



US Army Corps
of Engineers
St Paul District

APPLICANT: Northern States Power
Company, d/b/a/Xcel
Energy, Inc., c/o Mr.
Timothy Rogers

Public Notice

ISSUED: 7 February, 2013
EXPIRES: 9 March, 2013

REFER TO: MVP-2011-01304-SEW

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material in wetlands adjacent to the Minnesota River to facilitate the rebuild of electrical transmission lines 0844 and 0861 between the Black Dog Substation and the Savage Substation in the City of Burnsville. The applicant is applying for a permit to permanently discharge fill material into approximately 0.05 acre of wetlands, and temporarily discharge dredged and fill material into approximately 5.45 acres of wetlands. Also, approximately 5.06 acres of forested wetlands and 1.50 acres of shrub swamp wetlands would be permanently converted to emergent wetland types within the planned 100-foot wide utility easement area.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Xcel Energy, Inc., 414 Nicollet Mall (MP 8A), Minneapolis, MN 55401

AGENT: Thomas Janssen, Mergent, Inc. **AGENT'S ADDRESS:** 800 Washington Avenue (Suite 315), Minneapolis, MN 55401

PROJECT LOCATION: The project site is located in the City of Burnsville in Sections 22-24, 27-29, and 32-34 of Township 27N., Range 24W., Dakota County, Minnesota.

DESCRIPTION OF PROJECT: Northern States Power Company, d/b/a Xcel Energy, Inc., proposes to rebuild a portion of its 115 kilovolt (kV) transmission line system in the City of Burnsville between its Black Dog Substation and Structure 31A, which is located approximately 0.6 mile from its Savage Substation. Specifically, transmission lines 0844 and 0861 would be re-built. The project area is bisected by Interstate 35W (I-35W). The project involves constructing approximately 4.2 miles of 115 kV double circuit transmission lines and approximately 0.4 mile of 115 kV single circuit lines to connect approximately 750 feet of Line 0844 and 1,225 feet of Line 0841 to the Black Dog Substation. Approximately 3.8 miles of the existing Lines 0861 and 0844 would be removed. Lines 0844 and 0861 service the Cities of Burnsville and Savage, and have service connections to Shakopee, Prior Lake, Bloomington, and Eden Prairie.

Currently, Lines 0844 and 0861 are on separate wooden H-frame poles that run west from the Black Dog Substation along the northern edge and through Black Dog Lake and its adjacent wetlands. From there, the lines cross I-35W and run diagonally through an existing limestone quarry to the Savage Substation. On the east side of I-35W, the project would relocate the lines north and west of the existing location to land just outside Black Dog Lake. The project would cross I-35W at Xcel's existing easement with the Minnesota Department of Transportation (MnDOT), and then would re-route the transmission lines north and west of the existing location around the perimeter of

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the quarry operation. The proposed alignment closely follows existing roads to minimize future maintenance costs, and also follows existing rights-of-way and property lines as much as possible. The proposed transmission lines would be located within a new 100-foot utility easement that would be maintained to North American Electric Reliability Corporations (NERC) standards for Transmission Vegetation Management, meaning all woody vegetation within the easement would be cleared.

The proposed lines would be built on single-pole, galvanized steel structures that would range from 50 to 100 feet in height and span distances between 129 and 888 feet. The pole foundations would be a maximum of 8 feet long and 8 feet wide, and would extend 5 feet below the surface and 5-15 feet above the surface. The right-of-way around the new line would be 100 feet wide.

To minimize bird collisions, shorter span distances were used between structures located on the east side of I-35W (adjacent to Black Dog Lake), which allows for the installation of shorter structures. Also, conductors would be installed in a horizontal configuration rather than vertical, and swan flight diverters would be installed every 40 feet on the overhead static lines located east of I-35.

The purpose of the re-build is to maintain and modernize Lines 0861 and 0844, which are greater than 50 years old and located on deteriorating wooden poles. Also, Line 0844 needs to be updated to meet NERC mandatory reliability standards, as the line overloads when the circuit breaker at Xcel's nearby Wilson Substation has an internal fault. Thus, both Lines 0861 and 0844 would be re-built to a higher capacity to avoid overloading the 0844 line during a fault at the Wilson Substation. The purpose of relocating the lines out of Black Dog Lake and closer to Black Dog Road is to reduce future maintenance costs, while the purpose of relocating the lines out of the existing limestone quarry is to accommodate future quarry reclamation plans.

