

## **Appendix B: Agency Coordination and Consultation**

## **Agency Notification List**

MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND ALLETE/MINNESOTA POWER  
LANDS AND WATER CONSERVATION FUND - ENVIRONMENTAL ASSESSMENT  
PROJECT NOTIFICATION AND REQUEST FOR COMMENT LETTERS

Agency Name	Agency Contact	Title	Address	Email Address	Phone #
<b>Federal</b>					
Fond du Lac Band of Lake Superior Chippewa	Jill Hoppe	Tribal Historic Preservation Officer	1720 Big Lake Road Cloquet, MN 55720	<a href="mailto:JillHoppe@fdlrez.com">JillHoppe@fdlrez.com</a>	Tel: (218) 878-7129
<b>State</b>					
Minnesota Department of Natural Resources	Joe Hiller	Grants Specialist Coordinator	Minnesota DNR, Box 39 500 Lafayette Road St. Paul, MN 55155-4039	<a href="mailto:Joe.Hiller@state.mn.us">Joe.Hiller@state.mn.us</a>	(651) 259-5538
Minnesota Department of Natural Resources	Cathy Handrick	Regional Resource Specialist	1201 East Hwy 2, Grand Rapids, MN 55744	<a href="mailto:cathy.handrick@state.mn.us">cathy.handrick@state.mn.us</a>	(218) 328-8990
Minnesota Department of Natural Resources	Lisa Angelos	Parks and Trails	Park 780 Hwy 210 Carlton, MN 55718	<a href="mailto:Lisa.Angelos@state.mn.us">Lisa.Angelos@state.mn.us</a>	(218) 673-7003
Minnesota Department of Natural Resources	Dave Radford	DNR Parks Archaeologist	Minnesota DNR 500 Lafayette Road St. Paul, MN 55155	<a href="mailto:dave.radford@state.mn.us">dave.radford@state.mn.us</a>	(651) 296-6157
Minnesota Department of Transportation	Debra Moynihan	Environmental Assessment Unit Chief	395 John Ireland Blvd, Mail Stop 620 St. Paul, Minnesota, 55155	<a href="mailto:debra.moynihan@state.mn.us">debra.moynihan@state.mn.us</a>	(651) 366-3618
Minnesota Department of Transportation	Duane Hill, P.E.	District Engineer	1123 Mesaba Avenue Duluth, MN 55811-2798	<a href="mailto:duane.hill@state.mn.us">duane.hill@state.mn.us</a>	(218) 725-2704
Minnesota Department of Transportation	Aaron Gunderson	Resident Engineer	1123 Mesaba Avenue Duluth, MN 55811-2798	<a href="mailto:aaron.gunderson@state.mn.us">aaron.gunderson@state.mn.us</a>	(218) 725-2764
Minnesota Public Utilities Commission	Daniel P. Wolf	Executive Secretary	121 7th Place East Saint Paul, MN 55101-2147	<a href="mailto:dan.wolf@state.mn.us">dan.wolf@state.mn.us</a>	(651) 296-0406
Minnesota Public Utilities Commission	Scott Ek	State Planning Director	121 7th Place East Saint Paul, MN 55101-2147	<a href="mailto:scott.ek@state.mn.us">scott.ek@state.mn.us</a>	(651) 201-2255
<b>Local</b>					
City of Duluth	Emily Larson	Mayor	City Hall, Room 403 411 West First Street Duluth, MN 55802	<a href="mailto:ELarson@DuluthMN.gov">ELarson@DuluthMN.gov</a>	(218) 730-5230

MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND ALLETE/MINNESOTA POWER  
LANDS AND WATER CONSERVATION FUND - ENVIRONMENTAL ASSESSMENT  
PROJECT NOTIFICATION AND REQUEST FOR COMMENT LETTERS

City of Duluth	Chelsea Helmer	City Clerk / Council Secretary	411 West First Street, Room 330 Duluth, MN 55802	<a href="mailto:chelmer@duluthmn.gov">chelmer@duluthmn.gov</a>	(218) 730-5500
City of Duluth	To whom it may concern	Planning and Construction Services	411 West First Street, Room 210 Duluth, MN 55802	<a href="mailto:permittingervices@duluthmn.gov">permittingervices@duluthmn.gov</a>	(218) 730-5240
St. Louis County	Kevin Gray	County Administrator	100 N 5th Ave W Duluth, MN 55802	<a href="mailto:grayk@stlouiscountymn.gov">grayk@stlouiscountymn.gov</a>	(218) 726-2448
Carlton County	Heather Cunningham	Zoning and Environmental Services Administrator	301 Walnut Avenue; Room 103 Carlton, MN 55718	<a href="mailto:heather.cunningham@co.carlton.mn.us">heather.cunningham@co.carlton.mn.us</a>	(218) 384-9174
Carlton County	Greg Bernu	Land Commissioner	1630 County Road 61 Carlton, MN 55718	<a href="mailto:greg.bernu@co.carlton.mn.us">greg.bernu@co.carlton.mn.us</a>	(218) 384-9179
Thomson Township	To whom it may concern		25 E Harney Road Esko, MN 55733	<a href="mailto:thomson@cpinternet.com">thomson@cpinternet.com</a>	(218) 879-9719
City of Carlton	To whom it may concern	City Clerk	310 Chestnut Ave PO Box 336 Carlton, MN 55718	<a href="mailto:clerk@cityofcarlton.com">clerk@cityofcarlton.com</a>	(218) 384-4229
City of Carlton	Kitty Bureau	Mayor	310 Chestnut Ave PO Box 336 Carlton, MN 55718	<a href="mailto:mayor@cityofcarlton.com">mayor@cityofcarlton.com</a>	(218) 384-4229

## **Sample Agency Notification Letter**

**VIA CERTIFIED MAIL**

June 5, 2018

Fond du Lac Band of Lake Superior Chippewa  
Jill Hoppe, Tribal Historic Preservation Officer  
1720 Big Lake Road  
Cloquet, MN 55720

Re: ALLETE / Minnesota Power - 15 Line Reroute Project  
Lands and Water Conservation Fund - Environmental Assessment  
Project Notice and Request for Comments

Dear Jill Hoppe:

Minnesota Power (MP), an ALLETE company, owns and operates a 115 kilovolt (kV) electric transmission line called the 15 Line in the Duluth area. MP is planning to reroute a 2,178-foot segment of its existing 15 Line near Fond Du Lac Dam (the Project).

The proposed Project is due to the concerns of failing slope conditions near the St. Louis River/Highway 210 corridor and the Minnesota Department of Transportation (MnDOT) has requested that MP adjust this segment of its 15 Line. Currently, the steep grade in which the existing line resides, is eroding and slope failure is evident. These conditions pose a significant threat to the lines reliability and it has become necessary to reroute the line as shown in Figures 1 and 2.

A small portion of the reroute segment will be located on Jay Cooke State Park land, as shown in the enclosed Figure 1 and 2. This letter serves as Project Notice and a Request for Comments as part of an Environmental Assessment (EA) being prepared pursuant to the Lands and Water Conservation Fund (LWCF or LAWCON) Act for the portion of the Project located within the Jay Cooke State Park parcel.

**Lands and Water Conservation Fund**

The LWCF was established by Congress in 1964 to safeguard natural areas, water resources and cultural heritage, and to provide recreation opportunities in the form of parks, protected forests, and wildlife areas. Jay Cooke State Park has received grant assistance from the LWCF to improve recreation within the Park. Pursuant to Section 6(f)(3) of the LWCF Act, lands acquired for public outdoor recreation shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the National Park Service (NPS). The portion of the reroute segment on Jay Cooke State Park will occupy an area of up to 575-feet-long by 160-feet-wide, covering a total area of 2.13 acres that would be subject to a conversion of land to other than public outdoor recreation use, thereby requiring approval from the NPS.

MP is working with the Minnesota Department of Natural Resources, who administers LAWCON in the State of Minnesota, to obtain the NPS approval. As part of this process, an EA must be prepared in compliance with the National Environmental Policy Act and provided to the NPS. The purpose of this letter is to request your comments, questions, or concerns on the Project specific

to the portion that crosses Jay Cooke State Park (LAWCON property), which will be included in the EA document.

### **Project Description**

MP's 15 Line spans between its Hibbard, Hilltop, and Fond du Lac substations in the Duluth area. The proposed Project will reroute its existing 115 kV transmission line segment near MP's Fond du Lac substation, north of the St. Louis River in St. Louis and Carlton counties. The purpose of the Project, as previously stated, is to reroute the 15 Line at the request of MnDOT and maintain transmission reliability.

