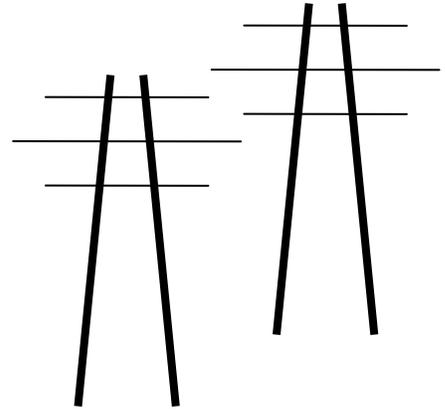


Legalelectric, Inc.

Carol Overland Attorney at Law, MN #254617
Energy Consultant—Transmission, Power Plants, Nuclear Waste
overland@legalelectric.org

1110 West Avenue
Red Wing, Minnesota 55066
612.227.8638



March 7, 2016

David Birkholz
Project Manager
Dept. of Commerce – EERA
85 – 7th Place East, Suite 500
St. Paul, MN 55101

via eFiling and email: david.birkholz@state.mn.us

RE: Scoping Comments of Erie-Bourdeaux Revocable Family Trust
Clearbrook – Clearbrook West 115 kV Transmission Project
PUC Docket: ET6/TL-14-665

Dear Mr. Birkholz:

Enclosed for filing please find additional and more detailed comments and exhibits in the above-entitled matter.

Thank you for the opportunity to comment at the Scoping meeting last week, and in writing today. I am filing these Comments on behalf of the Erie-Bourdeaux Revocable Family Trust. Members of the family will also be providing separate individual comments regarding their personal perspective regarding this proposed project and its impacts.

Following this narrative letter Comment, I have attached a proposed Scoping Decision with specific concerns of the Erie-Bourdeaux Trust inserted. It is not all inclusive, and absence of an issue or concern does not imply it should not be incorporated.

Attached also are a number of Exhibits, including Exhibit F, Bourdeaux Comments on Line 3, submitted previously in separate docket, for incorporation as if fully related herein.

I. PROCEDURAL ISSUES – MATTERS TO BE ADDRESSED

Procedural issues are a part of the scope of environmental review. This proposed project is

premature, and makes improper and baseless assumptions about Sandpiper routing and the Clearbrook West terminal and tank farm that are not yet permitted.

Procedural posture – proposal of project is premature -- Sandpiper docket indefinitely delayed at PUC for preparation of EIS, including scoping, EIS preparation, public hearings on Draft, and release of Final EIS, all of which must occur prior to Commission permitting.

Pipeline is admittedly delayed -- Enbridge states it has significantly delayed the pipeline project for which this transmission line is needed.¹ Even if the Sandpiper route is permitted as requested, which is uncertain, it will be years before this transmission line would be needed to power a pipeline pumping station.

Procedural notice to newly identified landowners – Although rules governing routing do not require notification of landowners newly identified in scoping and environmental review, equity and due process requires that newly identified landowners be provided notice immediately upon identification in the scoping process. The environmental review document should also include names and addresses of landowners newly identified.

Environmental review must comply with MEPA – There is no Certificate of Need required for this project, and an Environmental Impact Statement(EIS) is not contemplated for this project. An Environmental Assessment is not equivalent to an EIS and does not provide opportunity for public comment or for correction, supplementation, and/or revision following public comments. An Environmental Assessment is not sufficient under MEPA for a high voltage transmission line – these comment opportunities and a final version of the environmental review must be provided. The Supreme Court’s decision regarding the Sandpiper pipeline is instructive, and may be found on Legalelectric.org.²

Timing of project -- The timing of this project, and that of of phased and connected projects, are relevant in this case. Because there is no Certificate of Need determination for this project, and no Certificate of Need required because the project is under the Certificate of Need thresholds, the regulatory prohibitions do not apply to this project. Questions of need, timing, questions of alternative system configurations, and questions of voltage ARE factors that may be considered by the commission in deciding whether to issue a permit for a proposed facility. See Minn. Stat. §216E.02, Subd. 2; Minn. R. 7850.4200. The Commission will need environmental review analysis to inform the record to make its decision.

The intent of legislation regarding “Factors Excluded” from environmental review was to avoid duplication and consideration of issues already decided in a Certificate of Need:

Minn. Session Laws, 2001, Chapter 212, Article 7, Sec. 3. Minnesota Statutes 2000, section 116C.53, subdivision 2, is amended to read:

Subd. 2. [JURISDICTION.] The board is hereby given the

¹ See <http://www.duluthnewstribune.com/business/energy/3950066-enbridge-pushes-back-timeline-pipeline-projects>

² <http://legalelectric.org/f/2015/09/OPa150016-0914151.pdf>

authority to provide for site and route selection for large electric power facilities. The board shall issue permits for large electric power facilities in a timely fashion. When the public utilities commission has determined the need for the project under section 216B.243 or 216B.2425, questions of need, including size, type, and timing; alternative system configurations; and voltage are not within the board's siting and routing authority and must not be included in the scope of environmental review conducted under sections 116C.51 to 116C.69.

[2001 c 212 art 7 s 3, 4](#)³

Minn. Session Laws, 2005, Chapter 97, Sec. 3. Minnesota Statutes 2004, section 116C.53, subdivision 2, is amended to read:

Subd. 2. [JURISDICTION.] The ~~board~~ commission is hereby given the authority to provide for site and route selection for large electric power facilities. The ~~board~~ commission shall issue permits for large electric power facilities in a timely fashion. ~~When the Public Utilities Commission has determined the~~ and in a manner consistent with the overall determination of need for the project under section 216B.243 or 216B.2425, Questions of need, including size, type, and timing; alternative system configurations; and voltage ~~are not within the board's siting and routing authority and~~ must not be included in the scope of environmental review conducted under sections 116C.51 to 116C.69.

[2005 c 97 art 3 s 3](#)⁴

The current rule reflects the legislative intent:

Minn. R. 7850.4200 FACTORS EXCLUDED.⁵

When the Public Utilities Commission has issued a Certificate of Need for a large electric power generating plant or a high voltage transmission line or placed a high voltage transmission line on the certified HVTL list maintained by the commission, questions of need, including size, type, and timing, questions of alternative system configurations, and questions of voltage shall not be factors considered by the commission in deciding whether to issue a permit for a proposed facility.

³ Online at <https://www.revisor.mn.gov/laws/?id=212&year=2001&type=0>

⁴ Online at <https://www.revisor.mn.gov/laws/?id=97&year=2005&type=0>

⁵ Online at <https://www.revisor.mn.gov/rules/?id=7850.4200>

The purpose of environmental review is to inform the record. For a sufficient record to make its decision, the Commission will need environmental review analysis of need and timing.

Joint environmental review with USDA-RUS – Minnesota environmental rules promote joint federal and state environmental documents. Minn. R. 4410.3900 (Requirements for environmental review of such projects before the commission are established in the applicable requirements of chapter 4410 and parts 7849.1000 to 7849.2100. Minn. R. 7850.1200.)⁶. As discussed at the scoping meeting, this project, funded by USDA-RUS, will require some level of environmental review. State and federal agencies, specifically USDA-RUS and Commerce, regularly perform joint environmental review. For example, Minnkota’s CapX Bemidji-Grand Rapids 230 kV transmission project utilized joint environmental review with funder USDA-RUS and MN Dept. of Commerce EERA. Joint environmental review would avoid duplicative effort on the part of the state, USDA-RUS, and commenting citizens. This environmental review should be conducted in a USDA-RUS and Commerce joint effort. See RUS Guidance, attached.

USDA-RUS environmental review should be incorporated into PUC Docket if not joint environmental review – If joint environmental review is not utilized, the USDA-RUS environmental review should be incorporated into the PUC Docket for consideration prior to a Commission decision. See RUS Guidance, attached.

II. ENVIRONMENTAL REVIEW MUST ADDRESS PHASED AND CONNECTED ACTIONS

As noted in verbal comments at the scoping meeting on February 22, 2016, this Clearbrook – Clearbrook West 115 kV transmission project is connected with other projects, including the Sandpiper pipeline, the routing of which is determinative of “need” for this transmission line. This project is “needed” only if the Sandpiper is routed through these parcels, and only if the Clearbrook West tank farm and terminal is permitted and built adjacent to these parcels. Neither of these assumptions may be logically or legally presumed at this point.

These other projects that are phased and connected and must be included in the scope of this project’s environmental review are the pipeline projects such as the Sandpiper pipeline, the Line 3 rebuild, and the Line 81 pipelines; and it is associated with other transmission projects intended to power pipeline pumping stations; the Line 4 pumping stations (PUC Docket 14-320), and is also associated with the Sandpiper related new Clearbrook West tank farm, contiguous to the Erie-Bourdeaux land.

As stated by the DNR, review of this project and the others:

... should include a cumulative impacts analysis reflecting these related projects

⁶ Environmental Impact Statements are exempted from requirements of Minn. R. Ch. 4410, but this is not (yet) an Environmental Impact Statement, and is instead an Environmental Assessment, and therefore not exempt from applicability of Minn. R. Ch. 4410, or more specifically, Minn. R. 4410.3900.

and associated impacts. The timeline and date of decisions for these projects, and any other closely related projects, should reflect these dependencies.

DNR Comment, p. 1 (March 3, 2016).

In addition to the Sandpiper and other pipelines listed above, some of the transmission projects connected with this Clearbrook – Clearbrook West 115 kV project are (likely not all inclusive):

- Elko-New Market 115 kV Transmission (PUC Docket 12-1245);
- Menahga 115 kV Transmission (PUC Dockets 14-787 and 14—797);
- Palisade 115 kV Transmission (PUC Docket 15-423);
- Bull Moose 115 kV Transmission Project (PUC Docket 15-628);
- Motley Area 115 kV Transmission (PUC Docket 14-853)
- Other connected projects ???

III. ALTERNATIVES MUST BE CONSIDERED

Alternative Routes, system alternatives, and the no-build alternative must be incorporated into the environmental review and be considered.

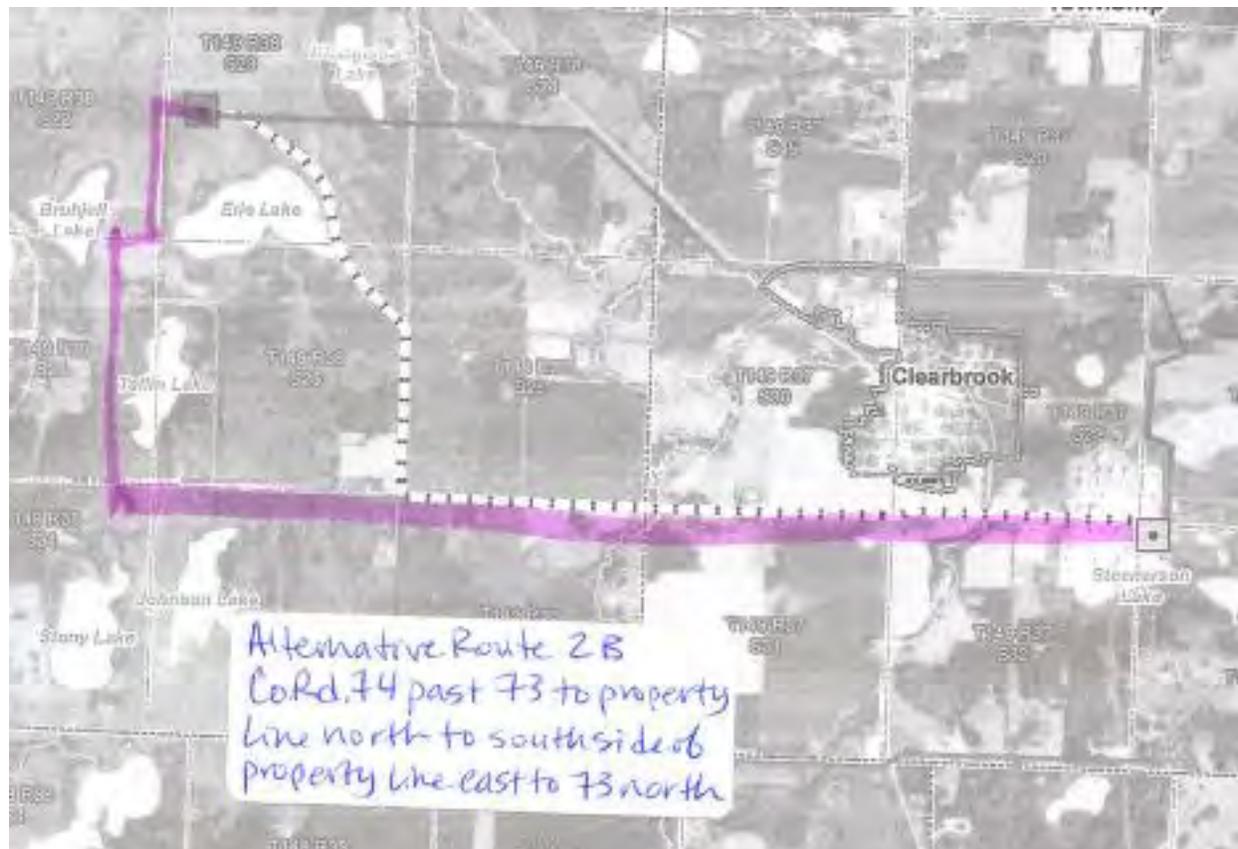
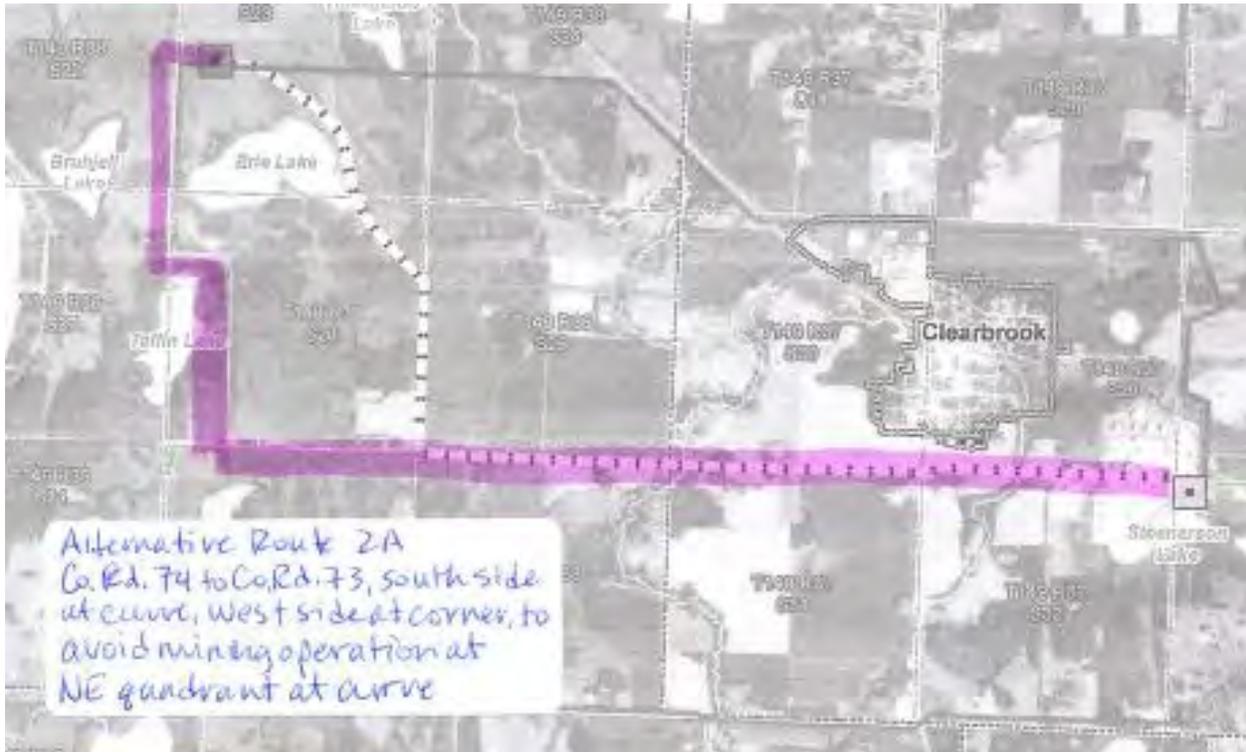
No build Alternative – In order to be compliant with the Minnesota Environmental Policy Act, the no build alternative must be considered. There is no Certificate of Need, and there is no environmental review for this project that has evaluated the no build alternative.

