

Appendix A. Environmental Assessment Scoping Decision



In the Matter of the Route Permit Application
by Northern States Power Company for the
Black Dog to Savage 115 kV Transmission
Line Project in Dakota County, Minnesota

**ENVIRONMENTAL ASSESSMENT
SCOPING DECISION
PUC DOCKET NO. E002/TL-11-795**

The above matter has come before the deputy commissioner of the Department of Commerce (Department) for a decision on the scope of the environmental assessment (EA) to be prepared for the Black Dog to Savage 115 kV transmission line project proposed by Northern States Power Company.

Project Description

Northern States Power Company (Xcel Energy) proposes to replace two existing 115 kilovolt (kV) transmission lines with a new double circuit 115 kV line, approximately 4.2 miles in length, in Dakota County, Minnesota. The project will remove the two existing 115 kV lines from Black Dog Lake and will reroute the lines to facilitate a limestone quarry reclamation project.

Xcel Energy has requested a route width of 750 feet for those portions of the transmission line east of Interstate 35 West (I-35W), and a route width of 400 feet for those portions west of I-35W. Xcel Energy has indicated that the new double circuit 115 kV line will require a right-of-way (easement) of 100 feet (50 feet on each side of the transmission line). Steel poles, ranging in height from 50 to 100 feet, will be used for the new line.

Xcel Energy indicates in its route permit application that it considered two alternatives on the eastern end of the project – (1) paralleling existing Xcel Energy transmission lines southwest from the Black Dog generating station, and (2) placing the new line underground between the Black Dog generating station and I-35W. Xcel Energy rejected these alternatives because of their potential impacts on high value natural resources, relatively higher costs, reliability concerns, and constructability concerns.

Purpose

Xcel Energy indicates in its route permit application that the project is needed to replace aging and deteriorating wooden poles, and to meet North American Electric Reliability Corporation (NERC) reliability requirements. If there were a fault at the nearby Wilton substation, one of the existing 115 kV lines (transmission line 0844) would overload. The new double circuit 115 kV lines will be built to a higher capacity to avoid this overloading.

Regulatory Background

A route permit application for the project was filed by Xcel Energy on February 14, 2012, and accepted by the Minnesota Public Utilities Commission (Commission) on March 23, 2012. The route permit application will be reviewed under the alternative permitting process, pursuant to the Power Plant Siting Act (Minnesota Statutes 216E) and Minnesota Rules 7850.2800 to

7850.3900. Under the alternative permitting process the Commission has six months from the date the application is accepted as complete to make a decision on the route permit.

Scoping Process

Scoping is the first step in the alternative permitting process after application acceptance. The scoping process has two primary purposes: (1) to ensure that the public has a chance to participate in determining what routes and issues are studied in the EA, and (2) to help focus the EA on impacts and issues important to a reasoned route permit decision. This scope identifies potential human and environmental issues that will be addressed in the EA. The scope also presents an anticipated schedule of the environmental review process.

Public Scoping Meeting

Energy Facility Permitting (EFP) staff held a public information and environmental assessment scoping meeting on April 18, 2012, in Burnsville, Minnesota. The meeting provided members of the public an opportunity to learn about the proposed project and the state's permitting process, review the applicant's route permit application, ask questions, provide comments, and identify potential impacts and route alternatives to be considered in the scope of the environmental assessment. Approximately 10 members of the public attended the meeting.

A court reporter was present at the public meeting and transcribed questions asked and comments made by the public, as well as responses from EFP staff and Xcel Energy. Two persons provided oral comments and/or asked questions about the proposed project. Mr. Terry Schultz asked whether Xcel Energy was required to remove all vegetation from the transmission line right-of-way. Mr. Larry Schedin asked whether the proposed double circuit 115 kV line would proceed all the way to the Savage substation. Additionally, Mr. Schedin asked if existing double circuit structures or conductors on the Black Dog to Savage line would need to be updated to accommodate the proposed project.

Public Comments

A public comment period, ending on May 4, 2012, provided the public an opportunity to submit comments to EFP staff on issues and route alternatives for consideration in the scope of the EA. Five comment letters were received by the close of the comment period.

Mr. Michael McGowan indicated that the McGowans and their related businesses (landowners in the project area) have not, to date, conveyed any land rights to Xcel Energy.

The city of Burnsville posed a number of questions and concerns with the proposed project, including rights-of-way, planned future development, aesthetics, and permitting. The city proposed two mitigation strategies for that part of the project west of I-35W – (1) undergrounding this section of the line, and (2) if undergrounding is not feasible, using special architectural transmission line structures.

The Minnesota Pollution Control Agency (MPCA) commented that the project may require a National Pollution Discharge Elimination System/State Disposal System (NPDES/SDS) construction stormwater permit. The MPCA also indicated that the project may require a Clean Water Act (CWA) Section 404 permit from the U.S. Army Corps of Engineers and an MPCA

CWA Section 401 water quality certification. The MPCA noted that old transmission line poles removed as part of the project may be hazardous waste, and, if so, they must be disposed of according to Minnesota's hazardous waste rules.

