



In the Matter of the Application of
Minnkota Power Cooperative, Inc. for a
Route Permit for the Clearbrook-Clearbrook
West 115 kV Transmission Line and
Substation Project in Clearwater County

ENVIRONMENTAL ASSESSMENT SCOPING DECISION

(PUC Docket no. ET6/TL-14-665)

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 Clearbrook-Clearbrook West 115 kilovolt (kV) Transmission Project (Project) proposed by Minnkota Power Cooperative, Inc. (Minnkota) in Leon and Pine Lake townships in Clearwater County.

Project Description

The Project was proposed in response to North Dakota Pipeline Company, LLC's request by Clearwater-Polk Electric, a distribution cooperative and member-owner of Minnkota Cooperative Power, Inc. (Minnkota), for electric service for a pumping station on the proposed Sandpiper Pipeline. To serve this load, Minnkota will design and construct 5.3 miles of 115 kV high voltage transmission line (HVTL) and an industrial substation to be located directly adjacent to the pumping station.

The proposed 115 kV HVTL starts in Leon Township by tapping an existing 115 kV line and ends in Pine Lake Township at the proposed 115/4.16 kV Substation. The proposed HVTL will be constructed within a 100-foot wide right-of-way (ROW). The proposed Clearbrook West Substation will have a 150-foot by 100-foot footprint.

The Proposed Route (See [Route 2](#) on the attached maps) follows existing road right-of-way (ROW) along County Road 74 for approximately three miles, then turns north to follow existing roadway ROW along 149th Avenue for approximately one mile. Where 149th Avenue terminates, the proposed HVTL would extend northwest along new ROW for approximately one mile before turning west to connect to the proposed substation location. Where the Proposed Route parallels the south side of County Road 74 (west of Minnesota Highway 92), existing low-voltage distribution lines would be removed and buried by Clearwater-Polk Electric Cooperative.

The pumping station to be served by this Project is part of the proposed Sandpiper Pipeline, which is under Commission review in Dockets CN-13-473 and PPL-13-474. Minnkota expects that this transmission line project could be operational by the end of 2017, but has stated that construction of the transmission line is of course contingent on if, when and where the Sandpiper Pipeline is approved by the Commission. Since the currently proposed route for the Sandpiper Pipeline and this Project might overlap, or create "cumulative impacts", those impacts will be evaluated in this EA.

Regulatory Background

The Project is 115 kV, but under 10 miles, so it does not qualify as a Large Energy Facility under Minnesota Statute 216B.2421, Subd. 2 (3). Therefore, it does not require a Certificate of Need under Minnesota Statute 216B.243, Subd. 2.

Under Minnesota Statute 216E.04, an applicant for a route permit for a 115 kV high-voltage transmission line has the option of following the Alternative Permitting Process rather than the procedures in Minnesota Statute 216E.03 (the full routing process). Therefore, on November 25, 2015, Minnkota submitted the Application¹ for the proposed transmission line and substation to the Commission pursuant to the provisions of the Alternative Permitting Process as outlined in Minnesota Rule 7850.2800-3900. The Application was accepted as complete on January 25, 2015. The Alternative Permitting Process includes environmental review and public hearings, and takes six to nine months to complete.

Environmental review under the alternative permitting process includes public information/scoping meetings and the preparation of an EA. The Environmental Assessment is a written document that describes the human and environmental impacts of the project (and any selected alternative routes) and methods to mitigate such impacts. The EA must be completed and made available prior to the public hearing.

Under Minnesota Rule 7850.3700, subp. 4, the Environmental Assessment must include the following:

- A. A general description of the proposed project;
- B. A list of any alternative sites or routes that are addressed;
- C. A discussion of the potential impacts of the proposed project and each alternative site or route on the human and natural environment;
- D. A discussion of mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified for the proposed project and each alternative;
- E. An analysis of the feasibility of each alternative site or route considered;
- F. A list of permits required for the project; and
- G. A discussion of other matters identified in the scoping process.

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

On January 26, 2016, Commission staff sent notice of the place, date and time of the Public Information and Scoping meeting to those persons on the project contact list, the agency technical representatives list and the local landowners list. Notice of the public meetings was also published

¹ "Application to the Minnesota Public Utilities Commission for a Route Permit," Minnkota, November 25, 2015, <http://mn.gov/commerce/energyfacilities/resource.html?Id=34349>

in the Bagley newspaper, the *Farmers Independent*, on February 10, 2016. A public comment period was open through March 7, 2016.

Commission staff and Department Energy Environmental Review and Analysis (EERA) staff jointly held the public information and scoping meeting on February 22, 2016, at the Clearbrook Community Center. The purpose of the meeting was to provide information to the public about the proposed Project, answer questions, and allow the public an opportunity to suggest alternatives and impacts that should be considered during preparation of the environmental review document. A court reporter was present at the meeting to document oral statements.

