

October 14, 2016

Mr. Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission
127 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

RE: Comments Received on Comparative Environmental Analysis
Rochester Natural Gas Pipeline Project
eDocket No. G-011/GP-15-858

Dear Mr. Wolf:

Attached are verbal and written comments received during the public comment period regarding the draft comparative environmental analysis prepared for the Rochester Natural Gas Pipeline Project. Staff will reply to substantive comments received on the comparative environmental analysis at a later date.

Comments are organized by type. This includes verbal comments submitted at the public meeting as well as written comments, including exhibits received at the public meeting, letters, emails, comment forms, and electronic comment forms.

Staff is available to answer any questions the Commission might have.

Sincerely,

/s/

Larry Hartman
Environmental Review Manager

Enclosure

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Verbal Comments

Public Meeting Minutes

September 28, 2016 at 2:00 p.m. and 6:00 p.m.

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CEA PUBLIC COMMENT MEETING - 15-858
ROCHESTER - SEPTEMBER 28, 2016 - 2:00 P.M. & 6:00 P.M.
BEFORE THE MINNESOTA DEPARTMENT OF COMMERCE

In the Matter of the Application of Minnesota Energy
Resources Corporation for a Route Permit for the
Rochester Natural Gas Pipeline Project in Olmsted County

OAH DOCKET NO. 8-2500-33180
PUC DOCKET NO. G-011/GP-15-858

Kahler Apache Hotel
1517 16th Street SW
Rochester, Minnesota

September 28, 2016

COURT REPORTER: Janet Shaddix Elling, RPR

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(2:00 Session.)

MR. LARRY HARTMAN: We're going to start the meeting so why don't you take your seats, if you wouldn't mind. I'll give you a minute or so to do that before we start. And for those of you who came in, who had gone by the sign-in table up there, I want to explain a few of the things on the table up there.

There are a series -- well, there's several documents up front. One is a single page kind of map showing the various route segments that we have for the project. I'll talk about that later on in more detail. There's also a detailed set of aerial photographs. I encourage you to pick up a set if you haven't. Feel free to take another set if you want to take one home for somebody who may not be here.

There's a comment form back there and you should have picked up a comment form if you want to submit comments. Obviously you can do that at the meeting today or the meeting to be held this evening. You'll find on the back side of that comment form, it says the public comment period closes Friday, October 7th, 2016. I think there are different notices out there. You'll notice there's

1 a sticker over yours that originally said Thursday,
2 October 6th. That was in error. The correct date
3 for filing is by October 7th, 2016. If you don't
4 have that, pick one up. You don't need to turn it
5 in today, just be sure if you want to submit
6 comments you can do that by email, by fax, or by
7 putting a stamp on that and mailing it to me.

8 There's also a couple sets of cards back
9 there. The Minnesota Public Utilities maintains the
10 mailing list, which is an orange card. People who
11 have attended previous meetings, plus landowners
12 identified by the company, should have received
13 something in the mail from us, a notice regarding
14 this meeting, as well as a landowner letter we sent
15 out September 9th with a different set of maps. So
16 if you fill out the orange card you'll be added to
17 the PUC's mailing list. The next mailing coming up
18 will probably be the notice of the public hearing to
19 be held here in Rochester on November 8th (sic).

20 There's also a green card back there,
21 which is a speaker card. We ask people who would
22 like to speak to fill out a speaker card. And if
23 you fill one out, you haven't turned it in, raise
24 your hand and Andrew will walk by and pick them up
25 and give them to me. I generally call on the

1 speakers in the order in which I have received the
2 cards. Some people, you have a hardship or you have
3 to leave sooner and you can't stay until the end,
4 let one of us know and we'll try to accommodate you
5 the best we can.

6 I guess why don't we go ahead and get
7 started.

8 First of all, my name is Larry Hartman
9 and I'm with the Minnesota Department of Commerce.
10 With me is Andrew Levi on our staff, Andrew is back
11 there with the dark hair and the blue shirt and
12 small beard. And with me is John Wachtler, who is
13 also with the Department of Commerce. John is our
14 program administrator at Energy Environmental Review
15 and Analysis.

16 And from the Public Utilities Commission
17 staff is Mike Kaluzniak, and Mike is back there.
18 Mike was here at the meeting on February 29th that
19 we held here at the Kahler, also.

20 And here for MERC we have several
21 representatives. Rick Moser, do you want to raise
22 your hand, Rick? We have Amber Lee, who is back in
23 the corner. We have Lindsay Lyle, who is the
24 engineer with MERC. And they're represented by
25 legal counsel, Kodi Verhalen is back there. And I

1 believe we have a right-of-way agent here.

2 MR. DOUG McTHEIS: Doug McTheis
3 (phonetic).

4 MR. LARRY HARTMAN: Doug?

5 MR. DOUG McTHEIS: Yes.

6 MR. LARRY HARTMAN: Okay. Do you live in
7 the area?

8 MR. DOUG McTHEIS: No, I do not.

9 MR. LARRY HARTMAN: Okay. So I thought
10 if you did people might know you or you have a
11 relationship and an opportunity to start.

12 Also, before I get too far along, we also
13 have a court reporter here today, and Janet is
14 sitting on my left. So if you would like to speak
15 today, we'd ask that you come up, you can stand at
16 the microphone, you can also take it out and sit at
17 a chair if that makes you more comfortable. And for
18 the court reporter we'd ask you to spell your name.
19 Even though it might be written on the speaker card,
20 the court reporter likes to get it correct. There
21 will be, I guess, a verbal record of this meeting
22 and tonight's meeting available that will probably
23 be posted to our website and/or the Commission's
24 eDocket website.

25 I see a lot of different faces here from

1 the meeting we had on February 29th and there have
2 been a few changes in the project since then,
3 primarily with regard to MERC's preferred alignment
4 for the proposed Rochester Natural Gas Pipeline.

5 The primary purpose of the meeting today
6 is to receive public comment on the comparative
7 environmental analysis. That analysis was released
8 by our office on September 16th. It's in two
9 volumes; the main text volume, and an appendix,
10 almost a phone book weight and hard to lift. There
11 are copies of this at the Rochester Public Library.
12 I believe there's one or two paper copies. I think
13 it's also available on CD. It also has been
14 delivered to the Rochester Township Hall office,
15 also, and it's available there. The document is
16 also available on our website as provided in the
17 notice and on eDockets, also.

18 So this meeting is a little bit different
19 for us. The pipeline permitting process was
20 designed primarily to permit large high pressure
21 pipelines, which includes both petroleum products,
22 which can be crude oil, refined products, and
23 various types of natural gas products. Gas
24 pipelines fall under a number of different
25 categories. They can be interstate, which means the

1 state has no -- well, has no permitting
2 responsibility for those because they're regulated
3 by the Federal Energy Regulatory Commission.
4 Companies like MERC, CenterPoint Energy, NSP Gas,
5 are regulated by the State of Minnesota with regard
6 to where high pressure pipelines are located. And
7 by that I mean pipelines with a pressure designed to
8 be greater than 275 pounds per square inch.

9 Just because some of you are new, I
10 wanted to go back and kind of highlight some of the
11 past events that have taken place and kind of
12 describe how we've gotten to where we are.

13 Again, I'm with the Department of
14 Commerce. As I mentioned, Mike is with the
15 Minnesota Public Utilities Commission. Our staff
16 primarily provides technical assistance and advice
17 to the Public Utilities Commission, so we're
18 responsible for doing the environmental review
19 documents on projects.

20 The pipeline review process was developed
21 back in 1988. Prior to that, pipelines were not
22 regulated by the State of Minnesota. That
23 legislation, that session, resulted in a number of
24 things relating to pipelines. There is routing
25 authority for what was then called the Minnesota

1 Environmental Quality Board. It still is, however,
2 that regulatory function was transferred to the
3 Public Utilities Commission in July of 2005. It
4 also established or reestablished distinctly the
5 Office of Pipeline Safety, which is responsible for
6 the safety of pipelines operating in the State of
7 Minnesota, both interstate and intrastate natural
8 gas lines, as well as all liquid lines.

9 The Commission, again, is the
10 decision-maker. They will determine where the
11 pipeline is to be located. The pipeline routing
12 permit issued by the Commission preempts the local
13 land use rules, zoning requirements, et cetera.
14 However, the company still needs to obtain all of
15 the local permits either for crossing roads,
16 railroads, you know, public property, a license from
17 the DNR to cross public lands, public waters,
18 permits for a number of other agencies, and I'll
19 talk about those a little bit later on.

20 I probably should have done this sooner.
21 Pipelines in general are governed by Minnesota
22 Statute 216G.02 and the pipeline routing rules are
23 Minnesota Rules Chapter 7852. All of those
24 documents are available on our website, also.

25 When a company makes an application, the

1 Commission assigns a docket number. Everything
2 associated with this project that has been put into
3 the records appears on eDockets. And if you have a
4 computer and you want to check eDockets, if you
5 haven't, you want to type in Minnesota Public
6 Utilities Commission, that will show up, there's a
7 button you go to to click on eDockets and it'll ask
8 you to punch in two different numbers. The year,
9 which is 15 in this case, and the actual project
10 number, which is 158 (sic) -- I can't read it from
11 here. So that will bring you to the eDocket page.
12 So everything from MERC's original application, all
13 the comments from the previous meetings we've held,
14 everything that's been associated with this project
15 is online and available for review.

16 On our website we also post a number of
17 similar documents, documents more perhaps unique or
18 critical to our role, the environmental documents,
19 Commission orders, things like that. Our site might
20 be a little bit more user friendly than eDockets.
21 eDockets is a little bit cumbersome to navigate on
22 occasion, depending on the number of files and the
23 project docket.

24 As I mentioned before, the routing rules
25 were adopted in 1988. They were also approved of by

1 the Minnesota Environmental Quality Board as an
2 alternative form of environmental review. So, in
3 essence, rather than a separate permitting process
4 and a separate environmental review process, they
5 have been kind of combined into one process or one
6 vertically integrated process to address the best
7 location for a pipeline.

8 It's normally a two-step process if
9 pipelines are of a sufficient length. In this case,
10 this pipeline is not long enough to require what's
11 called a certificate of need. To meet the need
12 requirement, the pipeline has to be at least 50
13 miles in length, and then it's a two-stage process,
14 there's a need determination and a routing
15 determination. In this instance there's no need
16 determination to be made because of the length of
17 the pipeline being approximately 13 miles so it
18 falls about 37 miles short of that threshold. So
19 rather than a separate, say, an EIS or an EAW, we
20 prepare a document called a comparative
21 environmental assessment. That primarily, I guess,
22 provides in detail as much information as we can
23 about the various routing options for this project.

24 When MERC submitted their initial
25 application, which was filed November 3rd of 2015,

1 the rules required that they identify a preferred
2 route and consideration of an alternative route.
3 They did that in their application.

4 If you go to the appendices back here,
5 Appendix A has about 30-some different maps. The
6 first three maps identified MERC's original
7 preferred route, their alternative route that they
8 proposed in the application, and their modified --
9 excuse me -- their now preferred route, which they
10 call the modified preferred route, which is
11 different than the original preferred route, and
12 that was the outcome of the first go-around of
13 meetings we held here for scoping on February 29th.
14 We had two comment periods on that and by the end of
15 the comment period we had received a number of
16 comments about the project in general, as well as a
17 number of different routing options. And those are,
18 again, presented on the map.

19 Again, the permitting process started
20 last year when they filed their application, which
21 was November 3rd. The Commission accepted the
22 application as complete in January of this year.
23 Subsequent to that, an order was issued by the
24 Commission accepting the application, and that
25 allows us to initiate or start the review process.

1 That occurred with what we call an
2 information and scoping meeting, which was held here
3 at the Kahler on February 29th of this year and we
4 had an afternoon and an evening session. We had
5 about, oh, maybe 50 to 60 people who attended those
6 meetings. Some of those people did submit comment
7 letters as well as route proposals. Again, those
8 all went into the record.

9 And so we then prepared, I guess on our
10 side, comments and recommendations with the
11 Commission and what routes or route segments should
12 be accepted, as well as issues to be studied or
13 examined in the comparative environmental analysis.

14 Those were presented to the Commission in
15 July of this year. The Commission issued an order
16 later in July of this year accepting those various
17 route options. And those are then forwarded to the
18 Administrative Law Judge, also. And that allowed us
19 to start the preparation of the environmental review
20 document. And I guess that portion would have been
21 when the document was released for public review and
22 comment.

23 Again, as I mentioned, this one is a
24 little bit different. In their order issued in July
25 of this year, the Commission requested that -- let

1 me go back and start. Normally, if we do a document
2 like this, it is submitted as prefiled testimony on
3 our behalf into the hearing record as prefiled
4 testimony 14 days prior to the start of the hearing.
5 In this instance, the Commission requested that our
6 staff submit reply comments of the comments received
7 on the document.

8 So we're doing this in two different ways
9 or two different phases. We're holding this meeting
10 to receive comments, basically on collectively these
11 documents. We're here today to answer other
12 questions, also, so I don't mean to be exclusive
13 about that. And then the comment period ends
14 October 7th. We will try to answer as many
15 questions as we can here at this meeting. Some of
16 you might have questions more or better answered by
17 MERC, which we are not -- we work with, but MERC is
18 the entity proposing the project, we're just
19 presenting information based on factual information
20 we could find about the area and the proposed line
21 routes, or route segments, as far as that goes.

22 So we will submit this as prefiled
23 testimony, as will the company submit their prefiled
24 testimony. I believe October 25th is the deadline
25 for that. It might be October 26th, but it's 14

1 days prior to the start of the hearing. The
2 hearing, as I mentioned earlier is in the notice,
3 will be held November 8th (sic). The notice for
4 that has not come out yet. That will, again, be
5 mailed to everybody on the mailing list. It will
6 also be published in the local Rochester paper at
7 the appropriate time.

8 That notice will tell you about the
9 times, places, and dates of the hearings. And the
10 hearing is actually held in two stages. A public
11 portion of that hearing will be held in Rochester.
12 I don't remember the place of where. It will not be
13 here. And the following day there will be an
14 evidentiary hearing in St. Paul, which is more for
15 the parties and kind official documents and other
16 things to be placed into the record.

17 Again, as I mentioned, then we'll have
18 the hearing. The ALJ will prepare a report and
19 submit that to the Commission for its review and
20 consideration. And tentatively, I believe, the
21 Commission is scheduled to make a decision in March
22 of 2017 as it now stands.

23 Again, as I mentioned, for those of you
24 who might be late-comers to this, and I've tried to
25 go back and try to indicate where we started.

1 When we held our scoping meeting we tried
2 to have people identify issues and impacts, human or
3 environmental impacts which should be considered.
4 This document is an opportunity to participate in
5 the development of the route proposal process and,
6 you know, route approval by the PUC.

7 What is a comparative environmental
8 analysis? Well, it's not an EIS as what some people
9 are more used to. It contains basically the same
10 information, it's presented in the same way, it's
11 just that there's not a draft or a final.

12 Now, in this case we've identified this
13 as kind of a draft. There will not be a final
14 document, it'll just be our reply comments based on
15 what we receive either from you as citizens or
16 representatives of the area, local governmental
17 units, state agencies. And, again, that will be
18 presented as prefiled testimony by us on or around
19 October 25th.

20 You know, again, this document talks
21 about, you know, someone who participated in past
22 mitigation procedures. We do not advocate. You
23 know, we're kind of neutral. I don't have an
24 interest in where it goes one way or the other. I
25 imagine you might certainly have more of an

1 interest, the company might have an interest, but,
2 again, we don't take a position. We don't advocate
3 for this, we're just here to present factual
4 information and to inform the decision-making
5 process and to ensure development of an accurate
6 record.

7 Again, this just highlights some of the
8 kind of milestones as to where we are. Again, I
9 think I've already gone through those so there's no
10 reason to dwell on it.

11 Again, if you want to submit comments,
12 please do so by October 7th. My name, email address
13 is there. You could submit them online up there.
14 And eventually all the comments we receive will be
15 posted, as well as a response to those comments.
16 Again, that's prior to October 25th.

17 Just kind of ground rules for today. One
18 speaker at a time, please. And that's for the court
19 reporter's benefit. And something else I should
20 mention right here. After about an hour and a half,
21 we'll have to take a five- or ten-minute break to
22 give the court reporter a chance to recover, her
23 fingers do get tired. And are we still on the
24 hour-and-a-half timeline, Janet?

25 COURT REPORTER: Yes.

1 MR. LARRY HARTMAN: And Janet basically
2 runs things, I just kind of follow her orders and
3 directions. So if she says an hour and a half, at
4 3:30 we're taking a break.

5 You know, again, if you come up and you
6 want to speak, you know, please fill out a green
7 card. You can come up, I'll call on the people who
8 submitted cards. If there are other people who want
9 to speak, please fill out a card and raise your hand
10 and Andrew will pick it up. And I guess initially
11 we can direct your -- I'd appreciate it if you
12 direct your comments to the document if you had a
13 chance to look at it.

14 Now, again, I'd like to explain a few
15 things. The first single-page map back there shows
16 all the various route and route segments. And these
17 are described as comparison areas. So we try to
18 compartmentalize things.

19 The project as proposed is going to be
20 built in three phases. Phase I is construction of
21 the new TBS up at the intersection of 19th and 60th
22 Avenue Southwest. That's expected to occur sometime
23 next year. And I believe two years out, Phase II
24 will be undertaken, which is construction of the new
25 proposed TBS location kind of down where you see 3B

1 on that map. So between now and then they're going
2 to have to define a location for a town border
3 station in there, also.

4 Also, that project will involve some
5 upstream construction by Northern Natural Gas. They
6 will build a 12-mile long pipeline to get gas to
7 where that new proposed TBS is going to be. And
8 then between kind of 3B and the end, that'll be the
9 third phase, and that's not scheduled to be in
10 service until 2022 or 2023 so it's several years
11 out. And as you know, this area is changing
12 rapidly, transitioning from, I guess, basically
13 rural, rural residential, things like that. So we
14 know there are going to be a number of changes,
15 there are a number of developments that have been
16 documented, road expansions, and a number of other
17 things.

18 Again, it's an opportunity, I guess, to,
19 I guess, work together for some entities to kind of
20 finalize approaches where there can be a neutral
21 benefit to one another. Again, on the other side,
22 it imposes hardship on some of the properties it
23 will cross. Also, primarily the loss of mature
24 trees, basically agricultural land. Once the
25 pipeline construction is completed and the land

1 restored, you can continue farming operations and/or
2 other operations over that right-of-way as well as
3 the temporary work space.