As shown on the enclosed Figures, the proposed reroute will occupy up to a 160-foot-wide right-of-way for the length of the project. The portion of the reroute segment on Jay Cooke State Park will occupy an area of up to 575-feet-long by 160-feet-wide to allow for installation of one support structure and a spanned 115 kV transmission line. The total transmission easement area within Jay Cooke State Park is 2.13 acres. The portion of the Project on park land is located in southeast ¼ of Section 1 in Township 48 North, Range 15 West, Carlton County, Minnesota. The remaining portion of the proposed Project crosses ALLETE/MP and Carlton County property.

### **Project Schedule**

MP is in the process of working with federal, state, tribal, and local resource agencies and applicable municipal/governmental entities to obtain permits and approvals for the Project. MP plans to complete construction of the Project late-summer and fall of 2018 after NPS approval has been issued under this process, and after all other necessary permits and approvals are obtained.

### **Project Contact**

Please direct your written comments questions, or concerns on the Project to the following:

Zach Golkowski  
Environmental Compliance Specialist - Siting and Permitting  
ALLETE/Minnesota Power  
30 West Superior Street  
Duluth, Minnesota 55802-2093  
[zgolkowski@mnpower.com](mailto:zgolkowski@mnpower.com)

If you have any questions or comments you would like to discuss, please contact me at (218) 355-3366. We look forward to your input.

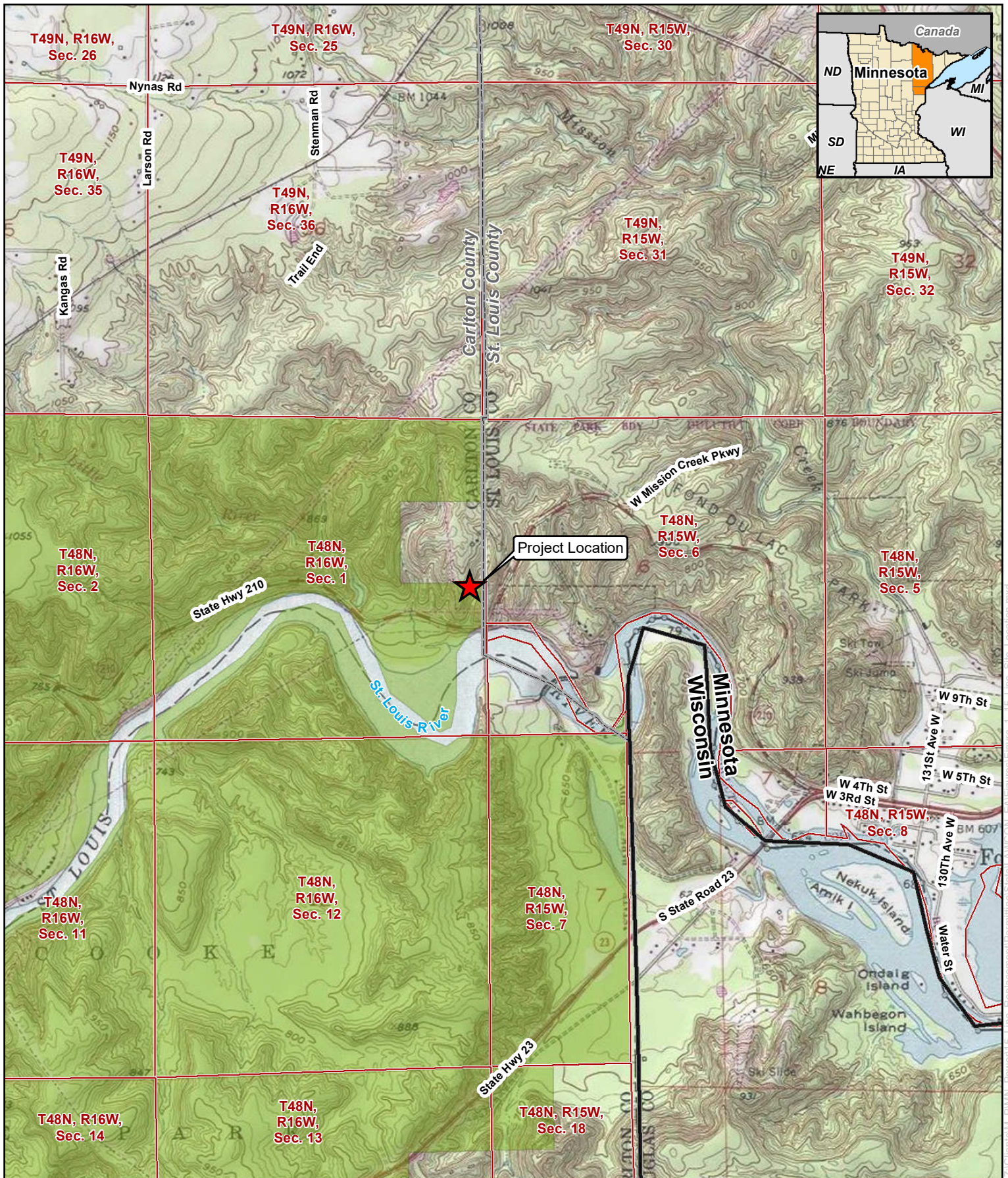
Sincerely,



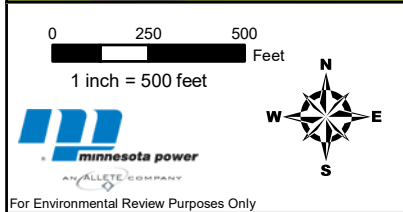
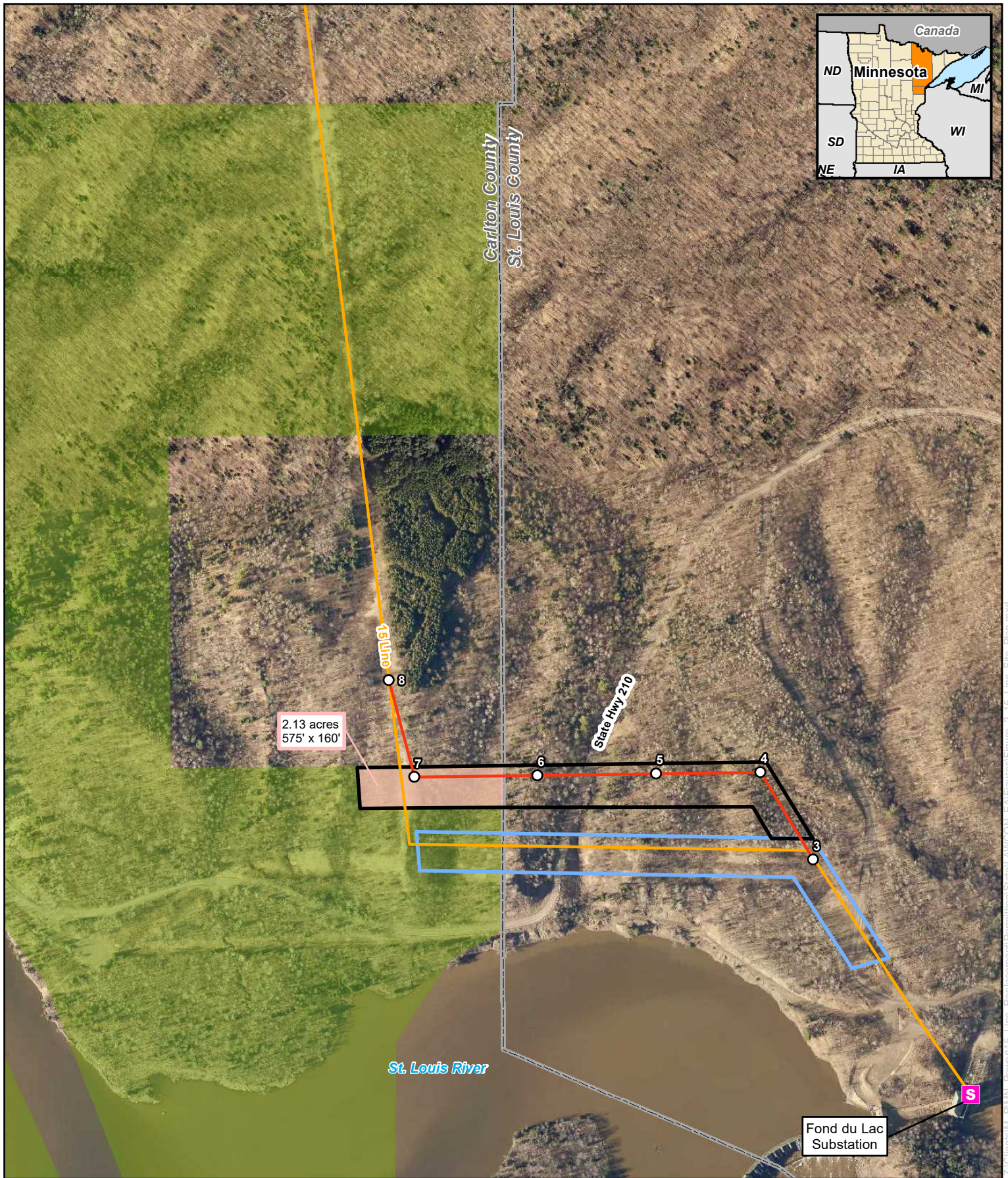
Zachary Golkowski  
Environmental Compliance Specialist  
Siting and Permitting  
ALLETE/MN Power

