office of energy security
Minnesota Department of Commerce

In the Matter of the Northern State Power Company Applications for a 161 Kilovolt High Voltage Transmission Line Route Permit and a Certificate of Need for the Pleasant Valley to Byron Transmission Line Project in Dodge, Olmsted and Mower Counties.

ENVIRONMENTAL IMPACT STATEMENT SCOPING DECISION

PUC Docket Nos. E002/TL-09-1315
CN-08-992

The above matter has come before the Director of the Office of Energy Security (OES) for a decision on the Scope of the joint Environmental Impact Statement/Environmental Report (EIS) to be prepared on Northern State Power Company's proposed transmission line project that involves the construction of an approximately 18-mile, 161 kilovolt (kV) transmission line, and associated modifications to the existing Pleasant Valley and Byron Substations, in Dodge, Olmsted, and Mower counties, Minnesota (Figure 1.)

The applicant indicates that the project is needed to accommodate two existing 100 megawatt (MW) wind generation projects in Mower County, and to provide additional outlet capability to serve future generations in the Pleasant Valley Substation area.

A route permit application (E002/TL-09-1315) for the project was filed on December 3, 2009, and accepted by the Minnesota Public Utilities Commission (Commission) on February 9, 2010.

Because the proposed transmission line capacity is greater than 100 kV and is 10 miles or more in length, a Certificate of Need (CN) is required. A CN application (E002/CN-08-992) for this project was filed by the Applicant on December 3, 2009, and accepted by the Commission as substantially complete on February 18, 2010. The certificate of need and the transmission line routing environmental review processes for this project have been combined in accordance with Minnesota Rule 7849.1900, subp. 2, therefore an EIS will be prepared in lieu of an Environmental Report by including in the EIS the analysis of alternatives required by Minn. Rule 7849.1500.

The OES Energy Facility Permitting (EFP) staff held public information and EIS scoping meetings on March 25, 2010, at the American Legion, in Byron, Minnesota, to discuss the project with the public and solicit public input on the scope of the EIS to be prepared. The attendance sign-in sheet indicated a total of 61 people attended the two meetings. The public was given until April 8, 2010, to submit written comments.

In addition to the comments heard at the public meetings, EFP staff also received a total of 13 comment letters – including one letter signed by 59 individuals – all of which were reviewed and considered during preparation of the Scope of the EIS.

Having reviewed the matter, consulted with EFP staff, and in accordance with Minnesota Rules 7850.5300 and 7849.1500, I hereby make the following Scoping Decision:

MATTERS TO BE ADDRESSED

The EIS on the proposed Pleasant Valley to Byron Project will address and provide information on the following matters, which include matters and route alternatives raised during the public scoping comment period:

The EIS will include a description and analysis of human and environmental impacts of the proposed project and alternatives that would have otherwise been required by Minnesota Rule 7849.1500 under an Environmental Report for the Certificate of Need. This includes evaluating the matters of size, type and timing that would not normally be included in an EIS for a route permit application. The EIS will also address the human and environmental impacts of the proposed route in the route permit application and other impacts identified by public comments received through the scoping process as required under Minnesota Rules 7850.2500. The following is an outline of the issues to be addressed and does not represent a table of contents for the EIS.

1.0 INTRODUCTION

- Project Description
- Purpose of the Transmission Line
- Project Location
- Route Description
  - Applicant's Preferred Route
  - Applicant's Alternative Route
- Substation Description
- Route Width
- Rights-of-Way Requirements
- Project Cost
- Sources of Information

2.0 REGULATORY FRAMEWORK

- Commission Certificate of Need Process
- Commission HVTL Route Permit Process
- Environmental Review under the Full Review Process

3.0 ENGINEERING AND OPERATION DESIGN

- Transmission Line Conductors
- Transmission Line Structures
- Substations

4.0 CONSTRUCTION

- Transmission Line and Structures
- Substations
- Property/Right-of-Way Acquisition
- Cleanup and Restoration
- Damage Compensation
- Maintenance

5.0 ALTERNATIVE ROUTES TO BE EVALUATED IN EIS

Description of alternative routes and route segments to the proposed project developed during the public scoping process (see attached Map.)

The "345" Route Alternative – Several members of the public suggested that an alternative be considered that parallels, or shares the right-of-way with, the existing 345kV transmission that connects the Pleasant Valley Substation with the Byron Substation.