4 Through the Federal Pipeline Safety
5 regulations, mature vegetation is not allowed to
6 occur or develop within the right-of-way, so the
7 right-of-way will be maintained, and there's also a
8 prohibition against structures or dwellings inside
9 of that 50-foot permanent right-of-way.

10 I think those are the initial things I
11 wanted to cover. And so why don't I try calling on
12 the speaker cards I have.

13 This first speaker card is William,
14 T-U-I-N-T-U-N. Again, if you feel more comfortable
15 sitting down --

16 MR. WILLIAM TOINTON: This is fine.
17 Thank you.

18 Good afternoon. My name is Bill Tointon,
19 T-O-I-N-T-O-N. I'm a planning consultant in
20 Rochester, Minnesota. I'm here today to represent
21 Westward Hills Development Corporation, who owns
22 land in Section 27 of Rochester Township, Olmsted
23 County.

24 The planned pipeline extension as
25 illustrated or described in the Rochester Natural

1 Gas Pipeline docket number, which you had up there,
2 G-011/GP-15-858, shows the preferred of the gas
3 pipeline to bifurcate Westward Hill's property. I
4 want to enter into the record an exhibit which shows
5 the location of our client's property along the
6 proposed pipeline. It illustrates the general
7 development plan that was approved in 2007 by the
8 Olmsted/City of Rochester planning department.
9 There are four sheets of the exhibit. When I'm
10 done, if I can just hand it to the court reporter?

11 MR. LARRY HARTMAN: Sure.

12 MR. WILLIAM TOINTON: So Westward Hills
13 Development Corporation --

14 MR. LARRY HARTMAN: Can you speak up?
15 The people in the back can't hear you.

16 MR. WILLIAM TOINTON: Okay. The Westward
17 Hills Development Corporation is opposed to the
18 route of the proposed pipeline which is on Figure 6
19 of the document going through their planned
20 residential development that was approved in 2007.
21 So we want to be on the record that they are opposed
22 to that particular route across their property. So
23 I'm going to leave the exhibits with the reporter,
24 if that's okay.

25 MR. LARRY HARTMAN: That's fine.

1 I have a question for you --

2 MR. WILLIAM TOINTON: Okay.

3 MR. LARRY HARTMAN: -- before you
4 leave --

5 MR. WILLIAM TOINTON: Sure.

6 MR. LARRY HARTMAN: -- just because I'm
7 not as familiar with the area as you might be.

8 Where you have karst topography, or I
9 guess bedrock that's fairly shallow and it's
10 residential land, do those homes typically have
11 basements in areas like that?

12 MR. WILLIAM TOINTON: Sometimes they do.
13 The development plan that we prepared for Westward
14 Hills and approved by the Olmsted County/City of
15 Rochester planning department avoids karst
16 topography locations on that site. They want 143
17 acres there, so the development is on a part of that
18 143, so we do avoid wetlands that are there, and
19 shallowed out the bedrock to a quarter inch.

20 MR. LARRY HARTMAN: Okay.

21 MR. WILLIAM TOINTON: Thank you.

22 MR. LARRY HARTMAN: And, again, it's
23 important to say that here, but I'd really encourage
24 you to show up at the public hearing and present
25 that to the Administrative Law Judge, also.

1 MR. WILLIAM TOINTON: Okay. I'll do
2 that.

3 MR. LARRY HARTMAN: Thank you.

4 The next speaker card I have is Michael
5 Sheehan with Olmsted County.

6 MR. MICHAEL SHEEHAN: Good afternoon. My
7 name is Michael Sheehan, S-H-E-E-H-A-N. I work for
8 Olmsted County Public Works Department.

9 And I just wanted to be here to emphasize
10 some of the comments that our Assistant County
11 Attorney Tom M. Canan put together in a memo to you.

12 I think what our concern is is the
13 revised route shown in purple, a most recent project
14 plan shows the pipeline expansion running south
15 along 60th Avenue Southwest corridor until it
16 reaches 40th Street Southwest, and it heads east for
17 a distance before turning south until it reaches a
18 point of approximately a quarter mile north of 48th
19 Street Southwest and turns east onto an alignment
20 heading towards Highway 63. These three segments of
21 roadways are under the jurisdiction of Olmsted
22 County. 60th Avenue is designated as County Road
23 104. The segment of 40th Street Southwest along the
24 proposed corridor is County Road 117. And the
25 right-of-way where the pipeline would travel south

1 between 40th Street and 48th Street is also known as
2 our County State Highway 8.

3 I guess I want to speak specifically to
4 County Road 117 first, or 40th Street Southwest. It
5 runs east, in an east-west fashion, and this
6 corridor, as well as the other two corridors have
7 been identified as the future arterial street
8 network on the county long-range transportation plan
9 that's been adopted by Rochester/Olmstead council
10 governments, and that's the Metropolitan Planning
11 organization for the Rochester area, which is
12 composed of county, city and the county and township
13 representatives.

14 And I guess what I would like to say
15 there is that all three of these routes are
16 arterial-type streets and I think our concern is,
17 especially on County Road 117, is existing
18 right-of-way is 33 feet on each side of the
19 centerline, or 66 feet total. The roadway sometime
20 in the future needs to be reconstructed for a
21 minimum of 100 to 120 feet right-of-way, and I guess
22 we have a real concern about what this
23 500-foot-width route means in the preliminary
24 property rights that MERC is obtaining.

25 And, like I said, because any of the road

1 improvements, you know, we have not -- they're going
2 to be done over a number of years, future years, at
3 least 10 years we have not done any environmental
4 work on that segment of County Road 117. So I guess
5 what our concern is, if this is the preferred route
6 and selected, we definitely need to work together
7 with MERC to make sure we're not paying for putting
8 in a pipeline and then have to relocate the
9 pipeline. That is one of our major concerns. The
10 other thing, at the intersections, nothing has been
11 designed, like I said, no preliminary work has been
12 done, we could end up with a roundabout at County
13 Road 8 and 117 intersection and County Road 117 and
14 our 104 intersection.

15 So I guess what we're asking, the county
16 is asking MERC to do before they resolve these
17 issues, is we'd like to work together with them, and
18 if there's any questions they could please get ahold
19 of us by phone or by email.

20 Thank you.

21 MR. LARRY HARTMAN: I might have a couple
22 questions, but I'd like to explain a couple things
23 first.

24 For those who have this large set of
25 maps, I'd like to explain a few things just so to

1 help you understand. When the company came in and
2 applied, they applied for a route width of up to 500
3 feet of a permanent right-of-way -- before you get
4 too excited, let me explain, then you're going to
5 mellow down a little bit, or we'll take away your
6 cookie.

7 Under our rules, the Commission can issue
8 a route up to one and a quarter miles in width,
9 which is pretty wide. For the most part, we try to
10 make it as kind of small as possible. Again, it's
11 not a right-of-way size. So, in this instance, when
12 MERC came in they applied for a route width of 500
13 feet, which meant they would like to locate their
14 right-of-way, or let's say alignment within that
15 500-foot zone. So while the purple line might be
16 500 feet in width, and there's a scale in the lower
17 right-hand corner of the map, you can see how wide
18 1,000 feet is. So that purple, just for discussion
19 purposes, that purple line is around 500 feet in
20 width. That red line is an approximation of what 50
21 feet in a temporary work space might be. So when I
22 say route, the right-of-way, which means the
23 permanent 50-foot wide right-of-way and that 50-foot
24 wide temporary work space would be located someplace
25 within that purple boundary north to south or east

1 to west, if that one is selected.

2 And, again, with regard to his point, if
3 a pipeline would be located immediately adjacent to
4 the road right-of-way or in the highway right-of-way
5 when that road is expanded, and the taxpayer is on
6 the hook for paying the relocation costs of that
7 pipeline -- did I state that correctly?

8 MR. MICHAEL SHEEHAN: That's correct.

9 MR. LARRY HARTMAN: So then, again, you
10 as taxpayers, that's going to cost you money. So
11 their preference would probably be to have the
12 pipeline further away, let's say if you want to
13 expand the road to 120 feet, just to be generous,
14 that would be 60 feet either side of centerline.
15 Well, if that's the case, the pipeline could then
16 perhaps be located adjacent to the edge of that
17 anticipated road right-of-way. And sometimes
18 pipelines aren't always in the center of the
19 right-of-way, it might be offset 10 to 15 feet. So
20 it might be a 35/15 split, you're going to have the
21 working side of the pipeline right-of-way, and
22 you're going to have the other side of the
23 right-of-way for spoil, which would be for storing
24 your subsoil and your topsoil where you do double
25 ditching so the dirt can be put back in in the

1 proper order and sequence.

2 So a lot of times people think, well, you
3 can just put it in another right-of-way. Well, all
4 right-of-ways pretty much serve a dedicated use. So
5 the road rights-of-ways are designed to certain
6 standards, a state road or state aid has to meet
7 Minnesota Department of Transportation highway
8 standards.

9 Now, I don't know if there's any changes
10 expected for those going forward 10 or 15 years,
11 there might be on intersections, things like that.
12 So generally that road right-of-way has its own
13 right-of-way for safety to the motoring public. So
14 generally you don't find utilities, with the
15 exception maybe of phone lines, fiber-optic, in road
16 right-of-ways. So, basically, you aren't going to
17 have right-of-way sharing, you might have
18 right-of-way paralleling, but you will not find one
19 longitude facility in the same right-of-way as
20 another longitude facility. It happens in certain
21 cases and can happen maybe where an entity owns both
22 rights-of-ways or something else, but for the most
23 part rights-of-ways have their own interests they
24 serve.

25 Now, for pipelines, typically your

1 nominal right-of-way width is 50 feet. And, again,
2 that's for safety reasons, and it's also you need
3 that when you have petroleum. Petroleum pipelines
4 are inspected a little bit differently, more
5 frequently, but if you're doing an aerial inspection
6 it allows a pilot to see and to look for
7 encroachment on that road right-of-way. If it's,
8 you know, if there's a small leak you might see
9 dying vegetation, which are all signs or indicators.
10 So you like to be able to ensure the safety of that
11 pipeline. For example, if you're paralleling
12 railroads, and it's a different situation, railroads
13 typically won't allow you in the right-of-way, if
14 you're outside the right-of-way you might be buried
15 deeper than it normally would based on wide road
16 calculations or in case of a train derailment. So
17 there's a number of scenarios that present
18 themselves where you are trying to share or occupy
19 spaces in proximity to one another.

20 Now, if for, say, the pipeline is located
21 further away from the road right-of-way than we
22 anticipated or might have calculated, that means it
23 can be closer to homes where those homes are
24 adjacent to the road and probably a greater loss of
25 trees. But then, again, it also presents an

1 opportunity for MERC as well as the county and the
2 city and other governmental units to work together
3 to coordinate the location.

4 Would that be a fair characterization
5 from the other side of things?

6 MR. MICHAEL SHEEHAN: Yes.

7 MR. LARRY HARTMAN: Okay.

8 MR. MICHAEL SHEEHAN: My only other
9 comment would be, this memo that we sent to you from
10 Mr. Canan, we'd like to make sure that's included.

11 MR. LARRY HARTMAN: Yes. And you should
12 also show up and present that to the Administrative
13 Law Judge, also. I recommend you do that, and any
14 other information you come across between now and
15 then. I think I contacted your office some time ago
16 to find out about one of the route proposals crosses
17 48th and Highway 63, I think I contacted your
18 division to find out what other facilities are
19 located in that right-of-way, also, with regard to
20 sewer lines, water lines, storm drains, and things
21 like that, also.

22 MR. MICHAEL SHEEHAN: Okay.

23 MR. LARRY HARTMAN: And, again, just for
24 the record, there's no timeline. There's not a set
25 date in the long-range transportation plan for

1 reconstruction of those roads, is there?

2 MR. MICHAEL SHEEHAN: There is not any
3 timeline, especially on County Road 117. County
4 Road 104 has been upgraded in the past 20 years, and
5 you're correct, there's no timeline on that.
6 Currently it's not included in our five-year plan at
7 all.

8 MR. LARRY HARTMAN: And could you explain
9 what the main drivers on that are?

10 MR. MICHAEL SHEEHAN: The main drivers on
11 that segment of our County Road 117 and 40th Street
12 Southeast would be the traffic volumes, and then
13 we're also concerned about the safety. Currently
14 the shoulders are maybe very minimal at best, and we
15 should have a minimum six-foot shoulder on there for
16 safety for the vehicles, pedestrians, the bikers,
17 and people using the shoulder.

18 MR. LARRY HARTMAN: And when you design
19 your roadways, do you accommodate -- I guess we have
20 clearance requirements for sewer, water, other
21 things like that, which would be much lower.

22 MR. MICHAEL SHEEHAN: Yes, we do.

23 MR. LARRY HARTMAN: And do you do that in
24 consultation with, I guess, your other cohorts in
25 the public development area, in terms of water,

1 sewer, other types of infrastructure?

2 MR. MICHAEL SHEEHAN: Yes. We do work
3 with the city, we work with their department to
4 determine the location of the water, the sewer. And
5 then, of course, we also work with other utilities
6 on the location of their utilities.

7 MR. LARRY HARTMAN: And they'll tend to
8 be located kind of parallel for the road
9 right-of-way?

10 MR. MICHAEL SHEEHAN: That's right.

11 MR. LARRY HARTMAN: Okay. So, you know,
12 with time there's going to be a lot of change in
13 these areas where the roads are going to be upgraded
14 or other infrastructure is going to go in in
15 addition to the pipeline. So, again, this phase of
16 the pipeline is several years out so there's perhaps
17 more of a greater opportunity to coordinate it,
18 rather than just be a year away, for example?

19 MR. MICHAEL SHEEHAN: That would be
20 appreciated.

21 MR. LARRY HARTMAN: Okay. Thank you.

22 MR. MICHAEL SHEEHAN: You too.

23 MR. LARRY HARTMAN: The next speaker card
24 I have is Gene Peters.

25 MR. GENE PETERS: Gene Peters, G-E-N-E,

1 P-E-T-E-R-S.

2 I'm speaking about what is identified in
3 the map as number 18 in Section 30 of Rochester
4 Township. That's owned by myself and two other
5 fellows. And we do not oppose the preferred route
6 going down 40th Street, but we would oppose the
7 route cutting across our property. We're currently
8 going through a rezoning process to turn that into
9 suburban lots and we would not be in favor of
10 cutting across the property.

11 There's going to be some environmental
12 constraints, steep slopes, there's going to be some
13 quarry edge that you'll run into as you go across
14 that route.

15 MR. LARRY HARTMAN: On the west half of
16 Section 30, primarily?

17 MR. GENE PETERS: It would be the -- I
18 don't have a map in front of me. Coming across like
19 that. The property starts here and ends here. This
20 is the area that there are steep slopes and the
21 quarry edge would be.

22 MR. LARRY HARTMAN: That's route segment
23 18.

24 MR. GENE PETERS: Yes.

25 MR. LARRY HARTMAN: Which is the diagonal

1 that parallels the British Petroleum pipeline?

2 MR. GENE PETERS: That's correct.

3 MR. LARRY HARTMAN: Is that pipeline
4 exposed in any of those areas?

5 MR. GENE PETERS: It is exposed in the
6 creek.

7 MR. LARRY HARTMAN: Anyplace else?

8 MR. GENE PETERS: I've never seen it
9 exposed anyplace else.

10 MR. LARRY HARTMAN: Okay. And it's my
11 understanding the proposed rezoning of those two
12 sections of land, 29 and 30, came up in July of this
13 year?

14 MR. GENE PETERS: Yes.

15 MR. LARRY HARTMAN: And that's about a
16 year-long process for rezoning?

17 MR. GENE PETERS: That's probably about
18 accurate, yes.

19 MR. LARRY HARTMAN: Okay. And do you
20 have any plans beyond that as to what you envision
21 for development, in terms of lot size, other things?

22 MR. GENE PETERS: Two-plus acres.

23 MR. LARRY HARTMAN: Okay. Were you
24 concerned about the route segment 15/16 east-west
25 portion? Remember you and Mr. Darnell submitted

1 comments in February, and -- I'm assuming it's and
2 Mr. Darnell and you, if I remember correctly, or
3 not?

4 MR. GENE PETERS: That's not correct.

5 MR. LARRY HARTMAN: I'm sorry.

6 MR. GENE PETERS: I also am one of the
7 owners of the land that Mr. Tointon was talking
8 about. You and I talked about that.

9 MR. LARRY HARTMAN: Yep. Okay. Thank
10 you.

11 MR. GENE PETERS: Thank you.

12 MR. LARRY HARTMAN: Do you have any
13 comments on the CEA at all?

14 MR. GENE PETERS: CEA?

15 MR. LARRY HARTMAN: This document?

16 MR. GENE PETERS: I have not read it.

17 MR. LARRY HARTMAN: Okay. Well, I don't
18 expect you to read the whole thing, but you can go
19 through it.

20 MR. GENE PETERS: Yeah. The routes are
21 what we're concerned about.

22 MR. LARRY HARTMAN: Okay. Thank you,
23 sir.

24 The next speaker card I have is Bruce
25 Ryan.

1 MR. BRUCE RYAN: Hi. My name is Bruce
2 Ryan, and that's B-R-U-C-E, R-Y-A-N. Address, 3504
3 60th Avenue Southwest. Homeowner.

4 And I oppose the alternate route 12 that
5 would go right through the front of our home and
6 take out a line of very mature trees. The trees are
7 right along the creek that runs through there. And
8 a gas line, BP line runs through there that's been
9 there for years.

10 MR. LARRY HARTMAN: And based on your
11 comments, that's why that area got bumped out, to
12 avoid the trees you're concerned about, then?

13 MR. BRUCE RYAN: Yes.

14 MR. LARRY HARTMAN: And we did cover that
15 in the CEA.

16 MR. BRUCE RYAN: You did, yes.

17 MR. LARRY HARTMAN: Were there any other
18 comments you had on the CEA itself regarding
19 accuracy of the information or anything?

20 MR. BRUCE RYAN: No other comments.
21 Other than I have put my name in two times for
22 mailing lists and have not received a mailing on the
23 meetings yet.

24 MR. LARRY HARTMAN: Oh, really.

25 MR. BRUCE RYAN: Yeah. So I'll put it in

1 again today.

2 MR. LARRY HARTMAN: Okay. We're supposed
3 to have a list of all of the landowners.

4 MR. BRUCE RYAN: Yeah, I didn't get an
5 original mailing, and then I put my name in and then
6 put my name in actually twice.