Enclosures









**Figure 2 - Site Plan**  
**ALLETE - Minnesota Power**  
**15 Line Reroute Project**  
**Carlton and St. Louis Counties, Minnesota**

- |   |   |
|---|---|
| ○ Proposed Structure Location                           | Proposed Transmission Line Right-of-Way within Jay Cooke State Park |
| Red line Proposed Transmission Line Reroute             | Existing Transmission Line Right-of-Way                             |
| Orange line Existing Transmission Line                  | County Boundary   |
| Black rectangle Proposed Transmission Line Right-of-Way | Jay Cooke State Park Boundary (Fee Owned)                           |



## **Agency Responses**

**From:** Zach Golkowski (MP)  
**Sent:** Monday, July 2, 2018 2:03 PM  
**To:** 'Bohjanen, Karen (DOT)' <[karen.bohjanen@state.mn.us](mailto:karen.bohjanen@state.mn.us)>  
**Subject:** RE: MnDOT Comments Re 15 Line Reroute Project

Thank you Karen,

I am emailing you to confirm the receipt of the comments from MNDOT for Minnesota Power's 15 Line project.

I have reviewed the comments from Duane Hill. On behalf of Minnesota Power, I can confirm that the placement of the poles on either side of Trunk Highway 210 will be well beyond 20 feet from any paved surface. If you would like further detailed information I can follow up with approximate measurements from our engineers. Also, an approved Utility Crossing Permit has been established with MNDOT in regards to this project.

Please let me know if you have any further comments.

Thank you,

Zach Golkowski  
Environmental Compliance Specialist  
Minnesota Power/ALLETE  
30 W. Superior St.  
Duluth, MN 55802  
W: 218-355-3366  
C: 218-428-5582

**From:** Bohjanen, Karen (DOT) [<mailto:karen.bohjanen@state.mn.us>]  
**Sent:** Monday, July 2, 2018 1:56 PM  
**To:** Zach Golkowski (MP) <[zgolkowski@mnpower.com](mailto:zgolkowski@mnpower.com)>  
**Subject:** MnDOT Comments Re 15 Line Reroute Project

[ ALERT – External Email – Handle Accordingly ]

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Good Afternoon Zachary,

I am attaching a letter from Duane Hill, MnDOT, in response to your June 5 letter requesting comments on the 15 Line Reroute Project.

Please confirm receipt of this email. Thank you!

Karen Bohjanen | Executive Assistant | MnDOT District 1  
218-725-2709 Phone | [karen.bohjanen@state.mn.us](mailto:karen.bohjanen@state.mn.us)



July 2, 2018

Zach Golkowski  
Environmental Compliance Specialist – Siting and Permitting.  
ALLETE/Minnesota Power  
30 West Superior Street  
Duluth, MN 55802-2093

RE: ALLETE/Minnesota Power - 15 Line Reroute Project

Dear Mr. Golkowski:

This letter is in response to the June 5, 2018, letter received by Minnesota Department of Transportation, (MnDOT) District 1 and MnDOT's Office of Environmental Stewardship (OES), requesting comments in regard to the proposed rerouting of transmission Line 15 near the Fond Du Lac Dam in Carlton and St. Louis Counties. This letter constitutes the Department's response on the proposed action.

Comment:

*MnDOT recommends that the new support poles and associated foundations be installed at a minimum distance of 20 feet from the paved surface of Trunk Highway 210.*

If there are any questions pertaining to the comment provided, please contact Daniel Erickson, design engineer at 218-725-2830 or [daniel.j.erickson@state.mn.us](mailto:daniel.j.erickson@state.mn.us). Thank you for the opportunity to provide input into this project.

Sincerely,



Duane R. Hill, P.E.  
District Engineer

CC: Deb Moynihan, MnDOT OES  
Aaron Gunderson, MnDOT District 1  
Daniel Erickson, MnDOT District 1  
Jason Alcott, MnDOT District 1

June 19, 2017

Jim Atkinson  
Land & Real Estate Manager  
Minnesota Power  
30 W Superior Street  
Duluth, MN 55812

RE: Minnesota Power's Transmission Line Reroutes – Carlton County/St. Louis County, MN

Dear Mr. Atkinson:

This letter will confirm recent discussions relating to Minnesota Power's high voltage transmission lines that cross state trunk highways in Carlton and St. Louis County. In connection with MnDOT's work to repair the storm damage to Highway 210, MnDOT is requesting that Minnesota Power adjust the route its high voltage transmission lines, known as 15 Line and 8 Line, cross Highway 210 near the St. Louis River in Jay Cooke State Park.

The specific locations are marked on Enclosure 1. The preferred adjusted route will move the lines to the northeast, as shown on Enclosure 1, to a location where grades adjacent to Highway 210 are not as steep as the current crossing point. The steep grade between the current pole set and the highway present a risk to travelers. This reroute will reduce that risk and improve conditions for current and future road construction and maintenance activities.

MnDOT is also requesting that Minnesota Power adjust the 15 Line, at the location where it crosses I-35, to conform with MnDOT's standards for high voltage transmission line crossings for interstate highways. The existing 15 Line crossing proceeds at a long skew angle rather than a perpendicular crossing. The requested adjustment would significantly reduce the length of the line over the travel lanes, have a greater vertical clearance and remove a road hazard associated with the structures and guide wires adjacent to the highway travel lanes.

In connection with MnDOT's request for Minnesota Power to modify transmission lines as described in this letter, Minnesota Power agrees that MnDOT shall be held harmless and will not be liable for any work, cost of the relocations of the transmission lines described in this letter, or any other liability whatsoever related to said relocations, including any future related transmission corridor.

Upon receipt of written acknowledgement by Minnesota Power of the particulars of this letter, MnDOT will issue revised utility permits to Minnesota Power reflecting the new locations of the transmission lines. It is our understanding that the route of the 15 Line would be adjusted in 2018 along with clearing accommodations for the 8 Line. The 8 Line will be moved at a later date to be determined.

If you have any questions you can contact Aaron Gunderson, resident engineer, at 218-725-2764 or [aaron.gunderson@state.mn.us](mailto:aaron.gunderson@state.mn.us).