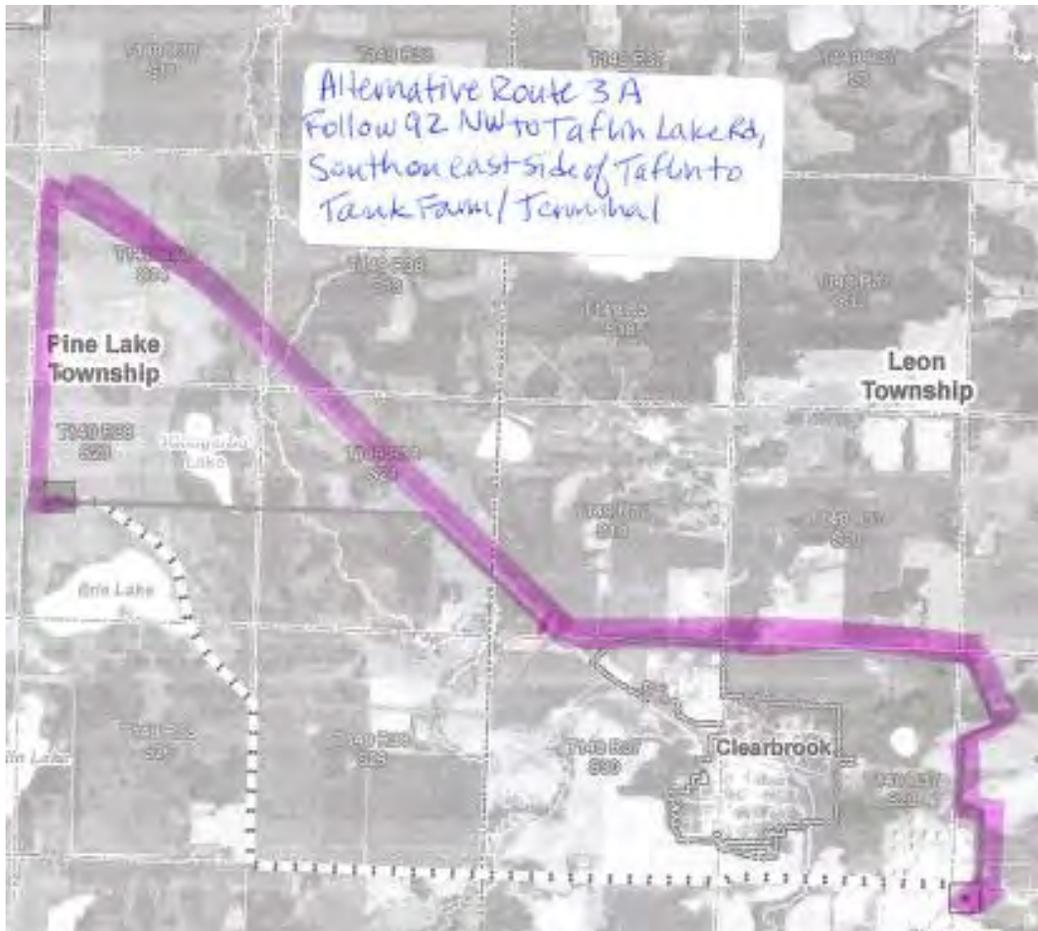
System Alternatives – System Alternatives must be considered in environmental review, for example:

- Natural gas reciprocating engines to power the oil line pumping station(s).
- On-site solar or wind with storage for the nominal electrical needs if natural gas reciprocating engines are used.
- Transmission from other substations, whether Minnkota Power substations or other co-ops or utilities, should be considered, with lines approaching the tank farm/terminal from the north or northwest. See Application (Part 1), Figure 2. (Again, at this time, the future location of the tank farm/terminal is uncertain.)
- Undergrounding of transmission lines should be considered through environmentally sensitive areas, such as wetlands, warm and cold springs, and/or calcareous fens.
- Alternatives under consideration should include those considered in the “Clearbrook Looped Service Study” referred to in the [2015 Biennial Transmission Projects Report](#)⁷, Chapter 3, p. 13.

⁷ Online at <http://minnelectrans.com/report-2015.html>

Alternate Routes – Alternate Routes 2A, 2B and 3A, 3B and 3C (see rationale below):







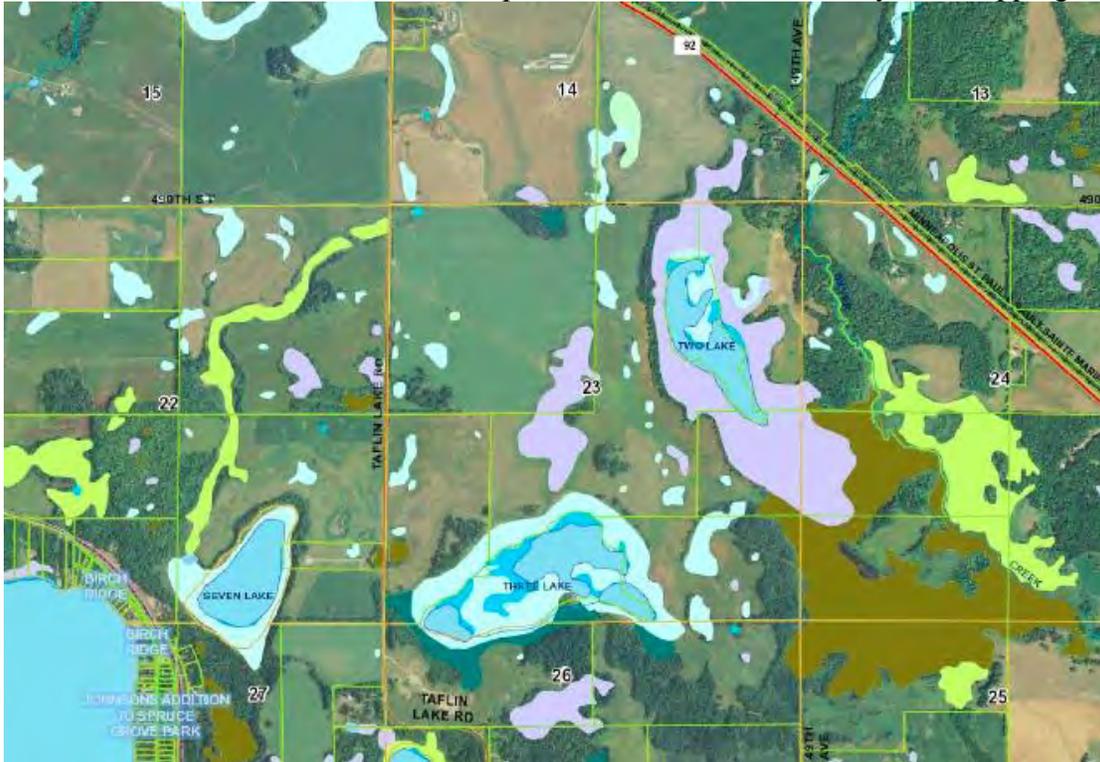
Rationale for Alternate Routes: Each of the above routes are proposed to address, avoid, and/or mitigate significant impacts to Erie-Bourdeaux Family Trust lands and the family, including delineated wetlands; land in federal programs prohibiting use; impacts to and contamination of groundwater and surface waters; socioeconomic impacts including impacts to farming, livestock, and human habitation, loss of homestead sites, and loss of use and enjoyment of property; extreme corridor fatigue and abuse of siting/routing process; impacts on aggregate mining operation; and incorporating all other issues raised above and below in this comment.

IV. LAUNDRY LIST OF ISSUES TO BE INCLUDED IN THE SCOPE

There are many discrete issues and impacts that must be included in the scope of environmental review – this list is not all-inclusive, and if items are omitted, that does not mean they should not be included. Specific issues for inclusion in scope:

- a. Project maps in Application do not show the many pipelines in vicinity of proposed route. All must be included, on a map, with enough geographic area to reveal the system at issue.
- b. Project maps in Application do not show the many transmission lines, distribution lines, and substations in the vicinity of proposed project, thereby unduly limiting consideration of various interconnection options.
- c. Sensitive areas and resources must be specifically identified, in narrative and on maps.

- d. Avoidance areas, such as wetlands, warm and cold springs, and fens, must be identified, in narrative and on maps. Wetlands found on County GIS mapping:



- e. Avoidance area -- Aggregate Mine on Erie-Bourdeaux property, Co. Rd. 73/Taflin Lake Road, at curve, northeast quadrant – route to south and west of mine:



- f. “The proposed Project will be designed to meet or surpass relevant local, state and national codes including the National Electric Safety Code (NESC), Rural Utilities Service (RUS)-US Department of Agriculture and Minnkota standards.” App. p. 14. Environmental review should identify the “relevant local, state and national codes including the National Electric Safety Code (NESC), Rural Utilities Service (RUS)-US Department of Agriculture and Minnkota standards.”
- g. “For the portion of the proposed Project that runs parallel to County Road 74, the proposed HVTL will share ROW with existing Clearwater-Polk Electric Cooperative low-voltage distribution lines which will be removed and buried by Clearwater-Polk Electric Cooperative (Appendix B, Figure B-3 through B-6).” App. p. 17. Environmental review should analyze this option and an distribution underbuild.
- h. Application discusses easement acquisition. Environmental review should address whether easements been acquired, and if so, what percentage, and where. It should also be clearly stated that easement acquisition prior to issuance of permit is done at applicant’s risk.
- i. The application does not disclose a cemetery, which is at the corner of 470th (74) and 159th Ave., Parcel ID R16.025.0300 (cemetery). Transmission routes must avoid cemeteries.
- j. Federal farm program restrictions that would also place restrictions on use of land for transmission.
- k. As a socioeconomic impact, environmental review should consider impact of use of local vendors, contractors, and workers versus import of vendors, contractors and workers.
- l. Impact of transmission line on viewshed. App. p. 35, “adjacent to industrial infrastructure... not expected to change nature of existing viewshed...” Transmission is above ground, existing pipelines are below. Transmission lines inherently change the nature of existing viewshed.
- m. Impacts of structures leaching into groundwater, i.e., pentapoles and/or concrete.
- n. Environmental review should address agricultural land removed from production. In NW section, applicants want to run it right through farm fields, diagonally, which has the greatest impact on use of fields and production.
- o. Access roads and lay down area(s) need to be shown on a map and impacts considered.
- p. Erie-Boudreaux has warm spring near aggregate mine, and two cold springs in lake, that prevents lake from freezing, provides access to fresh water, and as habitat serves as attractant for wildlife.

- q. Use of Sandpiper info from Historical Society, found in App. Part 3, is not sufficient. The area is not identical, only shared in part, and individual review for this project is necessary.
- r. Consider the corrosive nature and impacts of electrical transmission when run parallel to pipelines.
- s. Proposed Route - 900 foot route width on Erie-Bourdeaux property demonstrates routing challenges and inappropriateness of Minnkota's proposed route.
- t. Alternative Routes (maps as above, and larger scale maps attached):
 - i. Alternative Route 2A: Co. Rd. 74 west to Co. Rd. 73/Taflin Lake Road, south side of road at curve, west side at corner (to avoid mining operation at NE quadrant of curve) due north on west side of Taflin, cross road to substation.
 - ii. Alternative Route 2B: Co. Rd. 74 past Co. Rd. 73/Taflin Lake Road to property line, due north to south side of property line, east to 73 north, run on west side of Taflin, cross road to substation.
 - iii. Alternative Route 3A: Follow 92 NW to Taflin Lake Road, then south on east side of Taflin Lake Road to substation.
 - iv. Alternative Route 3B: Follow 92 NW to low maintenance road near section line between Sections 13 and 14, follow south to section line between Sections 14 and 23, to substation.
 - v. Alternative Route 3C: Follow 92 NW to point at mid-section of Section 14, south to substation.

Again, these scoping comments are not all inclusive, and any omissions are not intentional, nor do omissions imply those things are not important or should not be included.

Again, thank you for the opportunity to comment.

Please let me know if you have any questions or require anything further.

Very truly yours,



Carol A. Overland
Attorney at Law

cc: eFiled and eServed

SCOPING DECISION -- PROPOSED

ISSUES TO BE INCLUDED IN ENVIRONMENTAL REVIEW:

Project Description

- Purpose – Transmission for power for Sandpiper pumping station
- Description
- Location
- Route Description

Regulatory Framework

- Commission Route Permit
- No Certificate of Need Required – Minn. R. 7850.4200 prohibitions and exemptions of factors for considerations are not applicable.
- Environmental Review – This environmental review document is the only environmental review required for this project. Minn. Stat. §216E.04, Subd. 5. See also Minn. Stat. §216.04; Minn. R. 7850.3700.
- Other Permits May Be Required, i.e., DNR License to Cross Public Lands; USFWS Eagle and Bat Take Permits.

Proposed Project

- Project Design
 - Environmental review must address design presumptions of location of line terminus and route at location where terminal, tank farm, and pumping station is not yet permitted or sited in the vicinity of terminus of transmission line proposed.
 - Environmental review must address that MPCA has recommended consideration of alternative location near Crookston for the Sandpiper terminal and pumping station proposed for Clearbrook West.
- Project Timing
 - Environmental review must address project proposal in light of purpose, as transmission to serve pumping stations, for project that as yet has no permitted route, and for terminal, tank farm, and pumping station that is not yet sited in the vicinity of terminus of transmission line proposed.
- Project Construction
- Restoration – environmental review must note that removal of trees and vegetation for transmission easement is permanent, as vegetation and trees are not allowed to grow in easement.
- Project Operation and Maintenance
 - Environmental review must note that access along proposed route is “challenging” due to wetlands, and will make operation and maintenance difficult.
 - Environmental review must address that emergency access will be particularly problematic.
- Project Cost

- Environmental review should address project cost v. alternative route costs.
- Address costs of construction on “greenfield” part of proposed route v. cost of construction along Co. Rd. 74 and Co. Rd. 73 ROW.