7 MR. LARRY HARTMAN: Okay. Did you fill
8 out an orange card?

9 MR. BRUCE RYAN: I did. And I'll turn
10 that in.

11 MR. LARRY HARTMAN: Hopefully that will
12 take care of it. I know when I did our last mailing
13 I had several returned to me, I didn't remember
14 getting one back from you. Again, that doesn't
15 address the fact that maybe your name wasn't on the
16 list. So we'll try to correct that.

17 MR. BRUCE RYAN: Thank you.

18 MR. LARRY HARTMAN: That's all the
19 speaker cards I have. I imagine there are other
20 people who would like to speak or ask questions?
21 You certainly can do that.

22 I wonder if I can go back to these maps
23 again. In some cases, when we recommended these
24 routes or the route segments to the Commission back
25 in July, we also recommended that several of them be

1 widened out from 500 feet up to a couple thousand
2 feet, which is why you see a variation in lines.
3 We're anticipating there might be some problem
4 areas. That was just a means to provide more
5 flexibility to make adjustments on where the
6 right-of-way is located.

7 For example, if you turn to page 7 of 10
8 of the maps, you'll notice along route segments 18
9 and 20 they're much wider than the purple one to the
10 north. Also, along 48th Street, route segments 22,
11 23, 24, and 25 are wider than normal. And, again,
12 that was just based on the information we
13 anticipated or kind of identified what to us might
14 be problem areas for getting it in there. So if
15 you're wondering why some have a different width,
16 that's basically the reason.

17 Are there any other questions at all?

18 Yes, sir.

19 MR. GARY MEYER: I have a card.

20 MR. LARRY HARTMAN: Come on up.

21 Sometimes meetings are judged on the quality of the
22 cookies, so I think we're doing well on that front.

23 MR. GARY MEYER: Gary Meyer, M-E-Y-E-R.

24 And we have land along in Salem Township
25 in section 11 and 12 running on 70th Avenue

1 between -- the road runs 70th Avenue between the two
2 properties.

3 And then we have four tile lines crossing
4 that road which we don't want disturbed. And we
5 also have tile lines running every 90 feet up to the
6 road for a half a mile all the way along the road.
7 And then we have two header lines running parallel
8 right close to the road and we don't need them
9 tiles -- we don't want them disturbed. And they've
10 been in there for 50 years with no trouble. And
11 we're 100 percent against the preferred route on
12 70th Avenue. We prefer the alternate route along
13 the BP pipeline.

14 And we also have land in Section 1 where
15 the pipeline all goes through another piece of our
16 property, which we will go along with the alternate
17 route. But we want nothing to do with the permanent
18 route along 70th Avenue.

19 And that's basically it.

20 MR. LARRY HARTMAN: Mr. Meyer, I know you
21 commented on that in February when you submitted a
22 letter. You mentioned four lines then. They're
23 perpendicular crossings of 70th Avenue?

24 MR. GARY MEYER: Yeah, they cross the
25 road.

1 MR. LARRY HARTMAN: Okay. And the header
2 line's parallel?

3 MR. GARY MEYER: Parallel to the road on
4 both sides.

5 MR. LARRY HARTMAN: On 70th on the west
6 side?

7 MR. GARY MEYER: That's right.

8 MR. LARRY HARTMAN: What's the spacing on
9 the headers, approximately, if you know?

10 MR. GARY MEYER: I think they're about a
11 rod off the right-of-way.

12 MR. LARRY HARTMAN: About 16 and a half
13 feet then?

14 MR. GARY MEYER: Yeah.

15 MR. LARRY HARTMAN: The first one, I'm
16 assuming they are north-south headers all the way?

17 MR. GARY MEYER: Right. Right. They
18 aren't all the way. Where we had problems with
19 springs, we put two headers in to replace it.

20 MR. LARRY HARTMAN: Do you know how deep
21 they are?

22 MR. GARY MEYER: That I don't know.
23 They're usually around three feet.

24 MR. LARRY HARTMAN: Okay. And the
25 pipeline would be located a minimum depth of cover

1 over ag land 54 inches. And if they do encounter
2 tile lines, typically, your -- well, I don't know
3 what your drainage is, it's probably one inch per
4 100 feet, typically they try to maintain a foot of
5 separation between the pipe and the tile lines. In
6 your case they'd be underneath the tile lines. I
7 guess I was trying to determine what the depth of
8 your deepest tile line is.

9 MR. GARY MEYER: Pretty close to three
10 feet.

11 MR. LARRY HARTMAN: So this would be at
12 least 54 inches deep.

13 Now, in many cases it's common that tile
14 lines are cut, but then the company also replaces
15 the tile lines, and that means your lines are old
16 enough, they are the clay tiles versus the plastic
17 tiles now used with the double slotted tiles, for
18 example.

19 MR. GARY MEYER: Yeah. These are all
20 clay and cement tile. They've been in there for at
21 least 50 years.

22 MR. LARRY HARTMAN: Okay.

23 MR. GARY MEYER: Then we also have them
24 coming every 90 feet up to the road, too. So they'd
25 be crossing a lot of tile lines.

1 MR. LARRY HARTMAN: Right.

2 MR. GARY MEYER: We just don't want
3 nothing to do with the 70th Avenue thing.

4 MR. LARRY HARTMAN: Okay. I would
5 encourage you to show up at the public hearing on
6 November 8th (sic) down here and present that
7 information to the Administrative Law Judge, also.

8 MR. GARY MEYER: Okay.

9 MR. LARRY HARTMAN: Again, you'll find in
10 the CEA that there's an agricultural mitigation
11 plan, which is developed in conjunction -- well,
12 approved of by Department of Ag, and they have
13 guidelines in there for crossing tile lines, as well
14 as organic farms, also. I don't know, there's a
15 couple of copies back there on the table, you might
16 want to take a look at that. I've done quite a few
17 pipeline projects over the years and it's fairly
18 common to have tile lines cut, but then also
19 replaced, also, to the satisfaction of the
20 landowner. In some cases they might provide a
21 tiler, in other cases you can choose your own tile
22 guy.

23 Kodi, do you want to address that?

24 MS. KODI VERHALEN: Not specifically.

25 MR. LARRY HARTMAN: Oh, I thought maybe

1 you were coming up to --

2 MR. GARY MEYER: We have no objection to
3 along the BP pipeline.

4 MR. LARRY HARTMAN: No, I understand
5 that. And I think originally that's what MERC
6 preferred. And then given what information they got
7 at the February meeting and given the shallow depth
8 and a few other things I think they had some
9 additional concerns about paralleling that line now.

10 MS. KODI VERHALEN: To the drain tile
11 question, yes, Minnesota Energy Resources would make
12 any repairs necessary to the tile line and we'll
13 work with the landowners to identify where those are
14 located.

15 Sorry. Kodi Verhalen, V-E-R-H-A-L-E-N,
16 first name, K-O-D-I. I'm an attorney with Briggs
17 and Morgan, I represent Minnesota Energy Resources.

18 What I did want to say to everyone is
19 that the public hearing will be November 9th, not
20 November 8th. We had talked about a couple
21 different dates but the Judge ordered it be held
22 November 9th and it will be at the Centerstone
23 Plaza. And those notices will be coming out
24 October 14th, is the date the Judge set. But just
25 so everyone is aware and so everyone has their notes

1 to reflect that, it's November 9th at 2:00 p.m.
2 (sic) and 6:00 p.m.

3 MR. LARRY HARTMAN: That is news to me.

4 MR. GARY MEYER: That's it for me then.

5 MR. LARRY HARTMAN: Okay. Thank you,
6 sir.

7 I don't have any other speaker cards.
8 Are there other people here who would like to speak
9 or have questions?

10 Yes, sir.

11 MR. WALT HRUSKA: Yeah. I just have a
12 couple questions. My name is Walt Hruska,
13 H-R-U-S-K-A. And I'm also with Westward
14 Corporation, I'm a third member, so to speak.

15 I was just going to ask a question. It
16 used to run -- the first route ran along 48th Street
17 and then they moved it to the north and off of 48th
18 Street. Do you know why?

19 MR. LARRY HARTMAN: I guess --

20 MR. WALT HRUSKA: Why did that become the
21 preferred route?

22 MR. LARRY HARTMAN: I can't speak for the
23 company. I guess I'd prefer that they address that.
24 Amber, Kodi, Rick?

25 MS. AMBER LEE: We're trying to figure

1 out exactly what he is talking about.

2 MR. WALT HRUSKA: And then my other
3 question was if you run along 48th Street, or now
4 it's going along 11th Avenue, instead of cutting
5 across, I own some property on 11th Avenue and
6 what's colored in there is about half of my lot. So
7 if they run along 48th Street or 11th Avenue do they
8 stay within the right-of-way?

9 MR. LARRY HARTMAN: You mean which
10 right-of-way?

11 MR. WALT HRUSKA: Well, the 66 feet.

12 MR. LARRY HARTMAN: No, that would be
13 road, that would be existing road right-of-way. It
14 would be adjacent to the road.

15 MR. WALT HRUSKA: So if I have a lot
16 along that road, there's a good possibility I
17 couldn't build on it?

18 MR. LARRY HARTMAN: Depending on what the
19 setback requirements are. I might -- well, a couple
20 things. I'm assuming 11th Avenue is still the
21 nominal width of 66 feet, I don't know if that road
22 is scheduled for upgrading --

23 MR. WALT HRUSKA: When it goes into the
24 city it probably would be upgraded, but right now
25 it's county.

1 MR. LARRY HARTMAN: Then, again, they
2 would be able to -- well, if possible, adjacent to
3 the road, the right-of-ways could be expanded, maybe
4 they planned it as something different.

5 I might mention, Minnesota also has a
6 pipeline setback ordinance, and Minnesota Statute
7 299J.05, if I remember correctly. And basically
8 that statute, and Olmsted County also has a setback
9 ordinance for pipelines, which are required to
10 adopt, and that setback was approved by the
11 Commissioner of Public Safety, and each city, town,
12 whatever is supposed to have a setback ordinance.
13 Basically, it has to meet the state standard, and
14 the state standard is no buildings within the
15 existing pipeline right-of-way.

16 MR. WALT HRUSKA: Okay.

17 MR. LARRY HARTMAN: Again, there's some
18 preemptions on that before 1991. But typically they
19 would look for a 50-foot-wide permanent right-of-way
20 adjacent to that road right-of-way, if not further
21 in. So depending on what the setback requirements
22 might be for new structures, if there's a pipeline
23 right-of-way there, nothing inside that
24 right-of-way, so that right-of-way is 50 feet and
25 you can have your home at 51 feet if you choose to

1 do so.

2 MR. WALT HRUSKA: Okay. Now, I just kind
3 of noticed here that the township building is half
4 onto the purple.

5 MR. LARRY HARTMAN: And they paved the
6 parking lot since I've been here, too.

7 MR. WALT HRUSKA: Okay. And so no
8 answer, then, on the 48th Street?

9 MR. LARRY HARTMAN: Well, I think Amber
10 is going to address that.

11 MS. AMBER LEE: I think you had a
12 question on the preferred route here. And I have my
13 map and in front and this has always been the
14 preferred route with the company. That was an
15 alternative that we proposed.

16 MR. WALT HRUSKA: And why did you not go
17 with that?

18 MS. AMBER LEE: I think we've always
19 preferred to go cross country through this portion.
20 I think there's quite a bit of rock we're trying to
21 avoid down here, et cetera, et cetera, but we can
22 certainly talk with Rick and Lindsay. If you'd like
23 to, we can talk now.

24 MR. WALT HRUSKA: Yeah, I can. 'Cause
25 this is where our development is and this goes right

1 through it. And if we have a big right-of-way and
2 that ruins most of our lots, it ruins the
3 development.

4 MS. AMBER LEE: We understand that. We
5 don't want that to happen.

6 MR. WALT HRUSKA: Okay, good.

7 MS. AMBER LEE: There might be a way to
8 get through, we could agree on an alignment or where
9 you think the road might be going through your
10 development, we can work with you with that.

11 MR. WALT HRUSKA: Okay. Good. Thank
12 you.

13 MR. LARRY HARTMAN: I might add, I guess
14 I meant to do this earlier and it slipped my mind at
15 the time.

16 The company, when they go up and they
17 build the pipeline, first of all, they have to
18 acquire an easement or a right-of-way from the
19 landowner. So they'll come out and they'll talk to
20 all of them, depending on where the Commission --
21 well, whatever route is designated, the company will
22 try to come to an easement agreement with you where
23 you can kind of agree on a satisfactory location for
24 the right-of-way as it crosses your property. Now,
25 to a certain degree that might be dictated by what

1 your neighbors either side of you think, also.

2 Our permit also grants them the right of
3 eminent domain. So in the event that they cannot
4 come to an agreement with a landowner, the company
5 can condemn the land, also. For the most part,
6 condemnation on a project, a couple years ago there
7 were only about 1,500 landowners and I think they
8 only condemned less than 100, so for the most part
9 companies will try to come to an easement agreement
10 with you.

11 You can negotiate -- well, for easements
12 in Minnesota, for the agricultural depth standards,
13 if you have agricultural land and you want to waive
14 that required 54-inch depth requirement, it has to
15 be clearly stated on the back side of the easement
16 on the second page in plain English and in capital
17 letters that you agree to waive that. There's also
18 a section where you can negotiate for whatever you
19 want.

20 I used to work in Canada years ago. And
21 I was working for an electrical company up there,
22 but I came across a gentleman whose property was
23 going to be crossed by an electrical line and he
24 would be crossed by a large natural gas pipeline.
25 Well, he was pretty savvy, he used to have a

1 helicopter company out in Nova Scotia. He wanted a
2 new swimming pool. He didn't care about the money.
3 He figured they had all the equipment so they built
4 him a swimming pool. So that's what he negotiated
5 for. I don't know that you need a pool or want a
6 pool, but there are a number of --

7 MR. WALT HRUSKA: Can't hurt.

8 MR. LARRY HARTMAN: -- things you can try
9 to discuss with the company, and maybe you can come
10 to agreement on some things and some things you
11 won't.

12 Also, another thing, I just mentioned
13 this in relation to the CEA, we didn't talk a lot
14 about the easement acquisition process in here. You
15 know, it's generally fairly standard amongst
16 companies. The other thing we didn't really discuss
17 was property values. And I know a lot of times
18 that's concerns. I guess we felt it was kind of
19 hard to address that and that's changing so rapidly
20 as to what the impact the pipeline might or might
21 not have on property values.

22 And if you'd go to the Internet you can
23 find a whole range of property studies as to how
24 their value is affected by pipelines. A lot will
25 say there's no impact. You can probably find a

1 study to support your particular point of view if
2 you so choose to do so. I guess we didn't feel in
3 all fairness that to cite some studies when there's
4 so many studies out there that presented one point
5 of view versus another was just not really fair or
6 balanced.

7 And given the fact that the area is
8 changing so rapidly, as many of you know who would
9 have been developers several years ago, the market
10 kind of went south and it's taken seven, eight years
11 for it to come back. So, again, as to what property
12 values were then versus what they are now, I don't
13 know, that's not my concern. Obviously it's a
14 concern of the company because they have to pay fair
15 market value.

16 With regard to easements, for example,
17 even when you pay property taxes, if you live along
18 a township road and you're paying taxes up to the
19 centerline of that road, the same thing for county
20 roads or something like that, you're paying and part
21 of your taxes go for that. So it's hard to kind of,
22 I think, nail down and be precise as to say here's
23 what the impact on property values is, it's often
24 time perceived, but it's generally based on fair
25 market value at the time that the easement is

1 negotiated.

2 There's also an allowance for damages.
3 Say, if it's crop, it might have a descending
4 payment, maybe a year or two at 80 percent of what
5 the crops were, and maybe three, just because
6 production is going to come back to that land where
7 it's disturbed.

8 I don't know if your right-of-way agent
9 would like to talk about your right-of-way easement
10 acquisition process or not?

11 MR. DOUG McTHEIS: Not really, I think
12 you've covered it pretty well.

13 MR. WALT HRUSKA: I'm done. Thank you.

14 MR. LARRY HARTMAN: Thank you.

15 Are there any other questions?

16 Yes, sir.

17 MS. KODI VERHALEN: While he's coming up
18 I do need to make a clarification. And this is my
19 mistake. Today's meeting started at 2:00, the
20 public hearing will start at 1:00.

21 MR. LARRY HARTMAN: Okay.

22 MS. KODI VERHALEN: My apologies.

23 MR. JOHN DONOVAN: Hi. My name is John
24 Donovan, D-O-N-O-V-A-N.

25 And the BP line goes across, I'm not sure

1 as I mentioned earlier, there are two sets of
2 standards. The federal standard is a minimum of 36
3 inches. However, there's an exception. If you're
4 in rocky areas, it's only 18 or 20 inches, I
5 believe, it might be up to 24. Now, in Minnesota we
6 have the standard of 54 inches across all
7 agricultural land, as well as roads, ditches --

8 MR. JOHN DONOVAN: Is that to the bottom
9 of the line or the top of the line?

10 MR. LARRY HARTMAN: That's from the top
11 of the pipeline to the top of the ground. MnDOT has
12 a five-foot standard under the depth of their road.
13 If lines are directionally drilled across streams,
14 rivers, it's typically 10, 15 feet, 20 feet or more.

15 MR. JOHN DONOVAN: I know that BP isn't
16 your problem, but it's taught me that you really got
17 to watch it. Just a month ago I met with them, and
18 mine is 10 inches deep across that field, and they
19 looked me in the eye and told me that the law was 12
20 inches and that it was their decision as to how deep
21 it should be. And I don't want to have two
22 pipelines where I've got to deal with people flying
23 out of Chicago to my deal.

24 MR. LARRY HARTMAN: No, this one would be
25 at least 54 inches if it's agricultural.

1 MR. JOHN DONOVAN: There's another
2 pipeline coming into Salem Township from the south.
3 It is a gas line, natural gas. I saw the paperwork
4 on it, they're surveying now, it's North American?

5 MR. LARRY HARTMAN: Northern Natural Gas?

6 MR. JOHN DONOVAN: Northern Natural Gas?

7 MR. LARRY HARTMAN: Yes.

8 MR. JOHN DONOVAN: Is that going to join
9 this there by my --

10 MR. LARRY HARTMAN: Our CEA talks about
11 this a little bit and, yes, it will. Northern's
12 involved in two ways. As I mentioned in our
13 briefing memo back in July to the Commission and
14 also discussed here, they're upstream and downstream
15 facilities. The upstream facilities for this
16 project involved Northern Natural, who is going to
17 be doing two phases to facilitate this pipeline up
18 by the original TBS and the Section 19 in Cascade
19 Township at the intersection of 60th and 19th. They
20 have to upgrade a compressor facility in Iowa, which
21 doesn't really have any bearing in Minnesota, that's
22 just to increase the gas flow. However, for the
23 second TBS around the area you're asking about,
24 Northern has to build a pipeline about 10 to 12
25 miles long to get gas to that town border station.