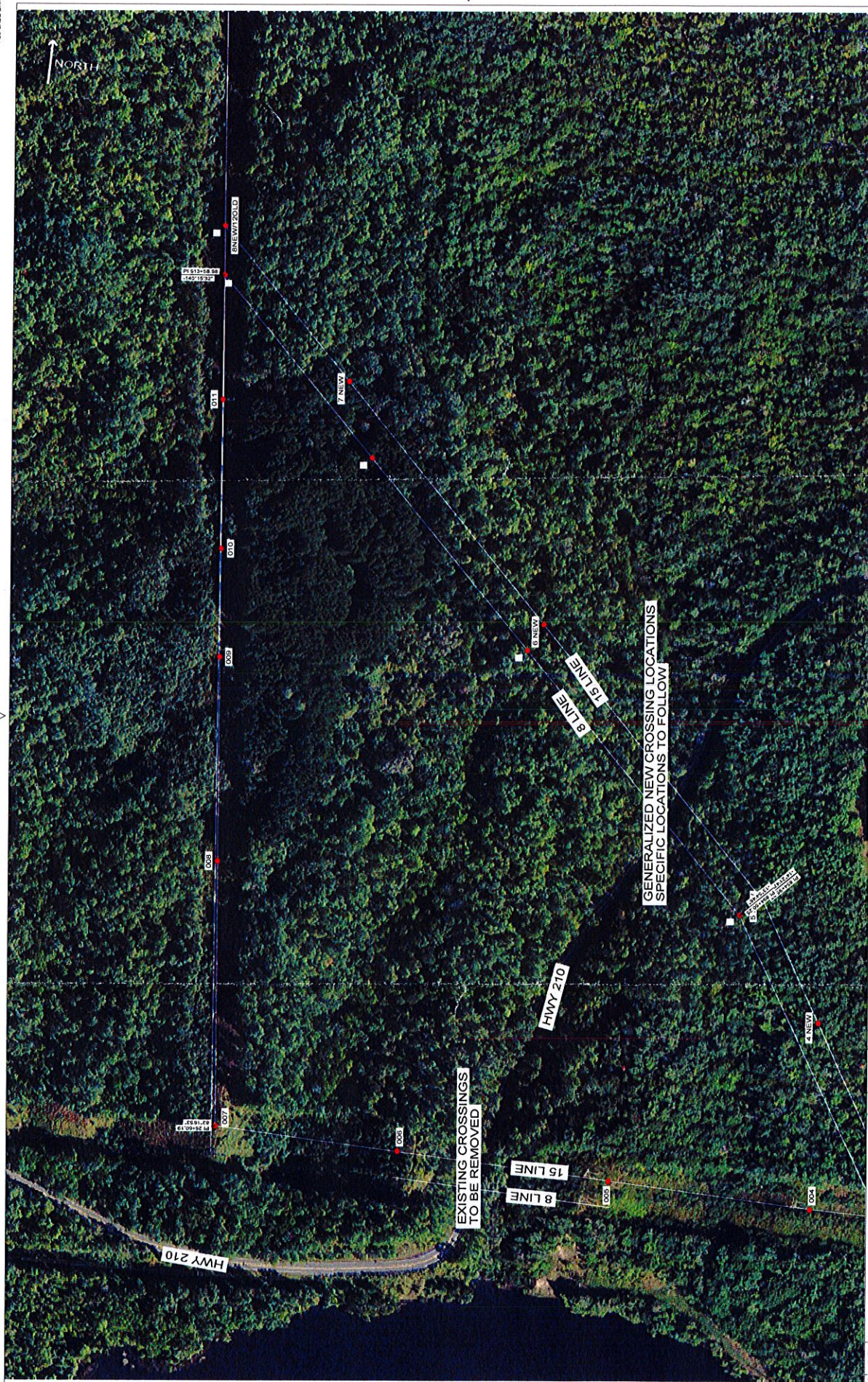
Sincerely,



Duane R. Hill, P.E.  
District Engineer

Enclosures (2)



[illegible]





Minnesota Public Utilities Commission

September 15, 2017

Daniel P. McCourtney  
Minnesota Power  
30 West Superior Street  
Duluth, MN 55802-2093

RE: Minnesota Power 15 Transmission Line Relocations  
Highway 210 and Interstate 35, St. Louis and Carlton Counties  
Docket No. E015/TL-17-203

Dear Mr. McCourtney:

This letter confirms that the Minnesota Public Utilities Commission (Commission) has received Minnesota Power's letter dated August 22, 2017, that provided notification of its intent to relocate two segments of its 15 Line 115 kilovolt (kV) transmission line that crosses a state trunk highway and interstate highway in St. Louis and Carlton counties. It is the Commission's understanding that the Minnesota Department of Transportation (MnDOT), in a letter dated June 19, 2017, requested that Minnesota Power adjust the location of its 15 Line: 1) where it crosses Highway 210 near the St. Louis River in Jay Cooke State Park; and 2) where it crosses Interstate 35 just northeast of the city of Eldes Corner. As indicated by MnDOT, the adjustments are being requested to reduce risk to travelers and improve conditions for current and future road construction, and to conform with its standards for high voltage transmission line crossings of interstate highways. It is the Commission's understanding that the transmission line relocations would occur in 2018.

Under Minn. R. 7850.1500, subp. 1.B.(3), a permit from the Commission is not required for the relocation of a high-voltage transmission line that is required by a local or state agency as part of road, street, or highway construction. The 15 Line transmission line relocations, as described by Minnesota Power, conform to the conditions set forth in Minn. R. 7850.1500, subp. 1.B.(3); therefore, a permit from the Commission is not required.

If you have any questions, please direct them to Scott Ek of the Commission staff at 651-201-2255 or [scott.ek@state.mn.us](mailto:scott.ek@state.mn.us).

Sincerely,

A handwritten signature in black ink that reads "Daniel P. Wolf".

Daniel P. Wolf  
Executive Secretary

## **Agency Consultation List**

MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND ALLETE/MINNESOTA POWER  
LANDS AND WATER CONSERVATION FUND - ENVIRONMENTAL ASSESSMENT  
AGENCY CONSULTATION LETTERS

Agency Name	Regulatory Trigger	Agency Contact	Title	Address	Email Address	Phone #
<b>Federal</b>						
U.S. Fish and Wildlife Service	Section 7 - Endangered Species Act	Andrew Horton	Conservation Planning Twin Cities Field Office	4101 American Boulevard East Bloomington, MN 55425	<a href="mailto:Andrew.Horton@fws.gov">Andrew.Horton@fws.gov</a>	(612) 725-3548 ext. 2208
<b>State</b>						
Minnesota Department of Natural Resources	Fair Market Value Assessment	Joe Hiller	Grants Specialist Coordinator	Minnesota DNR 500 Lafayette Road St. Paul, MN 55155-4052	<a href="mailto:joe.hiller@state.mn.us">joe.hiller@state.mn.us</a>	(651) 259 -5538
Minnesota State Historic Preservation Office - Minnesota Historical Society	Section 106 - National Historic Preservation Act	Sarah Beimers	Manager of Government Programs and Compliance State Historic Preservation Office	State Historic Preservation Office Administration Building #203 50 Sherburne Ave. Saint Paul, MN 55155	<a href="mailto:sarah.beimers@state.mn.us">sarah.beimers@state.mn.us</a>	(651) 201-3290

## **USFWS Informal Section 7 Consultation Letter**





June 12, 2018

Mr. Andrew Horton  
U.S. Fish and Wildlife Service  
Twin Cities Ecological Services Field Office  
4101 American Boulevard East  
Bloomington, MN 55425

Via email: [andrew\\_horton@fws.gov](mailto:andrew_horton@fws.gov)

Subject: ALLETE / Minnesota Power - 15 Line Reroute Project  
Endangered Species Act  
Request for Informal Section 7 Consultation

Dear Mr. Horton:

Minnesota Power (MP), an ALLETE company, owns and operates a 115 kilovolt (kV) electric transmission line in Duluth area. MP is planning to reroute a 2,178-foot segment of its existing 15 Line near Fond Du Lac Dam. The 15 Line Reroute Project (Project) is located in Township 48N, Range 16W, Section 1; and Township 48N, Range 15W, Section 6 in St. Louis and Carlton counties.

The proposed Project is due to the concerns of failing slope conditions near the St. Louis River/Highway 210 corridor and the Minnesota Department of Transportation (MnDOT) has requested that MP adjust this segment of its 15 Line. Currently, the steep grade in which the existing line resides, is eroding and slope failure is evident. These conditions pose a significant threat to the lines reliability and it has become necessary to reroute the line as shown in Figures 1 and 2.

As shown on the enclosed Figures, the proposed reroute will occupy up to a 160-foot-wide right-of-way for the length of the Project. A segment of the reroute is located in Jay Cooke State Park and will occupy an area up to 575 feet long by 160 feet wide (2.13 acres). The remaining portion of the proposed transmission easement area is intersected by State Highway 210, crosses ALLETE/MP and Carlton County property, and totals approximately 4.77 acres.

Pursuant to Section 6(f)(3) of the Lands and Water Conservation Act (LAWCON), lands acquired for public outdoor recreation shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the National Park Service (NPS). Therefore, an Environmental Assessment (EA) will be prepared pursuant to the LAWCON Act for the portion of the Project located within the Jay Cooke State Park parcel. MP is working with the Minnesota Department of Natural Resources (MDNR), who administers LAWCON in the State of Minnesota, to obtain the NPS approval.

MP is in the process of working with federal, state, and local resource agencies and applicable municipal/governmental entities to obtain permits and approvals for the Project. MP plans to complete construction of the Project in late summer and fall of 2018 after NPS approval has been issued under this process, and after all other necessary permits and approvals are obtained.

MP identified the following federally listed species that could be potentially affected by activities within the Project area<sup>1</sup>. No critical habitat was identified within the project area.

Species	Status	Habitat
Canada lynx ( <i>Lynx canadensis</i> )	Threatened	Northern forest
Gray wolf ( <i>Canis lupis</i> )	Threatened	Alpine, forest, grassland, shrubland, and woodland habitats
Piping plover ( <i>Charadrius melodus</i> ) – Great Lakes Breeding Population	Endangered	Beaches along shorelines of the Great Lakes
Northern long-eared bat ( <i>Myotis septentrionalis</i> )	Threatened	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.