The table below describes the meeting location, approximate attendance and number of speakers.

Public Meeting Summary

Place	Meeting Location	Date and Time	Attendance	Public Comments
Clearbrook, Clearwater Cty	Community Center 200 Elm Street SW	Monday, February 22, 2016, at 6:00 p.m.	10	3

Public Comments

All the scoping comments are available for viewing on the Department's EERA website: view or download at <http://mn.gov/commerce/energyfacilities/Docket.html?Id=34430>. Alternately, the comments have been filed on eDockets at <https://www.edockets.state.mn.us/EFiling/search.jsp> (enter "14" for year and "665" for number).

The Minnesota Department of Natural Resources (MNDNR) noted that the Clearbrook-Clearbrook West Transmission Project is ultimately dependent on the separate outcome of the upcoming alternatives analysis for the North Dakota Pipeline Sandpiper Project. As such, it should include potential cumulative and "associated" impacts.

MNDNR also would like the EA to address winter construction and maintenance as wetlands and rare species mitigation, reducing risks to birds by using diverters, and wire zone/border zone mitigation for forest and habitat encroachment. MNDNR also points out new records have been added to the NHIS for a calcareous fen near Steenerson and Deep Lakes. Finally, MNDNR informs the record that a License to Cross Public Lands and Waters will be required along the proposed route.

The Minnesota Department of Transportation (MnDOT) requests the EA identify and quantify any impacts of the proposed Project on the safety of the transportation system, the effectiveness of the operations or maintenance of the state trunk highway system and any potential costs to the state trunk highway fund.

Local resident Jim Gustafson spoke to the economic boost of construction and permanent jobs the Project would bring to the area in support of the Sandpiper Project. Local resident Robert Johnson raised questions about "lost" electricity and the tradeoff of taking crop land out of production.

Carol Overland of Legalectric, Inc, submitted comments representing the Erie-Bordeaux Trust (EBT). The Trust comprises local landowners with concerns about the effects of the power line, especially as it follows the proposed route across their agricultural and wetland acreage. The comments for the Trust included an extensive list of issues to be included in the scope or addressed in the EA, The comments also asserted that the transmission is "phased and connected" with the Sandpiper Project, and pointed out the importance of reviewing cumulative impacts. They stressed the timing of

the Project should be reviewed in the EA, and that issues such as size, type and timing should not be excluded. Along with this concept, they argued the EA should include a full evaluation of system alternatives, as no CN is required.

System Alternatives

The EA will not cover all the system alternatives called for in an Environmental Report (ER) under Minnesota Rule 7849.1500. An ER is not required in this case, since the Proposed Project falls below the threshold for requiring a CN. According to Minnesota Statute 216E.02, Subd. 2, issues relating to need, including alternative system configurations need not be considered in an EA under this chapter.

Route Alternatives

Minnkota originally had four routes under consideration before finally electing the proposed route in the Application.² During the scoping process, the Erie-Bourdeaux Trust submitted five variations on those original routes. Two of these alternatives vary the proposed route (Route 2) by following Cty 73 west of Erie Lake instead of following the Applicant's crossing east and north of Erie Lake. This recommendation was also received from local resident Robert Johnson. The other EBT route alternatives are variations on an Applicant route alternative (Route 4) that goes north to CSAH 4 east of Clearbrook, and west, for at least a portion of each variation, along MNTH 92.

Each of the proposed alternatives was received prior to the close of the scoping period; none of the proposed alternatives are located in an area that is prohibited by Minnesota Rule 7850.4300; each alternate appears to meet the purpose; and each is feasible. EERA assessed the routes as follows:

- Route 2A has somewhat greater impacts than Route 2 as far as crossing wetlands, agricultural lands and forested areas. However, more of these impacts occur along existing road ROW, where Route 2 crosses open area and creates more new ROW. Therein, Route 2A achieves the EBT goals "to address, avoid, and/or mitigate significant impacts to Erie-Bourdeaux Family Trust lands," including wetlands, farming and socio-economic impacts. EERA feels this is a valid alternative to the proposal and warrants further examination in the EA.
- Route 2B is a slight variation on 2A. Whatever improvements it offers in less agricultural land or forested land are offset in moving away from existing ROW. It also impacts more wetlands, Minnkota's stated primary avoidance areas. EERA doesn't see enough variation or improvement from Route 2A to include this alternative in the scope.
- Routes 3A-C are variations on the Applicant's Route 4 alternative. Preliminary review showed these routes are longer than Routes 2 or 2A, would cost more to construct and have more acreage of wetland crossings. EERA's original assessment was that examining these alternatives would offer no net benefits to assist the Commission in making a route decision.

