



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Upper Mississippi River National Wildlife and Fish Refuge  
51 E. Fourth Street - Room 101  
Winona, Minnesota 55987

IN REPLY REFER TO:

May 4, 2009

Thomas Hillstrom  
Supervisor, Siting and Permitting  
Xcel Energy  
414 Nicollet Mall (MP 8A)  
Minneapolis, Minnesota 55401

Dear Mr. Hillstrom:

On February 11, 2009 we met with you and others to discuss preliminary planning for the CapX 2020 345-kV transmission line. On March 18, 2009, I had a conference call meeting with District Managers of the Upper Mississippi River National Wildlife and Fish Refuge and biologists from our Migratory Birds and Ecological Services programs to discuss the proposed line.

This letter provides you follow-up information, and a series of considerations and questions, to assist you and contractors as you proceed with the development of alternatives and their evaluation. As noted in earlier correspondence, this letter does not represent agency endorsement of the proposed project nor a decision on whether any needed right-of-way permits through the Upper Miss or Trempealeau national wildlife refuges will or will not be granted.

Regulations and policy governing uses on national wildlife refuges prohibit new uses or projects which fragment habitat and such projects include roads, bridges, and powerlines. The one exception is for minor expansion of existing rights-of-way. "Minor" is not defined and left to the discretion of the refuge manager based on professional judgment taking into account refuge-specific conditions and anticipated impacts.

Based on discussions with staff, a review of our regulations and policy, and a review of your preliminary right-of-way pole configurations, I do not believe the various options would involve a minor expansion of any of the existing rights-of-way. Most of the options involve a 75 percent or more expansion of right-of-way width to be viable. Therefore, I would have to recommend to our Regional Director (the deciding official on new or expanded right-of-way requests) that no expansion of existing right-of-way be granted and that any design option be restrained or confined to existing right-of-way width.

We want you to be aware of this restraint up-front to avoid alternatives and design configurations that will likely be rejected later.

Please find enclosed Attachment 1 which is a cursory analysis of the alternative crossings for your information. This information helped us get our arms around the alternative routes being considered and may prove useful to you and your biological assessment contractors.

Finally, Attachment 2 is a series of considerations and questions for your use in preparing documents and analyses associated with the CapX 2020 project. Again, feel free to share this with your contractors.

If you have any questions, please contact me or Assistant Refuge Manager Rick Frietsche.

Sincerely,



Don Hultman  
Refuge Manager

Attachments (2)

cc: Chief, Refuges, Region 3  
District managers

**Attachment 1.****Upper Mississippi River National Wildlife and Fish Refuge****Trempealeau National Wildlife Refuge****May, 2009****CapX2020****Routing Alternatives – Analysis of Refuge Habitats That Would Be Impacted**

<b>Route</b>	<b>Length of route through refuge property</b>	<b>Area of open water/marsh*</b>	<b>Area forested and type*</b>	<b>ROW existing width, permitted width, dates of establishment and expiration, and stipulations/restrictions</b>
Alma	5,670 feet	10 acres open water/1.9 acres marsh	9.6 acres	Existing 125', permitted 180', established 12/23/48, indefinite, general stipulations
Winona	13,540 feet	45.7 acres	7.8 acres	Existing less than 100'; permitted 100', indefinite (on Trempealeau NWR). New metal poles installed 2003.  There is also an unused ROW (Dairyland) across Trempealeau NWR approx. 1.5 miles east of above, established 5/18/79, 250', indefinite, general stipulations.
Black River Bottoms	4,320 feet	18.3 acres	11.8 acres	Existing 80' with "danger trees" removed on either side; permitted width is "within 20' on both sides of centerline"; issued March 28, 1951 and expired in 2001; general stipulations
La Crosse	6,510 feet	15.5 acres	10.9 acres	Existing less than 100'; permitted width is 100'; issued June 6, 1967 and expires in 50 years (June 5, 2017); general stipulations

\* A 300 foot wide corridor was used for the purpose of this preliminary summary/analysis only and may or may not reflect actual proposed or approved width.

## **Supplemental Information on Each Route, Significant Resources**

### ***Alma***

The current Dairyland Power crossing near Alma, WI traverses the refuge at the Zumbro River bottoms in Wabasha County, Greenfield Township (T110N-R10-9W Sec's 31 & 32). The crossing extends approximately 2,000 feet on the Minnesota side of the main channel. In Wisconsin, if the new alignment is to the south of the current line, it would impact the refuge for 2,500 feet, if it is to the north, it will be outside the refuge boundary.

Forest inventory data collected at points near the crossing during 2002 and 2005 indicate a mature floodplain forest dominated by silver maple and green ash with Eastern cottonwood and swamp white oak. River birch, hackberry, and American elm were also noted. The associated marshes and the main corridor are dominated by reed canary grass. The corridor was photographed at random points on February 17 and 18, 2009 (photos are available).

Two active eagle nests are located in the vicinity of the corridor. The oldest nest, which is immediately adjacent to the line on the Minnesota side of the main channel, was mapped on previous documents provided to Xcel in January 2008. A new eagle nest was discovered during a site visit on February 18, 2009 approximately 1,800 feet from the corridor, also in Minnesota.

The CapX2020 program provided biodiversity maps dated January 24, 2008 for public review. These maps indicated that the Zumbro River has outstanding biodiversity (index provided by Minnesota Department of Natural Resources). An outstanding biodiversity classification is defined as "*sites containing the best occurrences of the rarest species, the most outstanding examples of the rarest native plant communities, and/or the largest, most intact functional landscapes present in the state.*"

Minnesota's Comprehensive Wildlife Conservation Strategy (January 2006), mapped the Species of Greatest Conservation Need (SGCN) in the state. Greenfield Township has 101-400 validated records of SGCN since 1990, the second highest occurrence rating in the state.

