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May 28, 2013

Dr. Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101-2147

RE: Comments and Recommendations of Department of Commerce  
Energy Facility Permitting Staff  
Docket No. E002/TL-12-1151

Dear Dr. Haar,

Attached are comments and recommendations of Department of Commerce, Energy Facility Permitting (EFP) staff in the following matter:

In the Matter of the Application of Xcel Energy for a Route Permit for the Kohlman Lake to Goose Lake 115 kV Transmission Line Upgrade Project in Ramsey County, Minnesota

The application was filed on January 17, 2013, by:

Sage Tauber  
Xcel Energy  
414 Nicollet Mall  
Minneapolis, MN 55401

Per the Commission's order of March 15, 2013, EFP staff is providing the Commission with a summary of the scoping process for the environmental assessment that will be prepared for this project. Staff is available to answer any questions the Commission may have.

Sincerely,

A handwritten signature in black ink that reads "Ray Kirsch". The signature is written in a cursive, flowing style.

Ray Kirsch  
EFP Staff

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## BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

### COMMENTS AND RECOMMENDATIONS OF MINNESOTA DEPARTMENT OF COMMERCE ENERGY FACILITY PERMITTING STAFF

DOCKET NO. E002/TL-12-1151

Date: May 28, 2013

EFP Staff: Ray Kirsch.....651-296-7588

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#### **In the Matter of the Route Permit Application by Northern States Power Company for the Kohlman Lake to Goose Lake 115 kV Transmission Line Project in Ramsey County, Minnesota**

**Issues Addressed:** These comments and recommendations discuss the environmental assessment scoping process and route alternatives proposed during the scoping period for this project.

**Documents Attached:** Project Overview Map

Additional documents and information can be found on eDockets:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (12-1151) and on the Department's energy facilities permitting website: <http://mn.gov/commerce/energyfacilities/Docket.html?Id=33013>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0391 (voice).

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### **Introduction and Background**

On January 17, 2013, Northern States Power Company (Xcel Energy) filed a route permit application under the alternative permitting process to replace an existing single circuit 115 kV transmission line with a new double circuit 115 kV line, approximately 2.8 miles in length miles, in Ramsey County, Minnesota – the Kohlman Lake to Goose Lake 115 kV transmission line project.<sup>1</sup> On March 15, 2013, the Commission accepted the application as complete and

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<sup>1</sup> Northern States Power Company Application to the Minnesota Public Utilities Commission for a Route Permit for the Kohlman Lake to Goose Lake 115/115 kV Double Circuit Transmission Line Project, January 17, 2013, eDockets Numbers [20131-82893-01](#), [20131-82893-02](#), [20131-82893-03](#), [20131-82893-04](#), [20131-82893-05](#), [20131-82893-06](#), [20131-82893-07](#), [20131-82893-08](#), [20131-82893-09](#), [hereinafter Route Permit Application].

requested that Department of Commerce, Energy Facility Permitting (EFP) staff present draft route alternatives for review and consideration by the Commission.<sup>2</sup> Following input from the Commission, the Deputy Commissioner of the Department of Commerce will finalize and issue the scoping decision for the environmental assessment that will be prepared for the project (Minnesota Rule 7850.3700).

### ***Project Description***

Xcel Energy proposes to replace an existing single circuit 115 kV transmission line with a new double circuit 115 kV line between the Kohlman Lake substation and the Goose Lake substation in northeast Ramsey County. The proposed route for the project is approximately 2.8 miles in length and follows an existing transmission line and railroad corridor. The new double circuit 115 kV line will be built, to the extent possible, on the same alignment as the existing line which it will replace.

Xcel Energy is requesting a 200 foot route width for the project. Xcel Energy proposes to use a mix of existing rights-of-way and new right-of-way for the project. Where new right-of-way is necessary, Xcel Energy is proposing a right-of-way (easement) of 75 feet for the project. In addition to the new double circuit 115 kV line, the Kohlman Lake and Goose Lake substations will be modified and new equipment installed. All modifications will occur within the existing footprint of the substations.

### **Regulatory Process and Procedures**

In Minnesota, no person may construct a high voltage transmission line (HVTL) without a route permit from the Commission (Minnesota Statute 216E.03). A high voltage transmission line is defined as a conductor of electric energy designed for and capable of operation at a voltage of 100 kV or more and greater than 1,500 feet in length (Minnesota Statute 216E.01). Xcel Energy's proposed project will consist of approximately 2.8 miles of new 115 kV transmission line and therefore requires a route permit from the Commission.

Applications for HVTL route permits are subject to environmental review conducted by EFP staff (Minnesota Statute 216E.04, Subd. 5). Projects proceeding under the alternative permitting process require the preparation of an environmental assessment (EA). An EA is a document which describes the potential human and environmental impacts of a proposed project and potential mitigative measures.

After providing opportunity for public comment on the scope of the EA, the Department of Commerce (Department) determines the scope of EA.<sup>3</sup> Per Minnesota Rule 7850.3700, the Department is to determine the scope of the EA within 10 days of the close of the public comment period for the scope. Minnesota Statute 216E.04 anticipates that the Commission will have opportunity to comment on those route alternatives identified during the scoping process

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<sup>2</sup> Commission Order Finding Application Complete, Referring Application to the Office of Administrative Hearings, Granting Variance, and Appointing a Public Advisor, March 15, 2013, eDockets Number [20133-84725-01](#) [hereinafter Commission Application Acceptance Order].