Affected Environment, Potential Impacts, and Mitigative Measures

Environmental review must address potential impacts of the proposed project, and alternative projects.

Human Settlement

- Aesthetics
- Cultural Values
 - Environmental review must address impacts on Historical sites in the area, particularly on the “greenfield” route.
 - Environmental review must address impacts on long term farming operations, Century Farms and longstanding family farms.
 - Cemetery The cemetery is the corner of 470th (74) and 159th Ave. R16.025.0300 (cemetery), The cemetery overlooks the creek/river.
 - Displacement
 - Environmental review must address impact of loss of two home sites if project is routed as proposed on “greenfield” route.
 - Environmental review must address impact of displacement of farming activities and loss of agricultural production land if project is routed as proposed on “greenfield” route.
 - Environmental review must address impact of displacement of livestock pasture and loss of pasture land if project is routed as proposed on “greenfield” route.
- Interference – electrical fields, magnetic fields, interference with agriculture operation, interference with homestead
- Land Use and Zoning – include federal farm program restrictions that would have restrictions on all uses, including for transmission route.
- Noise
- Public Health and Safety (including electromagnetic fields)
- Public Services and Infrastructure
 - Environmental review must address logistical issues regarding public safety access in wetlands along “greenfield” portion of route in the event of outage or failure of transmission structures.
 - Infrastructure must be identified in narrative and shown on map, with clear distinctions between below ground and above ground facilities.
- Recreation
- Socioeconomics
 - Environmental review must address loss of building sites.
 - Loss of property value
 - Loss of value as residential and future development

- Loss of value for agricultural production

Land Based Economies

- Agriculture
- Forestry
- Mining – Erie-Bourdeaux Aggregate Mine, curve on Co. Rd. 73/Taflin Lake Rd.
- Tourism

Archaeological and Cultural Resources

- The cemetery is the corner of 470th (74) and 159th Ave., R16.025.0300 (cemetery). The cemetery overlooks the creek/river.

Natural Environment

- Avoidance areas – must be specifically identified in narrative and on maps. Cemetery, extreme corridor fatigue/burden/abuse to landowner.
- Air
- Geology
- Groundwater - showing links between groundwater, surface water, and wetlands. Include warm spring on Erie-Bourdeaux property.
- Rare and Unique Resources – including sensitive resources.
- Soils
- Surface Water - showing links between groundwater, surface water, and wetlands; warm and cold springs on Erie-Bourdeaux property; contamination from penta-poles and/or concrete.
- Vegetation – clearing impacts, potential pesticide use on RoW.
- Wetlands - showing links between groundwater, surface water, and wetlands
- Wildlife and Wildlife Habitat – address potential for USFWS recommendation of eagle take permit, bat take permit.

Unavoidable Impacts

Irreversible and Irrecoverable Commitments of Resources

- Environmental review must address impacts of a route that is permitted prematurely, prior to routing and siting decision of Sandpiper and Clearbrook West terminal and pumping station. This would be an Irreversible and Irrecoverable Commitment of Resources.
- Environmental review must address design presumptions of location of line terminus and route at location where terminal, tank farm, and pumping station is not yet permitted or sited in the vicinity of terminus of transmission line proposed.
- Environmental review must address impacts of a route that is permitted prematurely, prior to routing and siting decision of Sandpiper and Clearbrook West terminal and pumping station.

- Environmental review must address that MPCA has recommended consideration of alternative location near Crookston for the Sandpiper terminal and pumping station proposed for Clearbrook West.

Alternatives to be evaluated

- **Route Alternatives** - These proposed route alternatives mitigate and avoid impacts to Erie-Bourdeaux farm, aggregate mine, and homestead sites, and mitigate extreme corridor fatigue and burden. Maps above, and larger scale maps attached. **Include alternatives in Biennial Transmission Report.**
 - **Proposed route** – 900 foot route width on Erie-Bourdeaux property demonstrates routing challenges and in appropriateness of Minnkota’s proposed route.
 - **Alternative Route 2A:** Co. Rd. 74 west to Co. Rd. 73/Taflin Lake Road, south side of road at curve, west side at corner (to avoid mining operation at NE quadrant of curve) due north on west side of Taflin, cross road to substation.
 - **Alternative Route 2B:** Co. Rd. 74 past Co. Rd. 73/Taflin Lake Road to property line, due north to south side of property line, east to 73 north, run on west side of Taflin, cross road to substation.
 - **Alternative Route 3A:** Follow 92 NW to Taflin Lake Road, then south on east side of Taflin Lake Road to substation.
 - **Alternative Route 3B:** Follow 92 NW to low maintenance road near section line between Sections 13 and 14, follow south to section line between Sections 14 and 23, to substation.
 - **Alternative Route 3C:** Follow 92 NW to point at mid-section of Section 14, south to substation.
- **System Alternatives** – including but not limited to:
 - Natural gas reciprocating engines should be considered to power the oil line pumping station(s).
 - On-site solar or wind should be considered for the nominal electrical needs if natural gas reciprocating engines are used.
 - Transmission from other substations, whether Minnkota Power substations or other co-ops or utilities, should be considered, with lines approaching the tank

farm/terminal from the north or northwest. See Application (Part 1), Figure 2. (Again, at this time, the future location of the tank farm/terminal is uncertain.)

- Undergrounding of transmission lines should be considered through environmentally sensitive areas, such as wetlands and/or calcareous fens.
- Alternatives under consideration should include those considered in the “Clearbrook Looped Service Study” referred to in the [2015 Biennial Transmission Projects Report](#)⁸, Chapter 3, p. 13.
- **No Build Alternative** – No-build has not been reviewed for this project.

Identification of Permits – including potential for USFWS recommendation regarding take permits for eagles and/or bats.

ISSUES OUTSIDE SCOPE OF ENVIRONMENTAL REVIEW

The EA will not consider the following:

- Any alternative not specifically identified in this scoping decision.
- The manner in which landowners are compensated for ROW easements.

⁸ Online at <http://minnelectrans.com/report-2015.html>

What the Farm Means to Our Family

Some say Farmers don't care about their land and are consistently aiming to make it the more productive without considering the impacts. This couldn't be farther from the truth for our family farm. The original Farmstead has been in our family for almost 100 years. It's been our pride and joy and its part of my families past, present, and future.

Watching a sunset with cows and crops filling the view is so extremely peaceful. Or seeing a deer in the distance or a bald eagle flying overhead and then my favorite a white swan swimming in the lake always makes me feel very privileged to be stewards of such a beautiful piece of land.

As a kid I spent a lot of time with my grandpa and his passion for the land was passed down to my dad and my siblings. And grandpa probably got his passion from great grandpa. I have deep and wonderful memories of being on the farm. Respect for the land runs deep in my family.

Written by:
Mark Erie

**UPDATED DRAWING SHOWING PROJECTS AND IMPACTS TO
ERIE-BOURDEAUX FAMILY REVOCABLE TRUST PROPERTY**

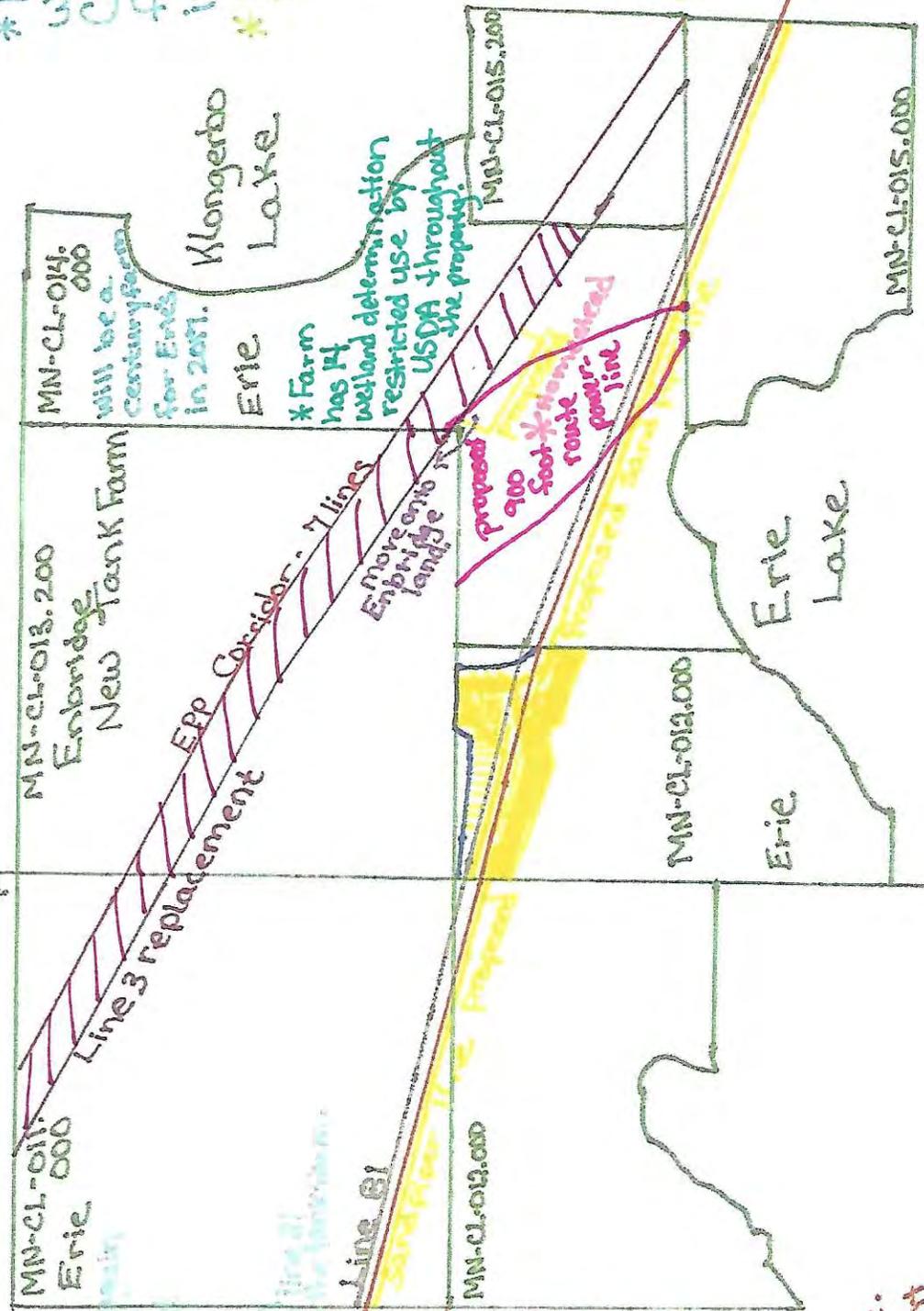
Yellow - Sandpiper proposed route
Orange - Easement already given for Sandpiper line
Silver - line 81
Darkred - line 3 replacement
Red - EPP corridor

PUC Docket Numbers: PL-9/CN-14-916
PL-9/PPL-15-137
CN-13-473
PPL-13-474
9a
Docket # 14-665
ET-6/12-14-665

Erie - Bourdeaux Family
Revocable trust
MN-CL-011.000
MN-CL-014.000
MN-CL-013.000

* Homestead on Old Farm

* MN-CL-014.000 will be a Century Farm for our family in 2017.
* Enbridge and Minnesota Power want easement for high voltage lines through Erie properties, separate from the land easements for the proposed Sandpiper line. Do NOT want high voltage lines on our properties.



Easement Enbridge has for the Sandpiper line through Erie - Bourdeaux Family Revocable trust Properties.

Easement given to Enbridge for the Sandpiper line, by Harvey & Marilyn Erie Nov. 2013. Want Enbridge to follow the easement they already have and not to follow the proposed Sandpiper line. DO NOT want the Sandpiper Proposed Line/Centerline. Enbridge wants way to much easement to get their New Tank Farm to work. Erie's already given easement for the Sandpiper line to go straight through, that easements needs to be honored and not to let the Sandpiper Proposed line to happen, need to follow easement already have.

EXHIBIT A

<http://www.duluthnewtribune.com/business/energy/3950066-enbridge-pushes-back-timeline-pipeline-projects>

Enbridge pushes back timeline for pipeline projects

Enbridge pushes back timeline for pipeline projects

By [Robb Jeffries](#) on Feb 17, 2016 at 6:39 p.m.

ST. PAUL — Enbridge Energy has pushed back the timetable for completing two oil pipeline projects in northern Minnesota, saying this week that its Sandpiper and Line 3 projects won't be ready until early 2019.

The two projects — Sandpiper would be a new pipeline, while the existing Line 3 would be replaced — had been targeted for completion in 2017. Enbridge attributed the delay to the state permitting process in Minnesota; the news had opponents of the projects declaring victory.

The proposed 616-mile Sandpiper pipeline from the North Dakota Oil Patch to Superior was expected to cost \$2.6 billion and initially was slated for completion this year, before that was pushed to 2017 and now 2019. The replacement of Line 3, a 1,031-mile line from northern Alberta to Superior, would increase its capacity and was estimated to cost \$7.5 billion, with the American portion costing \$2.6 billion.

The reason behind the delay in the projects is the slow regulatory process the pipelines are undergoing in Minnesota, Enbridge spokeswoman Lorraine Little said Wednesday. December's decision by the Minnesota Public Utilities Commission to require a fully completed environmental impact statement to be done by state agencies before either project gets approved probably will drive the cost of both projects higher, the company said in a news release. Little confirmed costs were likely to rise, but said she did not know exactly what the new price tags would be.

"It really has all to do with the written orders we've received" from the Public Utilities Commission, she said. "We filed our petition for reconsideration (of the December decision)... but we don't have an exact schedule that says 'these are the next steps.'"

The commission has 60 days to consider Enbridge's petition.

"We support (an EIS)," Little said, but the issue is "that they're requiring it to be in its final form, and that's not typical."

In past applications, the PUC has allowed an EIS to be developed while other steps of the regulatory process have been worked on, Little said.

The requirement of the final EIS is a victory, said Richard Smith, president of Friends of the Headwaters, which has stood in opposition of the projects' routes through northern Minnesota's lakes country. Enbridge has proposed that Sandpiper and Line 3 follow a shared corridor from Clearbrook in northwest Minnesota to Superior.

“Our position from the beginning is that if projects of this magnitude (are) going to be done, a complete EIS needs to be done,” Smith said. “Had the company embraced that in the first place, it’s possible the company may have completed construction of their pipeline by now. It may not have been on the route they wanted, but it may have been over with.”

Minnesota Gov. Mark Dayton said Wednesday that if the PUC needs more staff to deal with the two Enbridge projects, he will ask the Legislature for more money when he submits a revised budget to lawmakers next month.

He told reporters he can support adding staff if the commission needs it "in order to keep things moving along (on) that project, or any project, on a timely basis." He said he already made that offer to the commission.

"These are huge projects," Dayton said of the pipeline plans.