### ***Winona***

The only refuge land this route would cross is on Trempealeau National Wildlife Refuge (islands in the Mississippi River are owned either by the City of Winona or the state). This alternative would follow an existing 100 foot-wide right-of-way adjacent to the Canadian National Railroad line for approximately 2 miles then veer ESE for another 1.5 miles before heading north to Wisconsin State Highway 35.

This route crosses the expanse of wetland that makes up most of the 6,226-acre refuge. Due to this predominantly wetland habitat crossing the importance of the refuge to wetland-dependent migratory birds, this alternative is opposed by the U.S. Fish and Wildlife Service (see letter to Xcel Energy dated February 19, 2008).

### ***Black River Bottoms***

Permit issued to Dairyland Power Cooperative in 1951 expired 50 years later in 2001. Dairyland has applied for a new permit. Some question as to the permitted width. FWS records show permitted width is “within 20’ on both sides of centerline.” According to Ron Severson, Senior Right-of-Way Agent for Dairyland, their records do not authorize a width. Severson indicated Dairyland’s crews are maintaining a corridor 80’ wide and also removing “danger trees” outside the 80’. According to Severson, maintenance was completed in the last year; work is done in winter when there is better access. Refuge Special Use Permits have not been issued for maintenance.

One active bald eagle nest is located is located in proximity to the transmission line ( $\leq$ .2-mile). Another active nest is located about .75-mile from the line.

The Black River Bottoms was designated Resource Classification A during the development of the Upper Miss Refuge Master Plan in the 1980s. This designation is defined as “high value fish and wildlife habitat which is unique and irreplaceable on a national basis or in the ecoregion. This area is one of only of handful of sites in Wisconsin providing habitat for the eastern massasauga rattlesnake, Wisconsin’s most endangered reptile. Massasaugas are a candidate species for the federal list and are listed as endangered in Wisconsin. The bottoms also provide habitat for the Blanding’s turtle, a species listed as threatened in Wisconsin. Red-shouldered hawks, another threatened species in Wisconsin, are also found in the Black River Bottoms. The loss and fragmentation of large blocks of forest, particularly riparian forests, is a continuing concern.

### ***La Crosse***

Excel Energy is the current owner. About 3,720’ of transmission line in Minnesota; poles are located on land owned by the City of La Crescent but immediately adjacent to Refuge land. About 2,790’ of transmission line is located on the Refuge in Wisconsin.

One active bald eagle nest is located about .5-mile from the transmission line along French Slough. Four former nests were located along the transmission line corridor, ranging from  $<$ .1-mile to about .75-mile.

In Minnesota, Refuge and City of La Crescent-owned wetlands along the transmission line were designated Resource Classification A during the development of the Upper Miss Refuge Master Plan in the 1980s. This designation is defined as “high value fish and wildlife habitat which is unique and irreplaceable on a national basis or in the ecoregion. Refuge lands and waters along the corridor in Wisconsin were designated Resource Classification B, or “valuable fish and wildlife habitat which is relatively scarce or becoming scarce on a national basis or in the ecoregion.

An active rookery, containing great blue heron (381 active nests in 2007 from aerial survey), great egret (153 nests in 2007 from aerial survey), and double-crested cormorant nests, is located along the East Channel in Wisconsin upriver from the railroad and transmission line. This

rookery covers a large forested area located about .35 to .75-mile from the line. Although population estimates are not available, a large number of double-crested cormorants roost in the trees along the East Channel in September and early October. This roost is located upriver from the line.

The proposed 5,440' Wagon Wheel bicycle/pedestrian trail, connecting the City of La Crescent (MN) with Shore Acres Road, would be built on an old dike directly under the transmission line. Planning for the project has begun with construction scheduled in 2011. This segment is part of the eventual goal of linking the Root River State Trail (MN) to the La Crosse River and Great River Trail Systems (WI).

## **Attachment 2.**

### **Upper Mississippi River National Wildlife and Fish Refuge**

#### **CapX2020 Considerations and Questions**

Using the existing permitted ROW, describe the height and design of structures that would be required to traverse each of the refuge crossings. Include all structures that would be located on the Refuge ROW and use designs that are recommended to minimize bird strikes.

If the river crossing at Alma was used, how will the transmission lines routed along the Wisconsin boundary of the refuge impact birds using the refuge and what would be the visual impact of the lines to the landscape? How will the structures differ from the existing?

Describe the pros and cons of using underground crossings. Please include in the description the costs, infrastructure, and on-going maintenance that are needed for this type of crossing.

Expanded and newly cleared rights-of-way will create avenues of entry for invasive species. What are the anticipated impacts of invasive plants (reed canary grass, crown vetch, purple loosestrife, and others)? How will impacts be mitigated or prevented?

What are the advantages and disadvantages (for birds and other wildlife, and people/companies) of various power line configurations such as taller poles with lights, shorter poles without lights, and expanded widths of rights-of-way?

The Refuge assumes that migrating waterfowl and raptors (probably other waterbirds also) follow the river corridor within a yet to be determined distance from the river floodplain. What is that distance for the majority of the birds? Can the power line route be at least that far from the river floodplain?

We cannot consider the river crossing location in isolation. What are the advantages and disadvantages of each crossing in terms of impacts to migratory birds and bats created by installation of a line within a mile of the river floodplain versus more than ten miles? For example, what are the impact differences between the Alma crossing and going to Blair, Wisconsin? and a line paralleling the river to Trempealeau and beyond?