QUANTITY, TYPE, AND AREA OF FILL: The project would result in the permanent filling of approximately 2,033 square feet (0.05 acre) of wetlands for the installation of 23, 8-foot by 8-foot monopole foundations for the new transmission line structures. Each foundation would involve the excavation of a 25-foot square by 5-foot deep area. The total wetland disturbance associated with the proposed excavations is 14,375 square feet (0.33 acre); a total of approximately 12,342 square feet (0.28 acre) of wetlands would be backfilled around each structure. At each proposed structure, approximately 115.74 cubic yards of material would be excavated. This material would be temporarily placed adjacent to each excavation on stabilization mats, and contained by silt fence if necessary. Approximately 103.89 cubic yards of the material would be used to backfill the excavated areas around each new structure to match surrounding elevations and contours. It is anticipated that a total of approximately 260.74 cubic yards of excavated material would not be needed for backfill (approximately 11.85 cubic yards from each structure). This excess excavated material would be transported via vehicles and spread on an upland area owned by Xcel Energy.

Minor dewatering may be needed from the excavation areas. If dewatering is needed, it would be completed in accordance with a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater General Permit obtained from the Minnesota Pollution Control Agency (MPCA) and an associated stormwater pollution prevention plan (SWPPP). The applicant indicates dewatering pumps, and straw bale structures and/or filter bags would be used for any needed dewatering operations.

A total of 31 existing wooden H-frame transmission line structures would be removed from wetlands adjacent to the Minnesota River. The below-grade portions of these structures would be

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pulled out of the ground with an excavator or backhoe. It is possible that the one-foot diameter holes resulting from the removed structures would cave in immediately upon removing the structures. If this does not happen, the holes would be backfilled with clean sand to match surrounding elevations and contours. The maximum possible total wetland area affected by the backfill of clean sand is 234 square feet (0.005 acre). The wooden H-frame structures located in Black Dog Lake would also be pulled out using excavators or backhoes, either from frozen wetlands or from frozen lake ice. If frozen construction is not possible, structures would be removed with the afore-mentioned equipment from modular barges. It is not anticipated that any dewatering or cofferdams would be needed for the removal of structures from Black Dog Lake. The applicant expects that the holes resulting from the removal of the structures from Black Dog Lake would immediately collapse, resulting in no need for backfill.

Construction mats would be used in wetlands where needed to prevent rutting and provide a stable working surface for equipment. It is anticipated that construction mats would be placed in 20-foot wide paths to provide vehicular access to the sites of existing and proposed transmission line structures. Access paths would be placed on the shortest route to each proposed structure from Black Dog Road (see attached drawings labeled 2011-1304-SEW, Figures 2-9 of 9). The temporary mats would affect a maximum wetland area of 4.83 acres.

VEGETATION IN AFFECTED AREA: See the attached table (Table 1 of 1) for a breakdown of the wetland types affected by the proposed permanent and temporary discharges of dredged and fill material and clearing activities associated with this project. A total of approximately 5.60 acres of forested wetlands and 1.5 acres of shrub swamp wetlands located in the 100-foot utility easement area would be permanently converted to emergent habitat. The forested and shrub swamp wetlands would be cleared by cutting the trees at the ground surface through a combination of mechanized and manual clearing. Roots and stumps would remain, with the exception of a 25-foot square by 5-foot deep area at each new structure location where woody vegetation would be grubbed to install the foundations. All removed woody vegetation would be placed on an upland area owned by Xcel Energy.

SOURCE OF FILL MATERIAL: The fill material associated with this project includes concrete foundations for each structure, material excavated from the project area around each structure, temporary construction mats used to stabilize equipment and prevent rutting in the work areas, and clean sand imported to backfill structures removed from wetlands.

SURROUNDING LAND USE: The project site is located on the south side of the Minnesota River. Land use is dominated by wetlands on the east side and uplands on the west. The project is bisected by I-35W, and is located in the City of Burnsville near the adjoining City of Savage in Scott County. A developed area of the City of Bloomington (Hennepin County) is located on the north side of the Minnesota River, adjacent to the project area. Surrounding land use on the east side of the project area includes Black Dog Lake, wetlands, the Xcel Energy Black Dog Plant, and heavily developed industrial, commercial, and residential areas of Burnsville, while the west side of the project area is surrounded by an existing quarry operation and an otherwise developed industrial and commercial area of Burnsville.