Attempts to reach PUC Executive Secretary Dan Wolf on Wednesday regarding Dayton’s offer were unsuccessful.

Dayton said there is little more he can do to speed up pipeline construction. State law requires "hands off by the governor and the administration" in making pipeline permitting decisions. "I support that."

House Speaker Kurt Daudt, R-Crown, has blamed the Dayton administration for slowing progress on pipelines and Northeastern Minnesota copper-nickel mines.

The delay of the Enbridge pipelines is “a win for pipeline opponents, and a win for (the regulatory) process,” said Andy Pearson of MN350, an environmental group which has staged regular protests across the state against oil extraction and transportation.

Pearson questioned the need for added oil pipeline capacity.

“The only thing you need to do is open up the newspaper or turn on the TV,” Pearson said. “What’s happening in the Bakken right now, with so many companies pulling out of production ... demand for that oil is drying up. Enbridge has to be hearing this internally.”

North Dakota oil production has been slipping, but remains above 1 million barrels per day; the number of drilling rigs operating in the state has gone from more than 170 to just over 40.

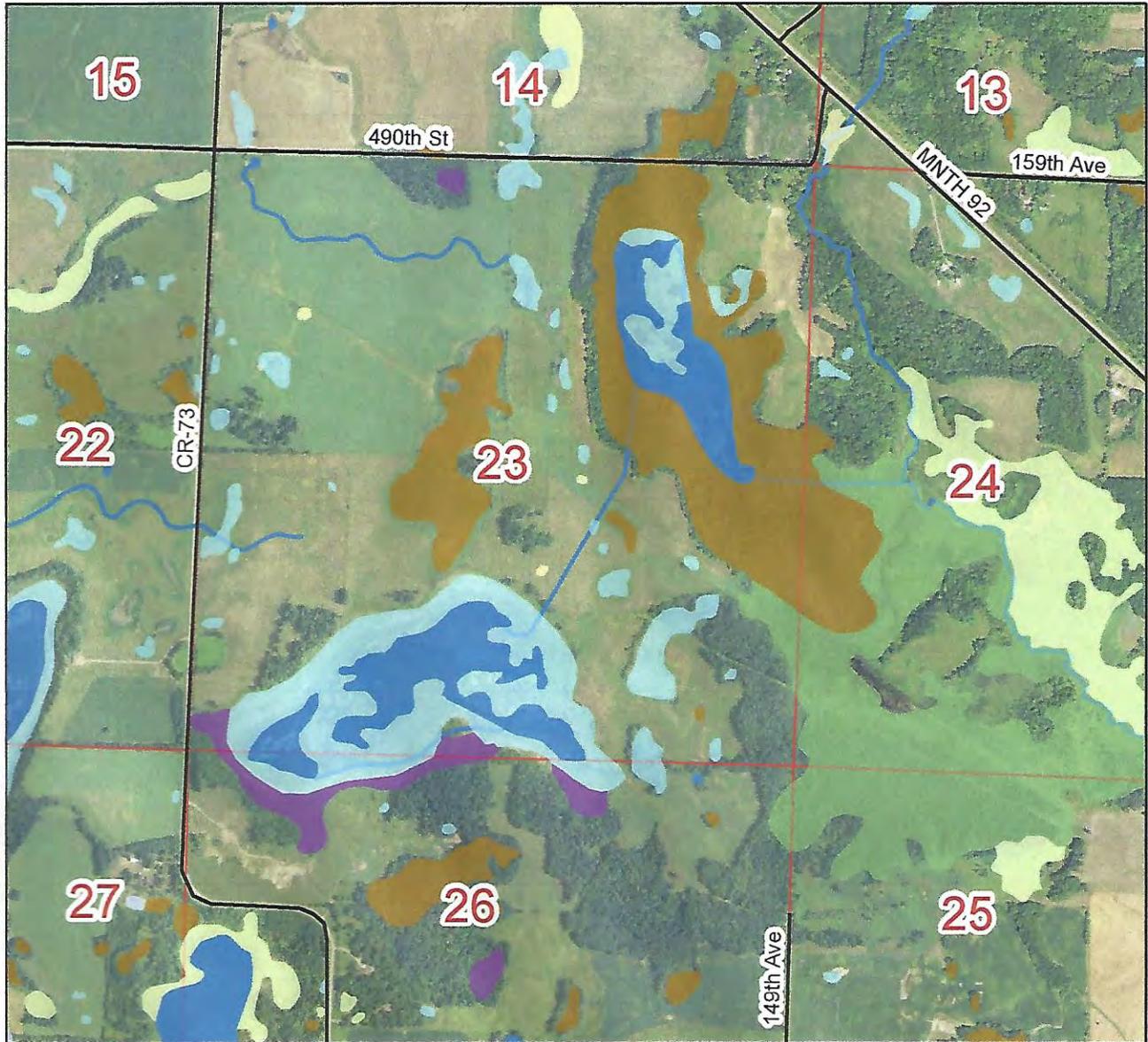
“If collectively, we avoid construction of a project that is risky, and ultimately not needed, that’s a win for the state and those who would have had to work on (constructing) a dangerous project,” Pearson said.

Exhibit B

Wetlands

- Surrounding Areas of Erie-Bourdeaux Properties – MPCA
- Clearwater County GIS Map showing wetlands layer

Water Features: Surrounding Area of Bourdeaux Properties



Legend

 Flowline - Nat'l Hydrological Data

 Road

 Section Line

NWI - Circular 39 Classification - Polygons

 1 - Seasonally Flooded Basin or Flat

 2 - Wet Meadow

 3 - Shallow Marsh

 4 - Deep Marsh

 5 - Shallow Open Water

 6 - Shrub Swamp

 7 - Wooded Swamp

 8 - Bogs



March 2, 2016

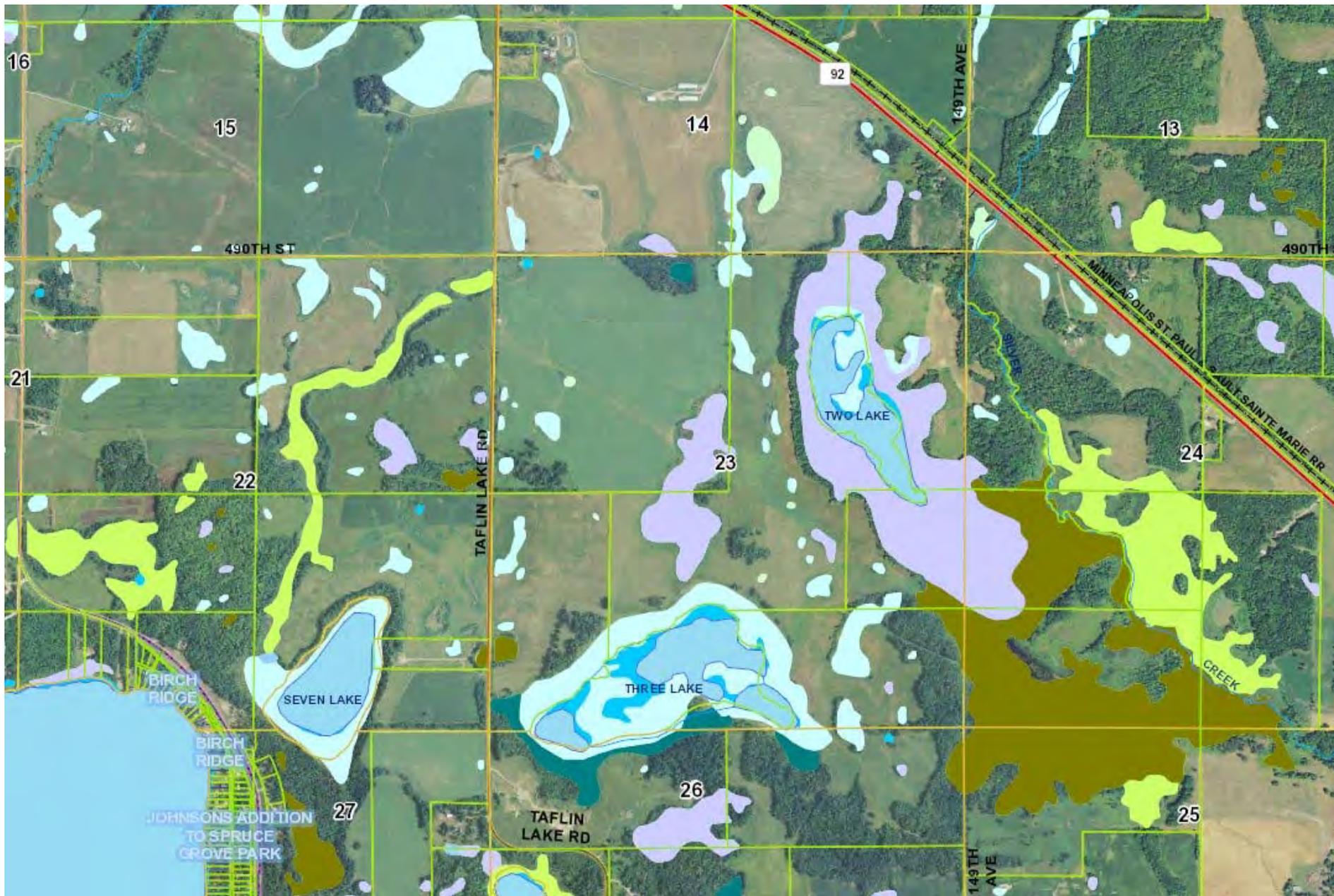


Exhibit C

Erie-Bourdeaux Aggregate Mine



Clearbrook, MN 56634



Imagery ©2016 DigitalGlobe, USDA Farm Service Agency, Map data ©2016 Google 200 ft

Google Maps

Exhibit D

Crookston Tank Farm, Terminal and Pumping Station

MPCA Comment – August 6, 2014

Sandpiper Pipeline Project, PUC Docket PL 6668/PPL-13-474

See p. 2:

1. The project purpose can be met without constructing new storage capacity in Clearbrook. If the new terminal were to be built at a more westerly location, such as Crookston, a 75-mile long pipeline to Clearbrook could be constructed for the purpose of sending the oil that Enbridge is contractually obligated to send through Clearbrook (for transport to St. Paul refineries), while the remainder of the Bakken crude could be sent via a less environmentally harmful route well to the south of the sensitive water resources, and then on to the Superior, Wisconsin terminal.
2. Locating terminal facilities near Crookston, or at another site closer to the border of North Dakota, could offer other pipeline routes as viable alternatives, such as the proposed "System Alternatives" identified in the July 16, 2014, DOC recommendations. A terminal closer to the Minnesota/North Dakota border could be the point of origination for future pipelines that would travel to the south and avoid the potential threat to sensitive water resources that the MPCA has identified as being associated with the currently proposed Sandpiper route.



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

August 6, 2014

Mr. Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Dear Mr. Haar:

RE: Enbridge Sandpiper Pipeline Project, Docket No PL 6668/PPL-13-474

The Minnesota Pollution Control Agency (MPCA) has reviewed the comments and recommendations submitted by the Department of Commerce (DOC) on July 16, 2014, which will be considered by the Public Utilities Commission (Commission) at the August 7, 2014, hearing for the Enbridge Sandpiper Pipeline project. The MPCA offers the following comments on the project and the DOC's July 16, 2014, recommendations.

The recent boom in the production of oil and gas in North Dakota and surrounding areas has brought about an increase in the number of planned and proposed projects in Minnesota for the transportation, storage, and processing of these resources and their related products and uses. This activity has increased citizen and Agency interest in the amount and quality of information available to adequately assess the individual and cumulative environmental impacts of these projects and to fully inform decision-making processes.

Many alternatives to the proposed Sandpiper project and route have been suggested in the routing (PPL-13-474) and certificate of need (CN-13-473) proceedings, including rail transport, trucking, and numerous pipeline routes. The Commission will determine which alternatives are to be addressed in greater detail as the environmental review, certificate of need, and permitting processes move forward.

Given the high potential of additional pipelines and replacement or upgrading of existing pipelines in the near future, and within the same corridors, it is critical that the current effort consider multiple alternatives, including both route and system alternatives. For the reasons outlined below, limiting the alternatives to route options alone at this stage would unnecessarily narrow the scope of project options to reduce environmental and public health risks.

In our comments, the MPCA has suggested both route and system alternatives; these are discussed in the DOC's July 16, 2014, filing. I am concerned that the system alternative recommended for consideration by the MPCA may not be evaluated in these proceedings, since it does not include the Clearbrook terminal. The DOC evaluated the MPCA's system alternative, SA-03, and developed a connector segment to Clearbrook that would convert SA-03 into a route alternative. The MPCA supports inclusion of the SA-03 route with the connector segment developed by DOC as a less environmentally harmful route alternative than the proposer's route.

Mr. Burl Haar, Executive Secretary

Page 2

August 6, 2014

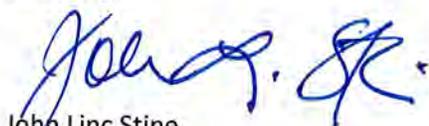
The MPCA's view is that the environmental impacts of system alternatives need to be considered as well as route alternatives. A system alternative that will transport oil to an alternative terminal with significantly less environmental harm should be evaluated in these proceedings.

My understanding is that system alternatives are considered in the Certificate of Need (CN) proceeding for this project. I also understand that DOC conducts environmental review of system alternatives in High Voltage Transmission Line certificate of need proceedings in the form of an Environmental Report (ER), but that this review is not conducted for pipeline certificate of need proceedings. The MPCA respectfully requests that the Commission request the DOC to prepare an ER-type review of alternatives to the project, including SA-03 as originally proposed by the MPCA without the connector segment to Clearbrook, for introduction into the CN proceeding. This position is based on MPCA's understanding as follows:

1. The project purpose can be met without constructing new storage capacity in Clearbrook. If the new terminal were to be built at a more westerly location, such as Crookston, a 75-mile long pipeline to Clearbrook could be constructed for the purpose of sending the oil that Enbridge is contractually obligated to send through Clearbrook (for transport to St. Paul refineries), while the remainder of the Bakken crude could be sent via a less environmentally harmful route well to the south of the sensitive water resources, and then on to the Superior, Wisconsin terminal.
2. Locating terminal facilities near Crookston, or at another site closer to the border of North Dakota, could offer other pipeline routes as viable alternatives, such as the proposed "System Alternatives" identified in the July 16, 2014, DOC recommendations. A terminal closer to the Minnesota/North Dakota border could be the point of origination for future pipelines that would travel to the south and avoid the potential threat to sensitive water resources that the MPCA has identified as being associated with the currently proposed Sandpiper route.

Thank you for consideration of our request.

