

August 27, 2015

Mr. Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
Saint Paul, MN 55101-2147

RE: EERA Comments and Recommendations on Application Completeness
Bull Moose 115 kV Transmission Line
Docket No. ET2/TL-15-628

Dear Mr. Wolf:

Attached are comments and recommendations of the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) unit in the following matter:

In the Matter of the Application of Great River Energy for a Route Permit for the Bull Moose 115 kV Transmission Line in Cass County, Minnesota

The route permit application was filed on August 7, 2015, by:

William R. Kaul
Vice President, Transmission
Great River Energy
12300 Elm Creek Boulevard
Maple Grove, MN 55369

EERA recommends the Minnesota Public Utilities Commission (Commission) accept the route permit application for the proposed project as complete and take no action on an advisory task force. Staff is available to answer any questions the Commission might have.

Sincerely,

/s/

Larry Hartman
Environmental Review Manager
Energy Environmental Review and Analysis

Enclosure

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

**COMMENTS AND RECOMMENDATIONS OF
MINNESOTA DEPARTMENT OF COMMERCE
ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS**

Docket No. ET2/TL-15-628

Date: August 27, 2015

EERA Staff: Larry Hartman 651-539-1839
 Andrew Levi 651-539-1840

In the Matter of the Application of Great River Energy for a Route Permit for the Bull Moose 115 kV Transmission Line in Cass County, Minnesota

Issues addressed: These comments and recommendations address the completeness of the route permit application submitted for the project, the presence of disputed issues, and the need for an advisory task force.

- Figures and Tables:**
 Figure 1 Project Overview Map
 Table 1 Application Completeness Checklist
 Table 2 Process Timing and Tentative Schedule

Additional documents and information can be found on eDockets: <https://www.edockets.state.mn.us/EFiling/search.jsp> (15-628) and on the Department’s website: <http://mn.gov/commerce/energyfacilities/Docket.html?id=34235>.

This document can be made available in alternative formats (that is, large print or audio) by calling (651) 539-1530 (voice).

Introduction and Background

On August 7, 2015, Great River Energy (applicant) filed a Route Permit Application (application) to construct and operate a 115 kilovolt (kV) electric transmission line and associated facilities in Cass County, Minnesota.¹ The Minnesota Public Utilities Commission (Commission) issued a notice soliciting comments on the completeness of the application,

¹ Great River Energy, Application to the Minnesota Public Utilities Commission for a Route Permit for the Bull Moose 115 kV Project, August 7, 2015, eDockets Numbers [20158-113086-01](#), [20158-113086-02](#). (hereinafter “Application”)

the presence of contested issues, and the need for an advisory task force on August 13, 2015.²

Project Purpose

The applicant's stated purpose is to provide electric service to the proposed Backus crude oil pumping station (proposed pump station) located approximately two and three-quarter miles south/southwest of Backus, Minnesota. This proposed pump station is associated with the Line 3 Pipeline Replacement Project proposed by Enbridge Pipeline, Limited Partnership (PL-9/PPL-15-137).

Project Description

The applicant proposes to construct approximately two and one-half miles of new 115 kV overhead electric transmission line from the existing Minnesota Power Badoura to Pine River “#142” 115 kV electric transmission line (142 Line) to the Enbridge-owned substation associated with the proposed pump station (Figure 1 Project Overview Map). The proposed transmission line will interconnect with the 142 Line and travel northeast cross-country for approximately one-quarter mile toward an existing ± 250 kV direct current electric transmission line (DC Line) right-of-way (ROW), and then parallel immediately adjacent to the south side of the DC Line ROW east approximately two and one-quarter miles. The proposed transmission line will turn north and cross under the DC Line to interconnect with the substation.