The Piping Plover - Great Lakes Population inhabits beaches and shorelines of the Great Lakes. The habitat within the Project area is comprised mainly of forest and is located approximately 5 miles from the nearest bays of Lake Superior. Furthermore, a review of the MDNR NHIS data did not identify any occurrences of piping plover within 1 mile of the project area. As such, MP believes the Project will have *no effect* on the piping plover, and this species is not discussed further. MP understands that the U.S. Fish and Wildlife Service (USFWS) does not require concurrence to be obtained for *no effect* determinations.

For the reasons listed below, Project activities are *not likely to adversely affect* the Canada lynx, gray wolf, and northern long-eared bat.

#### Canada Lynx (*Lynx canadensis*)

The Canada lynx is a medium-size cat that generally inhabits moist boreal forest that have cold, snowy winters and a high-density snowshoe hare prey base. The predominant vegetation of boreal forest is conifer trees, primarily species of spruce (*Picea* spp.) and fir (*Abies* spp.). In the contiguous United States, the boreal forest type transitions to deciduous temperate forest in the Northeast and Great Lakes, and to subalpine forest in the west. Individual lynx maintain large home ranges generally between 12 to 83 square miles.

The Canada lynx is considered abundant in Canada and Alaska and occurs in 95 percent of the species' historic range. However, in the southern portion of its range (i.e., the contiguous United States) populations were weakened by the fur trade, and the species was listed as federally listed threatened in the United States in 2000. The USFWS has identified the permanent United States population as a distinct population segment and has identified priority areas for conservation. Threats to the distinct population segment in the United States include anthropogenic development, mining, silvicultural management practices, grazing, trapping, predator control, roads, climate change, and habitat loss and fragmentation.

Construction activities associated with the Project have the potential to impact individual Canada lynx in the Project area. Specifically, noise or presence of humans and equipment involved in construction activities may cause Canada lynx to divert from the area. The resulting response would be temporary disturbance that would not have a measurable or detectable effect on an individual's survivorship or reproductive capacity. As such, the potential impact would be insignificant and would not result in harassment or an adverse impact.

<sup>1</sup> Site-specific project review completed using: <https://ecos.fws.gov/ipac/location/index> (Accessed June 2018)

Canada lynx use a variety of forest cover types for hunting and denning. These types of habitat would be impacted during construction, which in turn may temporarily affect individual lynx foraging and sheltering behaviors. However, the abundance of habitat in the vicinity of the Project suggests that forested habitat impacted by the Project would not subtract from the overall availability of these habitat types for Canada lynx and would not result in a measurable or detectable impact on an individual's sheltering, feeding, or breeding behaviors. Thus, any potential impacts from construction activities associated with the Project on suitable habitat would be insignificant and would not result in harm or an adverse impact.

If a Canada lynx is sighted within 1 mile of the construction workspace during construction, or if the USFWS notifies the MP of a Canada lynx sighting within 1 mile of the construction workspace, construction activities would cease until the individual(s) have left the area. Any lynx sightings by a contractor or EI would be immediately reported to the USFWS and MDNR.

Due to the low density of the species in the Project area, the highly mobile nature of the species, and the proposed conservation measures, the potential impacts on the Canada lynx would be insignificant. Therefore, we conclude that the Project *may affect, but is not likely to adversely affect* this species.

#### Gray Wolf (*Canis lupis*)

The gray wolf is the largest of the wild dog species and is found in a variety of habitats throughout North America. Gray wolves prey primarily on large ungulates, including white-tailed deer (*Odocoileus virginianus*), elk (*Cervus elaphus*), moose (*Alces alces*), bison (*Bison bison*), and caribou (*Rangifer tarandus*), depending on location. They will occasionally take smaller prey, including beaver (*Castor canadensis*), insects, various small mammals, and domestic animals. Additionally, wolves will usurp carcasses and scavenge carrion opportunistically from kills made by other carnivores.

A habitat generalist, the gray wolf originally occupied most habitat types in North America. They show no preference for one cover type over another and successfully utilize alpine, forest, grassland, shrubland, and woodland habitats across their range. Once thought to require wilderness areas with little to no human disturbance, recent range expansions have demonstrated the species' ability to tolerate higher rates of anthropogenic development than previously thought. Given abundant prey and low rates of human-caused mortality, wolves can survive in proximity to human-dominated environments.

The gray wolf population in the United States had been extirpated throughout much of its natural range due to the depletion of wild prey populations by early European settlers and subsequent widespread predator control programs. Shooting, poisoning, and trapping in conjunction with bounties were promoted by government agencies to combat increasing livestock depredation by wolves throughout the 19th and 20th centuries. Furthermore, logging and the conversion of forested wildlands to agricultural uses significantly reduced wolf habitat. Current threats to the species include human-caused mortality (e.g., illegal shooting, competition with humans over livestock) and continued habitat loss due to fragmentation.

Construction activities associated with the Project have the potential to disturb gray wolf individuals in the Project area. Specifically, noise or presence of humans and equipment involved in construction activities may cause gray wolf adults and juveniles to divert from the area. The resulting response would be temporary disturbance that would not have a measurable or detectable effect on an individual's survivorship or reproductive capacity. Therefore, the potential

impact on gray wolves would be insignificant and would not result in harassment or other adverse impact.

If a gray wolf is sighted within 1 mile of the construction workspace during construction, or if the USFWS notifies MP of a gray wolf sighting within 1 mile of the construction workspace, construction activities would cease until the individual(s) have left the area. Any wolf sightings by a contractor or EI would be immediately reported to the USFWS and the MDNR.

Due to the highly mobile nature of the species, its use of a variety of habitats, and the proposed conservation measures, potential impacts on the Western Great Lakes population of gray wolf would be insignificant. Therefore, we conclude that the Project *may affect, but is not likely to adversely affect* this species.

#### Northern Long-eared Bat (*Myotis septentrionalis*)

The range of the northern long-eared bat stretches across much of the eastern and Midwestern United States. During summer, northern long-eared bats roost singly or in colonies under bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places such as caves and mines. This species is thought to be opportunistic in selecting roosts, utilizing tree species based on the tree's ability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures such as barns and sheds. In winter, northern long-eared bats utilize caves and mines as hibernacula.

The northern long-eared bat was listed as a federally threatened species in May 2015, with an interim 4(d) rule; effective February 16, 2016, the USFWS finalized the 4(d) rule. A 4(d) rule may only be applied to species listed as threatened, and is a tool periodically utilized by the USFWS to allow for flexibility in Endangered Species Act (ESA) implementation. The rule allows the USFWS to tailor take restrictions to those that make the most sense for protecting and managing at-risk species, and directs the USFWS to issue regulations considered "necessary and advisable to provide for the conservation of threatened species."

Per the final 4(d) rule, incidental take as a result of Project activities is not prohibited provided:

1. Known roost trees and trees within 150 feet of the known roost are not cleared between June 1 and July 31; and
2. Tree clearing is not conducted within 0.25 mile of a known hibernaculum at any time of year.

Merjent, on behalf of Minnesota Power, reviewed the most recent Minnesota Natural Heritage Information System (NHIS) rare features database to identify the presence of maternity roost trees or hibernacula in the vicinity of the Project. The NHIS review confirmed the absence of known hibernacula within 0.25 mile and the absence of known roost trees within 150 feet from the Project area.

The Project will require the removal of approximately 6.22 acres of trees, most of which are greater than 3 inches in diameter at breast height. Other woody vegetation and brush may be removed, but this material is not considered suitable habitat for the northern long-eared bat. Tree clearing activities will take place prior to October 1, 2017. As such, MP will rely on the programmatic Biological Opinion developed by USFWS on January 5, 2016 to fulfill section 7 consultation for this species. The Northern Long-eared Bat 4(d) Rule Streamlined Consultation

Form is enclosed. Therefore, we believe the Project *may affect* the northern long-eared bat, *but incidental take is not prohibited*.

MP respectfully requests USFWS concurrence with a *not likely to adversely affect* finding for the federally protected Canada lynx and gray wolf, and a *may affect but incidental take is not prohibited* finding for the northern long-eared bat.

If you have any questions or comments you would like to discuss, please contact me at (218) 355-3366. We look forward to your input.