The Minnesota Department of Transportation (MnDOT) commented that a road crossing permit, consistent with MnDOT's utility accommodation policy, would be required for crossing I-35W. MnDOT noted that it has been working with stakeholders in the Burnsville area to plan improvements to I-35W. These improvements could include a new interchange near the location proposed by Xcel Energy for crossing I-35W. MnDOT requested that Xcel Energy consult with MnDOT's metro district planners to minimize the likelihood that the project would constrain future options for I-35W improvements.

The Minnesota Department of Natural Resources (DNR) commented that further detail is needed concerning impacts and mitigation measures for wetlands, waterbodies, and vegetation removal. The DNR noted questions with the proposed construction schedule and its ability to mitigate potential impacts. The DNR suggested that bird diverters would be an appropriate mitigation strategy for all areas of the project where trees are not present and of such height as to divert avian flights.

Scoping meeting comments and public comment letters are available for viewing on the Department's energy facilities permitting website at: <http://mn.gov/commerce/energyfacilities/Docket.html?Id=32529> and on the eDockets website at: <https://edockets.state.mn.us/EFiling/search.jsp> (enter "11" for year and "795" for number).

HAVING REVIEWED THE MATTER, consulted with EFP staff, and in accordance with Minnesota Rule 7850.3700, I hereby make the following scoping decision:

MATTERS TO BE ADDRESSED

The issues outlined below will be identified and described in the environmental assessment (EA) for the proposed Black Dog to Savage project. The EA will describe the project and the human and environmental resources of the project area. It will also provide information on the potential impacts the proposed project could have as they relate to the topics outlined in this scoping decision, including possible mitigation for identified impacts, identification of irretrievable commitment of resources, and permits from other government entities that may be required.

- I. **GENERAL DESCRIPTION OF THE PROJECT**
 - A. Project Description
 - B. Project Purpose
 - C. Route Description
 1. Route Width
 2. Right-of-Way
 - D. Project Cost

- II. **REGULATORY FRAMEWORK**
 - A. Certificate of Need
 - B. High Voltage Transmission Line Route Permit
 - C. Environmental Review Process

- III. **ENGINEERING AND DESIGN**
 - A. Transmission Line Structures
 - B. Transmission Line Conductors

- IV. **CONSTRUCTION**
 - A. Right-of-Way Acquisition
 - B. Construction
 - 1. New Structures
 - 2. Removal of Old Structures
 - C. Restoration
 - D. Operation and Maintenance

- V. **AFFECTED ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATIVE MEASURES**
 - A. Environmental Setting
 - B. Socioeconomics
 - C. Human Settlement
 - 1. Noise
 - 2. Aesthetics
 - 3. Displacement
 - 4. Property Values
 - D. Public Health and Safety
 - 1. Electric and Magnetic Fields
 - 2. Implantable Medical Devices
 - 3. Stray Voltage
 - 4. Induced Voltage
 - 5. Air Quality
 - E. Transportation and Public Services
 - 1. Roads and Highways
 - 2. Utilities
 - 3. Emergency Services
 - F. Electronic Interference
 - 1. Radio
 - 2. Television
 - 3. Global Positioning Devices
 - 4. Wireless Phone / Internet Services
 - 5. Meteorological Services / Radar
 - G. Archaeological and Historic Resources
 - H. Land Based Economies
 - 1. Agriculture

- 2. Forestry
- 3. Mining
- 4. Recreation and Tourism
- I. Zoning and Land Use Compatibility
- J. Water Resources
 - 1. Surface Waters
 - 2. Groundwater
 - 3. Wetlands
- K. Soils
- L. Flora
- M. Fauna
- N. Threatened / Endangered / Rare and Unique Natural Resources

VI. ALTERNATIVE ROUTES TO BE EVALUATED IN THE ENVIRONMENTAL ASSESSMENT

The route proposed by Xcel Energy in its route permit application will be evaluated in the EA (see attached map). Additionally, the EA will evaluate two potential mitigation strategies for that portion of the proposed route west of I-35W – (1) undergrounding, and (2) architectural transmission line structures

No other routes or alternative routes will be evaluated in the EA.

VII. IDENTIFICATION OF PERMITS

The EA will include a list and description of permits from other government entities that may be required for the proposed project.

ISSUES OUTSIDE THE SCOPE OF THE ENVIRONMENTAL ASSESSMENT

The EA for the Black Dog to Savage project will not consider the following:

- A. No-build alternative.
- B. Issues related to project need, size, type, or timing.
- C. Any route alternative not specifically identified in this scoping decision.
- D. Policy issues surrounding whether utilities or local governments should be liable for the cost to relocate utility poles when roadways are widened.
- E. The manner in which land owners are paid for transmission right-of-way easements, as that is outside the jurisdiction of the Commission.

SCHEDULE

The environmental assessment is anticipated to be completed and available in July 2012. A public hearing will be held in the project area after the environmental assessment has been issued and notice served.

Signed this 15th day of May, 2012

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE



William Grant, Deputy Commissioner

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Black Dog to Savage 115 kV Transmission Line Project
 Route to be Evaluated in Environmental Assessment