DESCRIPTION OF STRUCTURE: See the above discussion under "Project Description" for a description of the proposed transmission line structures.

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DESCRIPTION OF DREDGING OR EXCAVATION: See the above discussion under “Quantity, Type and Area of Fill” for a description of the excavation activities associated with the transmission line structure installations.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Potentially toxic materials that could be used at the site include fuels, lubricants, and solvents. Specific types of products, quantities, and specific applications of these materials were not provided with the application.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: To protect adjacent wetlands, Black Dog Lake, and the Minnesota River from water quality impacts, the applicant would use erosion control measures identified in the Minnesota Pollution Control Agency’s (MPCA) Stormwater Best Management Practices Manual, such as erosion control blankets, silt fence, and hydroseeding. The applicant has indicated that silt fence would be used to stabilize temporary stockpiles of excavated material, and straw bales or filter bags would be used for any needed dewatering operations. It is anticipated that a NPDES/SDS Construction Stormwater General Permit and associated SWPPP that describes specifically how stormwater would be controlled would be required by the Minnesota Pollution Control Agency before the project could commence. Also, Section 401 water quality certification would need to be issued or waived by the MPCA prior to project construction, as described under a separate heading of this document.

MITIGATION: To compensate for the adverse impacts associated with the permanent conversion of 5.06 acres of forested wetland in the easement area of the proposed transmission lines, the applicant proposes to purchase wetland bank credits at a 0.25:1 ratio in the same HUC-8 watershed as the proposed wetland impacts (major watershed #33, Minnesota River-Shakopee). Compensatory mitigation is not proposed for the approximately 2,033 square-feet of permanent wetland impacts associated with the new structure foundations. The approximately 0.28 acre of wetlands affected by excavation for the foundations, and the 0.005 acre of wetlands that would be affected by the removal of existing structures would be backfilled and restored to match surrounding contours and elevations at the completion of the project. Also, the approximately 4.83 acres of wetlands affected by temporary construction mats and the approximately 0.33 acre of wetlands affected by temporary stockpiles would be restored to preconstruction contours and elevations at the completion of the project.

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.

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Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Sarah Wingert at the St. Paul office of the Corps, telephone number (651) 290-5358.

To receive Public Notices by e-mail, go to the St. Paul District web page at <http://www.mvp.usace.army.mil/regulatory/> and sign up by clicking on

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on the left side of the web site under Notices.

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

Dakota County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species protected under the Endangered Species Act:

<u>Species</u>	<u>Habitat</u>
Higgins eye pearlymussel (E)	Mississippi River
Prairie bush-clover (T)	Native prairie on well-drained soils

The applicant consulted with the U.S. Fish and Wildlife Service (FWS) on March 16, 2011 regarding the potential for impacts to Higgins eye pearlymussel and prairie bush clover. The FWS responded with an email on April 8, 2011 indicating that there were no records of federally listed or proposed species and/or designated or proposed critical habitat within the action area of the project. Since then no new species have been listed in Dakota County, and the project area has remained the same.

This application is being coordinated with FWS. Any comments it may have 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/>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: 1) Minnesota Public Utilities Commission (MPUC), Route Permit (application submitted February 2012); 2) Minnesota Department of Natural Resources (MnDNR), License to Cross Public Waters and Public Waters

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Work Permit (submittal in December 2012); 3) MnDOT, Utility Permit (submittal pending); 4) MPCA, NPDES/SDS Construction Stormwater General Permit (submittal pending); 5) local Moving Permit (submittal pending), local Oversize/Overweight Vehicle Permit (submittal pending); 6) local No Rise Certificate (submittal pending to City of Burnsville).