The applicant is requesting a 200 foot route width for the project with a wider route width in select areas near the proposed pump station. The applicant indicates the transmission line will require a 100 foot ROW (or easement) with a wider width in select locations to accommodate the transmission line guy wires and anchors. This ROW will abut the south side of the existing DC Line ROW. The transmission line structures will be 70 to 80 feet in height, with a span between structures of 350 to 400 feet. The applicant intends to begin construction in 2017 and energize the transmission line in spring of 2017.

Regulatory Process and Procedures

In Minnesota, no person may construct a high voltage transmission line (HVTL) without a route permit from the Commission.³ A HVTL is defined as a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kV or more and is greater than 1,500 feet in length.⁴ The proposed project would operate at 115 kV and be approximately two and one-half miles in length.⁵ As a result, the proposed project requires a route permit from the Commission.

² Minnesota Public Utilities Commission, Notice of Comment Period on Completeness of Route Permit Application, August 13, 2015, eDocket Number [20158-113201-01](#).

³ Minnesota Statutes [216E.03](#), subdivision 1., Minnesota Rules [7850.1300](#), subpart 2.

⁴ Minn. Stat. [216E.01](#), subd. 4.

⁵ Application.

The proposed project would operate at a voltage between 100 and 200 kV; therefore, the project qualifies for the alternative permitting process.⁶ Applicants that intend to submit a route permit application for a HVTL under the alternative permitting process must provide the Commission with a written notice of their intent to file at least 10 days prior to submitting a permit application.⁷ The applicant filed a written notice meeting this requirement on June 29, 2015.⁸

In addition, an applicant cannot construct a large energy facility in Minnesota without first receiving a Certificate of Need (CN) issued by the Commission.⁹ While the proposed project is a HVTL with a capacity of 100 kV or more, it is not more than 10 miles in length in Minnesota and it does not cross state lines. Therefore, the proposed project does not meet the definition of large energy facility and, as a result, a CN is not required.¹⁰

Route Permit Application and Acceptance

Route permit applications must provide specific information about the proposed project.¹¹ This includes, but is not limited to, information about the applicant, descriptions of the project and proposed route, and discussion of potential human and environmental impacts and possible mitigation measures.¹² Under the alternative permitting process an applicant is not required to propose alternative routes; however, if an applicant evaluated and rejected alternative routes these routes and the reasons for rejecting them must be described as part of the route permit application.¹³

Upon receiving a route permit application, the Commission may accept it as complete, reject it and require that additional information be submitted, or accept it as complete upon filing of supplemental information.¹⁴ If the Commission determines that a route permit application is complete, the environmental review process begins.¹⁵ The Commission is required to make a permit decision within six months from the date an application is accepted.¹⁶ This time limit may be extended up to three months for just cause or upon agreement of the applicant.¹⁷

Advisory Task Force

The Commission may appoint an advisory task force to aid in the environmental review process.¹⁸ An advisory task force would assist Department of Commerce (Commerce), Energy Environmental Review and Analysis (EERA) staff with identifying specific impacts and

⁶ Minn. Stat. [216E.04](#), subd. 2., Minn. R. [7850.2800](#), subp. 1.

⁷ Minn. R. [7850.2800](#), subp. 2.

⁸ Notice of Intent by Great River Energy to Submit a Route Permit Application under the Alternative Permitting Process, June 29, 2015, eDockets Number [20156-111869-01](#).

⁹ Minn. Stat. [216B.243](#), subd. 2.

¹⁰ Minn. Stat. [216B.2421](#), subd. 2.

¹¹ Minn. Stat. [216E.04](#), subd. 3., Minn. R. [7850.3100](#).

¹² Minn. R. [7850.3100](#).

¹³ Minn. Stat. [216E.04](#), subd. 3., Minn. R. [7850.3100](#).

¹⁴ Minn. R. [7850.3200](#).

¹⁵ *Id.*

¹⁶ Minn. R. [7850.3900](#), subp. 1.