1 MR. JOHN DONOVAN: And that will hook
2 into this line?

3 MR. LARRY HARTMAN: Yes, it will. And
4 that will be permitted exclusively by the Federal
5 Energy Regulatory Commission. The state has no
6 jurisdiction in that. And Northern Natural Gas is a
7 dominant gas supplier, probably the largest gas
8 supplier in the United States.

9 MR. JOHN DONOVAN: Will this need a
10 distribution station at that point, then, when it
11 hooks into this line?

12 MR. LARRY HARTMAN: As I mentioned, they
13 will build the pipeline that will interconnect to
14 the proposed town border station that MERC wants to
15 build in that area. And this document talks about
16 the TBS and it's kind of a transfer point where it's
17 kind of like where you get off the interstate
18 highway and get onto the state highway.

19 MR. JOHN DONOVAN: Okay.

20 MR. LARRY HARTMAN: It's going from an
21 interstate operator to a intrastate operator. So
22 that TBS will serve as the transfer point for
23 delivery of gas from Northern to MERC which will be
24 metered. The TBS will be about 200 feet by 200
25 feet. It'll have a couple small buildings, some

1 above-ground facilities, probably a lot more
2 underground. The injection place, I imagine, would
3 have a launcher and receiver capability there, also.

4 MR. JOHN DONOVAN: Lastly, when you
5 parallel a road with a line like this, do you try to
6 stay as close as you can to the right-of-way, or
7 does it just go out and get in the field and get out
8 there where it's clear and go? Because it also
9 goes -- the alternative route goes through my south
10 farm where I live, and that appears to be, you know,
11 it's along a road. And I prefer that it be as close
12 to the road as possible because I live in an area
13 where there's a lot of sand and someday there may be
14 a sand pit there. So it's out in the middle of sand
15 pit hanging in blue sky.

16 MR. LARRY HARTMAN: Yeah, that's one of
17 those paradoxes as you can tell from your
18 representative from Olmsted County, you know, where
19 they are going to expand the roads and they prefer
20 it be further away to avoid relocating the pipeline.
21 I know sometimes landowners in the past want it as
22 close to the road, the same as you do, but sometimes
23 they say, well, I got my tile lines there, I don't
24 really want those disrupted, so go out in the field
25 30 feet. That's the type of thing you can negotiate

1 with the company, also.

2 MR. JOHN DONOVAN: Okay. Thank you.

3 MR. LARRY HARTMAN: Thank you.

4 Are there any other questions?

5 Come on up.

6 MS. LORI SHAW: My name is Lori Shaw,

7 L-O-R-I, S-H-A-W.

8 So this is my first public hearing for in

9 attendance --

10 MR. LARRY HARTMAN: Public meeting.

11 MS. LORI SHAW: Or public meeting, excuse

12 me. And my husband and I live on 48th Street in the

13 22 section.

14 MR. LARRY HARTMAN: Okay.

15 MS. LORI SHAW: So we are in that

16 condensed residential area in the -- along 48th

17 Street. Just on view of the broad brown strip, the

18 color, it seems daunting to us what impact that

19 might have to that concentrated residential area at

20 any point in the project.

21 MR. LARRY HARTMAN: And in that area you

22 can talk about the pipeline as proposed and be on

23 the north side of the road there.

24 MS. LORI SHAW: I understand.

25 MR. LARRY HARTMAN: Again, just

1 recognizing there are going to be conflicts there
2 because of presence of homes and other planned
3 facilities, also.

4 MS. LORI SHAW: Um-hum. And I apologize
5 for asking, but we have not read the entire manual,
6 or the explanation. What is the size of the pipe
7 itself?

8 MR. LARRY HARTMAN: The pipe project will
9 have two pipes on it. The north-south portion from
10 19th Street to the new TBS will be 16 inches, and
11 from the proposed TBS eastward it's 12 inches.

12 MS. LORI SHAW: Okay.

13 MR. LARRY HARTMAN: That's the outside
14 diameter of the pipe.

15 MS. LORI SHAW: All right. Thank you.

16 MR. LARRY HARTMAN: The pipe will come
17 pre-coated with a thin film epoxy on it to prevent
18 corrosion, and also a cathodic protection on the
19 pipeline to further prevent corrosion.

20 Is that your only question?

21 MS. LORI SHAW: I believe it is at this
22 time. Thank you.

23 MR. LARRY HARTMAN: Okay. Any other
24 questions? I'm glad you asked all these questions.
25 I think they're good questions. There are no bad

1 questions, only bad answers, I guess.

2 We would like to get some comments on the
3 CEA if anybody has anything to say about it. Again,
4 if you don't have any comments here, you certainly
5 have until October 7th.

6 Again, this is designed to be an
7 information document, also. Again, there are lots
8 of maps and appendices. I provided you with 10 maps
9 in those appendices which are detailed aerial
10 photographs, there are kind of land use maps in
11 here, other types of resource maps, wetlands,
12 waterways, roadways, zoning maps. And there are
13 also a number of tables in Appendix B as well as
14 Appendix C. So what we've done in an effort to
15 provide information to make it useful for you,
16 granted, we're trying to permit a pipeline between
17 the two end points, you might only care about your
18 300 feet or 500 feet or whatever, so we tried to
19 present the table to the most discrete level. So if
20 you go to Appendix C in the appendix you will find
21 tables for each individual route segment. Then
22 Appendix B they are aggregated up into route
23 alternatives or alternative segments and routes
24 themselves. So the information has been aggregated
25 at the route level and by discrete points.

1 So, again, it's done to facilitate your
2 ability to use the information in the document. And
3 I think I would emphasize -- I appreciate your
4 comments here, but for all of those who offer your
5 comments today, it's fine to tell me, we can respond
6 to -- or I guess to the reply comments, but
7 basically a lot of the questions about the location,
8 we can certainly talk about that to a certain
9 degree, but I would encourage or emphasize that you
10 need to come back and tell that to the
11 Administrative Law Judge. That's where it's going
12 to make the most differences in his recommendation
13 to the Commission.

14 Are there any other questions? Assuming
15 there aren't, we can do one of two things. We can
16 take a break now just to give Janet an opportunity
17 to rest her fingers, even though we're ten minutes
18 shy of 3:30, and if we take a small break maybe
19 it'll give you an opportunity to come up with other
20 questions. If there aren't any others when we
21 reconvene we'll probably close it.

22 Why don't we take a break. I'll be here,
23 so if you have questions during the break you want
24 to ask me, please feel free to do so. Again, if you
25 choose to leave and want to come back to hear more

1 we will be back here again at 6:00 tonight. If you
2 choose not to, we encourage you to show up November
3 9th.

4 So why don't we take like a 10- or
5 15-minute break and we'll see who's left. Thank
6 you.

7 (Break taken from 3:20 to 3:46.)

8 (2:00 Session Concluded at 3:47 p.m.)

9 (6:00 Session.)

10 MR. LARRY HARTMAN: First of all, I'd
11 like to welcome you to today's meeting. We had a
12 first meeting this afternoon at 2:00 with a number
13 of people, a lot of new faces since this project has
14 started and a lot of new faces again tonight. So
15 there's some background stuff I'd like to go over
16 and cover with you. I'll pull this out.

17 And just by way of background, my name is
18 Larry Hartman, I'm with the Minnesota Department of
19 Commerce. With me tonight is Andrew Levi, Andrew is
20 back there with the blue shirt. And our program
21 administrator, John Wachtler is back there in the
22 corner.

23 And from the Minnesota Public Utilities
24 Commission staff is Mike Kaluzniak, who is at the
25 back table with his hand halfway up. So Mike is

1 here on behalf of the Commission.

2 John, Andrew, and I are here on behalf of
3 the Minnesota Department of Commerce. We're here
4 for this meeting to discuss the MERC proposed
5 Rochester Natural Gas Pipeline Project. This
6 project started last November, they filed an
7 application with the Commission on November 3rd.
8 And for those of you who are new, I'm going to try
9 to provide kind of a brief background overview as to
10 where we've been and to where we are now.

11 The State of Minnesota has regulated the
12 location of pipelines since 1998. And the authority
13 exists in Minnesota Statute 216G, and there are
14 several different ways in which pipelines are
15 regulated. And part of if it's natural gas, it's
16 determined by whether it's an interstate natural gas
17 pipeline, or if intrastate, as well as pressure
18 threshold. For permitting purposes this is an
19 intrastate project, therefore it's subject to the
20 permitting authority of the Minnesota Public
21 Utilities Commission. There's also an upstream
22 portion of the pipeline. And in order for MERC to
23 successfully build their pipeline, they will need to
24 get services from an upstream supplier of natural
25 gas. In this case that will be Northern Natural

1 Gas.

2 The first phase of the project is to
3 convert or rebuild the existing town border station
4 located at the intersection of 19th and 60th Avenue
5 Southwest in Cascade Township. That portion is
6 expected to be completed in 2017 after it's
7 permitted by the Commission. The next phase will be
8 a couple years after that.

9 And let me back up. For the first phase,
10 which is upstream and requires services from
11 Northern Natural Gas, as I mentioned, they need to
12 upgrade a compressor station in Iowa. So that
13 project, in essence, doesn't really have much
14 bearing on Minnesota except for providing additional
15 gas.

16 When they build the second town border
17 station, Northern Natural Gas will have to build
18 about a 10- or 12-mile long pipeline to bring gas
19 service to the new proposed town border station.
20 And that pipeline will be 16 inches in diameter,
21 that's outside diameter. And the third phase going
22 from the proposed town border station to the end of
23 the project east of Trunk Highway 63 and is
24 scheduled to be in service between 2022 to 2023.

25 So that's kind of a quick overview of the

1 project and I'll come back now to the permitting
2 requirements.

3 The Department of Commerce basically
4 provides technical assistance or advice to the
5 Minnesota Public Utilities Commission. We're tasked
6 with preparing the environmental review documents
7 required for the project. Pipelines are reviewed a
8 little bit differently than other types of projects.
9 Say housing development projects, there they fall
10 under a normal, say, what's called the environmental
11 assessment worksheet, assuming the housing
12 development is larger than 50 units. Some require
13 an EIS.

14 For pipelines we built the environmental
15 review process into the permitting process and it
16 was approved of by the EQB in 1998 as an alternative
17 form of review. So rather than two levels of really
18 a one big strictly environmental review, the other
19 permitting, they've been kind of rolled into one
20 process that does both the environmental review as
21 well as the permitting for the project.

22 Over the years, I guess, since pipelines
23 have been regulated, we have probably permitted in
24 excess of 40 to 45 pipelines, being comprised of
25 both natural gas lines, petroleum products, as well

1 as crude oil pipelines.

2 The purpose of this meeting tonight is --
3 well, I should get back to my PowerPoint here.
4 After this meeting, there will be a public hearing
5 and that hearing is scheduled for November 9th and
6 that will be held in the Rochester area.

7 Now, that will be a two-stage hearing.
8 The public hearing portion will begin in the
9 afternoon of November 9th at 1:00, I've been
10 informed, and will continue again at 6:00, which
11 will be the starting of the evidentiary as well as
12 the public hearing process. The hearing will also
13 continue on Friday, November 10th, in St. Paul to
14 complete the evidentiary portion of the project as
15 proposed and in accordance with the rules.

16 The hearing will be presided over by an
17 Administrative Law Judge from the Office of
18 Administrative Hearings. He will listen to all the
19 testimony presented by you members of the public,
20 elected officials, public agencies, as well as
21 testimony from the applicant, our prefiled testimony
22 from Commerce, which would be the comparative
23 environmental analysis, which I have up here in two
24 volumes. There are a couple copies back there on
25 the table for you to look at, also. Again, the

1 hearing will be November 9th.

2 I found this afternoon a lot of the --
3 not too many people had comments on the CEA, it was
4 more concerns about the location of the proposed
5 pipeline as it relates to their property, which is
6 fine and I understand that, and I'm assuming that
7 will be a lot of what we hear tonight, too, which is
8 perfectly all right. However, if you want to make
9 that point, again, I would encourage you to show up
10 at the public hearing on November 9th and present
11 that information to the Administrative Law Judge.

12 The Judge will determine when the record
13 closes on that, and I guess we'll try to make that
14 aware to the community so people are aware of what
15 the timelines are for filing. In this instance or
16 for tonight's purposes our comment period ends on
17 Friday, October 7th, or a week from this Friday at
18 4:30.

19 Back on the table we have kind of a
20 comment form. On the back side of that we've pasted
21 over a date on which comments are due. I had
22 Thursday on there, October 6th. So if you see
23 anything that says October 6th, that is incorrect,
24 it should be October 7th. And, again, the hearing
25 will be on November 9th.

1 Kodi, could you -- I don't remember where
2 the hearing is at on November 9th.

3 MS. KODI VERHALEN: At the Centerstone
4 Plaza Hotel, it's about a mile from here, just north
5 of the Soldier Field Golf Course, I believe.

6 MR. LARRY HARTMAN: I don't know where it
7 is, but I'll find it.

8 So I guess kind of moving on here this
9 permitting process started in November of 2015, when
10 the company filed their application with the
11 Commission. When an application is filed with us we
12 go through a review process to be sure the
13 application is complete, all the information is
14 there as required by rules. Then the Commission
15 sets it out for a comment period on completeness,
16 also.

17 The Commission accepted the application
18 in January of 2013 (sic). We held a public
19 information and scoping meeting at this place on
20 February 29th, we had an afternoon and an evening
21 session. And that was an opportunity for people to
22 identify issues that they're concerned about. It
23 was also an opportunity to identify alternative
24 routes and/or route segments.

25 And there are two comment periods. Now,

1 that initial comment period was extended because
2 some people did not receive notice and apparently
3 notice still seems to be a problem for people who
4 signed up in some cases. So if you didn't get
5 notice and you think you should have, please fill
6 out an orange card back there and that will ensure
7 that your name gets added to the mailing list. And
8 for future notices, you will receive notice of --
9 the hearing notice of the upcoming hearing and that
10 will be sent out around the middle of October, and
11 you'll also get notice on when subsequent Commission
12 decisions are going to be made. It's anticipated
13 there will be a final decision in March of next
14 year.

15 So after the application was accepted, we
16 had the public information and scoping meeting. A
17 number of people submitted comments and suggested
18 alternative routes and/or route segments. We kind
19 of summarized all of those, presented those to the
20 Commission in a briefing paper of comments and
21 recommendations and those were accepted by the
22 Commission and the Commission issued an order in the
23 latter part of July. And in that order of
24 particular difference was the fact that the
25 Commission directed us to reply to the comments

1 received in writing and submit those as prefiled
2 testimony prior to the start of the public hearing,
3 which means it'll be filed a couple weeks before the
4 hearing.

5 So the purpose of tonight's meeting is to
6 receive comments on the CEA, which is a two-volume
7 document. The first volume is pretty much all kind
8 of an evaluation of what the impacts might be,
9 mitigation measures. The appendices contain
10 numerous maps. Back on the table we had two maps
11 available. One is kind of a one-sheet map which
12 kind of reflects the cover of the document showing
13 all the different routes and route segments. There
14 are over 30 different maps in the Appendix A.
15 Appendix B is compiled of 60 different data tables
16 which used a lot of databases either maintained by
17 the state. Also, Olmsted County has a very
18 robust -- Olmsted County and the City of Rochester
19 have very robust planning departments, their
20 datasets and databases were used also in compiling
21 the information in those tables. So there's 60
22 different tables conveying information on the
23 various routes and/or route segments.

24 If you want to get down to the individual
25 segment information, that's in another set of tables

1 in Appendix C. So that gives you data at the most
2 discrete data calculation level and then it's kind
3 of been aggregated upwards into various segment
4 alternatives and three different routes primarily.

5 And, again, as I mentioned earlier, this
6 project is going to be built in three different
7 phases over a period of several years. One of the
8 dilemmas we're faced with is a rapidly urbanizing
9 area with changing landscape given all the planned
10 developments going on. So that presents, I guess,
11 challenges as well as opportunities in some cases.

12 And let me come back to here now because
13 I kind of wandered. So basically we issued our
14 draft CEA, which came out September 16th. The
15 comment period on that closes specifically
16 October 7th. We'll then submit this into the
17 hearing record with our reply comments. Then the
18 Judge will preside at the contested case hearing.
19 He prepares a report and presents it to the
20 Commission and the Commission will make a route
21 permit decision. That decision will be published in
22 the State Register. There's an opportunity to
23 appeal those decisions for 60 days. I believe that
24 goes to the appellate court, if I remember
25 correctly. And once the Commission issues a route

1 permit, that basically designates the route for the
2 pipeline.

3 And I want to come back and explain that
4 a little bit more in detail. Which is kind of going
5 beyond or explaining some things in the maps. I'd
6 like to mention, too, that once the Commission
7 issues a route permit, it preempts local
8 jurisdiction regarding issues of location. The
9 company is still obligated to comply with local
10 conditions requiring road crossings, things like
11 that. Again, it does also give them the right of
12 eminent domain. So if you cannot reach an easement
13 agreement with the company on line location, they
14 will have the right to condemn your property.
15 Again, this is a fairly short project in one county.
16 Typically, if there are condemnation cases they tend
17 to be consolidated and/or just heard before one
18 court. In fact, since this project is just in one
19 county it simplifies that process a little bit,
20 should it be necessary.

21 I might add, too, that condemnation is
22 kind of the means of last resort for the company if
23 they cannot come to an agreement with a landowner.
24 For the most part, companies and landowners can come
25 to some sort of an agreement. The state is not

1 involved in easement agreements, we're not involved
2 with monetary compensation for damages, settlements,
3 or anything else.

4 Once the Commission issues a permit,
5 then, also, and the Commission has issued a draft
6 template permit, which is also in Appendix -- I
7 think it's Appendix E of that. This is just kind of
8 an example permit of the type of conditions that
9 might be in a permit. And those conditions specify
10 requirements for right-of-way preparation,
11 construction, as well as restoration. They do not
12 address or set safety standards. Minnesota statute
13 prohibits our office from doing safety-related
14 stuff. Sometimes you find yourself on the fence for
15 that because it's a question of whether it is
16 environmental or safety.

