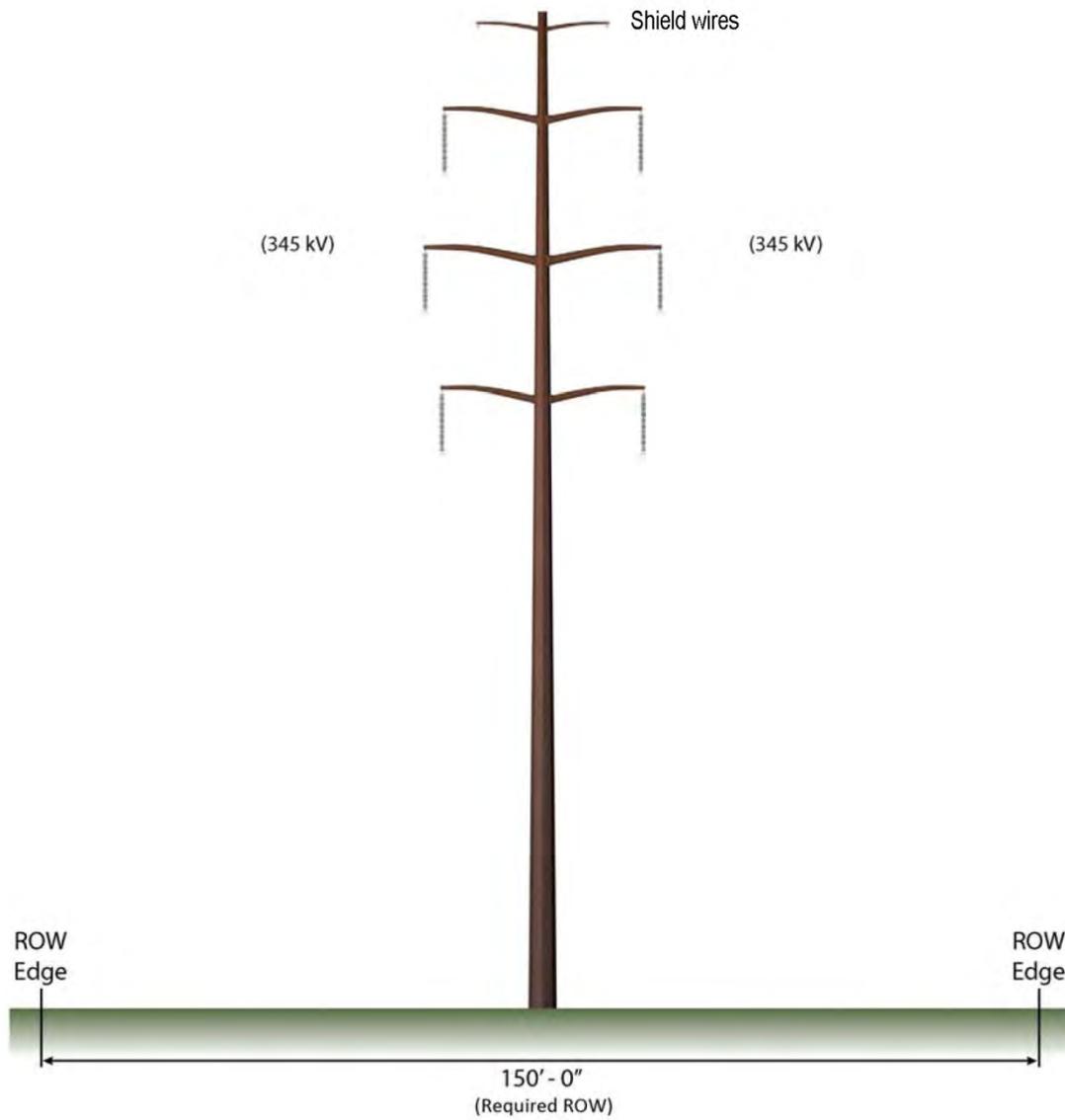


Figure 2-11: Typical Double-Circuit 345 kV Single-Pole Structure (Davit Arm)

Source: Xcel et al. 2010, Figure 3.1-3