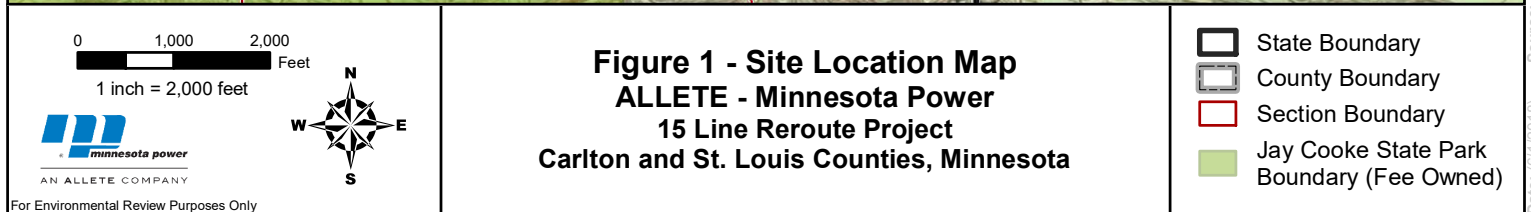
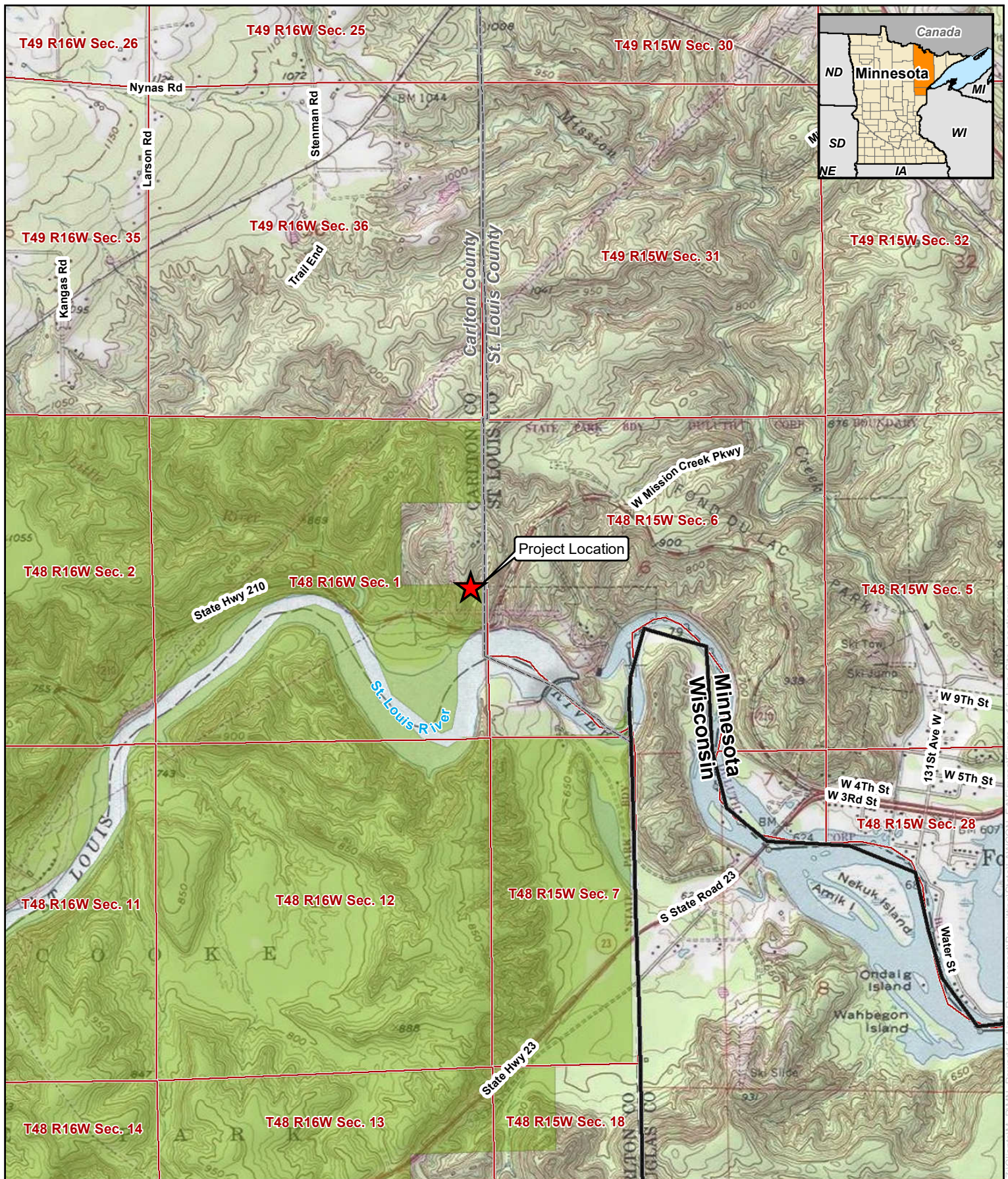
Sincerely,



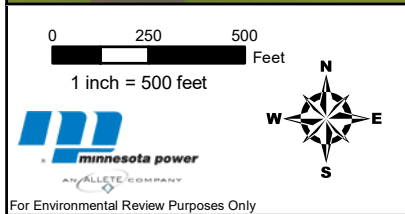
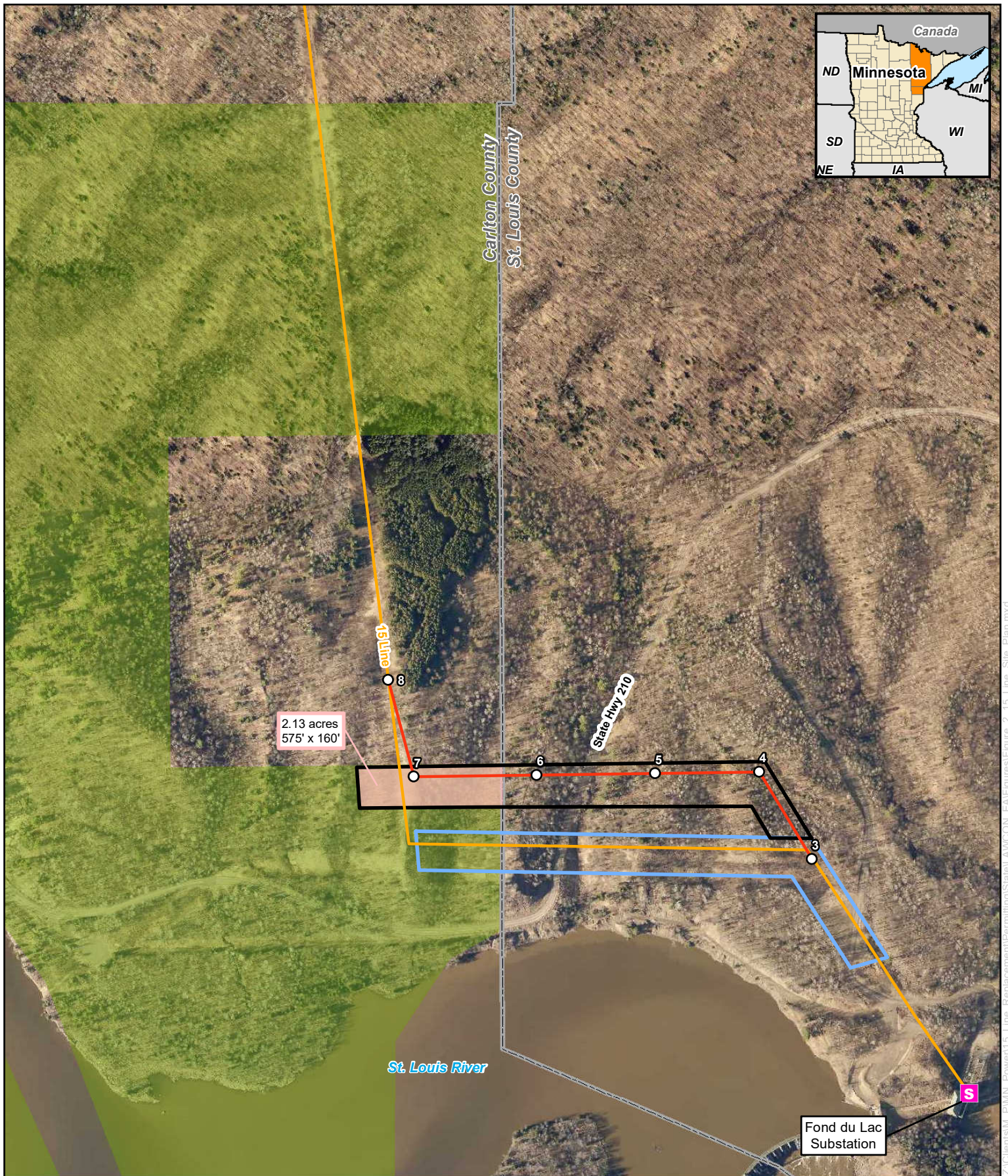
Zachary Golkowski  
Environmental Compliance Specialist  
Siting and Permitting  
ALLETE/Minnesota Power