17 Safety is the responsibility of the
18 Minnesota Office of Pipeline Safety and the
19 Minnesota Department of Public Safety and they are
20 authorized as an inspector for both interstate and
21 intrastate pipelines, which covers all liquid lines,
22 which covers petroleum product pipelines, crude oil
23 pipelines, other things, as well as all intrastate
24 natural gas pipelines, which this is.

25 So basically our jurisdiction is limited

1 to route location and construction and restoration
2 of the right-of-way. Safety falls within the domain
3 of the Office of Pipeline Safety. Our Office of
4 Pipeline Safety has been designated as an inspector
5 by the federal Office of Pipeline Safety, which is
6 referred to as PHMSA, and we are authorized, or the
7 Office of Pipeline Safety is authorized to inspect
8 both interstate and intrastate natural gas
9 pipelines.

10 Regarding construction, there are a
11 number of other agencies involved with pipelines.
12 It's kind of -- the responsibility is kind of spread
13 across the state. For example, also, in the
14 appendix there's what's called an agricultural
15 mitigation plan. That's the Department -- or the
16 responsibility of Department of Agriculture. So
17 that document is issued by them, it becomes a part
18 of our permit.

19 There are a number of other situations
20 like that, too, and I'll touch on those a little bit
21 later on.

22 UNIDENTIFIED: Say, Larry, when will the
23 route permit be decided or issued?

24 MR. LARRY HARTMAN: I'm expecting maybe
25 March of 2017. I guess my computer is running low

1 and I do have a --

2 (Discussion held off the record.)

3 MR. LARRY HARTMAN: As I mentioned, last
4 year we had some scoping meetings, and they're
5 basically meeting to find out what you as residents
6 of the area, what your concerns might be about the
7 pipeline, as well as an opportunity to propose
8 additional routes or route segments. Again, the
9 route segments came in as did a number of comments.
10 Those are all summarized and included in Appendix D,
11 which is the Commission order accepting the route
12 segments for public hearing, and it summarizes all
13 the public comments received.

14 And, again, these route alternatives, the
15 Commission -- the ALJ can only consider route
16 alternatives authorized by the Commission. So when
17 the Commission accepted these routes or route
18 alternatives, route segments, whatever you want to
19 call them, that kind of sets or defines the universe
20 for what routes are being considered.

21 And this might be an opportune time to
22 kind of segue to the detailed route maps just to
23 clarify. And by that I mean these maps back here on
24 the table, which is Appendix A in the appendices,
25 and it's Figure 10, but it's 10 pages long. There

1 are numerous other maps in there. So this covers
2 all the various routes and route segments with a
3 fairly detailed legend as to what the features are.

4 Now, when they apply for a route permit,
5 by our rules a route can be up to a mile and a
6 quarter in width and also be considerably smaller
7 than that. In this case, or this instance, MERC
8 came in and requested a route width of about 500
9 feet, which means they've identified a strip of land
10 in which they would like to locate the pipeline and
11 associated facilities.

12 So if you look at page 1 for discussion
13 purposes, if you look at the purple area, that's
14 approximately 500 feet in width. That red line
15 would represent basically about the -- the
16 right-of-way width and the temporary work space that
17 they need within that route to locate the pipeline.

18 So, again, that route width is 500 feet.
19 They need a 50-foot permanent easement and a 50-foot
20 temporary construction work space which reverts back
21 to the landowner.

22 Now, as you get further east, when we
23 submitted our recommendations to the Commission,
24 recognizing that there's some tight areas or areas
25 where there might be issues regarding a potential

1 location, we expanded the route width so it's a
2 little bit wider, in some cases up to 2,000 feet.
3 And that was just to provide leeway for the company
4 as well as the condition to try to find the best
5 location or to identify the best -- to select the
6 best route in which a right-of-way and alignment can
7 be selected to minimize impacts. So you'll notice
8 that as you get to page 9 or 10, you'll notice some
9 of those areas are wider and that's why. For the
10 most part they're trying to parallel existing road
11 rights-of-way and/or other existing rights-of-way,
12 notably the British Petroleum products pipeline in
13 which there's some problems, also. So that's kind
14 of a quick overview.

15 Now, these maps provide probably the
16 greatest amount of detail in terms of what's there.
17 There are a number of other resource maps in the
18 application. For example, wetland maps, zoning
19 maps, ag maps, things like that. So there are any
20 number of maps there. The documents were kind of
21 put together, so if you want to use it as a tool for
22 the upcoming hearings, we've tried to provide
23 information at the most discrete level possible with
24 the idea that we've also aggregated it up, also.

25 So I guess the task before the Commission

1 is of this universe of routes we have here what
2 would be the best place for that pipeline. And that
3 is primarily the purpose of the upcoming public
4 hearing.

5 Tonight's purpose is more if there are
6 comments about the CEA issued by our office on
7 September 16th. You know, again, if you have
8 thoughts, again, a lot of you probably haven't read
9 it.

10 And I should mention, too, that the
11 document is available on our website and we tried to
12 provide a link to that in the notice we sent out.
13 It's also available on eDockets, which is the
14 website maintained by the Commission. The eDocket
15 website has every single document on it associated
16 with this project, going back to the application,
17 all the prehearing conference summaries, the orders,
18 everything is on eDockets. On our side at Commerce
19 we maintain -- we put the primary stuff like the
20 application, the Commission orders. Ours is a
21 little bit easier to navigate.

22 Again, I don't know what your
23 capabilities are at home, I don't know that you want
24 to download everything or print it out. It is
25 available. You can go in and print individual

1 tables if you want to, that would be up to you.
2 Now, some of the pages are 11 by 17 so that might be
3 a problem for you depending on what size paper you
4 have for your printer at home.

5 Again, there are a number of other
6 appendices in there also that might have useful
7 information. So please regard this as kind of an
8 information tool for you. It doesn't take a
9 position, it doesn't advocate. And we don't have a
10 preference as to where the line is located. Our
11 basic job is to ensure that there's an accurate
12 record for the Commission to consider and that we've
13 tried to present the information in as an objective
14 fashion as possible.

15 Earlier I mentioned some of the
16 responsibilities. The Minnesota Department of Ag is
17 responsible for the ag mitigation plan, which covers
18 such things as how you cross organic farmland. I
19 believe there are ten organic farms registered in
20 Olmsted County, three in the general project area.
21 It also addresses issues such as drain tile,
22 separation of topsoil, subsoil, things like that
23 which are a concern to the agricultural community.

24 The Minnesota Department of Natural
25 Resources issues licenses for crossing public lands

1 and waters. So those permits might determine how a
2 stream is crossed. In some cases, for the most part
3 here they're proposing to use directional drilling
4 to cross streams, roads, other utility
5 rights-of-ways. The Minnesota Pollution Control
6 Agency issues stormwater runoff permits and the EPS
7 permits so there are a number of permitting
8 requirements there. The Office of Pipeline Safety,
9 as I mentioned earlier, is responsible for pipeline
10 safety.

11 I guess going back, this is just kind of
12 a general timeline of where we've been. Again, to
13 your question, I think I indicated March of 2017.
14 Again, I guess the purpose of tonight's meeting is,
15 you know, we're here, and if you have comments on
16 the CEA, we'd love to get them. I understand if you
17 don't because, one, you probably haven't read it
18 yet, I don't know if you've looked at it. Hard
19 copies are available at the Rochester Public
20 Library, they're also available on CD there. We do
21 have CDs here if anybody would like a copy, I have
22 several, and hard copies also are located in the
23 Rochester Township Hall, also.

24 Again, comments, if you have any comments
25 after tonight's meeting, please submit them to me by

1 August 3rd -- or October 7th. And you can send
2 those to me by email, by fax, or by U.S. mail. The
3 comment form we have back here is two-sided. You
4 want to put your comments on here, fold it, tape it,
5 and put a stamp on and it should find its way to me,
6 also.

7 As I indicated earlier, the Commission
8 has asked us to reply to the comments we receive,
9 whether those comments are written, here, we'll try
10 to respond to as many as we can tonight as
11 completely as we can. If there are unanswered ones
12 we will reply to those and we'll also reply to
13 written comments that come in prior to the deadline.
14 We'll then submit all of those comments in our
15 prefiled testimony and that would be done on or
16 around October 24th or 25th, if I remember
17 correctly. And those would be available online as
18 well as our website and eDockets, and we'd probably
19 mail hard copies to the Rochester library and to the
20 Rochester Township Hall, also.

21 Again, one speaker at a time. Please
22 state and spell your name for the court reporter.
23 And Janet over here is our court reporter. Janet
24 kind of runs everything so we have to take a break
25 at 7:30 as her fingers do get tired. So if you're

1 wondering if we're going to have a break, yes, we
2 are, and it will be around 7:30 unless we finish
3 before that. And we'll reconvene after that for
4 those who want to stay with additional questions.

5 If a lot of people have comments, please
6 try to limit your comments initially and then we'll
7 come back again depending on time. Again, I prefer
8 your question be limited to the CEA, but I don't
9 expect that to happen, they'll cover any number of
10 things so we'll go wherever we need to go.

11 Again, when we get to the hearing, it's
12 November 9th, it'll be conducted under Chapter 1405,
13 which are hearing rules for energy facilities. And,
14 again, as I mentioned earlier, it'll be kind of a
15 two-stage thing, it will be a public component and
16 evidentiary as well as public, and Friday will be
17 strictly an evidentiary proceeding.

18 You can offer testimony with the benefit
19 of oath or affirmation without the necessity of
20 prefiling if you're not a party. If you're a party,
21 you have to prefile your testimony. You can offer
22 direct testimony in written form at the hearing.
23 Again, I guess you can read that so I don't need to.
24 And, again, the Judge determines what weight to give
25 to it. If you have exhibits or visual aids, that's

1 also very helpful to the Judge. And for those
2 people who might be a little bit intimidated about
3 proceeding and you have questions, you can certainly
4 submit the questions in writing to the Judge and the
5 Judge will ask the questions of the witnesses.

6 And I think that's about the end of that
7 so I'll just leave that up there.

8 And what I'd like to do, I'd ask those of
9 you who want to speak to fill out a green card. I
10 generally call on people who have signed up to speak
11 first in the order in which I receive the cards. So
12 if you didn't fill out a card and you want to speak,
13 Andrew can pass cards around. Just stick your hand
14 up and he will provide you with a card. And we'll
15 call on all of these -- well, I've only got two
16 cards. So it's not going to take me that long.
17 And, you know, we can open it up to questions and
18 answers then, also.

19 So the first speaker card I have would be
20 Mr. Rod Hanson. Welcome.

21 MR. ROD HANSON: Yes. I think I talked
22 to you earlier, I have my comments in.

23 MR. LARRY HARTMAN: Okay. Thank you.

24 And the next speaker card I have is Mike
25 Robinson.

1 MR. MIKE ROBINSON: One quick question.
2 I haven't heard how big the pipeline is going to be.

3 MR. LARRY HARTMAN: Good question. I'm
4 sorry, I thought I mentioned that. The first part
5 of the pipeline from the existing TBS to the
6 proposed TBS will be 16 inches outside diameter, and
7 the last phase of the pipeline from the proposed TBS
8 to the district regulator station is 12 inches
9 outside diameter.

10 MR. MIKE ROBINSON: What's the inside
11 diameter then?

12 MR. LARRY HARTMAN: Well, subtract the
13 pipe wall thickness, which I forget what that number
14 is. Lindsay, do you remember?

15 MS. LINDSAY LYLE: 12 and three-quarters
16 outside diameter and .375 inner wall thickness.

17 MR. LARRY HARTMAN: So if you take the
18 12.75 and subtract 3.75 that would be your answer.

19 MR. MIKE ROBINSON: Almost four inches
20 thick then.

21 MR. LARRY HARTMAN: No, the pipe would
22 not be four inches thick.

23 (Discussion held off the record.)

24 MR. LARRY HARTMAN: The information is in
25 the application also under pipe design parameters.

1 Which is -- well, it doesn't tell me the inside
2 diameter, but it's close enough, though.

3 Any other questions?

4 I might add, too, and we didn't talk
5 about this a lot in the application, or the CEA. I
6 should mention, the -- okay, the nominal wall
7 thickness is .375 inches.

8 And, again, as I mentioned, there are
9 associated facilities. And, again, here we're
10 talking about two town border stations. They are
11 both about 200 feet by 200 feet in size, they might
12 have a small building or two, some above-ground
13 pertinences, associated pipeline, systems for
14 Mercaptan, for injecting that into the pipeline,
15 which is an odorant and it smells like rotten eggs
16 so you know there's natural gas there. And it will
17 be fenced, secured, monitored, they have metering
18 equipment there at both the TBSs and the district
19 regulator station at the east end would be about the
20 same size, also.

21 Does that answer you?

22 Ma'am.

23 MS. EDIE CRANSTON: Should I come up?

24 MR. LARRY HARTMAN: Yes, please.

25 Otherwise Janet is going to be upset.

1 MS. EDIE CRANSTON: Hi. My name is Edie
2 Cranston, that's C-R-A-N-S-T-O-N.

3 My question is -- should I just talk
4 loud? With the -- here, I'll use this one.

5 You're talking about 200 feet by 200 feet
6 for the substation?

7 MR. LARRY HARTMAN: Town border station.

8 MS. EDIE CRANSTON: Town border station.
9 Is there some sort of a space out around that 200
10 feet by 200 feet that something is going to happen?
11 It appears the little outlines on the map are
12 considerably bigger than that.

13 MR. LARRY HARTMAN: Yes. They've
14 identified an area in which they would like to
15 locate it. So the area is considerably -- the
16 geographic area which they would like to locate that
17 town border station is, in some cases, a mile and a
18 quarter wide, and it'll be 200 feet by 200 feet.

19 MS. EDIE CRANSTON: Within that, but say
20 your house is 10 feet outside of that 200-foot
21 square, is that going to affect your house in some
22 way other than you're next to the town border
23 station?

24 MR. LARRY HARTMAN: I can't speak to
25 MERC's policies on that. Sometimes if they don't

1 acquire a land, they might do it by easement or they
2 might do an outright purchase of that. And they'd
3 have to meet zoning requirements for noise,
4 et cetera. Again, your town border stations or more
5 typically your compressor stations, you can get
6 noise attenuation packages. So they would have to
7 comply with whatever sound standards, nighttime
8 standards, as to what those standards are. In some
9 cases companies might buy a buffer so they have
10 additional protection. It's kind of done on a
11 case-by-case basis.

12 Again, for TBSs it's a question of
13 whether there's a landowner who might be willing to
14 maybe sell them five acres, that's kind of between
15 the landowner and the company and we aren't involved
16 with that. They probably would like to locate the
17 TBS as close as they can to the pipeline, though,
18 would be my assumption.

19 MS. EDIE CRANSTON: Thank you.

20 MR. LARRY HARTMAN: Okay. Thank you.

21 Do we have other questions?

22 Well, we've got three or four hands up so
23 why don't I defer to the lady over here.

24 MS. VIRGINIA RANWEILER: So I'm Virginia
25 Ranweiler. Can you hear me?

1 COURT REPORTER: How do you spell your
2 last name, please?

3 MS. VIRGINIA RANWEILER:
4 R-A-N-W-E-I-L-E-R.

5 We don't have the pipeline -- we don't
6 have the pipeline going directly through any
7 property of ours, but my question has to do with on
8 60th Avenue, there is a pipeline that goes through
9 our neighbor's property that I believe is probably a
10 different pipeline.

11 UNIDENTIFIED: The BP.

12 MR. LARRY HARTMAN: That's the British
13 Petroleum pipeline.

14 MS. VIRGINIA RANWEILER: Okay, BP
15 pipeline. So they would not necessarily be doing
16 this in conjunction with that, is that what I
17 understand? This is all new pipeline, is that
18 correct?

19 MR. LARRY HARTMAN: Yes, that is correct.
20 The British Petroleum pipeline is 1947, I think. I
21 know -- my mic went dead on me.

22 MS. VIRGINIA RANWEILER: I'll trade you.

23 MR. LARRY HARTMAN: Okay. Well, it used
24 to be, over the years it's had a number of owners,
25 perhaps American Oil, Amoco, British Petroleum now,

1 and that's a products pipeline. Again, it was built
2 in 1947, I believe. And that pipeline carries --
3 oh, refined products, which would be different
4 grades of gasoline, jet fuel, other things like
5 that.

6 And, again, with regard to pipelines,
7 that pipeline is pretty old right now. There's been
8 a lot of advances in technology in terms of pipeline
9 design. You have much better quality of steel now.
10 The way steel is now made, it's a much stronger
11 product, a much better product. Also, there will be
12 cathodic protection on the pipeline to prevent
13 corrosion, a number of other things that are safety
14 related. There are certain federal standards they
15 have to meet with regard to design.

16 And, again, with regard to inspection of
17 the pipeline, the Office -- well, under our permit
18 we have our own inspectors for environmental
19 reasons, for safety reasons the Office of Pipeline
20 Safety would monitor construction of the pipeline as
21 well as responsibilities for ongoing inspection and
22 operation, ensuring the safety of that pipeline,
23 also. Companies are also required to participate in
24 the 811 system, which is kind of the Gopher State
25 One call system. So if there are any -- obviously,

1 if there are any contractors here, they know what
2 the 811 system is. Basically, if you're going to do
3 any digging below 18 inches using a mechanical
4 device, you should call and get a location request
5 so they can come out and mark for utilities just to
6 prevent damages.

7 Does that answer your question?

8 MS. VIRGINIA RANWEILER: Yes, it does.

9 Thank you.

10 MR. LARRY HARTMAN: Thank you.

11 The next hand was the gentleman back
12 there. Yes.

13 MR. JERRY DEE: Yeah, my name is Jerry
14 Dee, D-E-E.

15 I'm referring to page 7 of the maps. And
16 I'm a little confused on the routes, because you've
17 got the application preferred route, you've got the
18 application alternate route, and then you've got
19 scoping route. All three of those routes go through
20 the farm that we have there. So when I make
21 comments, I'm wondering kind of what priority is
22 between those different -- I realize what preferred
23 means, but then what does the scoping route mean?

24 MR. LARRY HARTMAN: As I mentioned, when
25 they come in with their application they have to

1 identify their preferred route and consideration of
2 an alternative route. You don't have it here, but
3 on the appendix here, the first one of the maps. We
4 have three maps. The first one shows the
5 application preferred route. The second map, which
6 is Figure 1D is the application alternative route.
7 And then the modified preferred route is Figure 1C,
8 which -- or basically is kind of the line in purple
9 on the map. That was proposed by MERC as a result
10 of the initial scoping meetings where people
11 identified problems with the British Petroleum
12 pipeline and other issues. So they then proposed
13 that and based on their evaluation they have now
14 identified that as their modified preferred route as
15 opposed to the application preferred route and the
16 alternative route they initially proposed. So they
17 made some changes to their original proposal.