Sincerely,



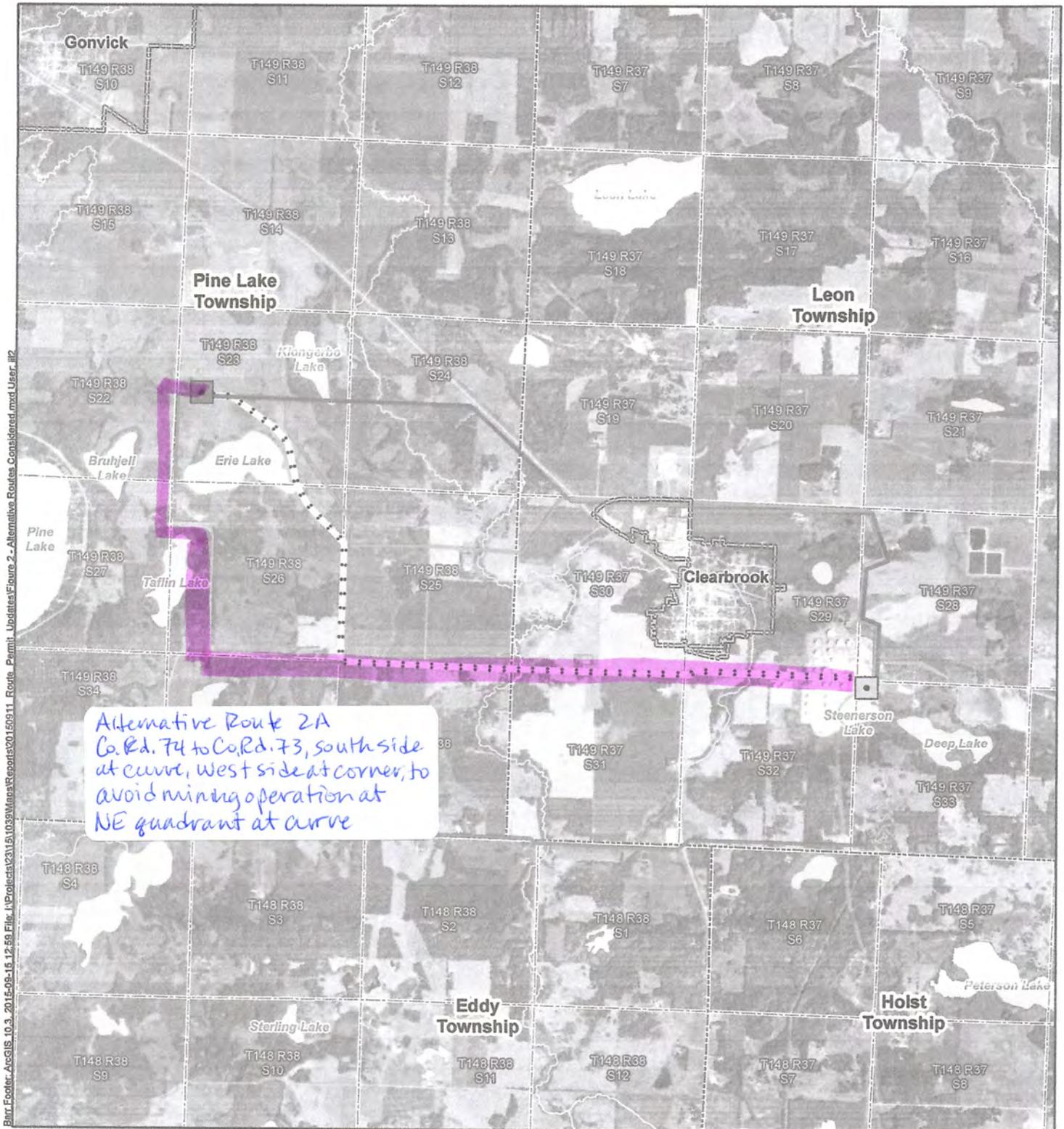
John Linc Stine
Commissioner

JLS:bt

Exhibit E

Alternate Routes 2A and 2B, 3A, 3B and 3C

Rationale for Alternate Routes: Each of the above routes are proposed to address, avoid, and/or mitigate significant impacts to Erie-Bourdeaux Family Trust lands and the family, including impacts on delineated wetlands; land in federal programs prohibiting use; impacts to and contamination of groundwater and surface waters; socioeconomic impacts including impacts to farming, livestock, and human habitation, loss of homestead sites, and loss of use and enjoyment of property; extreme corridor fatigue and abuse of siting/routing process; impacts on aggregate mining operation; and incorporating all other issues raised in this comment.



B:\ArcGIS\10.3.2015\08-16-12-59\Fig\1\Projects\2315\039\Map\Report\20150911_Route_Plan\Updates\Figure 2 - Alternative Routes Considered.mxd User: jf2

Image Source: 2013 Farm Service Agency

- Existing Substation Location
- Proposed Substation Location
- Anticipated Alignment
- Alternative Route 1
- Alternative Route 2
- Alternative Route 3
- PWI Watercourse
- PWI Basin
- Municipal Boundary
- PLS Section
- Township Boundary

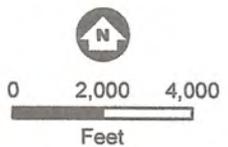


Figure 2

ALTERNATIVE ROUTES CONSIDERED
 Proposed Clearbrook – Clearbrook West
 115 kV HVTL Project
 Minnkota Power
 Clearwater County, MN

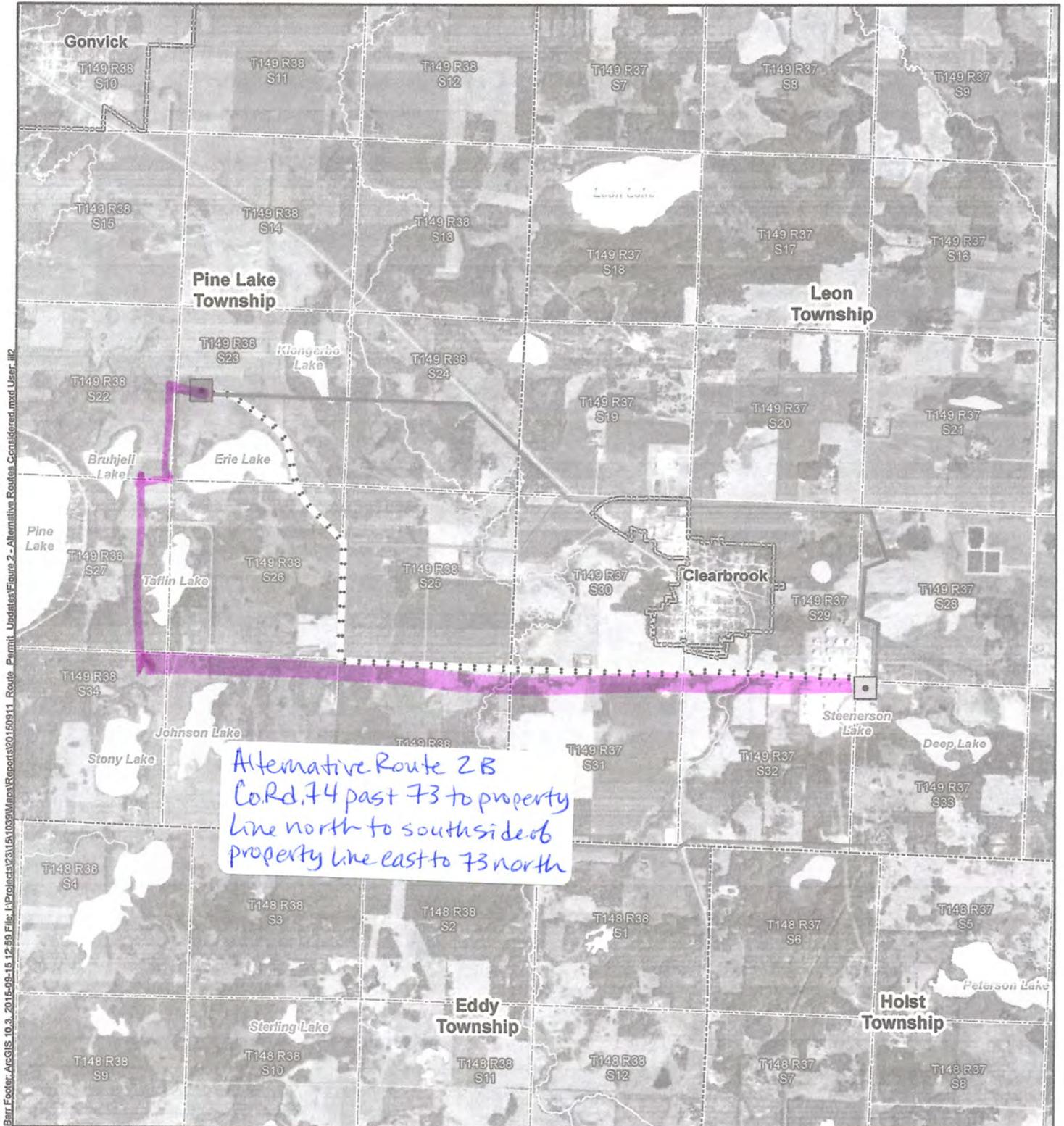


Image Source: 2013 Farm Service Agency

- Existing Substation Location
- Proposed Substation Location
- Anticipated Alignment
- Alternative Route 1
- Alternative Route 2
- Alternative Route 3
- PWI Watercourse
- PWI Basin
- Municipal Boundary
- PLS Section
- Township Boundary

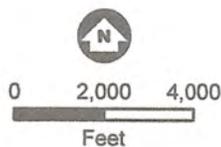
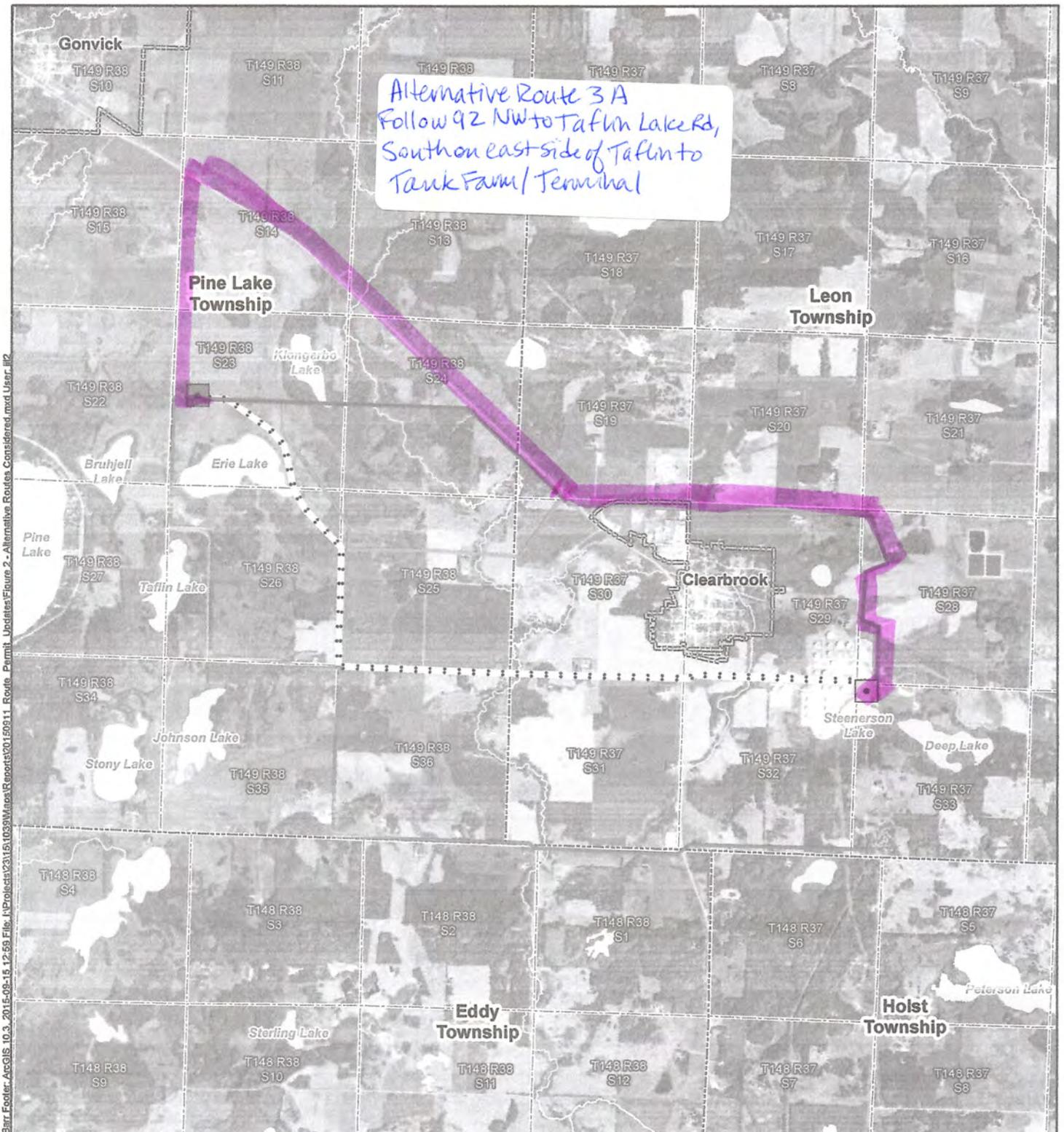


Figure 2

ALTERNATIVE ROUTES CONSIDERED
Proposed Clearbrook – Clearbrook West
115 kV HVTL Project
Minnkota Power
Clearwater County, MN



Barr Footer: ArcGIS 10.3, 2015-09-15 12:59 File: H:\Projects\23161039\MapReports\20150911_Route_Permi_Updates\Figure 2 - Alternative Routes Considered.mxd User: jlp

Image Source: 2013 Farm Service Agency

- Existing Substation Location
- Proposed Substation Location
- Anticipated Alignment
- Alternative Route 1
- Alternative Route 2
- Alternative Route 3
- PWI Watercourse
- PWI Basin
- Municipal Boundary
- PLS Section
- Township Boundary