Additionally, the applicant has coordinated with the U.S. Fish and Wildlife Service and the Minnesota State Historic Preservation Office as described under separate headings of this document.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

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.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. If necessary, the results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Office (SHPO) independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

The latest version of the National Register of Historic Places (NRHP) has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area. The applicant's agent, Mergent, completed a Phase 1a literature review for the project, dated March 18, 2011. The Phase 1a survey investigated a 400-foot corridor around the proposed alignment and existing alignment of lines 0844 and 0861 as the area of potential effect. The

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literature review concluded that there are no historic standing structures, landmarks, districts, landscapes, or recorded archaeological sites within the 400-foot corridor. Three archeological sites were noted within a one-mile buffer of the 400-foot corridor. These included a burial site and an artifact scatter on the north side of the Minnesota River, and a burial site on the south side of the Minnesota River. Both burial sites are located in developed areas and have been destroyed. None of the archaeological sites were recommended to be eligible for the NRHP, and all are outside the area of potential effect identified by Mergent. Mergent recommended that a cultural resources field inventory of the project corridor is not warranted based on the project's location in an area dominated by hydric soils and the floodplain of the Minnesota River. Mergent identified the Union Pacific Railroad as the only potential property within the area of potential effect that may be eligible for the NRHP. The railroad crosses the project area on the far west end of the project, near the Savage Substation. Mergent recommended that the proposed project would not adversely affect the historic integrity or setting of the railroad, as the resulting landscape would not be substantially changed by the removal and replacement of the transmission lines in the project corridor. Mergent coordinated the Phase 1a survey with the SHPO on March 18, 2011. The SHPO responded on April 20, 2011 in reference to the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act, stating there are no properties listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that would be affected by this project.

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

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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.



Chad Konickson
Chief, Southwest Section

Enclosures

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

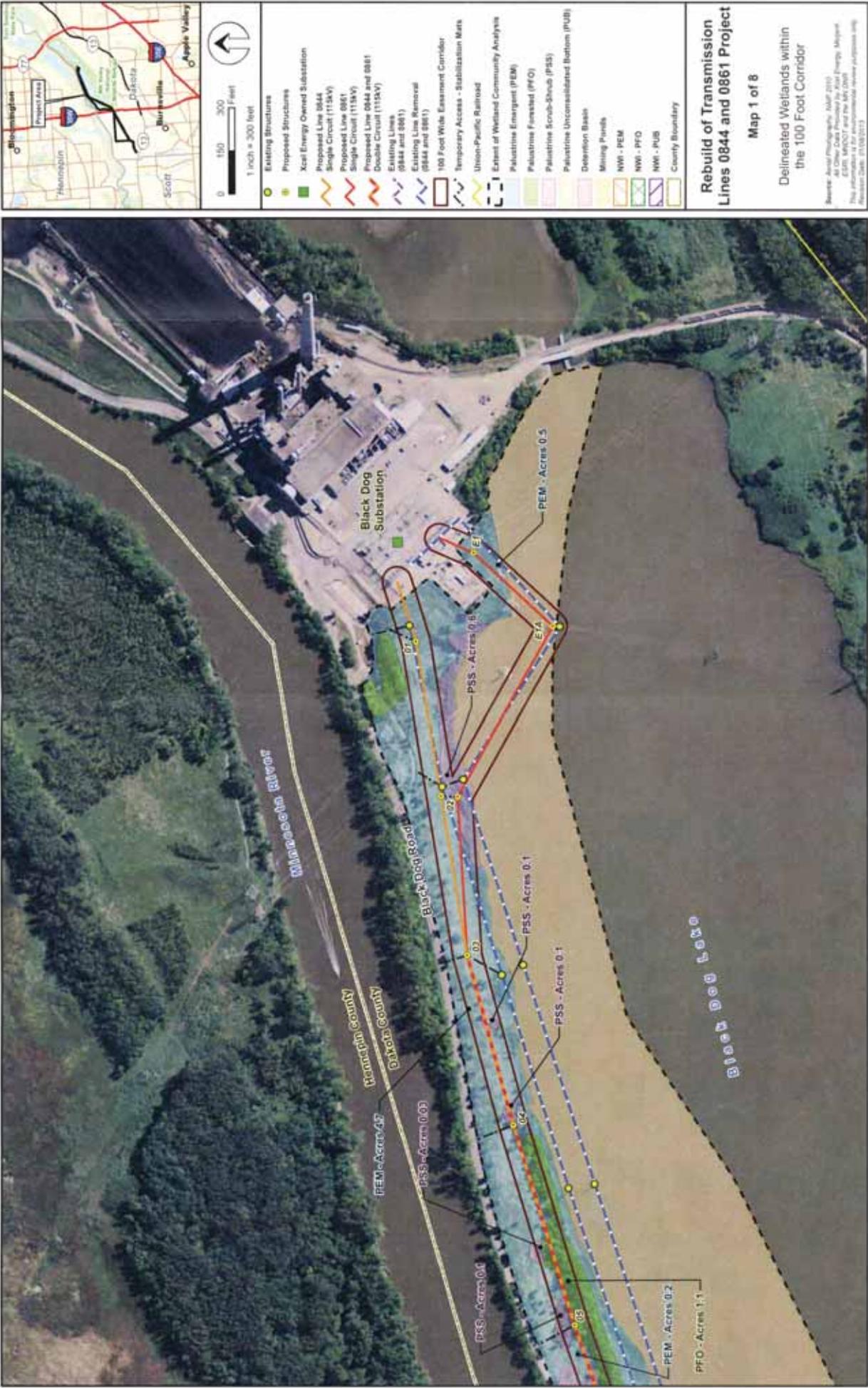
2011-01304-SEW, Table 1 of 1*:

	Permanent Fill for Foundations on New Alignment (square feet)	Temporary impacts for excavation/backfill around new structures (square feet)	Total disturbance for foundations (a 25'x25' area for each structure to install foundation) (square feet)	Excavation/Backfill of Structures to be Removed (square feet)	Temporary Impacts for sidecasting from excavation areas (acres)	Temporary Impacts for Construction Mats (access to existing and proposed structures) (acres)	Vegetation Clearing (acres)	Volume of excavation for new structures (cubic yards)
Wetlands East of I-35**								
PFO	192	1875	1,875	0	1,875	0	5.06	Dispose: 35.56, Backfill: 294.80
PSS	192	1875	1,875	6	1,875	0	1.5	Dispose: 35.56, Backfill: 287.24
PEM	1,024	10,000	10,000	228	10,000	4	0	Dispose: 189.63, Backfill: 1688.59
PUB (Black Dog Lake)	625	625	625	0	625	0	0	Dispose: 0, Backfill: 0
Sub-Total	2,033	14,375	14,375	234	14,375	5		Dispose: 260.74, Backfill: 2,270.64
Wetlands West of I-35**								
PFO	0	0	0	0	0	0	0	Dispose: 0, Backfill: 0
PSS	0	0	0	0	0	0	0	Dispose: 0, Backfill: 0
PEM	0	0	0	0	0	0	0	Dispose: 0, Backfill: 0
PUB (Black Dog Lake)	0	0	0	0	0	0	0	Dispose: 0, Backfill: 0
Sub-Total	0	0	0	0	0	0	0	Dispose: 0, Backfill: 0
PROJECT TOTAL	2,033	12,342	14,375	234	14,375	4.83	0	Dispose: 260.74, Backfill: 2,270.64

*Please note the units given for each column.

**Wetland Key	
PFO	Palustrine, Forested
PSS	Palustrine, Shrub-Scrub
PEM	Palustrine, Emergent
PUB (Black Dog Lake)	Palustrine, Unconsolidated Bottom

2011-01304-SEW, Figure 2 of 9: Wetlands in Project Corridor



2011-01304-SEW, Figure 3 of 9: Wetlands in Project Corridor



2011-01304-SEW, Figure 7 of 9: Wetlands in Project Corridor



2011-01304-SEW, Figure 8 of 9: Wetlands in Project Corridor



2011-01304-SEW, Figure 9 of 9: Wetlands in Project Corridor



	Existing Structures
	Proposed Structures
	Xcel Energy Owned Substation
	Proposed Line 0844
	Proposed Line 0861
	Proposed Line 0861
	Proposed Line 0844 and 0861
	Proposed Line 0844 and 0861
	Existing Lines
	Existing Line Removal (0844 and 0861)
	150 Foot Wide Easement Corridor
	Temporary Access - Stabilization Mats
	Union-Pacific Railroad
	Extent of Wetland Community Analysis
	Palustrine Emergent (PEM)
	Palustrine Forested (PFO)
	Palustrine Scrub-Shrub (PSS)
	Palustrine Unconsolidated Bottom (PUB)
	Disturbance Basin
	Mining Pits
	NWI - PEM
	NWI - PFO
	NWI - PUB
	County Boundary

Rebuild of Transmission Lines 0844 and 0861 Project

Map 8 of 8

Delineated Wetlands within the 100 Foot Corridor

Source: Aerial Photography, AEPF 2012
All Other Data Provided by Aerial Energy Mapping, ERM, MDCOT and the MNDOT
No warranty is made for use of this information for purposes other than those intended.
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