March 10, 2014

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: EA Scoping – Alternative Routes
Odell Wind Farm, LLC – Odell Wind HVTL Project
Docket No. IP-6914/TL-13-591

Dear Dr. Haar:

In accordance with the Commission's Order of February 4, 2014, the Minnesota Department of Commerce Energy Environmental Review and Analysis (EERA) staff is providing the Commission with a summary of the Public Information and Scoping meeting held on February 10, 2014; no alternative routes were put forth during the scoping process.

Odell Wind Farm, LLC proposes to construct one, approximately 9.5 mile, 115 kV HVTL and the Woad Hill Substation in Martin County, Minnesota. The transmission line would be constructed parallel to existing county and township road rights-of-way. The proposed project was designed to carry power generated by the planned Odell Wind Farm to the Woad Hill Substation.

EERA staff is available to answer any questions the Commission may have.

Sincerely,

Richard Davis
EERA Staff

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF THE MINNESOTA DEPARTMENT OF COMMERCE ENERGY ENVIRONMENTAL REVIEW & ANALYSIS STAFF

DOCKET NO. IP-6914/TL-13-591

EERA Staff: Richard I. Davis…….…….. (651) 539-1846
Date…… March 10, 2014

In the Matter of the Application of Odell Wind Farm, LLC for a Route Permit for the Odell Wind High Voltage Transmission Line Project

Issues Addressed: Route Alternatives Proposed During Scoping.

Additional documents and information can be found on http://mn.gov/commerce/energyfacilities/Docket.html?Id=33682 or on eDockets http://www.edockets.state.mn.us/EFilin/search.jsp (13-591).

This document can be made available in alternative formats; i.e. large print or audio tape by calling (651) 539-1530(Voice).

Introduction and Background

On December 12, 2013, Odell Wind Farm, LLC submitted a high voltage transmission line (HVTL) Route Permit Application under the alternative permitting process to the Commission for the proposed Odell Wind Farm HVTL Project.

The Project is located in Cottonwood, Jackson and Martin counties. Odell Wind Farm, LLC proposes to construct 9.5 miles of new 115 kV transmission line from planned Odell Wind Farm substation in Cottonwood County to the proposed Woad Hill substation in Martin County. The Odell Wind Farm substation has been included in the Odell Wind Farm Large Wind Energy Conversation System (LWECS) site permit application (Docket IP6914/WS-13-843), and the Woad Hill substation is being included in the Odell Wind Farm HVTL route permit application.

Project Location
The project is located in Mountain Lake Township in Cottonwood County, Kimball Township in Jackson County and Cedar Township in Martin County.

Project Description and Purpose
Odell Wind Farm, LLC proposes to construct the Odell Wind Farm HVTL Project to transmit energy generated at the planned 200 MW LWECS Odell Wind Farm to the Woad Hill substation. As part of the Project, Odell Wind Farm proposes to construct approximately 9.5 miles of 115 kV HVTL and construct the Woad Hill substation.

Odell Wind Farm, LLC has proposed the project utilize a variable 150 to 600 foot route width for the 115 kV HVTL. The majority of the proposed route will be 150 feet wide extending from the road centerline. Odell Wind Farm, LLC is requesting that the proposed route width in sections 1 and 12 of Kimball Township in Jackson County be 300 feet, extending 150 feet on both sides of the road centerline. The proposed 300 foot route width in this area will allow additional flexibility to accommodate distances from homes. Odell Wind Farm, LLC is requesting a 600 foot route width in section 6 and 7 of Cedar Township in Martin County. In this area, the additional route width will allow flexibility to work around a known easement title issue.

State Regulatory Process — Scoping

Applications for HVTL route permits under the alternative permitting process are subject to environmental review, which is conducted by Department of Commerce (Department) Energy Environmental Review and Analysis (EERA) staff under Minn. Rule 7850.3700.