18 MR. JERRY DEE: Okay. So what conditions
19 would it mean it would go back to the alternative
20 routing routes and scoping routes?

21 MR. LARRY HARTMAN: Well, in part that
22 decision would be made by the Commission once they
23 get the ALJ report. And his report can be based on
24 information in the record, which would be everything
25 that comes in at a public hearing record to be held

1 on November 9th. So, again, I'd encourage all of
2 you, if you have concerns about the location, it's
3 fine to talk about them tonight, but it really
4 counts when you come before the Administrative Law
5 Judge.

6 So, again, the application appendices are
7 kind of designed to assist you in presenting your
8 position, opinion, thoughts on it to the ALJ. So if
9 you can consider this kind of a toolbox with
10 information in it, you can use whatever information
11 you want to make your case to the Judge on one route
12 versus the other, for your reasons, whatever they
13 might be.

14 MR. JERRY DEE: Thank you.

15 MR. LARRY HARTMAN: The gentleman -- yes,
16 sir. As I recall, you were at the February meeting,
17 too, weren't you?

18 MR. STANLEY DEE: That's right. I recall
19 both of you. And I want to thank you for the
20 alternate routes that you added since that time.

21 COURT REPORTER: Can I get a reminder of
22 your name, sir?

23 MR. STANLEY DEE: Stanley Dee.

24 The only thing that bothers me is the F
25 segment, which runs right through the middle of my

1 farm and right through the middle of the neighbor's
2 farm.

3 MR. LARRY HARTMAN: What segment did you
4 say?

5 MR. STANLEY DEE: The F segment.

6 MR. LARRY HARTMAN: F.

7 UNIDENTIFIED: It's an application
8 alternative.

9 MR. LARRY HARTMAN: Was that the -- I
10 believe that was identified as their alternative
11 route in the application.

12 UNIDENTIFIED: Preferred.

13 MR. STANLEY DEE: Yeah, it gets into 16.

14 MR. LARRY HARTMAN: 16, okay. You're on
15 the east end of that, if I remember, just before
16 County Road 8?

17 MR. STANLEY DEE: Right. And part of
18 your goal is to try to go with property lines
19 instead of across the middle.

20 MR. LARRY HARTMAN: Um-hum.

21 MR. STANLEY DEE: So that's my comment.

22 MR. LARRY HARTMAN: Okay. Thank you,
23 sir. And I think in your case, if it were to be
24 there, you'd want it on the north side of your
25 trees, if I remember correctly?

1 MR. STANLEY DEE: Yes.

2 MR. LARRY HARTMAN: Okay. Thank you.

3 All right. Are there any other

4 questions?

5 Yes, sir.

6 MR. MIKE ROBINSON: My question is how --

7 MR. LARRY HARTMAN: Come up here, please,
8 and be sure you spell your name for Janet. I should
9 penalize you if you're not paying attention on that
10 point.

11 MR. MIKE ROBINSON: My name is Mike
12 Robinson.

13 My question is how deep will the pipeline
14 be?

15 MR. LARRY HARTMAN: Across -- well, let
16 me explain this. Federal standards require the
17 pipeline to be buried with a minimum depth of 36
18 inches in normal soil. And rocks, there is a -- it
19 doesn't have to be as deep. Minnesota has the
20 standard across all agricultural land, drainage
21 ditches, et cetera, that the top of the pipe be 54
22 inches below the top of the soil. In some cases
23 where they cross railroads, state highways, county
24 roads, they might be deeper than that. Where they
25 do directional drill crossings of streams, rivers,

1 railroad beds, and sometimes streams, it's going to
2 be 15, 20 feet below the bottom of the bed. But say
3 if it's normal agricultural land, it's going to be
4 54 inches. That's a provision in Minnesota Statute
5 216G. So by law it has to be that deep.

6 Now, when they come to you, if it crosses
7 your property, whether it does or not I don't know,
8 they'll be looking for an easement. In some cases
9 the landowners are requested or asked to sign that
10 waiver, which means it would be, rather than 54
11 inches deep, it would be 36 inches deep. That
12 requirement has to be stated on the back side of the
13 easement agreement, in plain language, gold, all
14 capped letters, and you have to sign off on that
15 separately. If you don't then it requires a burial
16 depth of 54 inches.

17 MR. MIKE ROBINSON: Thank you.

18 MR. LARRY HARTMAN: Okay. And, again, I
19 might add, and some people mentioned this, we're
20 aware of the fact that the BP pipeline is in some
21 cases exposed or just a few inches below the ground.
22 That pipeline, as I mentioned earlier, was built in
23 1947. The federal Office of Pipeline Safety did not
24 exist until 1969 so that pipeline predates the
25 standard. So the feds originally set their

1 standards for depth of burial back when that office
2 was created, or sometime after, shortly after that.
3 So that depth of burial goes back -- well, it goes
4 back to 1969. I don't remember when the initial
5 requirement in Minnesota was passed, 54 inches, it
6 was probably in the late '70s, if I remember
7 correctly.

8 Any other questions?

9 Yes, sir.

10 MR. CHARLES PASSE: My name is Charles
11 Passe, P as in Paul, A-S-S-E.

12 On page 6 of 10 is where it runs through
13 ours, and the alternate does, and I'm opposed to the
14 alternate. I'd like it going down the road. I'd
15 like to state that.

16 But, also, are we going to be able to tap
17 into this line if it runs?

18 MR. LARRY HARTMAN: That was a question
19 we had at the initial rounds of meetings about tap
20 lines on something like that, I imagine a corn
21 dryer, a grain dryer or something else. And I'm not
22 familiar with how MERC addresses farm taps. I don't
23 know if anybody from MERC would like to address that
24 issue?

25 And I forgot to introduce the MERC

1 representatives here awhile ago. This is Amber Lee
2 coming up to answer your question.

3 MS. AMBER LEE: Hi. A good question.
4 Can you hear me? There we go.

5 Short answer is we're going to determine
6 what you can and can't do on an individual basis.
7 So I think if there's a line going by your house, we
8 can definitely get you gas. It won't be a farm tap
9 in the traditional sense of that word, but we'll be
10 able to connect you on our distribution system.

11 MR. CHARLES PASSE: Like a residential
12 tap?

13 MS. AMBER LEE: Yes.

14 MR. CHARLES PASSE: Thank you.

15 MR. LARRY HARTMAN: Thank you.

16 Do we have any other questions?

17 Yes, sir. Or I should say, come on down.

18 MR. RICK LUTZI: Rick Lutzi, L-U-T-Z-I.

19 I'm on the township board, Salem Township.

20 I guess I'm more concerned about our
21 right-of-ways and the depths and the maintenance of
22 them once they put them in.

23 MR. LARRY HARTMAN: On your township
24 roads?

25 MR. RICK LUTZI: Yes. So I was just

1 wondering what the follow-up on that is, and there's
2 a lot of tile lines and stuff and ditches.

3 MR. LARRY HARTMAN: Again, I should have
4 mentioned this earlier when the question came up.

5 Depth of burial is 54 inches in
6 agricultural land. They can sign a waiver for that.
7 Where tile lines, other underground utilities are
8 encountered, and I'm not speaking for MERC, but it's
9 traditional practice that they maintain a foot of
10 separation. Say, for example, your tile line might
11 be 36 inches in depth, it may be 48, maybe your
12 gradient is one inch per 100 feet on slope or
13 something like that, so they would probably maintain
14 a foot of separation to be below the tile line by at
15 least one foot.

16 Now, again, if townships, other entities
17 maintain ditches and you have plans for those
18 ditches being deepened going forward, you'd want to
19 let MERC know before the construction begins.
20 'Cause they'd bury the pipeline deeper. Let's say
21 if you've got a ditch six feet deep and for some
22 reason you wanted to go to 12. Well, they'd want to
23 be below that bottom of the anticipated ditch line.

24 With regard to township roads, for
25 example, assuming nominal width of 66 feet, 33 feet

1 obviously at centerline, they would typically be
2 located outside of the existing road right-of-way
3 rather than inside of the right-of-way. And as you
4 know, all rights-of-ways are kind of individual
5 entities and they're operated, or, you know, for
6 movement of goods and services as well as public
7 safety, also. And, again, when you start to kind of
8 mix existing rights-of-ways with one another, you
9 use some of that safety element, whether it be for
10 the motoring public or safety of the pipeline. So
11 those issues are related but kind of separate.

12 MR. RICK LUTZI: Will the township get a
13 notice so they can go over the area where it's at?
14 For example, let's say we've had a lot of silt in
15 our ditches the last couple years from rainfalls,
16 they get cleaned out, they'd --

17 MR. LARRY HARTMAN: I'm sure they'd
18 probably work with you because they'd need permits
19 if they're crossing roads, also. Again, as
20 indicated in their application, there's documents on
21 anticipated boring, all the roads, so there
22 shouldn't be any open cuts at all. So they'd set up
23 a directional drill on one side and bore the hole
24 and pull the pipe through on the other side so it
25 shouldn't be disruptive to either movement of goods

1 and services on that road or any problems after
2 that.

3 MR. RICK LUTZI: I'm worried about the
4 depth in the ditch because, if we do clean it out,
5 like you said, or we change the road height --

6 MR. LARRY HARTMAN: Actually, I think
7 under 216G I think it's also a depth of 54 inches
8 below ditches also as the nominal depth. It doesn't
9 mean it can't be deeper. Again, that depends on
10 what the plans are going forward. And Amber has
11 something she'd like to add.

12 MS. AMBER LEE: Larry, I just wanted to
13 clarify. We're going to submit comments
14 suggesting -- or trying to clarify our application
15 to say that we will -- we will cut the road if we
16 can work with the landowner or township to get
17 approval.

18 MR. LARRY HARTMAN: Okay. Do we have any
19 other questions from the audience?

20 Yes, ma'am.

21 MS. MARY PYFFEROEM: Yeah, I'm Mary
22 Pyfferoem, P-Y-F-F-E-R-O-E-M.

23 I just had a general question. In one of
24 the proposals you have currently, it is having --
25 you're going through some government assigned land,

1 and when I've talked with the FSA area, they said
2 that everything would have to be put back exactly
3 the same because of the government program I'm in.
4 So who does that? 'Cause it has to be replanted and
5 all this business.

6 MR. LARRY HARTMAN: Um-hum. The company
7 is responsible for right-of-way restoration. And
8 the rules indicate that the right-of-way is to be
9 restored as close as possible to the condition that
10 existed prior to construction. Now, that's great if
11 maybe it's a farm field, you know, if it's a stand
12 of oak trees, you're going to cut the trees down,
13 and you will not be replacing oak trees. Basically
14 vegetation, tall vegetation growth is not permitted
15 on the pipeline right-of-way for safety reasons.

16 MS. MARY PYFFEROEM: So what happens with
17 a government program where it's a CRP land, and so
18 it has to be put in exactly like it was left. I've
19 talked with the FSA, it's a government requirement.
20 So is the group responsible then for replacing it
21 into whatever I have it in now for CRP? That's my
22 question.

23 MR. LARRY HARTMAN: There are probably a
24 couple different answers to that one. One is yes, I
25 think they probably would replace it to the CRP

1 standards. On the other hand, if they couldn't do
2 that, they would probably be responsible for
3 reimbursing you.

4 MS. MARY PYFFEROEM: 'Cause there's huge
5 penalties. Huge penalties.

6 MR. LARRY HARTMAN: I'm aware of that.
7 And, again, should it cross your property, that's
8 something you certainly want to make the company
9 aware of.

10 MS. MARY PYFFEROEM: Well, right now it
11 is crossing it, so.

12 MR. LARRY HARTMAN: So, again -- well,
13 it's been a while since I probably worked with a
14 pipeline across a CRP land. I know we've done that
15 with a lot of the wind farms and they are made whole
16 on that and for the most part it hasn't been a
17 problem or an issue. Again, I would need to brush
18 up on that to give you a more accurate answer than
19 what I can. I'll try to check into that --

20 MS. MARY PYFFEROEM: So you would
21 recommend sending a comment in?

22 MR. LARRY HARTMAN: We'll have the
23 comment here because we'll have the transcript and
24 somebody will try to address it in our written
25 replies, also, as best we can. And maybe the

1 company can look into that, also. I don't know.

2 Rick, is that something you've
3 encountered recently?

4 MR. RICK MOSER: No, I haven't.

5 MR. LARRY HARTMAN: Okay. It's a good
6 question.

7 MS. MARY PYFFEROEM: It looks like it
8 from the drawing, and so after having talked with
9 FSA and finding out the penalties and all that
10 stuff, I'm not willing to pay those penalties.

11 MR. LARRY HARTMAN: Again, I wouldn't
12 expect you to. And if it can't be restored, the
13 company would probably be obligated to make you
14 whole on that so you don't incur a loss.

15 MS. MARY PYFFEROEM: Okay. Then I have
16 one additional question. What is the set aside for,
17 like, right now some of the property, I'm not
18 planning on selling it, but for the next generation,
19 what's the set aside for -- I know they asked this
20 this afternoon, too, for development.

21 MR. LARRY HARTMAN: Well, Minnesota has
22 what's called a pipeline setback ordinance. And
23 there's a state standard which prohibits any
24 buildings within the permanent pipeline
25 right-of-way. Now, each county or city,

1 municipality, is also to adopt a setback ordinance
2 consistent with the state standard. So the state
3 standard is the minimum standard of nothing in the
4 right-of-way. So, again, if counties choose to
5 enforce something more stringent than that, that
6 would be up to them.

7 MS. MARY PYFFEROEM: So how would I find
8 those statutes? Or who would I go to?

9 MR. LARRY HARTMAN: Historically, when
10 that legislation was passed, it was -- I want to say
11 1999 or '98, and all the counties or municipalities
12 were to have a model ordinance by 2001 which would
13 be approved by the Commissioner of the Office of
14 Public Safety. And the Office of Pipeline Safety is
15 in the Department of Public Safety. So the Public
16 Service Commissioner -- or Department of Public
17 Safety Commissioner would have to sign off on all
18 those ordinances. And I believe Rochester submitted
19 one, I just don't know, I don't have any way of
20 tracking those. Again, if somebody from the county
21 is familiar with that, they would be a good person
22 to ask.

23 MS. MARY PYFFEROEM: I've already been
24 there.

25 MR. LARRY HARTMAN: I don't know if

1 they're on file with that office or not.

2 MS. MARY PYFFEROEM: Okay. Then I have
3 one additional question.

4 MR. LARRY HARTMAN: Sure. You're on a
5 roll here, aren't you.

6 MS. MARY PYFFEROEM: I've done quite a
7 bit of research on this. It's kind of what I do.

8 MR. LARRY HARTMAN: Oh, that's fine.

9 MS. MARY PYFFEROEM: The other question I
10 have is there's a lot of information online that's
11 talking about property values and how a pipeline
12 going through will decrease a property value by
13 about 30 percent. And I've seen this in two
14 different areas. So what exactly happens with that
15 sort of thing? Because I know a lot of people here
16 are having lines going on or near their property, so
17 how is that compensated and who makes the
18 determinations?

19 MR. LARRY HARTMAN: That's a good
20 question and we specifically chose not to talk about
21 property values in the CEA. If you go online you
22 could find any number of studies. A number of them
23 conclude, yeah, they do affect property values. On
24 the other hand, you can find a handful who say, no,
25 they don't.

1 MS. MARY PYFFEROEM: So far what I've
2 found says they do affect property values, but maybe
3 those people are more adamant.

4 MR. LARRY HARTMAN: Well, it depends
5 where. I've seen studies running the course. And,
6 again, as I indicated this afternoon, I think, when
7 that issue was raised, there are any number of
8 studies out there so you can always find a study to
9 conform to your belief. Kind of like religion, in
10 one sense. On the other hand, you know, companies
11 generally pay fair market value. Now, given the
12 fact that this area is kind of transitioned from
13 kind of maybe semirural to rural residential, kind
14 of, you know, whatnot, it really makes it hard to
15 determine what property values are.

16 Now, again, some of the developments
17 we've seen proposed around here were scheduled in
18 2007, 2008, and then the bottom fell out of the real
19 estate market. Well, I don't know where property
20 values are in relation to what they were then,
21 whether they're higher, lower. So when you have
22 something that is probably changing on a fairly
23 regular basis, I think it's really hard to come out
24 and state something and being able to say, well,
25 based on this study or that study, because it's just

1 a dynamic area. And, again, I don't -- again, I
2 don't know exactly where you're at. But as the
3 project is going to be built in phases or stages, I
4 guess, the latter phase is several years out. Now,
5 do they get easements now or do they wait? On the
6 one hand it's probably smarter to get them now
7 before there are more obstacles to getting them.
8 Maybe the values would be higher in the future, I
9 don't know. So in one sense we found it very
10 difficult to address in a way that had some meaning
11 or value.

12 MS. MARY PYFFEROEM: No, that's a fair
13 statement. Thank you.

14 MR. LARRY HARTMAN: And, again, I was on
15 the Web last week looking for studies and I found
16 several newer ones, some of them supported by the
17 gas industry, you know, they seemed to indicate no
18 appreciable loss of property values. But, again,
19 that's in the eyes of the beholder, also.

20 MS. MARY PYFFEROEM: So that's kind of a
21 biased study.

22 MR. LARRY HARTMAN: Again, they are
23 supposed to be done in an objective fashion. But,
24 again, there are so many studies out there, it's a
25 question of what do you want to believe or what did

1 you find on the Web to support your point. You can
2 find ones that contradict that, also.

3 MS. MARY PYFFEROEM: Well, thank you.

4 MR. LARRY HARTMAN: You're more than
5 welcome, ma'am. Thank you for your questions.

6 Do we have any other questions?

7 Yes, ma'am.

8 UNIDENTIFIED: I would just like to know
9 what initials she's talking about. CRP, FSA.

10 MS. MARY PYFFEROEM: CRP is Conservation
11 Reserve Program.

12 MR. LARRY HARTMAN: It's a set aside for
13 agricultural land. If you put it into -- oh,
14 prairie, or something else.

15 UNIDENTIFIED: And the other one?

16 MS. MARY PYFFEROEM: That was the only
17 one I talked about. Oh, Farm Service Association.

18 UNIDENTIFIED: Thank you.

19 MR. LARRY HARTMAN: That's a new name
20 from what it used to be, versus what it was 15 or so
21 years ago.

22 Are there any other questions? No other
23 questions?

24 Yes, sir.

25 MR. CHARLES PASSE: Talking about values

1 you wanted to offer on that, Amber?