¹⁷ *Id.*

¹⁸ Minn. Stat. [216E.08](#), subd. 1., Minn. R. [7850.3600](#), subp. 1.

mitigation measures, including alternative route locations, to be evaluated in the environmental assessment (EA) for the project.¹⁹ If appointed, an advisory task force must include certain local government representatives.²⁰ The advisory task force expires upon completion of its charge or issuance of the scoping decision.²¹

The Commission is not required to appoint an advisory task force. In the event no advisory task force is appointed, citizens may request one be created.²² If such a request is made, the Commission must make this determination at its next monthly commission meeting.²³

The decision whether to appoint an advisory task force does not need to be made at this time; however, a decision should be made as soon as practicable to ensure an advisory task force could complete its charge prior to the scoping decision.

Environmental Review

Route permit applications are subject to environmental review. The alternative permitting process requires completion of an EA.²⁴ An EA contains an overview of the resources and potential human and environmental impacts and mitigation measures associated with the proposed project.²⁵ This is the only state environmental review document required for the project.²⁶

The EA is developed and prepared by EERA. EERA also conducts necessary public information and scoping meetings in conjunction with a public comment period to inform the scope (or content) of the EA.²⁷ The Commissioner of Commerce determines the scope of the EA,²⁸ and may include alternative routes suggested during the scoping process if it is determined the alternatives would aid the Commission in making a permit decision.²⁹

Public Hearing

The alternative process requires a public hearing(s) be conducted in the project area upon completion of the EA³⁰ in accordance with the procedures outlined in Minnesota Rule 7850.3800, subpart 3. The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings (OAH). The Commission may request that the ALJ provide a summary of the hearing (summary report). Alternately, the Commission may request that the ALJ provide findings of fact, conclusions of law, and recommendations regarding the route permit application (summary proceeding). This hearing is not a contested case hearing and is not conducted under OAH Rule 1405.

¹⁹ Minn. R. [7850.3600](#), subp. 3.

²⁰ Minn. Stat. [216E.08](#), subd. 1.

²¹ Minn. R. [7850.2400](#), subp. 4.

²² *Id.* at subp. 2.

²³ *Id.*

²⁴ Minn. Stat. [216E.04](#), subd. 5., Minn. R. [7850.3700](#), subp. 1.

²⁵ Minn. Stat. [216E.04](#), subd. 5., Minn. R. [7850.3700](#), subp. 4.

²⁶ Minn. Stat. [216E.04](#), subd. 5.

²⁷ Minn. R. [7850.3700](#), subp. 1.

²⁸ *Id.* at subp. 3.

²⁹ *Id.* at subp. 2.

³⁰ Minn. R. [7850.3800](#), subp. 1.

Whether multiple alternatives are proposed or a significant number of disputed human and environmental issues exist are two determinants for electing a summary report or summary proceeding. Requesting the ALJ to prepare findings, conclusions and recommendations will extend the length of the permitting process, and may require the Commission to extend the expected six month timeframe for a final decision up to three months. Table 1 Process Timing and Tentative Schedule provides a hypothetical comparison of schedules (with approximate dates) between the two processes.

EERA Staff Analysis and Comments

EERA provides technical expertise and assistance to the Commission.³¹ EERA and the Commission work cooperatively, and each functions independently to meet their respective statutory responsibilities.

Application Completeness

EERA conferred with the applicant concerning the proposed project, reviewed a draft route permit application, and provided comments to the applicant. These comments were substantially addressed in the application filed with the Commission.

EERA evaluated the application against the completeness requirements of Minnesota Rule 7850.3100 (Table 2 Application Completeness Checklist). The application contains appropriate and complete information with respect to these requirements, including descriptions of the proposed project and potential human and environmental impacts and mitigation measures. Accordingly, EERA staff believes the application meets the content requirements of Minnesota Rule 7850.3100 and is complete.

Upon acceptance of the application as complete, EERA will commence the environmental review process.