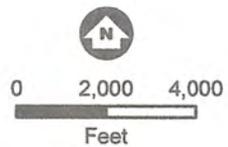
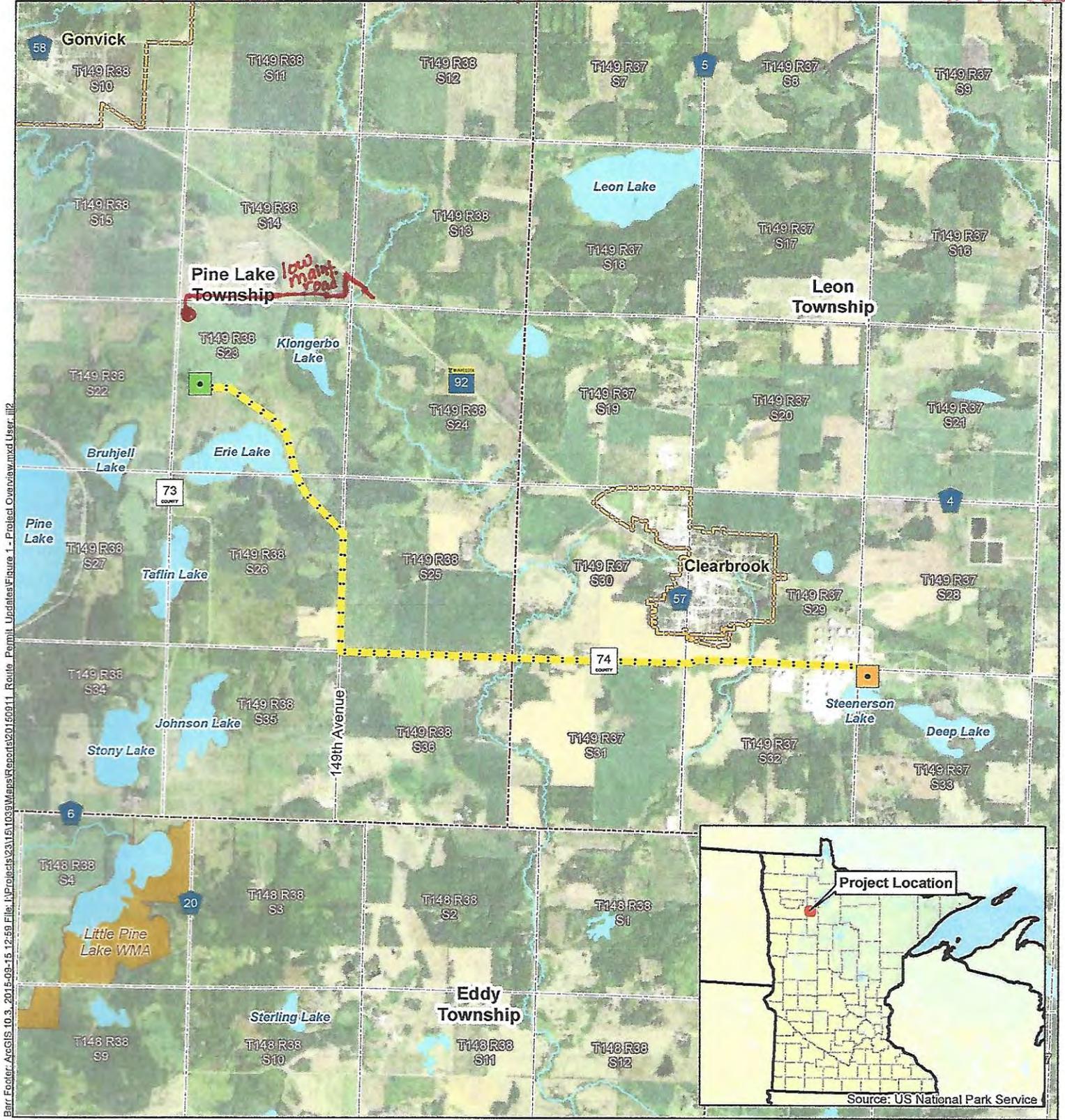


Figure 2

ALTERNATIVE ROUTES CONSIDERED
 Proposed Clearbrook – Clearbrook West
 115 kV HVTL Project
 Minnkota Power
 Clearwater County, MN



Barr Footer: ArcGIS 10.3, 2015-09-15 12:59 File: \\Projects\231151033\Maps\Reports\20150911_Route_Permit_Updates\Figure 1 - Project Overview.mxd User: ill2

Image Source: 2013 Farm Service Agency

-  Existing Substation Location
-  Proposed Substation Location
-  Anticipated Alignment
-  PWI Watercourse
-  PWI Basin
-  Wildlife Management Area
-  Municipal Boundary
-  PLS Section
-  Township Boundary

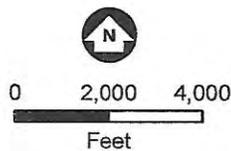
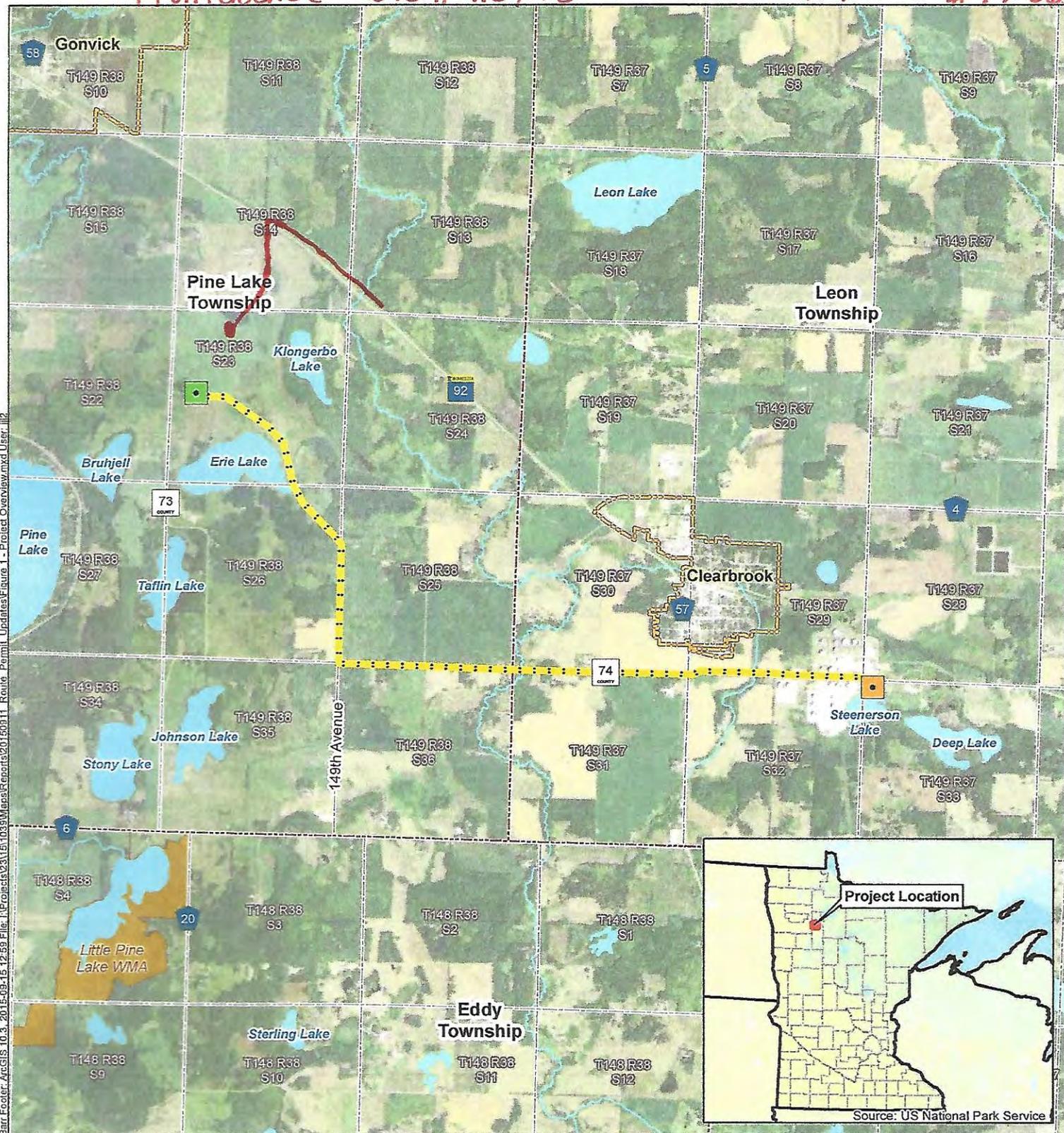


Figure 1

PROJECT OVERVIEW
 Proposed Clearbrook – Clearbrook West
 115 kV HVTL Project
 Minnkota Power
 Clearwater County, MN



Barr Footer: ArcGIS 10.3, 2015-09-15 12:58 File: I:\Projects\2315\1039\Maps\Reports\20150911_Route_Permit_Updates\Figure 1 - Project Overview.mxd User: jll

Image Source: 2013 Farm Service Agency

- Existing Substation Location
- Proposed Substation Location
- Anticipated Alignment
- PWI Watercourse
- PWI Basin
- Wildlife Management Area
- Municipal Boundary
- PLS Section
- Township Boundary

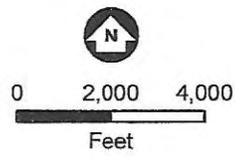


Figure 1

PROJECT OVERVIEW
 Proposed Clearbrook – Clearbrook West
 115 kV HVTL Project
 Minnkota Power
 Clearwater County, MN

Exhibit F

Bourdeaux Letter to Commerce – September 28, 2015

Date: September 28, 2015

To: Minnesota Department of Commerce
Attn: Jamie Macalister – Environmental Review Manager

From: Dawn Bourdeaux
Trustee for Erie – Bourdeaux Family Revocable Trust
MN-CL-011.000, MN-CL-012.000, MN-CL-014.000

RE: Enbridge Sandpiper & Line 3 replacement
PUC Docket Numbers: PL-9/CN-14-916 Certificate of Need
PUC Docket Numbers: PL-9/PPL-15-137 Route Permit

I am writing in regards to the following properties MN-CL-001.000, MN-CL-012.000 and MN-CL-014.000 (Erie – Bourdeaux Family Revocable Trust) off of Taffin Lake Road in Pine Lake Township in Clearwater County. Currently going through the properties are EPP Corridor (7 lines) and NDPC Line 81.

Enbridge has purchased the following property MN-CL-013.200 for a new tank farm for the Sandpiper Line. Enbridge can NOT access the Sandpiper Line or NDPC Line 81 on this property. For their tank farm to work, they need to defer the pipes from our properties. Currently Enbridge has an easement for the Sandpiper Line to go straight through the properties ID # MN-CL-011.000, MN-CL-012.000 and MN-CL-014.000 (as seen on attached map) and want that easement honored and not to follow the proposed sandpiper line to defer the pipes into their new tank farm on ID #MN-CL-013.200. If they defer the sandpiper line over to the new tank farm, then we are losing valuable farming land, because the land is never the same once they dig. We have lost our valuable soil on other parts of our farms due to Enbridge's digging and them putting the clay base on top. I do not understand why Enbridge would purchase land that they cannot access the Sandpiper Line on their own property. On September 9, 2015 we were asked for even more easement land because Enbridge wants to have NDPC Line 81 go into the new tank farm. Our family should not have the burden of losing our excellent agriculture land in order for Enbridge to get their new tank farm.

An EIS (Environmental Impact Statement) study needs to be done first on Enbridge's new tank farm on MN-CL-013.200, before a Certificate of Need or Route Permit is issued. There are two lakes very close to the proposed new tank farm and are the Erie Lake and Klongerbo Lake. Currently on the Erie Lake there are 12 trumpeter swans. Each year more trumpeter swans are on Erie Lake. We also have eagles between the lakes and even an eagle nest on property MN-CL-011.000. Also there are all kinds of wildlife on these properties.

Property ID # MN-CL-014.000 is going to be a CENTURY FARM for our family in 2017. Between the Sandpiper line being very close to the homestead building site and power lines that would start to go through the homestead that Enbridge and Minnkota Power want. It has been in our family planning that we are going to be rebuilding on the old homestead in the next 5 years. Currently the old farm house is standing. The farm is so important to our family and our heritage. Our family wants to keep our farm homestead (future century farm) free of power lines and pipelines. The land has provided our family an agriculture living for 98 ½ years. It will soon be a Century Farm in the State Of Minnesota and we need to be able to receive that honor and be able to pass the farm down to future generations.

On Line 3 replacement line move the workstation over to Enbridge property ID # MN-CL-013.200 and not on Erie – Bourdeaux Family Revocable Trust property ID # MN-CL-014.000.

Currently we are waiting to be paid for two death certificates for my mother Marilyn Erie (passed away April 8, 2014), which have been given to Enbridge and they even asked for a third certificate because they have missed place two death certificates already. I have been called my mother name just in August 2015, which is very difficult. Why can't Enbridge get their paperwork correct, especially since they have received death certificates? Also we are waiting on payment for crop damage back in 2013. Enbridge has said they want to put the crop damage payment into the new proposed easement for the new tank farm. Why should we have to wait for crop damage money, when we have turned in the paperwork for the damages? Also my father Harvey Erie was told if we sign the easements for the new proposed sandpiper line to go into Enbridge new tank farm, we would get the hay crop for 2015 off of Enbridge's property MN-CL-013.200, when the agent left, my father went to check the cattle and the previous renter was already cutting the hay on Enbridge's new tank farm property. Enbridge never planned on the Erie – Bourdeaux Family Revocable Trust to receive the hay off their property (MN-CL-013.200) in 2015 as part of the easement agreement, because nothing was ever in writing, just verbal by Enbridge. Enbridge representative did not bring anything in writing from Enbridge and would not put anything in writing for the hay crop land, but kept telling my dad we could have the hay crops off the land for 2015 for us signing the easements that day.

I do not feel that Enbridge can put up a new tank farm on property ID # MN-CL-013.200, when they cannot access the Sandpiper Line or NDPC Line 81. By looking at the maps, Enbridge knew they could not access the Sandpiper Line or NDPC Line 81 on the property ID # MN-CL-013.200 they purchased. Enbridge needs to honor the easement that they asked for and received by Harvey and Marilyn Erie back in November 2013 for the Sandpiper Line to go straight through the Erie – Bourdeaux Family Revocable Trust properties. Also an Environmental Impact Statement needs to be done on the new tank farm and route before a certificate of need or route permit is granted.

I have also attached a map of the property's being discussed in this letter.

Thank you for your time and consideration in this matter.