2 MS. AMBER LEE: I think we're good there.

3 MR. LARRY HARTMAN: Any other questions?

4 If there are no other questions, I will
5 close the meeting. And thank you for attending.
6 And I remind you to come back to the public hearing
7 to be held on November 9th, beginning at 1:00,
8 before the ALJ, Mr. Lipman, who will be the
9 presiding ALJ.

10 There will be a public notice regarding
11 the hearing which will be sent to everybody on the
12 mailing list and also published in the local
13 newspaper, Rochester paper.

14 So, again, thank you for attending. If
15 you haven't signed up back there, I'd encourage you
16 to sign up. If you need copies of more maps or
17 something else, please ask us. If you want to sign
18 up for the mailing list, fill out the orange card,
19 and that will ensure that your name will be added to
20 the mailing list for future notices.

21 Again, if you have written comments or
22 thoughts you'd like to share with us on the CEA,
23 which is available on eDockets or our website or the
24 Rochester Public Library or Rochester Township Hall,
25 you can find a hard copy at the latter two places.

1 We have it on a CD if you'd like that, also.

2 And, again, I'd like to thank you for
3 attending this evening and look forward to seeing
4 you again. Thank you very much.

5 (6:00 Session Concluded at 7:18 p.m.)

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Written Comments

Exhibits from Public Meeting

Letters

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Electronic Comment Forms

Exhibits from Public Meeting

**Minnesota Energy Resources
Corporation**

Rochester Natural Gas Pipeline Project

Docket No. G-011/GP-15-858

Includes Revised Pages Dated 1/11/2016 and Supplemental Information

November 3, 2015

Project Proposer



Application Developed By



Exhibit A

ROCHESTER T106N • R14W

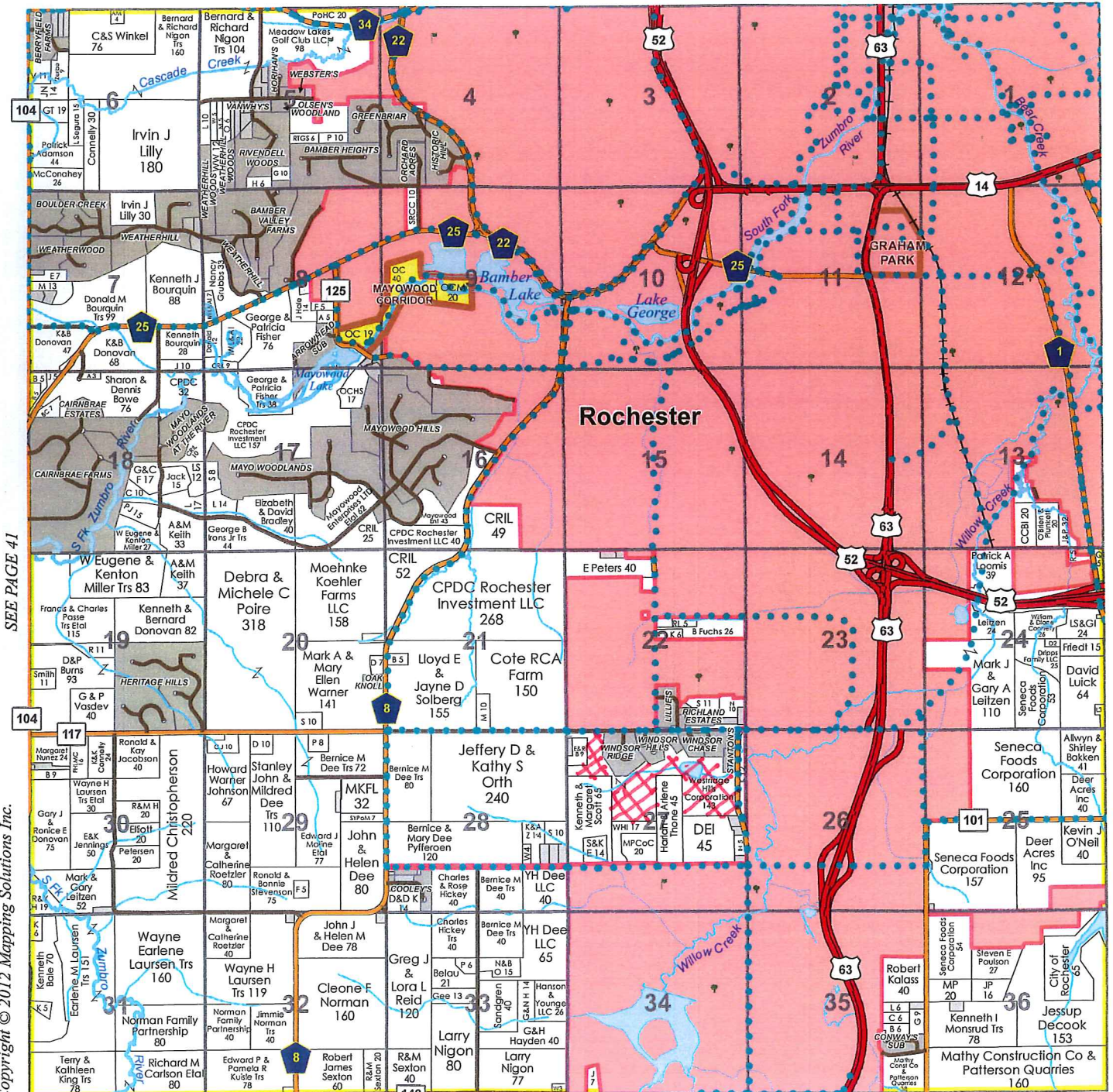
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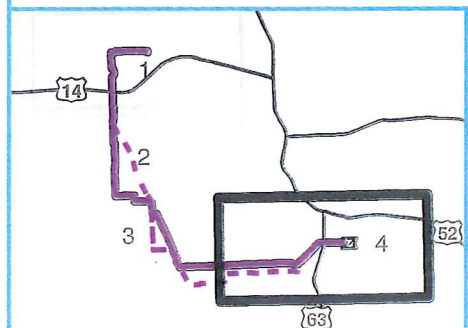
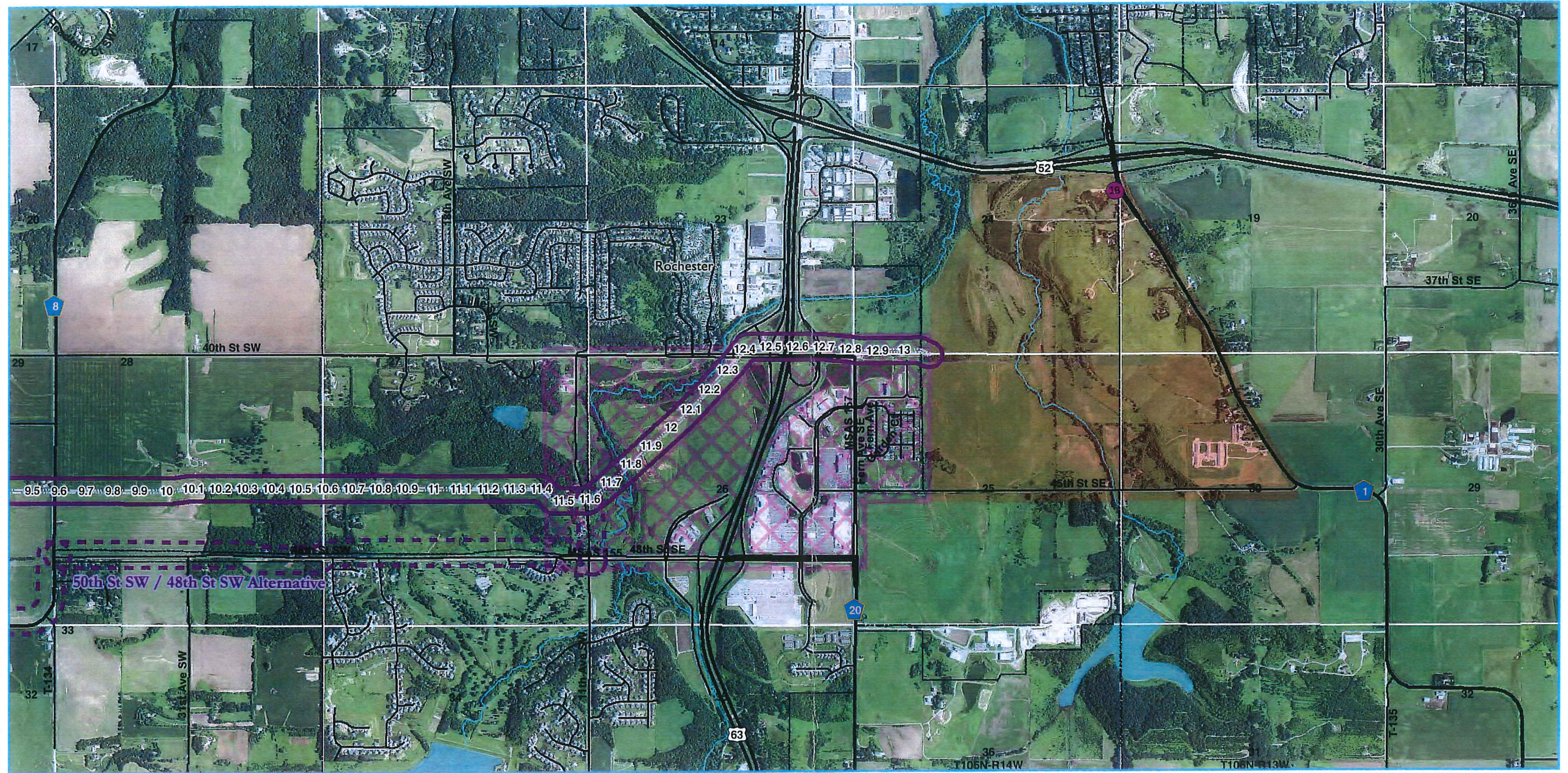
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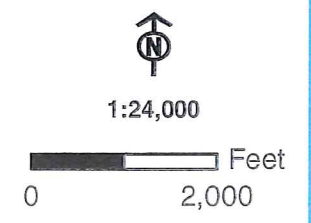
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SEE PAGE 21

WPAKICE HILLS FURNITURE A



- Town Border Station (TBS)
- ▭ Preferred Route
- ▨ Route Alternative ROW Preferred
- ▧ Route Alternative Buffer
- ▭ Proposed Town Border Station & Route Buffer
- ▭ Proposed District Regulator Station & Route Buffer
- City / Township Boundary
- Road
- US / State / County Highway
- 161kV AC Transmission Line
- Railroad
- Waterbody
- River / Stream



*Buffer distance is 1.25 miles

Exhibit A

Letters



Minnesota Energy Resources Corporation
Suite 200
1995 Rahnclyff Court
Eagan, MN 55122
www.minnesotaenergyresources.com

October 7, 2016

VIA EFILING

Larry Hartman
Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul MN 55101

RE: In the Matter of the Application of Minnesota Energy Resources Corporation for a Route Permit for the Rochester Natural Gas Pipeline Project, Docket No. G011/GP-15-858
Comments on the Comparative Environmental Analysis

Dear Mr. Hartman:

Minnesota Energy Resources Corporation (MERC) provides these comments on the Draft Comparative Environmental Analysis (CEA) for the Rochester Natural Gas Pipeline Project (Project) released on September 16, 2016. MERC requests that the Department of Commerce, Environmental Review and Analysis (EERA) respond to the following topics in EERA's pre-filed testimony. MERC does not believe it is necessary to reissue or revise the CEA.

Human Settlement

Although not listed explicitly as a criteria the Commission must consider when issuing a Route Permit¹, EERA identified Property Values as a topic for discussion in the CEA under Human Settlement² and has typically included a section on Property Values in its environmental review documents.³ MERC requests that EERA include in its pre-filed testimony, to be filed on October 24, 2016, a discussion of the proposed Project's potential effects and proposed mitigation measures related to Property Values.

MERC also requests that EERA correct one minor error related to the location of Route Segment 16 in relation to the Von Wald Group Home. Page 76 of the CEA discusses

¹ Either under Minnesota Rule 7852.1900 for a pipeline or under Minnesota Rule 7850.4100 for electric high voltage transmission lines.

² EERA Comments and Recommendations on the Scope of the CEA at Attachment 2 at Page 5.

³ See *In the Matter of the Application of ITC Midwest LLC for a Route Permit for the Minnesota-Iowa 345 kV Transmission Line Project in Jackson, Martin, and Faribault Counties, Minnesota*, Docket No. ET6675/12-1337, FINAL ENVIRONMENTAL IMPACT STATEMENT at 59 (July 2014); *In the Matter of the Application of North Dakota Pipeline Company LLC for a Route Permit for the Sandpiper Pipeline Project in Minnesota*, Docket No. PL6668/PPL-13-474, ENVIRONMENTAL SCOPING DOCUMENT at 10 (Nov. 13, 2015).

the Von Wald Group Home, located on County Road 8 SW between 42nd Street SW and 48th Street SW in Rochester Township. While the CEA correctly notes that Route Segment 5P runs adjacent to this property, it omits that Route Segment 16 also runs adjacent to this property. Route Segment 5P follows County Road 8 and the anticipated alignment is located on the east side of the road whereas the Group Home is located on the west side of that road. Route Segment 16 follows the southern property line of the Von Wald Group Home.

Construction Protocol

While the CEA thoroughly describes the intended construction protocol for the proposed Project, there are a few items that are either not described entirely accurately or require some additional clarification and/or context.

Page 23 of the CEA explains the proposed Project permanent right-of-way and describes it as 50 feet with “approximately 25 feet to each side of the proposed pipeline centerline.” MERC may place the proposed pipeline anywhere within the 50-foot permanent right-of-way, so long as a minimum of five feet between the pipeline centerline and the edge of the permanent right-of-way are maintained. This may be done to accommodate existing underground or aboveground infrastructure, potential future road right-of-way expansion, or to provide sufficient room to locate a future natural gas service pipeline.

On pages 30 and 36, the CEA states that all topsoil spoil piles will be covered during construction. MERC will comply with all National Pollution Discharge Elimination System construction Stormwater Best Management Practices required for the proposed Project, which do not require covering topsoil spoil piles. MERC does not, however, intend to cover all topsoil piles during construction activities. MERC does not intend to remove topsoil until the welded pipe is ready for placement in the trench. MERC intends to clear the right-of-way, stage and weld the pipe, excavate the trench (including separating topsoil and sub-soil), place the pipe in the trench, replace sub-soil and topsoil, and then complete revegetation.

On page 34 of the CEA, the workspaces necessary for horizontal directional drilling (“HDD”) are first discussed. The CEA explains, correctly, that two work spaces are needed for each area where HDD is to be used along the proposed Project. MERC wishes to clarify, however, that the area to be excavated at each HDD work space is anticipated to be approximately 225 square feet. MERC will require a work space larger than 225 square feet to stage equipment for the drilling, but only 225 square feet will be excavated. MERC will work with the underlying landowner on negotiating permission for an area of appropriate size for staging equipment for each HDD work space. These work spaces will need to be at least 20,000 square feet in total size, although some HDD work spaces may need to be larger depending on the length, depth, and angle of the HDD.

Page 31 of the CEA reads, “HDD or boring may be used at road, paved driveway, wetland, and waterway crossings.” Additionally, the CEA provides that “Unpaved

roadways would be crossed by boring or HDD.” While it is MERC’s intent to use boring or HDD to minimize impacts to both roadways and paved driveways, if a landowner (paved driveway) or a local road authority (unpaved road) is agreeable, trenching will be used instead of HDD or boring to reduce overall construction costs for the proposed Project. If a landowner (paved driveway) or a local road authority (unpaved road) is not agreeable to trenching, HDD or boring will be used. And, as discussed on page 35 of the CEA, if HDD of a wetland or waterway is not reasonable, the trench method may be used and MERC will coordinate with the Minnesota Department of Natural Resources and the U.S. Army Corps of Engineers as appropriate.

On pages 87 to 88, the CEA discusses potential liabilities associated with contaminated properties and focuses on the liabilities associated with discovering existing contamination after acquiring fee ownership or acquiring fee ownership knowing of, and accepting, the potential liability. MERC intends to acquire only easements for the proposed Project, but may acquire fee ownership of Town Border Station or District Regulator Station sites if agreeable by the landowner. Prior to acquiring fee ownership, MERC would complete necessary Phase 1 environmental site assessments to evaluate the likelihood or presence of existing contamination and would address any existing contamination as part of fee ownership negotiations for those three sites. For the 13-mile pipeline for the Project, MERC will acquire easements across property and the landowner would be responsible for potential cleanup costs associated with any existing contamination. In the event that, during construction activities undertaken by MERC or its contractor result in contamination of property, MERC or its contractor would then be responsible for cleanup costs associated with that contamination.

Right-of-Way Vegetation

Page 30 of the CEA states that the 100-foot construction area, which includes the 50-foot permanent right-of-way and the 50-foot temporary right-of-way, “will be cleared and graded” during construction. As discussed on page 107 of the CEA, however, impacts to vegetation may be minimized where HDD is utilized. The primary concerns with leaving woody vegetation in the permanent right-of-way over a pipeline are future operation and maintenance inspections or activities and the potential for a lightning strike of woody vegetation to travel down a root system and impact the pipeline. In the event HDD is utilized through an area with woody vegetation, all woody vegetation would be removed in an area measuring five feet on either side of the pipeline centerline, at a minimum. Certain shrub species may be allowed to remain in this area. The vegetation in the remainder of the permanent right-of-way (approximately 40 feet) would be left unless removal was required due to placement of a service natural gas pipeline in the future.

Also on page 30, the CEA states that “Burning of slash, brush, stumps, or other project debris is prohibited.” While this language is consistent with the language found on page 51 of MERC’s Route Permit Application for the proposed Project, MERC would like to retain the ability to burn slash, brush, or stumps due to clearing of the Project right-of-way in the event it is requested by, or agreeable to, the landowner. Burning of these materials would not occur unless agreed to by the landowner.

7852.1900 - Relative Merits Analysis

Chapter 6 of the CEA discusses the Relative Merits of the Segment Alternatives analyzed in the document. Minnesota Rule 7852.1900(E) directs the Commission to consider “pipeline cost and accessibility” when determining a pipeline route. The CEA states that this criteria “is considered equal” for all Segment alternatives. Although many of the Segment Alternatives are equal, there are unique considerations that should be given to Segment Alternatives CD-2, DE-2, EF-2, EG-2, EG-3, EG-4, IJ-3, and IJ-4.