Advisory Task Force

EERA analyzed the merits of establishing an advisory task force for the proposed project considering four characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources. The proposed design information and preliminary environmental data contained in the application were used to complete this evaluation.

Project Size

The proposed project is approximately two and one-half miles in length. The transmission line structures will range from 70 to 80 feet in height. With respect to the length of the project, the proposed transmission line is a short distance. With respect to the height of the structures, the 115 kV structures are similar to the other electric transmission line structures in the project area. On the whole, these factors do not weigh in favor of appointing an advisory task force.

³¹ Minn. Stat. [216E.03](#), subd. 11.

Complexity

The proposed project is relatively straightforward, and several factors minimize its complexity. This includes abutting an existing transmission line ROW for the majority of the proposed route and relatively flat to gently rolling topography.

The proposed electric transmission line will cross under the existing DC Line. While this will include additional coordination and construction steps, crossing existing electric transmission lines is not an uncommon activity. On whole, the project presents a relatively low level of complexity.

Known or Anticipated Controversy

To date, staff received no outside communications regarding the project, and no concerns were posted to the Commission's "Speak Up!" online commenting tool. The small project size limits the number of local governments and landowners involved in the project, which results in a lower likelihood for disagreement. On whole, little controversy is anticipated.

Sensitive Resources

The project area is a mix of agriculture, forest and wetlands, and includes portions of the Foothills State Forest. It does not include other areas administered by the Department of Natural Resources, for example, wildlife management areas or scientific and natural areas.

Impacts will occur to a Northern Mesic Hardwood Forest type. While uncommon, this resource is not rare in Minnesota. Review of the Natural Heritage Inventory System identified one threatened species (trumpeter swan) within one mile of the project. A colonial waterbird nesting area exists approximately one and one-half miles to the southwest of the project area.

Potential impacts to sensitive natural resources are anticipated to be minimal. This is, in part, due to the existing electric transmission infrastructure in the area, the limited size of the proposed project, and because the proposed project will parallel an existing electric transmission line ROW. Impacts to wetlands and waters can be avoided, in great part, by spanning these resources. Northern long-eared bats are not known to inhabit the project area.

Based on this analysis, EERA staff believes an Advisory Task Force is not warranted for the project.

Disputed Issues of Fact

At this time, EERA is unaware of any disputed issues with respect to the application, and alternative routes are not proposed. The likelihood for significant disagreement appears minimal given the limited number of affected landowners and local governments. As a result, a summary proceeding may not be required.

EERA Staff Recommendation

EERA staff recommends that the Commission accept the application for the Bull Moose 115 kV transmission line as complete. Additionally, EERA staff recommends that the Commission take no action on an advisory task force at this time.

Figure 1 Project Overview Map



Table 1 Process Timing and Tentative Schedule

Approximate Date	Project Day	Alternative Review Process Step	Responsible Party
June 29, 2015	—	10-day Notice	Applicant
August 7, 2015		Application Filed	Applicant
August 27, 2015		Application Completeness Comments	Agencies/Public
September 3, 2015		Reply Comments	Applicant
September 24, 2015		Consideration of Application Acceptance	Commission
Acceptance through Environmental Assessment			
October 1, 2015	0	Application Acceptance Order	Commission
October 8, 2015	10	Public Information/Scoping Meetings	EERA/Commission
October 20, 2015	20	Scoping Period Closes	EERA
November 13, 2015	45	Scoping Decision Issued	Commerce
February 12, 2016	135	EA Issued/Public Hearing Notice	EERA/Commission
Summary Report*			
February 23, 2016	145	Public Hearing	OAH
March 4, 2016	155	Comment Period Closes	OAH
March 9, 2016	160	ALJ Submits Hearing Transcript and Comments	OAH
March 18, 2016	170	Draft Findings of Fact (FOF)	Applicant
April 4, 2016	185	Comments on Draft FOF/Technical Analysis	EERA
		Response to Hearing Comments	Applicant
		ALJ Submits Summary Report	OAH
April 21, 2016	203	Consideration of Route Permit Issuance	Commission
Summary Proceeding**			
February 23, 2016	145	Public Hearing	OAH
March 4, 2016	155	Comment Period Closes	OAH
March 9, 2016	160	ALJ Submits Hearing Transcript and Comments	OAH
March 18, 2016	170	Draft FOF	Applicant
April 4, 2016	185	Comments on Draft FOF/Technical Analysis	EERA
		Response to Hearing Comments	Applicant
May 3, 2016	215	ALJ Issues FOF and Recommendation	OAH
May 18, 2016	230	Exceptions to ALJ Report	EERA, Applicant
June 16, 2016	259	Consideration of Route Permit Issuance	Commission