Alternative Routes Included in the EA

On April 12, 2016, EERA staff provided the Commission with a summary of the EA scoping process. The summary indicated that EERA staff favored recommending to the Deputy Commissioner of the Department that the Scoping Decision for the EA include review of Route 2 as proposed by Minnkota in its Route Permit Application and Route 2A as proposed by EBT and Mr. Johnson. EERA recommended that Route 3B would be a good representative route to review if the Commission were interested in examining a northern alternative.

² Application at 13

At its May 5, 2016 meeting, the Commission requested that EERA include the proposed Route 2 and alternatives Route 2A, Route 3A and Route 3B (See attached maps or click on links.) to be considered in the EA.

HAVING REVIEWED THE MATTER, consulted with Department EERA 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 for the proposed Clearbrook-Clearbrook West 115 kV Transmission Project. The EA will describe the Project and the human and environmental resources at the facility location. The EA will also provide information on the potential impacts of the proposed Project and alternatives as they relate to the topics outlined in this scoping decision, including possible mitigation for identified impacts, identification of irreplaceable commitment of resources, and permits from other government entities that may be required for construction of the Project.

The EA on the Clearbrook-Clearbrook West Project will address and provide information on the following matters:

- I. Project Description**
- II. Project Purpose**
- III. Regulatory Framework**
 - a. Certificate of Need (none required)
 - b. Site and Route Permits
 - c. Scoping Process
 - d. Public Hearing
 - e. Other Permits
 - f. Issues outside the EA
- IV. Proposed Project**
 - a. Proposed Facility Location
 - b. Alternative Sites Considered and Rejected
 - c. Site Requirements
 - d. Project Design
 - e. Project Construction
 - f. Project Operation and Maintenance
- V. Potential Impacts of Proposed Project**

The EA will include a discussion of the following human and environmental resources potentially impacted by the proposed project. Potential impacts, both positive and negative, of the Project will be described. Based on the impacts identified, the EA will describe mitigation measures that could reasonably be implemented to reduce or eliminate the identified impacts. The EA will describe any unavoidable impacts resulting from implementation of the proposed Project.

Data and analyses in the EA will be commensurate with the importance of potential impacts and the relevance of the information to a reasoned decision and to the consideration of the need for mitigation measures (Minnesota Rule 4410.2300). EERA staff will consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail of information to be prepared for the EA. Less important material may be summarized, consolidated or simply referenced.

If relevant information cannot be obtained within timelines prescribed by statute and rule, or if the costs of obtaining such information is excessive, or the means to obtain it is not known, EERA staff will include in the EA a statement that such information is incomplete or unavailable and describe the relevance of the information in evaluating potential impacts or mitigation (Minnesota Rule 4410.2500).

- a. Human Settlement
 - i. Public Health and Safety
 - ii. Displacement
 - iii. Noise
 - iv. Aesthetics
 - v. Socioeconomics (including property values)
 - vi. Cultural Values
 - vii. Recreation
 - viii. Public Services and Infrastructure
 - ix. Land Use and Zoning

- b. Land Based Economies
 - i. Agriculture
 - ii. Forestry
 - iii. Tourism
 - iv. Mining

- c. Archaeological and Cultural Resources

- d. Natural Environment
 - i. Air
 - ii. Geology, Soils and Groundwater
 - iii. Surface Water
 - iv. Wetlands
 - v. Vegetation
 - vi. Wildlife
 - vii. Rare and Unique Natural Resources

VI. Cumulative Impacts

- a. Sandpiper and Line 3 potential overlapping impacts
- b. Other under construction or reasonably foreseeable projects in the area

VII. Unavoidable Impacts

VIII. Irreversible and Irretrievable Commitments of Resources

The above outline is not intended to serve as a table of contents for the EA document itself. Therefore, the organization and structure of the document may not be the same as that appearing here.

ROUTES TO BE EVALUATED IN THE ENVIRONMENTAL ASSESSMENT

The EA will evaluate the route proposed by Minnkota in its Route Permit Application (Route 2), an alternative proposed by local residents utilizing County Road 73 (Route 2A) and two routes going north of Clearbrook along TH92 (Route 3A and Route 3B). The route options are depicted on the attached maps.

IDENTIFICATION OF PERMITS

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

ISSUES OUTSIDE THE SCOPE OF THE ENVIRONMENTAL ASSESSMENT

The EA for the Clearbrook-Clearbrook West 115 kV Project will not consider the following:

- A. No-build alternative or other system alternatives related to Project need, per Minnesota Statutes 216E.02, Subd. 2.
- B. Any route alternative not specifically identified in this scoping decision.
- C. The manner in which land owners are compensated for route easements, as that is outside the jurisdiction of the Commission.

SCHEDULE

The Environmental Assessment is anticipated to be completed and available by September 2016. A public hearing will be held in the Project area after the Environmental Assessment has been issued and notice served.

Signed this 30th day of June, 2016

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE



William Grant, Deputy Commissioner