Segment Alternatives CD-2, DE-2, EF-2, EG-2, EG-3, and EG-4 all, in some form, follow the existing BP Pipeline, a liquid petroleum pipeline constructed in the late 1940s.⁴ This pipeline was constructed prior to the implementation of federal or state standards for petroleum pipeline depth of cover. During both of the Public Information Meetings held for the proposed Project (February 29, 2016 and September 28, 2016), landowners commented that the BP Pipeline was located at varying depths of cover along its length and some commented that field or farm equipment had encountered the pipeline in recent years. Based on this information, any alternative that would follow any portion of the BP Pipeline would pose unique challenges for accessibility, both for construction and maintenance purposes, when compared to other alternatives in these areas. Any of these Segment Alternatives would also require more separation between the BP Pipeline and the proposed Project, resulting in additional impacts for the landowner’s property. Construction accessibility would also be challenging as matting over the BP Pipeline right-of-way would also be necessary to minimize any possibility for contact with, or damage to, the BP Pipeline. Finally, any future maintenance activities could be challenging as vehicle traffic would not be able to traverse the BP Pipeline without additional matting.

Segment Alternatives IJ-3 and IJ-4 are likely to increase the cost of the Project by at least five times over other comparable segments given the commercial development present along 48th Street SW and Fern Avenue SE. Construction costs would also increase because of the additional costs associated with spotting utilities in these highly developed areas.

Conclusion

MERC believes that these clarifications do not substantively change the environmental analysis completed in the CEA. The CEA does not need to be reissued based on these comments. These items can all be addressed in pre-filed testimony by EERA and other parties, post-hearing briefing, the Report of the Administrative Law Judge, and the final Order and Route Permit issued by the Commission.

⁴ The easements for this pipeline date back to 1946 and residents state that the pipeline was constructed in approximately 1947.

Thank you for the opportunity to provide comments on the CEA. If you have any questions, please don't hesitate to contact me at 651-322-8965.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Amber S. Lee', written in a cursive style.

Amber S. Lee
Regulatory and Legislative Affairs Manager

cc: Service List

In the Matter of the Petition of Minnesota
Energy Resources Corporation for a
Route Permit for the Rochester Natural
Gas Pipeline Project in Olmsted County

Docket No. G011/GP-15-858
OAH Docket No. 8-2500-33180

CERTIFICATE OF SERVICE

I, Jill N. Yeaman, hereby certify that on the 7th day of October, 2016, on behalf of Minnesota Energy Resources Corporation (MERC), I electronically filed a true and correct copy of the enclosed **Comments on the Comparative Environmental Analysis** on www.edockets.state.mn.us. Said document was also served via U.S. mail and electronic service as designated on the attached service list.

/s/ Jill N. Yeaman

Jill N. Yeaman

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|------------|-----------|------------------------------------|--|--|--------------------|-------------------|-------------------------------------|
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| Daniel P | Wolf | dan.wolf@state.mn.us | Public Utilities Commission | 121 7th Place East Suite 350 St. Paul, MN 551012147 | Electronic Service | Yes | OFF_SL_15-858_Official Service List |

Emails

Levi, Andrew (COMM)

From: Jensen, Patrice (MPCA)
Sent: Friday, October 07, 2016 4:25 PM
To: Hartman, Larry (COMM)
Subject: FW: Rochester Natural Gas Pipeline
Attachments: Rochester Natural Gas Pipeline Project CEA for Environmental Review w- Jim B and BW Comments 9 29 2016.docx

Hi Larry – MPCA staff have the following comments on the Comparative Environmental Analysis for the Rochester Natural Gas Pipeline. If you have any questions, please contact me. Thank you.

Comparative Environmental Analysis (CEA) - MPCA 401 Water Quality Certification Review

Review for: Rochester Natural Gas Pipeline Project, Docket No. G-011/GP-15-858

MPCA 401 Water Quality Certification (401) Review completed on: October 5, 2016

This project is a high pressure natural gas pipeline. The project is approximately 13 miles in length and will connect the northern and southern portions of Minnesota Energy Resources Corporation (MERC) existing natural gas distribution system in and around Rochester, Olmsted County, Minnesota.

The following conditions have been used in similar pipeline projects and are most appropriate for the Rochester Natural Gas Pipeline Project. These conditions include:

1. Pipeline crossings that will impact wetlands/waters of the state will be required to obtain Clean Water Act Section 401 Water Quality Certifications from the MPCA.
2. MERC must flag or stake the boundaries of the construction area(s) that fall within one mile of waters of the state (WOTS). Include a statement of how this will be accomplished and how it will ensure the working area is not exceeded in a manner that will result in water quality violations.
3. The 401 program will limit the amount of open trench to 14,000 linear feet at any one time. This is required to limit the potential for unforeseen weather events that have the potential to cause significant erosion and discharges to WOTS. Describe how this will be accomplished.
4. The project must not exacerbate any of the existing impairments to waterbodies identified along the route of the project included in the Minnesota CWA Section 303(d) Impaired Waters List. The following MPCA webpages contain more information and search tools available to determine which waters in Minnesota are impaired: <http://www.pca.state.mn.us/lupg1125> and <http://www.pca.state.mn.us/mvri1126>. Explain how this requirement will be met.
5. As with other large pipeline construction projects that will impact WOTS, pre and post construction water sampling plan may be required along the various spreads of pipeline construction. Explain how this potential requirement will be met.
6. For all temporary wetland impacts each location will be returned to pre-construction contours and wetland quality. Explain how this requirement will be met.
7. This project may require Horizontal Directional Drilling (HDD), to install the pipeline under or near impaired waters. To reduce or eliminate possible impacts to WOTS, MERC shall submit a HDD process plan that explains the HDD process and how the WOTS are avoided and protected. Reference HDD process plan in Section 3.1 as an [additional] attachment.
8. MERC will provide any available information regarding soil types where HDD will be used and the history of the potential of drilling mud release (i.e. frac-outs) during past HDD conditions both along the proposed route and the alternative routes. The CEA should describe how initial containment of frac-outs will be conducted and include a frac-out response plan as mentioned Section 5.6.4
9. The CEA must identify and describe the construction methods used for crossing waterbodies and describe the mitigation measures that will be in-place to protect waterbodies during construction.
 - a. It would be useful to include a table listing each specific crossing. The example below may be helpful.

TABLE
Information for Waterbodies Crossed by
The Proposed Pipeline Routes

| | Minnesota Energy Resource Corporation Rochester Natural Gas Pipeline Project |
|--|---|
| Waterbody - Minnesota ID Number | |
| Waterbody Name | |
| | |
| Identify Preferred Route (PR) Alternative Routes (AR) – For PR and AR - Hardwood Swamps and Coniferous Bogs (Types 7 and 8) should be avoided as these are difficult to mitigate. | |
| Identify wetland that are not USACE or WCA jurisdictional. | |
| Identify the Milepost Nearest to the Waterbody | |
| | |
| Identify Specific Wetland Types 1, 2, 3, 4, 5, 6, 7, & 8 Adjacent to Waterbody and include physical ID: *PEM, PSS, PFO, or PUB | |
| Types of flow must be identified e.g. Inter-mitten, permanent, or ephemeral flow(s) | |
| | |
| Identify Areas of Special Natural Resources Interest (ASNRI) Waterbodies: e.g. Calcareous Fens, Wild Rice Wetlands, Cold Water Trout Streams, Outstanding Resource Valued Waters | |
| Identify temporary and permanent loss of quality and function of each wetland including direct and indirect impacts. | |
| **Describe proposed crossing method | |
| ***Type of Bridge [Span]. | |

* PEM = Palustrine Emergent; PSS = Palustrine Scrub Shrub; PFO = Palustrine Forested; PUB = Palustrine Unconsolidated Bottom.

** Open cut trench method may only be used in conditions of no flow. Discernable Cut (DC) method maybe used in conditions where a discernible water flow is present. For the DC method water is routed around the excavation area using either a dam and pump or flume pipe. Coordinate with PCA/DNR to determine the least impactful method of pipeline construction specific to each waterbody crossed during the construction of the project.

*** Span Bridge: All bridges may require in-stream support. MERC must avoid in-water structures that, during construction activities, may exacerbate total suspended solids or other possible impairments from entering a water body.

10. Only those areas necessary to complete the Project shall be disturbed. Special precautions must be taken when working in close proximity to wetlands and waterbodies not authorized to be impacted by this Project, as specified in the United States Army Corps of Engineers (USACE) Section 404 permit. Sediment must remain on-site and cannot be deposited into adjacent wetlands or waterbodies not permitted to be impacted by this Project. Explain how this requirement will be accomplished.
11. Describe how each stream bank, impacted during crossing, will be stabilized and return to its original form and function.
12. The MPCA will require an engineer to design all crossings and require an on-site engineer to inspect all-crossings. Describe how this will be accomplished.
13. Include topographical maps of the proposed and alternative routes.
14. Discuss specific mitigation provided as a result of the permanent loss or lost function and quality of wetlands, both direct and indirect impacts. Address both permanent and temporary impacts. Refer to Minnesota Rules, Part 7050.0186, Subpart 6, which requires: a) mitigation must be sufficient to ensure replacement of the diminished or lost designated uses of the wetland that was physically altered; and b) replacement wetlands must be of the same type and in the same watershed as the impacted wetlands, to the extent prudent and feasible, before or concurrent with the actual physical alteration of the wetlands.
15. Discuss the selection of Best Management Practices (BMPs) that will be implemented to prevent water quality standard violations at each water crossing including wetlands.
16. Describe each stream crossing method to be used, what likely stream impacts are expected, and what BMPs will likely be used to minimize the stream impacts. Two Calcareous Fens were mentioned in Section 5.6.5 are within one mile of the project area however, special attention must also be given to ORVWs, impaired waters, wild rice waters, trout waters, and other sensitive waters if encountered during the duration of the project.

Hartman, Larry (COMM)

From: Larry Franck <larry.franck@byron.k12.mn.us>
Sent: Wednesday, October 05, 2016 10:38 PM
To: Hartman, Larry (COMM)
Subject: CEA comment: Rochester Natural Gas Pipeline Project (G-011/GP-15-858)

Larry,

Please review how the pipeline comes down the road on 70th Ave SW, Byron MN.
My home is located at 901 70th Ave SW, Byron, MN. My house is located on 70th ave SW between HWY 34 and 10th Street SW.

The pipeline seems to try and avoid houses but crosses over and into our side of the road. It should be able to travel down the road on the other side since it was already on that side of the road.

Thank you
Larry Franck
507-951-8164

--
Larry Franck
Science Teacher
Varsity Baseball Coach
Varsity Assistant Football Coach
Byron High School
507.775-2301
larry.franck@byron.k12.mn.us

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Hartman, Larry (COMM)

From: Cathy Roetzler <croetzler@gmail.com>
Sent: Thursday, October 06, 2016 9:38 AM
To: Hartman, Larry (COMM)
Subject: Proposed Pipeline Olmsted County

Good Morning Mr. Hartman,

I own a farm very close to the proposed pipeline in Olmsted County, Rochester, MN.

May I suggest the modified preferred route between Olmsted County Road 8 and 55th Ave. down 40th street be considered for this pipeline.

Thank you for your time.

Cathy

It is easier to preach ten sermons than it is to live one.

Hartman, Larry (COMM)

From: Brad and Karen Larsen <bklarsen@charter.net>
Sent: Friday, October 07, 2016 1:38 PM
To: Hartman, Larry (COMM)
Subject: CEA Comment: Rochester Natural Gas Pipeline Project (G-011/GP-15-858)

Mr. Larry Hartman,

Comments regarding segment (1P) of above project.

Encourage the approval of the Scoping Route south of 19th St NW along the existing NNG Pipeline as the final route. Keeping the pipelines together would eliminate disturbing an additional area of land. This choice would also divert the pipeline from the intersection of 19th ST NW and 60th Ave NW which will be undergoing a major redesign as part of the 60th Ave Corridor Project.

If the current Preferred Route is selected, it would make sense to run the pipeline entirely along the south side of 19th St NW instead of crossing under the road twice and interfering with a parallel creek and KR7 fishing area.

Sincerely,
Brad Larsen
General Partner
Graham Properties LTD.

Hartman, Larry (COMM)

From: Eric Funk <Eric.Funk@Thrivent.com>
Sent: Tuesday, October 11, 2016 9:39 AM
To: Hartman, Larry (COMM)
Cc: 'karissafunk@hotmail.com'
Subject: PUC Docket Number 15-858

Larry, With the upcoming work that will be completed and the excavating work that is needed to be done I have concerns of water flow issues to be impacted.

We live on 5440 Creek Side Ln SW Rochester MN 55902 and the development has a natural underground creek that runs through it and many of the houses including us have spent significant amounts of money to make sure we have no water issues.




My question would be after the work is completed if this causes the water flow to change and causes damage to properties what will be done by the company doing the work to resolve the issue?

Eric A Funk, CCPS®, CIMA®, FIC
Financial Consultant
Supported by Diane Barclay, Shauna Eastlee and Adam Holtz
Two Rivers Region
Rochester Group
Thrivent Financial®

116 Elton Hills Ln NW Suite 200, Rochester, MN 55901-2103
Office: 507-289-1682
Toll-free: 888-221-6311
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Comment Forms

Please provide your contact information. This information and your comments will be publicly available.

Name: Anthony Roetzler Phone: (507)288-6449
Street Address: #1 4815 SW 50 St.
City: Rochester State: MN ZIP: 55902
Email: _____

Please share your comments on the Comparative Environmental Analysis (CEA) prepared for the proposed Rochester Natural Gas Pipeline Project.

Mr. Hartman

I would like to comment on the route of the gas pipeline that would be run in Rochester Township between Co. Rd. 8 & 55th Ave SW. Please use the new Modified Preferred Route which would place the line along 40 St. SW.

Thank you
Anthony Roetzler

Energy Environmental Review and Analysis
MN Department of Commerce
85 7th Place East, Suite 500
Saint Paul, MN 55101-2198

mailed 10/6/16

TAPE HERE (PLEASE DO NOT REMOVE)

OCT 07 2016 PM 4:11



RECEIVED
OCT 07 2016
MAILROOM

LARRY HARTMAN
MN DEPARTMENT OF COMMERCE
85 7TH PLACE EAST STE 500
SAINT PAUL MN 55101-2198

55101-501099



FOLD HERE

Public Comment Period Closes **Friday, October 7, 2016**

Comments must be post-marked or received electronically by the comment deadline.

How to comment:

- Submit this form to the Environmental Review Manager at a public meeting
- Mail this form remembering to affix appropriate postage
- Mail comments in a separate envelope using the mailing address on this form
- Fax comments to the Environmental Review Manager: (651) 539-0109
- E-mail comments to the Environmental Review Manager: larry.hartman@state.mn.us
- Use the online comment form at: <http://mn.gov/commerce/energyfacilities/#comment>

Comments do not need to be on this form to be accepted. We encourage you to provide comments in whatever way is most convenient for you. If commenting by email or fax use "CEA Comment: Rochester Natural Gas Pipeline Project (G-011/GP-15-858)" in the subject line.

THANK YOU for participating in the permitting process! By commenting you are helping inform the Minnesota Public Utility Commission's decision regarding this project.

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Rochester Natural Gas Pipeline Project Docket No. G-011/GP-15-858

Applicant's stated purpose: The Rochester Natural Gas Pipeline Project proposed by Minnesota Energy Resources Corporation (MERC) is designed to tie together the northern and southern portions of MERC's existing natural gas distribution system and to provide firm and reliable natural gas service to an expanding Rochester customer base.

Please share your comments on the Comparative Environmental Analysis (CEA) for the proposed project. DOC-EERA staff will reply to comments received on the CEA and submit reply comments as pre-filed testimony. Please be as detailed as possible. Use additional pages as needed. Contact the Environmental Review Manager, Larry Hartman, with any questions about commenting generally or submitting your comment(s).

For project information visit: <http://mn.gov/commerce/energyfacilities/Docket.html?Id=34318> or contact the Environmental Review Manager at: larry.hartman@state.mn.us or (651) 539-1839.

Electronic Comment Forms

Levi, Andrew (COMM)

From: apache@web.lmic.state.mn.us
Sent: Thursday, October 06, 2016 5:27 PM
To: Hartman, Larry (COMM)
Subject: Perry Thu Oct 6 17:27:15 2016 G-11/GP-15-858

This public comment has been sent via the form at:
mn.gov/commerce/energyfacilities/publicComments.html

You are receiving it because you are listed as the contact for this project.

Project Name: Rochester Natural Gas Pipeline Project

Docket number: G-11/GP-15-858

User Name: Greg Perry

County: Olmsted County

City: Byron

Email: greg@cingranch.com

Phone: 507-282-7818

Impact: 1230 70th Ave SW

I have concerns with the route following the "11" plan. This would be going thru wet lands and my fields. I think it would be better to follow the road (70th Ave) in the right of way. That is why there are right of ways, then if there is a problem it is easier to get to and you wouldn't have a negative impact on personal property .

Mitigation:

Submission date: Thu Oct 6 17:27:15 2016

This information has also been entered into a centralized database for future analysis.

For questions about the database or the functioning of this tool, contact:

Andrew Koebrick
andrew.koebrick@state.mn.us

Levi, Andrew (COMM)

From: apache@web.lmic.state.mn.us
Sent: Friday, October 07, 2016 10:59 AM
To: Hartman, Larry (COMM)
Subject: Simonson Fri Oct 7 10:59:13 2016 G-11/GP-15-858

This public comment has been sent via the form at:
mn.gov/commerce/energyfacilities/publicComments.html

You are receiving it because you are listed as the contact for this project.

Project Name: Rochester Natural Gas Pipeline Project

Docket number: G-11/GP-15-858

User Name: Margaret Simonson

County: Olmsted County

City: Rochester

Email: margaretsimonson66@gmail

Phone: 507-273-2430

Impact: PUC Docket Number 15-858 . We prefer the Modified Preferred Route along county road 8 going north and on 40th street west of Rochester. A more direct route .

regards,

Brian, Margaret, Patrick, Dominic, and Christopher Simonson

Mitigation: Less pipe used, and a lesser environmental impact with a more direct- shorter route.

Submission date: Fri Oct 7 10:59:13 2016

This information has also been entered into a centralized database for future analysis.

For questions about the database or the functioning of this tool, contact:

Andrew Koebrick
andrew.koebrick@state.mn.us