Environmental review under the alternative permitting process includes public information/scoping meetings and the preparation of an environmental review document, the Environmental Assessment (EA) (Minn. R. 7850.3700). The environmental assessment is a written document that describes the human and environmental impacts of the transmission line project (and selected alternative routes) and methods to mitigate such impacts.

The purpose of the scoping process is to provide the public with an opportunity to participate in the development of the scope of the EA by holding a public meeting and comment period through which public comment is solicited.

Under Minn. Rules, part 7850.3700, subp. 3, the scope of the environmental assessment must be determined by the Department within 10 days after close of the public comment period (February 24, 2014 in this case). However, Minn. Stat. § 216E.04, subd. 5, anticipates that the Commission will have opportunity to provide input to the Department on which routes to include in the scope of the EA. Since the rule's 10-day timeline for determining the scope of the environmental assessment after the close of the public comment period constrains the Commission's ability to provide input, the Commission varied the 10-day timeline.

Scoping Process Summary

On Monday, February 10, 2014, Commission staff and EERA staff jointly held a public information/scoping meeting at the Windom Community Center. The meeting began at 6 p.m. The meeting provided information to the public about the proposed project, and to allow the public an opportunity to suggest alternatives and impacts (i.e., scope) that should be considered during preparation of the environmental review document. Approximately four people attended the meeting; one individual took the opportunity to speak on the record. A court reporter was present to document oral statements.[1]

A comment period, ending Monday, February 24, 2014, allowed the opportunity for the public and other agency to provide comments on issues to be included in the EA scope and alternative routes to be considered. The Department of Natural Resources (DNR) submitted comments suggesting the Woad Hill Substation site be located in the western portion of the proposed substation site to provide an increased buffer between the substation and Cedar Creek. The DNR comment letter included a statement on the requirements of the License to Cross Public Lands and Waters. The DNR also commented that the Natural Heritage Review completed for the Odell Wind Farm project is not valid for the Odell Wind HVTL project, and a Natural Heritage Review request should have been submitted prior to the submission of the Route Permit Application.[2]

These items and issues, along with the typical HVTL routing impacts, will be incorporated into the EERA staff's recommendation to the Department Deputy Commissioner on the Environmental Assessment Scoping Decision.

No alternative routes were put forth during the EA scoping comment period.

EERA 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.[3] 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."[4]

In analyzing which route and site alternatives proposed during the scoping process should be carried forward for evaluation in the environmental review document for a project, EERA staff considers five criteria:

[1] Public Comments Received During Scoping Meeting, eDocket No. 20142-96887-01
[2] DNR Written Comment Received During Scoping, eDocket No. 20142-96736-01
[3] Minnesota Rule 4410.2100, Subp. 1.
[4] Minnesota Rule 7850.3700, Subp. 2.

1) Were any alternatives submitted within the scoping period, i.e., prior to the end of the public comment period for scoping?
2) Does the alternative contain the information required in Minnesota Rule 7850.3700, including "an explanation of why the site or route should be included in the [environmental review document]"? EERA staff interprets this text to require that a commenter not only identify the route and site alternatives – to be included in the scope of the environmental review document – but also identify the potential impacts of the proposed project the alternative is intended to mitigate. The commenter need not provide extensive supporting data for their alternative, but must provide enough explanation such that the potential impact being mitigated by the route or site alternative is clear and understandable.
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. Odell Wind Farm, LLC examined the proposed route and two alternative routes and the route alternative were dismissed as they did not provide adequate land for the siting of the Woad Hill Substation.[5] Based on a review of the filings and maps of the area, EERA staff has not identified additional routes for review beyond the route proposed in the route permit application.

EERA staff plans to recommend to the Deputy Commissioner of the Department that the scoping decision for the Odell Wind HVTL Project include only that route proposed by Odell Wind Farm, LLC in its route permit application (see attached map) for evaluation in the EA.

[5] Route Permit Application, Section 3.3, eDocket No. 201312-94551-02