<sup>3</sup> Minnesota Rule 7850.3700, Subp 3.

and to provide input to the Department in determining the scope of the EA.<sup>4</sup> To facilitate this comment period, the Commission, in its order of March 15, granted a variance to the ten-day timeline of Minnesota Rule 7850.3700 – thus mooted any potential conflict between this rule and Minnesota Statute 216E.04.<sup>5</sup>

## Scoping Process Summary

On April 23, 2013, Commission staff and EFP staff held a joint public information and environmental assessment scoping meeting in White Bear Lake, Minn., for the Kohlman Lake to Goose Lake project. Four members of the public attended the meeting. One citizen expressed concern about the electric and magnetic fields that would be produced by the project. Another citizen, a representative from the Metropolitan Council, related concerns of the Council regarding wastewater sewers in the project area.

A comment period, ending on May 10, 2013, provided the public an opportunity to submit comments to EFP staff on issues and route alternatives for consideration in the scope of the EA. Three comment letters were received by the end of the comment period. No route alternatives were identified in these comment letters.

The Metropolitan Council commented that Xcel Energy's proposed route runs very near existing wastewater sewers ("interceptors"), and requested that Xcel Energy coordinate with the Council on placement of new transmission line structures.<sup>6</sup> The Minnesota Department of Natural Resources (DNR) commented that a threatened species – the Blanding's Turtle – is present in the project area and that mitigative measures should be taken to protect this species.<sup>7</sup> The Minnesota Department of Transportation (MnDOT) commented that road crossing permits, consistent with MnDOT's utility accommodation policy, would be required for the project.<sup>8</sup> MnDOT requested that Xcel Energy coordinate with MnDOT staff on final design of all crossings. MnDOT also noted that Highway 61 is a house moving route and that appropriate transmission line clearances would be required to accommodate this purpose.

## EFP Staff Analysis and Comments

The scoping process for environmental review in Minnesota is designed to identify and analyze "only those potentially significant issues relevant to the proposed project" and alternatives to the project.<sup>9</sup> With respect to route and site alternatives, the Department is charged with including those alternatives which will "assist in the [Commission's] ultimate decision on the permit application."<sup>10</sup>

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<sup>4</sup> Minnesota Statute § 216E.04, Subd. 5 ("The environmental assessment shall contain information on the human and environmental impacts of the proposed project and other sites or routes identified by the commission and shall address mitigating measures for all of the sites or routes considered.")

<sup>5</sup> Commission Application Acceptance Order.

<sup>6</sup> Written Comments Received on the Scope of the Environmental Assessment, eDockets Number [20135-86965-01](#).

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Minnesota Rule 4410.2100, Subp. 1.

<sup>10</sup> Minnesota Rule 7850.3700, Subp. 2.

When route and site alternatives are proposed during the scoping process which could be carried forward for evaluation in the environmental review document for a project, EFP staff analyzes these alternatives using five criteria:

- 1) Was the alternative submitted within the scoping period, i.e., prior to the end of the public comment period for scoping?
- 2) Does the alternative contain “an explanation of why the site or route should be included in the [environmental review document]”?<sup>11</sup> EFP staff interprets this text to require that route and site alternatives – to be included in the scope of the environmental review document – must mitigate a potential impact of the proposed project, and this mitigation must be, in general terms, explained by the proposer of the route or site alternative.<sup>12</sup> The proposer need not provide extensive supporting data for their alternative, but must provide enough explanation such that it is fairly clear the potential impact being mitigated by the route or site alternative.
- 3) Is the alternative outside of areas prohibited in Minnesota Rule 7850.4300, e.g., state and national parks?
- 4) Does the alternative meet the applicant’s stated need for the project?
- 5) Is the alternative feasible?

As noted above, no requests for the consideration of a route alternative were received during the scoping period. Xcel Energy did not examine any specific route alternatives which were rejected in its route permit application.<sup>13</sup> Accordingly, EFP staff plans, at this time, to evaluate in the EA for this project only that route proposed by Xcel Energy in its route permit application (see attached map).

EFP staff will be recommending to the Deputy Commissioner of the Department that the scoping decision for the Kohlman Lake to Goose Lake project include only that route proposed by Xcel Energy in its route permit application for evaluation in the EA.

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<sup>11</sup> Id.

<sup>12</sup> As an example, if a proposed transmission line proceeds past 10 residences and a citizen suggests route alternative A, which also proceeds past ten residences but in another location, it is not clear how alternative A mitigates potential impacts of the project.

<sup>13</sup> Route Permit Application, Section 2.3. Xcel Energy did not consider alternatives to rebuilding along an existing transmission line corridor. The company did consider the use of special operating procedures to mitigate overloads and low voltage situations in the project area. The company concluded that these procedures would be unworkable for transmission system operators and could reduce system reliability.

# Project Overview Map

## Kohlman Lake to Goose Lake 115 kV Transmission Line Project