Sincerely,

Dawn Bourdeaux
Trustee for Erie – Bourdeaux Family Revocable Trust
31187 151st Street
Princeton MN 55371

Enbridge Sandpiper & Line 3 replacement
PUC Docket Numbers: PL-9/CN-14-916 Certificate of Need
PUC Docket Numbers: PL-9/PPL-15-137 Route Permit

PUC Docket numbers: PL-9/CN-14-916
 PL-9/PPL-15-137
 CN-13-473
 PPL-13-474

Erie - Bourdeaux Family
 Revocable Trust:
 MN-CL-011.000
 MN-CL-014.000
 MN-CL-013.000

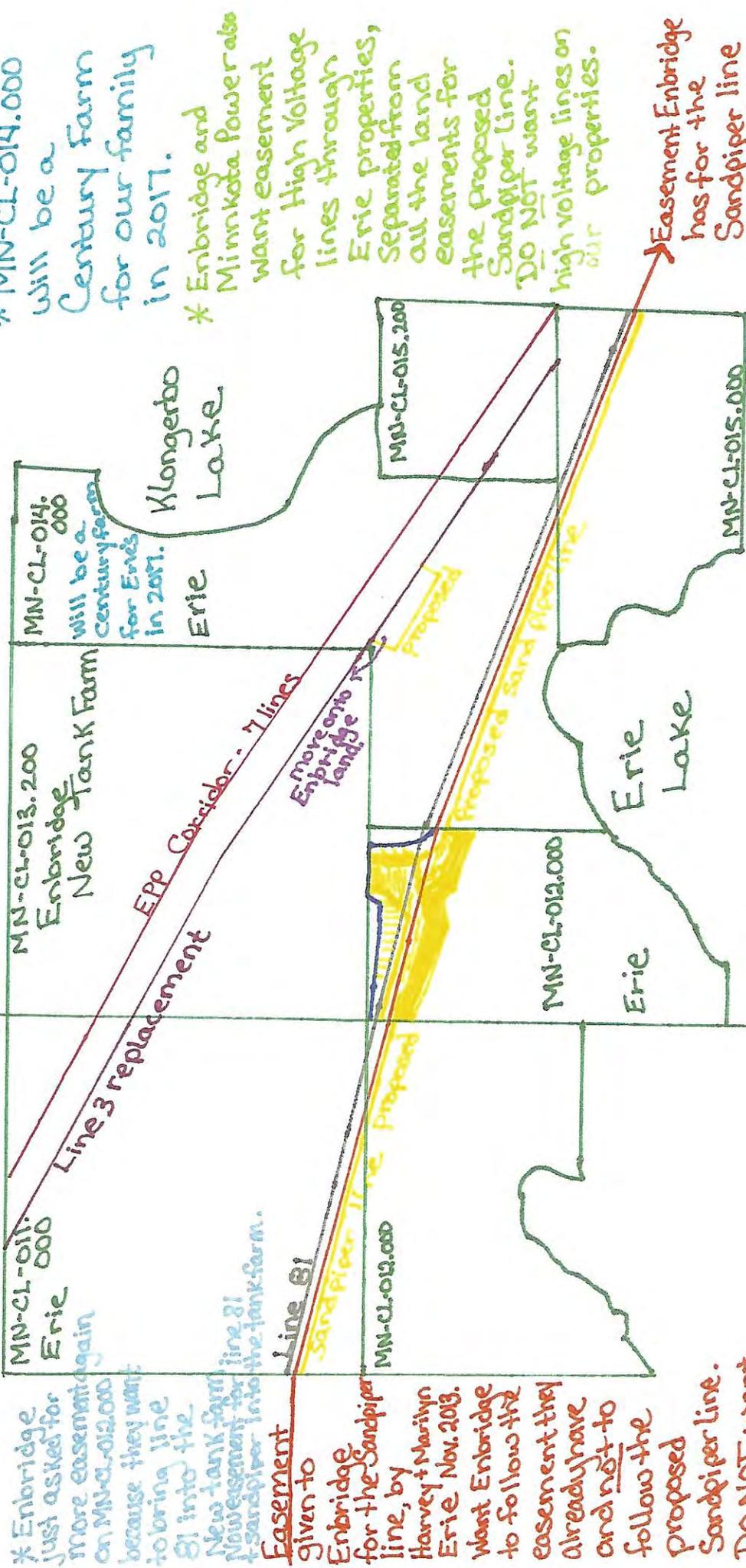
Yellow - Sandpiper proposed route

Orange - Easement already given for Sandpiper line

Silver - line 81

darkred - line 3 replacement

Red - EPP Corridor



* Enbridge just asked for more easement on MN-CL-012.000 because they want to bring line 81 into the New Tank Farm. New easement for Sandpiper into the tank farm.

Easement given to

Enbridge for the Sandpiper line, by Harvey + Marilyn Erie Nov. 2013.

Want Enbridge to follow the easement they already have and not to follow the proposed Sandpiper line.

DO NOT want

the Sandpiper Proposed line/centerline.

Enbridge wants way to much easement to get their New Tank Farm to work. Erie's already given easement for the Sandpiper line to go straight through, that easements needs to be honored and not to let the Sandpiper proposed line to happen, need to follow easement already have.

* MN-CL-014.000 will be a Century Farm for our family in 2017.

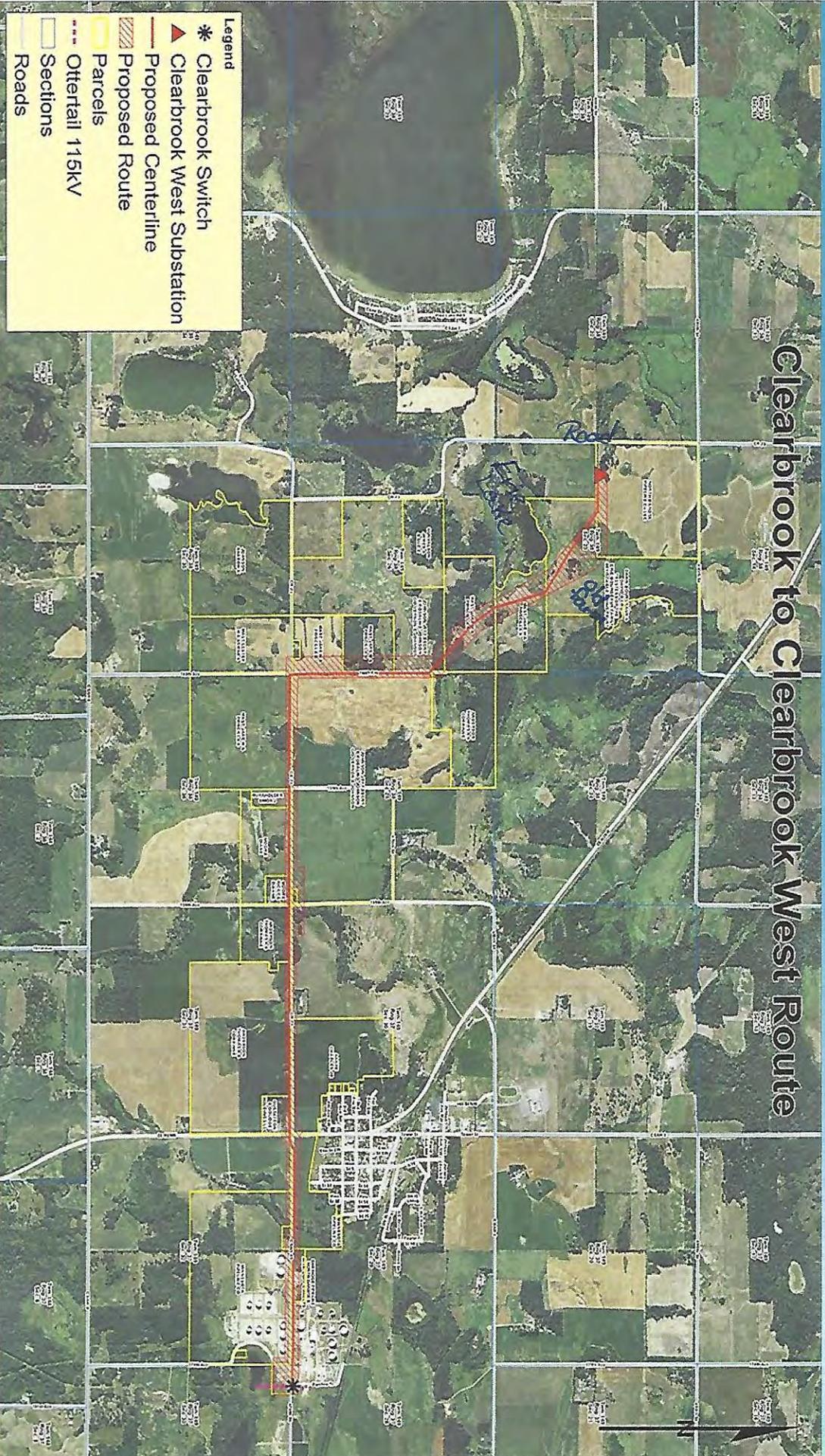
* Enbridge and Minnkota Power also want easement for High Voltage lines through Erie properties, Separated from all the land easements for the proposed Sandpiper line. **DO NOT** want high voltage lines on our properties.

→ Easement Enbridge has for the Sandpiper line through Erie - Bourdeaux Family Revocable trust properties.

→ Easement Enbridge has for the Sandpiper line through Erie - Bourdeaux Family Revocable trust properties.



Power line -



Only powerline map that I received.



Exhibit G

USDA Rural Utility Service – RUS Bulletin 1794A-603

Scoping Guide for RUS Funded Projects Requiring Environmental Assessments with Scoping and Environmental Impact Statements.

Dennis Rankin, RUS staff, is handling this project, and may be reached at:

Dennis.Rankin@wdc.usda.gov

UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Utilities Service

BULLETIN 1794A-603

SUBJECT: Scoping Guide for RUS Funded Projects Requiring Environmental Assessments
with Scoping and Environmental Impact Statements

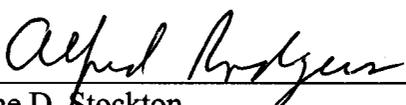
TO: All Electric Generation and Transmission Borrowers
Power Supply Division
Engineering and Environmental Staff

EFFECTIVE DATE: Date of Approval.

OFFICE OF PRIMARY INTEREST: Engineering and Environmental Staff.

AVAILABILITY: This is a new bulletin. This bulletin can be accessed via the internet at
<http://www.usda.gov/rus/water/ees/index.htm>.

PURPOSE: The purpose of this guidance bulletin is to provide Rural Utilities Service (RUS) staff, borrowers, consultants, and cooperating agencies with a consistent approach when preparing and carrying out scoping for electric generation and transmission projects to be financed by RUS which require RUS to prepare environmental assessments with scoping and environmental impact statements.


Blaine D. Stockton
Assistant Administrator, Electric Program


Date

RUS Bulletin 1794A-603

February 2002

**SCOPING GUIDE FOR RUS FUNDED PROJECTS
REQUIRING ENVIRONMENTAL ASSESSMENTS
WITH SCOPING AND ENVIRONMENTAL
IMPACT STATEMENTS**

**Engineering and Environmental Staff
Rural Utilities Service
U.S. Department of Agriculture**

The most current version of this bulletin can be downloaded from the environmental section at
<http://www.usda.gov/rus/water/ees/index.htm>.

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INDEX:

ENVIROMENTAL

- Environmental Assessments
- Environmental Impact Statements

ABBREVIATIONS

- EES Engineering and Environmental Staff
- PSD Power Supply Division
- RUS Rural Utilities Service

1. INTRODUCTION

The purpose of the guidance bulletin is to provide Rural Utilities Service (RUS) staff, borrowers, consultants, and cooperating agencies with a consistent approach when preparing and carrying out scoping for electric generation and transmission projects to be financed by RUS which require RUS to prepare environmental assessments with scoping and environmental impact statements. The RUS scoping process for environmental assessments with scoping and environmental impact statements is identical. This scoping guidance applies equally regardless if an environmental assessment with scoping or an environmental impact statement is being prepared for a project.

This guidance document does not constitute a rulemaking. It does not add requirements on RUS or its borrowers beyond those imposed by RUS' Environmental Policies and Procedures, 7 CFR Part 1794.

2. PRELIMINARY MEETING

The preliminary meeting is an essential part of the scoping process. As soon as a borrower has identified a need to construct a transmission line or generation project that it plans to finance through RUS, they should contact the Engineering and Environmental Staff (EES) to determine the project's classification pursuant to RUS Environmental Policies and Procedures, 7 CFR Part 1794. Should the project be classified as one requiring RUS to prepare an environmental assessment with scoping or an environmental impact statement, EES will set up a meeting with the borrower and the RUS' Power Supply Division (PSD) to discuss the proposed project. This contact and preliminary meeting should take place as soon as a borrower realizes a need for the project. The preliminary meeting should be held before an environmental consultant is selected or any siting locations or transmission line corridors have been evaluated.

2.1 Meeting with RUS' Power Supply Division:

2.1.1 Justification of Project Need

The borrower should be prepared to justify to the PSD the need for the proposed project. PSD will advise the borrower of what supporting documentation other than the environmental review documents should be provided.

2.1.2 Request For Proposals

For generation projects, when the borrower solicits power and energy purchase proposals from utilities or other entities such as independent power producers, the results of the request for proposals should be summarized. Proprietary or confidential information will not be subject to public disclosure.

2.1.3 Availability of Loan Funds

PSD will discuss availability of guaranteed loan funds and the loan application process.

2.2 Meeting with Engineering and Environmental Staff

This meeting would normally be combined with the PSD meeting. However, additional meetings may be held between EES and the borrower to discuss and finalize details of the planning activities and documents needed to initiate and complete the scoping process.

2.2.1 Discuss Environmental Review Requirements

EES will discuss with the borrower the basic environmental review requirements for the project.

A conceptual schedule will be discussed and developed for the completion of the environmental review process. This will include timing of public meeting(s), publication of a notice of intent in the *Federal Register*, borrower notices and advertisements in local newspapers, comment period on an environmental assessment, or comment periods on draft and final environmental impact statements.

2.2.2 Use/Role of Consultants

Consultants may be hired by the borrower to prepare any documents necessary to fulfill RUS environmental review requirements. These documents might include site-selection studies, macro-corridor studies, alternative evaluations, the environmental analysis, archaeological surveys, biological surveys, air quality monitoring, etc. Such documents will be subject to review and approval by RUS.

An environmental analysis prepared by a consultant may be accepted by RUS as its environmental assessment for a project, but not as its environmental impact statement. Environmental impact statements will be prepared by a third party consultant selected by RUS and funded by the borrower.

2.2.3 Lead and Cooperating Agencies

The borrower should identify other federal agencies that have permitting and/or approval authority related to the project. These federal agencies would be invited to participate in the environmental review process. The purpose of establishing lead and cooperating agencies will be to avoid duplication of effort, streamline the environmental review process, and satisfy multiple agency environmental requirements with one process. Potential candidates for lead and cooperating agencies will be discussed. Usually, RUS will assume the role of the lead agency when RUS is being requested to fund all or a majority of project costs. RUS will encourage cooperating agencies to focus their participation on applicable laws, regulations, Executive Orders, or land management activities the cooperating agency is charged to administer.

Federal agencies that have previously been cooperating agencies on RUS funded projects include the Bureau of Land Management, the Bureau of Indian Affairs, the Forest Service, the National Park Service, the Fish and Wildlife Service, the Federal Energy Regulatory Commission, the Environmental Protection Agency, and the Army Corps of Engineers.

If there is an environmental review or project approval process in the state where the project will be constructed, RUS will endeavor to work with the appropriate state agency(s) to agree upon the format for a joint environmental review to satisfy both RUS' and the state's requirements. RUS will also attempt to conduct required public meetings in conjunction with any public meetings and/or hearings required by the state's environmental review process. If a state agency(s) will be issuing the equivalent of an environmental impact statement related to the project, RUS may adopt the impact statement as its environmental assessment or may allow relevant portions of the impact statement to be included, or incorporated by reference, in an environmental impact statement to be issued by RUS.

2.2.4 Document Requirements

The type and general content of the scoping documents that must be reviewed and approved by RUS prior to establishing scoping meeting dates will be discussed. These documents would include a Site-Selection Study/Alternative Evaluation for a generation project and a Marco-Corridor Study/Alternative Evaluation Study for a transmission line project.

2.2.5 Notice Requirements

The content and timing of the project notices will be discussed. RUS' *Federal Register* notice of intent to prepare an environmental assessment or environmental impact statement and to hold public meeting(s) must be published at least 14 days prior to the meeting(s). The borrower's advertisement and legal notice must be published in a newspaper(s) with a general circulation in the project area at least 10 days prior to the meeting(s).