Alternative Route Segment A – A member of the public suggested an alternative route segment along the Applicant's preferred route south of the Byron Substation. This alternative route segment would continue east 0.5-miles on 10th Street (from where the Applicant's preferred route would turn north on 280th Avenue), then turn north along the "345" Route Alternative to the Byron Substation.

Alternative Route Segment B – A member of the public suggested an alternative route segment along the Applicant's preferred route south of the Byron Substation. This alternative route segment would continue south along 280th Avenue approximately two miles (from where the Applicant's preferred route would turn west at 10th Street), and turn west instead on County Road 8, joining the Applicant's preferred route at the junction of County Road 8 and County Road 15.

Alternative Route Segment C – A member of the public suggested an alternative route segment along the Applicant's preferred route south of the Byron Substation. This alternative route segment would continue south along 280th Avenue approximately 1.5 miles (from where the Applicant's preferred route would turn west at 10th Street), and turn east on County Road 25, where it would join the "345" Route Alternative.

6.0 ALTERNATIVES TO THE TRANSMISSION PROJECT TO BE EVALUATED IN EIS

The Environmental Impact Statement, in accordance with Minnesota Rule 7849.1500, will describe and analyze the feasibility of the following alternatives, and the impacts and mitigation measures associated with each:

- No-Build
- Demand Side Management
- Purchased Power
- Conservation
- Existing Line or System Improvements
- Generation

7.0 AFFECTED ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATIVE MEASURES

The EIS will include a discussion of the human and environmental resources potentially impacted by the project and its alternatives. Potential impacts, both positive and negative, of the proposed project and each alternative considered will be described. Based on the impacts identified, the EIS will describe mitigative measures that could reasonably be implemented to reduce or eliminate the identified impacts. The EIS will describe any unavoidable impacts resulting from implementation of the proposed project.

Environmental Setting
Socioeconomic Setting
Human Settlement

Noise
Aesthetics
- including: Visual Impacts

Public Health and Safety
- including: Electromagnetic Fields; safety considerations and compatibility with construction, operations and maintenance of an HVTL near an underground natural gas pipeline; motorist safety considerations and compatibility with construction, operations and maintenance of an HVTL near a road right-of-way; and, stray voltage.

Recreation
- including: Recreational uses of Salem Creek

Transportation and Public Services
- including: Future development scenarios – including plans for a roadway interchange at 19th Avenue and U.S. Highway 14; effects on other, existing utilities, including above- and below-ground power lines, telephone lines and fiber optic cables; roadway surface damage associated with the construction of the HVTL; and, Minnesota Department of Transportation state road projects.

Interference
- including: interference with Global Positioning System signals used by equipment in agricultural operations; interference with AM/FM radio frequency reception, emergency services/911 service, telephone reception, and Mayo One helicopter service.

Archaeological and Historic Resources
Zoning and Compatibility/Federal, State and Local Government Planning
Land-Based Economies
-including: HVTL interference with aerial (plane and helicopter) applications of pesticides; impacts to agricultural tile; farms and farm operations; health effects to livestock; and, Agri-tourism businesses in the project area.

Property Values
- including: re-sale value.

Air Quality
Natural Resources
Soils and Geology
- including: erosion prevention measures and best management practices for sediment control

Surface Water
-including: direct impacts to Public Waters, or other surface waters; and waters listed as 303(d) Total Maximum Daily Load Impaired Waters for Turbidity in the project area.

Groundwater
Wetlands
Floodplains
State Wildlife Management Areas/Scientific Natural Areas
National Wildlife Refuge/Waterfowl Production Areas

Flora
- including: forested areas and riparian areas.

Fauna
- including: aquatic organisms.

Rare and Unique Natural Resources/Critical Habitat

8.0 REQUIRED PERMITS AND APPROVALS

The EIS will include a list of permits that will be required for the project.

ISSUES OUTSIDE THE SCOPE OF THE EIS

The following issues will not be considered or evaluated in the EIS:

- Any route alternatives not specifically identified in this scoping decision
- The manner in which land owners are paid for transmission rights-of-way easements, as this is outside the Commission's jurisdiction.