* A **summary report** includes:

- The hearing process consists of a public hearing (or multiple hearings depending on the project) and one comment period (closing 10 days after the last public hearing).
- An ALJ presides over the public hearing.
- ALJ provides a summary of the public hearing and comments only.
- Applicant provides proposed findings of fact, conclusions and a recommendation.
- EERA responds to comments on the EA; provides technical analysis; and responds to the applicant's proposed findings.
- No exception period is provided.

** A **summary proceeding** includes:

- The hearing process is identical to the summary report process.
- An ALJ presides over the public hearing.
- The ALJ provides a summary and a factual analysis of the record, findings of fact, and recommendations on alternatives or permit conditions.
- Applicant provides proposed findings of fact, conclusions and a recommendation.
- EERA responds to comments on the EA; provides technical analysis; and responds to the applicant's proposed findings.
- An exception period pursuant to Minn. R. 7829.2700 is provided.

Table 2 Application Completeness Checklist

Minnesota Rule 7850.3100 Contents of Application

The applicant shall include in the application the same information required in part 7850.1900, except the applicant need not propose any alternative ... routes to the preferred ... route. If the applicant has rejected alternative ... routes, the applicant shall include in the application the identity of the rejected ... routes and an explanation of the reasons for rejecting them.

Minnesota Rule 7850.1900 Application Contents

Subpart 2. **Route permit for HVTL.** An application for a route permit for a high voltage transmission line shall contain the following information:

7850.1900, Subp. 2	Section	EERA Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	3.1	Information is provided to satisfy this requirement. Great River Energy will own and operate the electric transmission line.
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	3.1	Information is provided to satisfy this requirement. Great River Energy will be the permittee. The application does not mention transfer of the permit so listing additional permittees is not necessary.
C. at least two proposed routes for the proposed high voltage transmission line and identification of the applicant's preferred route and the reasons for the preference;	4.1; 4.2; 5.2	Information is provided to satisfy this requirement. Additional routes are not required per Minn. R. 7850.3100. The applicant did consider an additional route, but provided reasons for rejecting it.
D. a description of the proposed high voltage transmission line and all associated facilities including the size and type of the high voltage transmission line;	4.1; 4.2	Information is provided to satisfy this requirement. The application describes the proposed electric transmission line. This section was revised to include additional information as requested by EERA staff.
E. the environmental information required under subpart 3.		See Minn. R. 7850.1900, Subpart 3 below.