2.2.6 Scoping Meetings

The topics to be covered at the public scoping meetings will be identified and discussed. Topics include RUS environmental review requirements, the project description, the need for the project, maps showing site location and corridors, and environmental issues to be considered. Potential representatives from RUS, the borrower, consultants, and other project participants that would be on hand to talk with agencies and the public should be identified.

3. PLANNING DOCUMENT REQUIREMENTS

3.1 Transmission Projects

3.1.1 Alternative Evaluation Study

An Alternative Evaluation Study must be accepted by RUS prior to the scheduling of scoping meetings. The Alternative Evaluation Study should explain the need for the project and discuss

alternative methods that have been considered to meet that need. For example, the need for additional electric capacity in an area may be addressed by constructing a new transmission line, constructing new generation capacity, purchase of power from other utilities, wheeling power via another utility's system, or reducing load in an area through load management or energy conservation. The Alternative Evaluation Study should explain each alternatives in sufficient detail so that interested agencies and the public can gain a general understanding of each alternative. The study should explain which alternative is considered the best for fulfilling the need for the project. It should be clearly explained why certain alternatives are unacceptable or less than optimal.

3.1.2 Macro-Corridor Study

A Macro-Corridor Study should define the project study area and show the end points on a linear project (e.g., electric transmission line or natural gas pipeline). Within this project study area alternative corridor routes should be developed based on environmental, engineering, economic, land use, and permitting constraints. Corridors may vary in width from a few hundred feet up to a mile. The use of existing rights-of-way or double circuiting of existing electric transmission lines should be addressed as appropriate.

3.2 Generation Projects

3.2.1 Alternative Evaluation Study

An Alternative Evaluation Study must be accepted by RUS prior to the scheduling of scoping meetings. The Alternative Evaluation Study must explain the need for the project and discuss alternative methods to meeting that need. For new generation the study should cover power purchases, load management, energy conservation, and various alternative technologies. The Alternative Evaluation Study should explain each alternative in sufficient detail so that the public can gain a general understanding of each alternative. The study should explain which alternative is considered the best for fulfilling the need for the project. It should be clearly explained why other alternatives are unacceptable or less than optimal.

3.2.2 Site-Selection Study

The Site-Selection Study should show the range of alternative sites considered for locating the preferred generation technology. The Site-Selection Study would begin with a broad overview of the possible site locations throughout the borrower's service area or part of a state. It should identify sites with the basic plant technology needs such as, transmission line access, natural gas access, water availability, air quality attainment areas, roads, etc. As sites are eliminated based on these basic technology needs, the study will focus more and more on specific environmental, engineering, economic and permitting constraints. Consideration of locating the plant at existing plant sites should be considered where appropriate. The final candidate sites are to be given an even more detailed examination for environmental constraints. It is preferable that at least two sites be carried into the environmental assessment or environmental impact statement.

4. PLANNING SCOPING MEETINGS

4.1 Agency Meeting (s)

The agency meeting is optional for environmental assessment with scoping projects, but is recommended for environmental impact statement projects. The goal of the agency meeting is to provide federal and state agencies and local government with information regarding the description, need, and potential project locations or routing, discuss compliance and permitting requirements, and cover the range of issues to be addressed in the environmental documents. This meeting does not normally include public involvement.

4.1.1 Identify Interested Federal and State Agencies and Local Government

RUS, with input from the borrower, will determine which federal and state agencies and local government may have an interest in the project, may issue permits for the project, or may have an action directly or indirectly related to the project. These agencies may include, but not necessarily be limited to, the Fish and Wildlife Service, the Army Corps of Engineers, the Forest Service, the Bureau of Indian Affairs, the Bureau of Land Management, the State or Tribal Historic Preservation Officer, State Departments of Natural Resources or Departments of Environmental Protection, town mayors, county commissioners, and county executives. If a separate agency meeting is not scheduled, federal and state agencies and local government should be encouraged to attend the public scoping meetings.

It is important to make local officials aware of the project and invite them to participate in the scoping process. Local officials may be more interested in attending a public meeting than an agency meeting.

4.1.2 Establish Date, Time, Location of Meeting (s)

The agency meeting should be scheduled for a weekday during normal business hours. The meeting place should be convenient to local officials from the area where the project will be located if possible. A trip to the preferred site and/or right-of-way corridor (and alternative site and/or corridor if applicable) may be scheduled as part of the agency meeting.

4.1.3 Submission of Scoping Documents to Interested Agencies

Correspondence notifying federal and state agencies and local government of the project and inviting them to the agency meeting should identify the scoping documents (site-selection study, alternative evaluation study, macro-corridor study) that are available. These documents will be made available at the meeting and should be sent to individual agencies and local government upon request regardless of their intention to participate in the agency meeting.

4.2 Public Meeting (s)

The purpose of the public meeting is to:

- provide the public with information regarding the borrower's proposed project, answer questions;
- identify concerns regarding the potential environmental impacts that may result from construction and operation of the project, and
- gather information to determine the scope of issues to be addressed in RUS' environmental review and documentation of the project.

4.2.1 Establish Date, Time, Location of Meeting (s)

The meeting should be scheduled on a weeknight after normal business hours. The time should not be set for normal working hours as generally the public would be at work and may not be able to attend the meeting. Meeting dates should avoid any federal, state, or local holidays or celebrations and also avoid other civic or religious functions. The location of the meetings should be a reasonable distance for all people in the project area to attend. It's suggested that a 25-mile driving distance to a meeting site is a reasonable distance to expect an interested party to have to travel to the meeting. For linear projects, a number of meeting sites and dates may be necessary depending on the length of the corridor. For example, for a 100-mile corridor, 2 meetings may be appropriate if meeting sites could be arranged at the 25-mile and 75-mile points along the corridor. For projects where alternative sites are under consideration for final site selection, it would be preferable to hold the meeting within a 25-mile radius of each site. One meeting location may be appropriate for a number of alternative sites if the sites are close enough together.

4.2.2 Determine Locations of Scoping Documents Availability to Public

Scoping documents should be available to the public for review at the time the RUS *Federal Register* or the borrower newspaper notice, whichever comes first, is published. Copies will be available for review at the RUS headquarters in Washington, DC, the headquarters of the borrower, the offices of distribution borrowers in the project area, local libraries in the project area, and other locations as may be deemed appropriate.

4.2.3 Handicap Accommodations

Meetings should be held in buildings that meet the standards of the Americans With Disabilities Act (PL 101-336; 42 USC 12101).

5. NOTIFICATION

5.1 RUS Federal Register Notice

RUS will publish in the *Federal Register* a notice of intent to prepare an environment assessment or environmental impact statement and hold public scoping meetings. If a cooperating agency is

involved in the environmental review, the notice will announce the cooperating agency's involvement. The notice shall identify the proposed RUS action, meeting dates, times, and locations. It shall provide information on locations of where the scoping documents can be reviewed, a general description of the project, and the proposed project location(s). This notice will also provide the names, addresses, telephone numbers, and e-mail addresses of contact persons at RUS, the borrower, and cooperating agency.

5.2 Borrower Public Notice

The borrower will select a newspaper(s) with general circulation in the project area and publish a similar notice in the legal section. RUS will provide the borrower with a copy of its *Federal Register* notice to use as the basis for these notices.

The borrower will also have an advertisement published in the local news section of the same edition of the newspaper(s), which briefly describes RUS' intent and refers the reader to the legal notice for more information.

5.3 General Public Notification

Other forms of public notification may also be necessary due to cooperating agency public notification requirements or as appropriate to ensure the public is aware of the notice of intent and the date, time, and location of the public meeting. Such notification may be through direct mailings to the public, billboard notices in libraries, public buildings and post offices, and radio or television announcements. In correspondence inviting local agencies to the agency and public meetings, the public officials should be encouraged to notify potentially interested parties through whatever medium they prefer.

5.4 Agency/Local Government Notification

Normally, agencies that may have an interest in the project subject to review and local government officials will be notified directly by RUS of the notice of intent and invited to attend the agency and public scoping meetings. This letter will provide RUS with an official record of the notification and invitation.

5.5 Low Income and Minority Population Notification

Correspondence to local officials of the notice of intent and inviting them to the agency and public meeting should specifically ask if the project might result in a disproportionately high or adverse environmental or human health effect on identifiable low-income or minority populations. The correspondence should ask that they provide suggestions on contact points so RUS can make arrangements to contact these populations directly. Demographic data from the Census Bureau, and member distribution borrowers may be used to identify low-income and minority populations. As appropriate, it may be necessary to publish notices in a second language, such as Spanish, and have an interpreter at the meeting.

6. SITE/CORRIDOR VISIT

Ideally RUS, the borrower, and cooperating agencies would visit the preferred and alternative sites and/or corridors under consideration prior to the public meeting.

The purpose of the on-site visit is to visually familiarize RUS and cooperating agencies with the proposed and alternative sites and/or corridors, identify sensitive areas, and view the environmental setting surrounding the sites and/or corridors. For corridor projects it may be most practicable to drive the length of the corridor stopping at various points as opposed to actually walking sections of the corridor(s).

7. AGENCY MEETING

The objective of the agency meeting is to discuss:

- project permitting concerns,
- scoping of environmental issues to be analyzed,
- roles and expectations of the lead and cooperating agencies, and
- scheduling.

8. PUBLIC MEETING (S)

8.1 Objectives

The objective of the public meeting is to provide the public with information regarding the purpose and need for the project, provide a project description, identify possible sites and/or corridor routes, discuss the scope of environmental issues to be analyzed, answer questions the public may have regarding the project and the environmental review process, and solicit public comments.

8.2 Setup

The meeting may either be traditional (featuring formal presentations followed by comment period) or open house. Generally RUS prefers the open house format. For the open house format, a number of information stations are set up. Each station will have either a representative of RUS, the borrower, or the borrower's consultant. A separate table should be available for any cooperating agencies if they choose to participate in the public meeting. The RUS station should be closest to the entrance to the meeting room. If only one RUS representative is able to attend the meeting, the borrower, or its consultant should provide a representative to assist in this function. Regardless, the RUS representative will be responsible for addressing the RUS environmental review process.

8.2.1 The RUS representatives will:

- greet members of the public as they arrive,
- invite them to sign in,
- provide handouts about RUS,

- provide comment forms,
- inform the public where oral comments can be recorded,
- discuss the RUS environmental review process and requirements, and
- orient the public with a general overview of the format and purpose of the meeting.

Sign-in sheets will become part of the official record, but may not be made available to the public or inserted into the environmental assessment or environmental impact statement related to the project.

8.2.2 The borrower and/or their consultant station will provide information on the following topics:

- project description,
- purpose and need for the project,
- technical information related to the project (i.e., noise impacts, air quality impacts, water use, erosion control, etc.),
- maps showing the location of alternative sites and/or corridors, the scope and range of environmental issues to be evaluated,
- photos, models, or conceptual drawings of the proposed generation station, and
- photos or models of proposed transmission line structures.

There may also be other stations to address concerns such as land acquisition and safety concerns.

There should be copies of the alternative evaluation, the site-selection study, and/or the macro-corridor study available for review. These copies should be marked "For Display Purposes Only". Additional copies may be available for hand-out if RUS, the borrower, or cooperating agency feel there is justification for doing so.

8.3 Handouts

RUS will provide a handout that briefly describes RUS, gives the purpose of the public meeting, and tells the public how to provide comments to RUS. This handout will either include or reference a separate comment sheet with the address where comments should be sent. Any cooperating agencies should be encouraged to provide similar handouts. The borrower is encouraged to provide various handouts on their purpose and structure, existing plant and power supply responsibility, projected load growth and power supply requirements, or other subjects that may be of interest to the public.

8.4 Written Comments

The public should be encouraged to provide their comments in writing as this will ensure the most accurate record of their input. They should be advised that their comment sheets may be photocopied and inserted into the environmental assessment or environmental impact statement to be issued by RUS. However, personal information such as addresses and phone numbers may be blacked out and therefore not subject to public disclosure.

The public should be informed that they may fill out the comment sheet at the meeting and leave it with the RUS representative. A table with writing materials should be provided.

The public should be advised that comments can also be submitted by mail or e-mail to the RUS addresses provided. The public should be advised that the comment period is limited (normally 30 days). Comments should be submitted to RUS within this time period to ensure they are taken into consideration.

8.5 Official Record of Oral Comments

A stenographer or recording device (tape recorder, video camera) may be made available at the meeting site so that the public may make oral comments that will become part of the meeting record.

8.6 Meeting Debriefing

At the conclusion of the public meeting, RUS will hold a debriefing meeting with the participants conducting the meeting to discuss comments, questions, concerns raised by the public. The debriefing should take place as soon as possible after the meeting.

A summary of the discussion should be recorded highlighting the most common comments, questions, concerns raised. This summary will be included in the RUS environmental assessment or environmental impact statement related to the project.

9. RUS DOCUMENTATION OF FURTHER ENVIRONMENTAL STUDY AND REVIEW

9.1 Scoping Report

RUS, any cooperating agency(s), and the borrower, should prepare a summary of their assessment of the meeting (for either an open house or formal meeting). The assessment should include questions, comments, and concerns expressed by the public to representatives hosting the meeting. The summary should highlight the topics that seemed to be the most important or worrisome to the public. Potential environmental issues that were raised should be included in the summary along with engineering, and economic issues. From these summaries, RUS will prepare a report on any additional information that may need to be included in the environmental assessment or environmental impact statements related to the project. Neither the summaries nor the RUS report need to be formal or lengthy documents. A simple list of bullet items may be adequate. At a minimum, the report should include a summary of the written and oral recorded comments received at the public meeting.

Other items that may be included in the report are:

- a count of the members of the public attending the meeting,
- a discussion of comments, questions, and concerns provided by the public informally to RUS, the borrower, the consultant or cooperation agency,

- copies of handouts provided at the meeting, and
- copies of letters of invitation to, and response thereto, from any person or agency contacted in this manner.

9.1.1 Availability of Scoping/Guidance Report to Agencies and Borrower

RUS will prepare its report after it is satisfied that it has adequate information to do so. Although RUS is responsible for the report, RUS may need assistance from the borrower, and cooperating agency to develop the report.

9.1.2 Timing

It will be the goal of RUS to receive the summaries and prepare its report within two weeks following the scoping meeting(s). During the comment period, RUS will forward copies of all comments received to the borrower and cooperating agencies. The borrower should make sure RUS gets copies of any comments received by the borrower during the comment period.

10. COMMENT PERIOD

10.1 Public/Agency Review Period

Normally RUS will provide a 30-day comment period following the scoping meeting which would begin on the date of the latest meeting and extend through the 30th calendar day following the meeting.

10.2 Addressing Comments Received

It is important that RUS demonstrate that it has considered the comments received during the scoping meeting and during the comment period. Written and oral comments recorded at the scoping meeting may be included via photocopy of comment sheets and letters and copies of transcripts. Audio and video recording may be transcribed to hard copy via stenographer.

Identifying the issues and concerns of the agencies and the public is essential to ensure that the environmental assessment or environmental impact statement will be adequate. Written and recorded issues and concerns will be specifically addressed in the environmental assessment or environmental impact statement. (RUS cannot assure that issues and concerns provided orally, but not recorded, will be fully addressed in the environmental assessment or environmental impact statement.)