Enclosures: Project Location Maps  
Northern Long-eared Bat 4(d) Rule Streamlined Consultation Form









**Figure 2 - Site Plan**  
**ALLETE - Minnesota Power**  
**15 Line Reroute Project**  
**Carlton and St. Louis Counties, Minnesota**

- |   |   |
|---|---|
| ○ Proposed Structure Location             | ■ Proposed Transmission Line Right-of-Way within Jay Cooke State Park |
| — Proposed Transmission Line Reroute      | □ Existing Transmission Line Right-of-Way                             |
| — Existing Transmission Line              | ▭ County Boundary   |
| ▭ Proposed Transmission Line Right-of-Way | ■ Jay Cooke State Park Boundary (Fee Owned)                           |



### **Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form**

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

#### **Information to Determine 4(d) Rule Compliance:**

	YES	NO
1. Does the project occur wholly outside of the WNS Zone <sup>1</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency <sup>2</sup> to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

#### **Agency and Applicant<sup>3</sup> (Name, Email, Phone No.):**

Zachary Golkowski

Office: 218.355.3366

Email: [zgolkowski@mnpower.com](mailto:zgolkowski@mnpower.com)

**Project Name:** ALLETE/Minnesota Power – 15 Line Reroute Project

**Project Location** (include coordinates if known): See enclosed map

**Basic Project Description** (provide narrative below or attach additional information): See Section 7 letter, attached.

<sup>1</sup> <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

<sup>2</sup> See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

<sup>3</sup> If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion <sup>4</sup> ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	6.22 acres	
If known, estimated acres <sup>5</sup> of forest conversion from April 1 to October 31	6.22 acres	
If known, estimated acres of forest conversion from June 1 to July 31 <sup>6</sup>	0.00 acre	
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature: Zach Holkanowski

Date Submitted: 6/12/2018

<sup>4</sup> Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

<sup>5</sup> If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

<sup>6</sup> If the activity includes tree clearing in June and July, also include those acreage in April to October.

## **USFWS Informal Section 7 Consultation Response**



## Brie Anderson

---

**From:** Horton, Andrew <andrew\_horton@fws.gov>  
**Sent:** Friday, July 13, 2018 10:55 AM  
**To:** Brie Anderson  
**Cc:** Zach Golkowski (MP); Tom Janssen; Andrea Sampson  
**Subject:** Re: [EXTERNAL] ALLETE/Minnesota Power - 15 Line Reroute Project - Informal Section 7 Consultation

Brie,

I have reviewed the proposed project and in your letter, you make the determination that this project may affect, but is not likely to adversely affect gray wolf (*Canis lupus*) and Canada lynx (*Lynx canadensis*). We concur with the determination that this project may affect, but is not likely to adversely affect federally listed species. The approximately 6.22 acres of tree clearing at this location is likely to result in insignificant or discountable impacts to both gray wolf and Canada lynx. This is based on the clearing being located in an area not heavily frequented by lynx and wolf and there is substantial suitable habitat in the surrounding area to support both species during disturbance. The proposed action area is outside of designated critical habitat for both species. It is unclear in the documents provided, but we recommend that the ROW along the abandoned portion of line 15 be stabilized and revegetated to support listed species into the future.

This concludes consultation under section 7 of the Endangered Species Act, as amended. Please contact our office if this project changes or new information reveals effects of the action to proposed or listed species or critical habitat to an extent not covered in your original request. If you have questions, please contact me at (952) 252-0092 ext. 208 or via email at [andrew\\_horton@fws.gov](mailto:andrew_horton@fws.gov).

- Andrew

Andrew Horton  
U.S. Fish and Wildlife Service  
Minnesota/Wisconsin Field Office  
4101 American Blvd East  
Bloomington, MN 55425-1665  
(952) 252-0092, ext. 208

On Tue, Jun 12, 2018 at 4:31 PM, Brie Anderson <[banderson@merjent.com](mailto:banderson@merjent.com)> wrote:

Hi Andrew,

On behalf of ALLETE/Minnesota Power, please find the attached documentation for informal Section 7 consultation on the 15 Line Reroute Project in St. Louis and Carlton Counties, Minnesota.

We appreciate your review. If you have any questions or need additional information, please contact either Zach Golkowski of Minnesota Power (cc'd here) or myself.

Sincerely,

Brie Anderson



**Brie Anderson**

TractorWorks Building  
800 Washington Avenue N.  
Suite 315

612.746.3660 main  
612.924.3986 direct  
612.746.3679 fax

Minneapolis, MN 55401

[www.merjent.com](http://www.merjent.com)

[banderson@merjent.com](mailto:banderson@merjent.com)

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## **Fair Market Value Assessment Letter to MDNR**



June 8, 2018

Joe Hiller  
Minnesota Department of Natural Resources  
Grants Specialist Coordinator  
500 Lafayette Road, Box 39  
St. Paul, Minnesota 55155-4039

Re: ALLETE / Minnesota Power - 15 Line Reroute Project  
Lands and Water Conservation Fund – Jay Cooke State Park  
Fair Market Value

Dear Mr. Hiller:

Minnesota Power (MP), an ALLETE company, owns and operates a 115 kilovolt (kV) electric transmission line called the 15 Line in the Duluth area. MP is planning to reroute a 2,178-foot segment of its existing 15 Line near Fond Du Lac Dam (the Project).

The proposed Project is due to the concerns of failing slope conditions near the St. Louis River/Highway 210 corridor and the Minnesota Department of Transportation has requested that MP adjust this segment of its 15 Line. Currently, the steep grade in which the existing line resides, is eroding and slope failure is evident. These conditions pose a significant threat to the lines reliability and it has become necessary to reroute the line.

A small portion of the reroute segment will be located on Jay Cooke State Park land as shown in the enclosed Figure 1. Because Jay Cooke State Park has received federal funding through the Lands and Water Conservation Fund (LAWCON) Act, the portion of the Project within the Park will undergo review by the National Park Service and be converted to a transmission line easement. This letter serves to notify you of MP's fair market valuation calculations and request comments as part of the Environmental Assessment that is being prepared under LAWCON for the portion of the project on Jay Cooke State Park land.

The portion of the Project located within the Jay Cooke State Park parcel covers 2.13 acres. As displayed on Figure 1, MP initially evaluated a reroute of its 15 Line in a southeast to northwest direction on parcels owned by the City of Duluth and Carlton County. As part of that process, MP received appraisals for both the City of Duluth and Carlton County properties. Both were completed within the last four months (since February 2018) with the following results:

- City of Duluth Parcel:
  - Appraisal completed by Ramsland & Vigen, Inc by Mr. Battuello, valued the park property at \$1,912.88 - \$1,913 per acre.
- Carlton County Parcel:
  - The County Land Commissioner, with approval from the County Board, valued the property at \$2,300 per acre with a timber value of \$2,745. That would be an average of  $\$2300 + \$2745 = \$5045 / 2 = \$2522.50$  per acre.

Based on these two recent and relevant appraisals on adjacent properties, the average land value would be calculated as:  $\$1913 + \$2522.50 = \$4435.50 / 2 = \$2217.75$  per acre. MP will impact 2.13 acres of land within the Park, at a value of:  $\$2217.75 \times 2.13 = \$4723.81 \sim \$4724.00$ . As such, please use the value of \$4724.00 for the fair market value for the portion of the Project within Jay Cooke State Park and subject to the LAWCON process.

If you have any questions or comments, please contact me at (218) 355-3565.