7850.1900, Subp. 2	Section	EERA Comments
F. identification of land uses and environmental conditions along the proposed routes;	7.1; 7.3; generally Chapter 7	Information is provided to satisfy this requirement. The application discusses zoning specifically, and makes general statements regarding land use. Land use is also discussed throughout other sections of the application, for example, Section 7.2.7 Recreation. Environmental conditions are discussed throughout Chapter 7.
G. the names of each owner whose property is within any of the proposed routes for the high voltage transmission line;	Appendix C	Information is provided to satisfy this requirement. The application lists this information.
H. United States Geological Survey topographical maps or other maps acceptable to the commission showing the entire length of the high voltage transmission line on all proposed routes;	Figure 7.5; Appendix B	Information is provided to satisfy this requirement. Maps were revised as requested by EERA staff to help increase readability. Detailed route maps are provided in Appendix B.
I. identification of existing utility and public rights-of-way along or parallel to the proposed routes that have the potential to share the right-of-way with the proposed line;	4.2; 6.3	Information is provided to satisfy this requirement. Applicants do not anticipate sharing a parallel right-of-way with the ± 250 DC Line.
J. the engineering and operational design concepts for the proposed high voltage transmission line, including information on the electric and magnetic fields of the transmission line;	4.2; Chapter 6; 6.8	Information is provided to satisfy this requirement. The application includes general design concepts and information pertaining to electric and magnetic fields (6.8). Additional information regarding the design of the project was added as requested by EERA staff.
K. cost analysis of each route, including the costs of constructing, operating, and maintaining the high voltage transmission line that are dependent on design and route;	4.3; 4.3.1; 4.3.2	Information is provided to satisfy this requirement. The application provides information regarding planning, land acquisition, design, procurement, construction and close out costs.
L. a description of possible design options to accommodate expansion of the high voltage transmission line in the future;	6.2	Information is provided to satisfy this requirement. The application discusses an additional motor installed at the proposed pump station. The conductor will be sized to accommodate this upgrade.

7850.1900, Subp. 2	Section	EERA Comments
M. the procedures and practices proposed for the acquisition and restoration of the right-of-way, construction, and maintenance of the high voltage transmission line;	6.4; 6.5; 6.6; 6.7	Information is provided to satisfy this requirement. The application discusses the process used to negotiate and acquire easements. It discusses construction, restoration and maintenance of the electric transmission line.
N. a listing and brief description of federal, state, and local permits that may be required for the proposed high voltage transmission line; and	2.4; 2.4.1; 2.4.2; 2.4.3; 2.4.4	Information is provided to satisfy this requirement. The application provides a list of potentially applicable permits from local, state and federal jurisdictions, and provides a description of each permit.
O. a copy of the Certificate of Need or the certified HVTL list containing the proposed high voltage transmission line or documentation that an application for a Certificate of Need has been submitted or is not required.	2.5	Information is provided to satisfy this requirement. The application demonstrates a Certificate of Need is not required based on the statutory definition of <i>large energy facility</i> .

Minnesota Rule 7850.1900 Application Contents

Subpart 3. **Environmental Information.** An applicant for ... a route permit shall include in the application the following environmental information for each proposed ... route to aid in the preparation of an environmental impact statement:

7850.1900, Subp. 3	Section	EERA Comments
A. a description of the environmental setting for each ... route;	7.1; 7.8.1	Information is provided to satisfy this requirement. This section was revised as requested by EERA staff to include additional information.
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	7.2	Information is provided to satisfy this requirement. The application discusses the listed criteria.
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	7.4	Information is provided to satisfy this requirement. The application discusses the listed criteria.

7850.1900, Subp. 3	Section	EERA Comments
D. a description of the effects of the facility on archaeological and historic resources;	7.5	Information is provided to satisfy this requirement. A resource literature review was conducted. The Minnesota Historical Society concurred with the conclusions of this review.
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	7.6; 7.8.2; 7.8.3	Information is provided to satisfy this requirement. Additional information was provided, and existing information was revised for clarity, as requested by EERA staff.
F. a description of the effects of the facility on rare and unique natural resources;	7.7	Information is provided to satisfy this requirement. A desktop review of the Natural Heritage Inventory System was conducted. The applicant also contacted the Department of Natural Resources.
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific ... route; and	7.9	Information is provided to satisfy this requirement. Unavoidable impacts are generally associated with construction activities.
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	Chapter 7	Information is provided to satisfy this requirement. Each section in Chapter 7 provides mitigative options, should mitigation be deemed necessary based on anticipated impact levels.