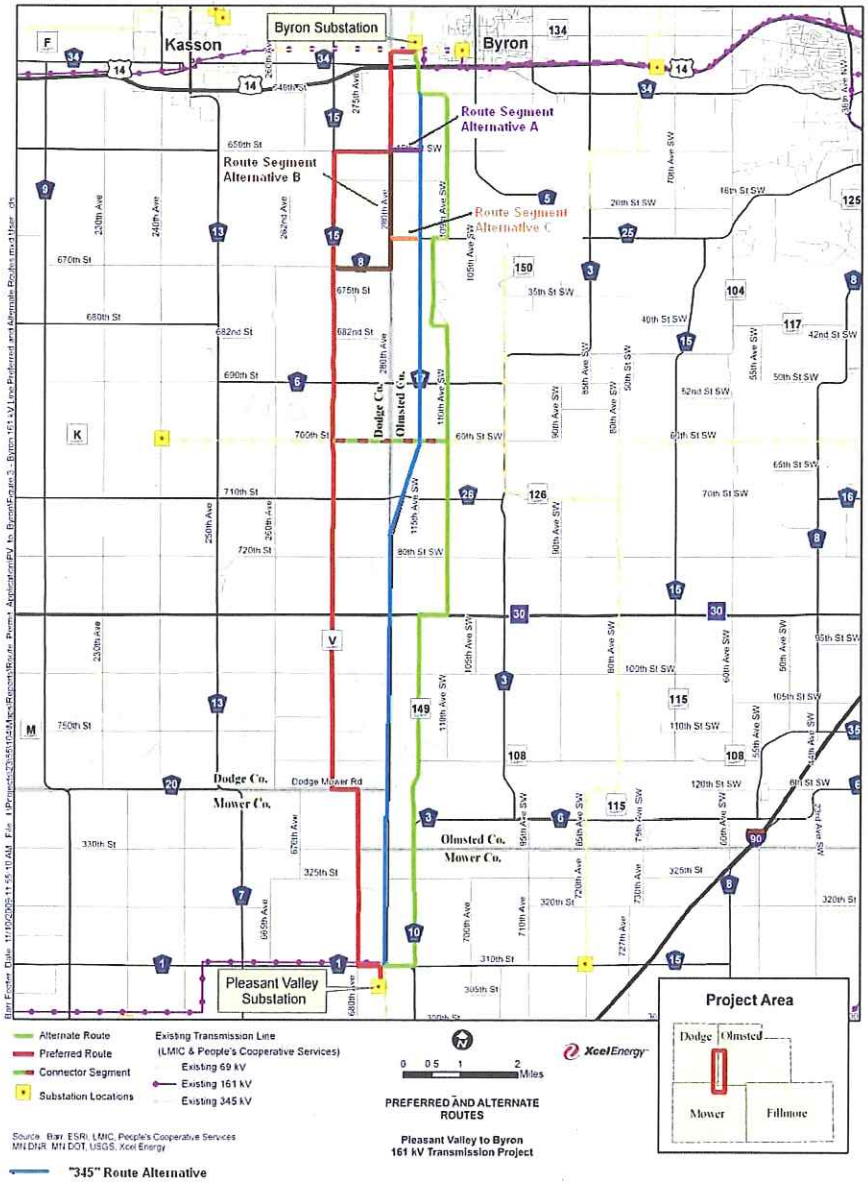
SCHEDULE

The Draft EIS shall be completed and available by October 2010. A public hearing will be held in the project area before an Administrative Law Judge after the Draft EIS has been issued and notice served. The exact date and location of the public hearing has not been set.

Signed this 9th day of July, 2010

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
OFFICE OF ENERGY SECURITY

William Glahn, Director


Byron Substation
Kasson
Byron
Route Segment Alternative A
Route Segment Alternative B
Route Segment Alternative C
Dodge Co.
Olmsted Co.
Mower Co.
Dodge Mower Rd
Pleasant Valley Substation
Project Area
Dodge
Olmsted
Mower
Fillmore
Alternate Route
Preferred Route
Connector Segment
Substation Locations
Existing Transmission Line
(LMIC & People's Cooperative Services)
Existing 69 kV
Existing 161 kV
Existing 345 kV
Miles
PREFERRED AND ALTERNATE ROUTES
Pleasant Valley to Byron
161 kV Transmission Project
Source: Bing, ESRI, LMIC, People's Cooperative Services
MN DNR, MN DOT, USGS, Xcel Energy
"345" Route Alternative