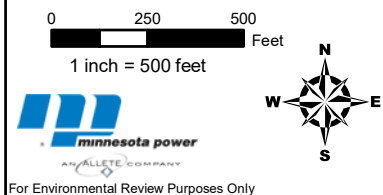
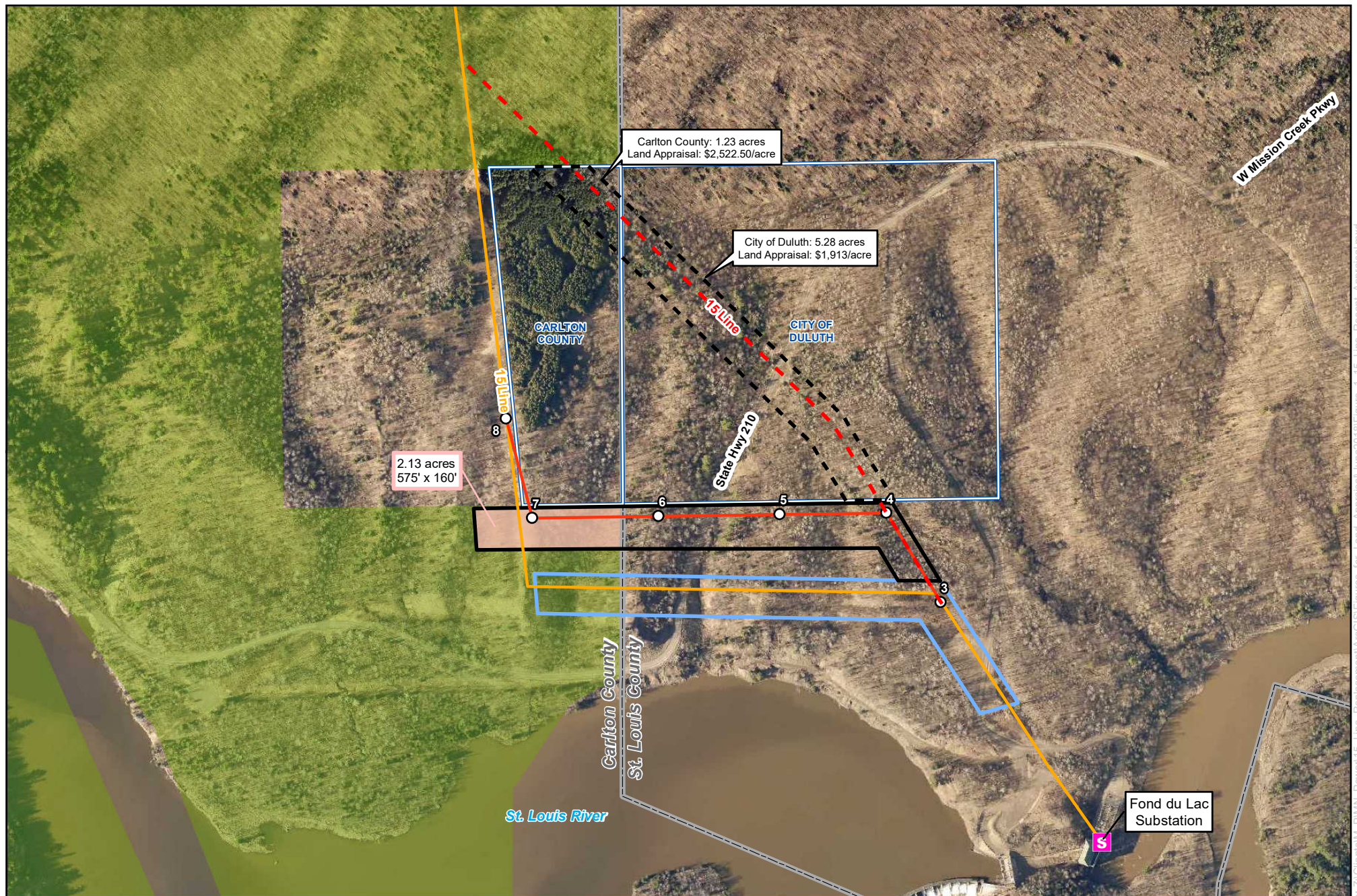
Sincerely,

A handwritten signature in cursive script that reads "Jill Helmer". The signature is written in dark ink on a light-colored background.

Jill Helmer  
Real Estate Specialist

cc: Zach Golkowski





**Figure 1 - Recent Appraisal**  
**ALLETE - Minnesota Power**  
**15 Line Reroute Project**  
**Carlton and St. Louis Counties, Minnesota**

- |                                      |   |   |
|--------------------------------------|---|---|
| ○ Proposed Structure Location        | ▬ Proposed Transmission Line Right-of-Way                             | ▬ Existing Transmission Line Right-of-Way   |
| ▬ Proposed Transmission Line Reroute | ▬ Original Transmission Line Right-of-Way Reroute                     | ▬ Parcel Boundary                           |
| ▬ Existing Transmission Line         | ▬ Proposed Transmission Line Right-of-Way within Jay Cooke State Park | ▬ County Boundary                           |
| ▬ Original Transmission Line Reroute |   | ▬ Jay Cooke State Park Boundary (Fee Owned) |



## **MDNR Confirmation of Fair Market Value Assessment**

**From:** Hiller, Joe H (DNR) [<mailto:joe.hiller@state.mn.us>]  
**Sent:** Monday, June 18, 2018 1:50 PM  
**To:** Jill Helmer (MP) <[JHelmer@mnpower.com](mailto:JHelmer@mnpower.com)>  
**Cc:** Zach Golkowski (MP) <[zgolkowski@mnpower.com](mailto:zgolkowski@mnpower.com)>  
**Subject:** Waiver Valuation Memo by Jill Helmer Accepted

[ ALERT – External Email – Handle Accordingly ]

---

Hello Jill,

Your Waiver Valuation memo arrived in today's mail. It meets the LAWCON conversion requirement.

Thanks.  
Joe

## **Section 106 – National Historic Preservation Act Letter**



June 13, 2018

Joe Hiller  
Minnesota Department of Natural Resources  
Grants Specialist Coordinator  
500 Lafayette Road, Box 39  
St. Paul, Minnesota 55155-4039

RE: ALLETE / Minnesota Power - 15 Line Reroute Project  
Lands and Water Conservation Fund - Section 106 National Historic Preservation Act  
Phase 1 Archaeological Inventory in Jay Cooke State Park

Dear Mr. Hiller:

Minnesota Power (MP), an ALLETE company, owns and operates a 115 kilovolt (kV) electric transmission line called the 15 Line in the Duluth area. As you are aware, MP is planning to reroute a 2,178-foot segment of its existing 15 Line near Fond Du Lac Dam (Project). The proposed Project is due to concerns of failing slope conditions near the St. Louis River/Highway 210. Currently, the steep grade in which the existing line resides, is eroding and slope failure is evident. These conditions pose a significant threat to the lines reliability and as a result, the Minnesota Department of Transportation has requested that MP adjust this segment of its 15 Line.

A small portion of the Project will be located on Jay Cooke State Park land. Because Jay Cooke State Park has received federal funding through the Lands and Water Conservation Fund (LAWCON) Act, the portion of the Project within the Park will undergo review by the National Park Service. Please find enclosed three copies of Merjent, Inc.'s Phase I archaeological inventory report for the Jay Cooke State Park portion of the 15 Line Reroute Project, namely:

2018 *Minnesota Power. 15 Line Reroute Project, Phase 1 Archaeological Inventory, Jay Cooke State Park, Carlton County, Minnesota. Merjent, Inc., Minneapolis, Minnesota. Mieras, Kevin, Kevin Gubbels, and Michael Madson.*

We understand that this report will be used during your consultation with the Minnesota State Historic Preservation Office (MnHPO) under Section 106 of the National Historic Preservation Act (NHPA). Based on the work completed on Jay Cooke State Park land and elsewhere (that will be documented in a separate report), Merjent, Inc. identified no archaeological sites or structures greater than 45 years of age which would be eligible for inclusion on the National Register of Historic Places (NRHP). Therefore, Merjent recommends that the project, as proposed, would not present an adverse effect to any historic property.

Two printed copies of the enclosed report have also been provided to archaeologist David Radford. Merjent has also sent a digital copy to Mr. Radford and Tavis Westbrook per Standard Condition #5 of Special Permit Number 201857. Please advise if you would like us to coordinate these results with Ms. Jill Hoppe, Tribal Historic Preservation Officer of the Fond du Lac Band of Lake Superior Chippewa. We are happy to assist but recognize that you may want to do so directly since this is an undertaking subject to Section 106.



If you have any questions about this report or the work represented therein please contact me at (218) 355-3366 or [zgoldowski@mnpower.com](mailto:zgoldowski@mnpower.com) or Michael Madson, Merjent's archaeologist, at (612) 834-3074 or [mmadson@merjent.com](mailto:mmadson@merjent.com).

Sincerely,



Zachary Golkowski  
Environmental Compliance Specialist  
Siting and Permitting  
ALLETE/Minnesota Power

CC: Michael Madson, Merjent  
David Radford, DNR (via mail and email)  
Tavis Westbrook, DNR (via email)

Enclosure: *Minnesota Power. 15 Line Reroute Project, Phase 1 Archaeological Inventory, Jay Cooke State Park, Carlton County, Minnesota. Merjent, Inc., Minneapolis, Minnesota.*