

November 4, 2015

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

RE: Environmental Assessment Scoping Summary
Bull Moose 115 kV Project
eDockets No. ET2/TL-15-628

Dear Mr. Wolf:

On October 13, 2015, the Minnesota Public Utilities Commission (Commission) issued an order (eDockets No. 201510-114772-01) 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

As part of its order, the Commission requested that the Minnesota Department of Commerce "*present to the Commission comments on the scope of the environmental assessment for Commission input prior to the issuance of the scoping decision.*" Per that request, please find the attached summary of the scoping process for this project.

Staff is available to answer any questions the Commission might have.

Sincerely,



Andrew Levi
Environmental Review Specialist
Energy Environmental Review and Analysis

Enclosure

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Scoping Summary Comments
Minnesota Department of Commerce
Energy Environmental Review and Analysis

Docket No. ET2/TL-15-628

Date: November 3, 2015

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 provide an overview of the scoping process, alternatives proposed during the environmental assessment scoping process, staff analysis, and anticipated recommendations to the deputy commissioner of Commerce.

Figures: Figure 1 Suggested Alternatives Map

Additional documents and information can be found on the Minnesota eDockets webpage at: <https://www.edockets.state.mn.us/EFiling/search.jsp> by selecting “15” for year and “628” for number, or the Energy Environmental Review and Analysis webpage at: <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) considered the completeness of the application at its September 17, 2015, Commission meeting.² On October 13, 2015, the Commission issued an order accepting the

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 Nos. [20158-113086-01](#), [20158-113086-02](#). (hereinafter “Application”)

² Minnesota Public Utilities Commission, *Notice of Commission Meeting*, September 4, 2015, eDockets No. [20159-113782-05](#).

application as complete and authorizing use of the alternative review process.³ The Commission order also requested the Department of Commerce (Commerce) provide “*comments on the scope of the environmental assessment for Commission input prior to the issuance of the scoping decision.*”⁴ This document fulfills that request.

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 (Line 3 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 electric transmission line from the existing Minnesota Power Badoura to Pine River “#142” 115 kV electric transmission line (142 Line) to a proposed Enbridge-owned substation (proposed substation) associated with the proposed pump station. 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), then parallel immediately adjacent to the south side of the DC Line ROW east approximately two and one-quarter miles, and lastly turn north and cross under the DC Line to interconnect with the proposed substation.

The applicant is requesting a nominal 200 foot route width for the project and a wider route width in select areas near the proposed pump station. The applicant indicates the transmission line will require a 100 foot ROW 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.

Environmental Review

Applications for a high voltage transmission line (HVTL) route permit are subject to environmental review, which is conducted by Commerce Energy Environmental Review and Analysis (EERA) staff under Minnesota Statute 216E and Minnesota Rule 7850. In preparing environmental review documents, EERA functions as the “responsible government unit” under the Minnesota Environmental Policy Act and related regulations. Besides preparing documents, EERA performs related tasks, including conducting scoping meetings, managing public comment periods, and coordinating advisory task forces when requested.

³ Minnesota Public Utilities Commission, *Commission Order Finding Application Complete, Directing Use of Summary Report Review Process, and Granting Variance*, October 13, 2015, eDockets No. [201510-114772-01](#). (hereinafter “Order”)

⁴ *Id.*

The alternative review process requires preparation of an environmental assessment (EA).⁵ An EA is a written document developed and prepared by EERA that contains an overview of the resources and potential human and environmental impacts and mitigation measures associated with the proposed project.⁶ This is the only state environmental review document required for the project.⁷

Scoping

The first step in the preparation of an EA is scoping. Commission and EERA staff conduct public information and scoping meetings in conjunction with a public comment period to allow the public the opportunity to participate in the development of the scope (or content) of the EA.⁸ The commissioner of Commerce determines the scope of the EA,⁹ 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.¹⁰ After the public comment period closes, applicants are provided the opportunity to respond to each request that an alternative be included in the EA.¹¹

Minnesota Rule 7850.3700, subpart 3, requires Commerce to determine the scope of the EA within 10 days after the close of the public comment period. However, Minnesota Statute 216E.04, subdivision 5, anticipates Commission input into identifying alternative routes for inclusion in the scope of the EA. Consequently, the Commission extended the 10-day timeframe to allow for its input.¹²

Scoping Process Summary

In accordance with Minnesota Rule 7850.3700, Subpart 2, EERA staff initiated the scoping process for preparation of an EA. On September 18, 2015, Commission staff sent notice of the place, date and time of the public information and scoping meeting to those persons on the project contact list and agency technical representative list, as well as local government units and affected landowners.¹³ Notice of the public information and scoping meeting was published in *The Pilot-Independent Newspaper* on September 30, 2015, and *The Echo Journal* on October 1, 2015.¹⁴ Additionally, notice of the public meeting was provided on both the Commission and EERA webpages.

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

⁶ Minn. Stat. [216E.04](#), subd. 5., Minn. R. [7850.3700](#), subp. 4.

⁷ Minn. Stat. [216E.04](#), subd. 5., Minn. R. [7850.3700](#), subp. 8., Minn. Rule [4410.4300](#), subp. 6.

⁸ Minn. R. [7850.3700](#), subp. 2(A).

⁹ *Id.* at subp. 3.

¹⁰ *Id.* at subp. 2(B).

¹¹ *Id.*

¹² Order

¹³ Minnesota Public Utilities Commission and Minnesota Department of Commerce, *Notice of Public Information and Environmental Assessment Scoping Meeting*, September 18, 2015, eDockets Nos. [20159-114113-01](#), [20159-114113-02](#).

¹⁴ Great River Energy, *Bull Moose 115 kV Project Newspaper Affidavits for 10-12-15 Scoping Meeting*, October 14, 2015, eDockets No. [201510-114824-01](#).

Public Meeting

Commission and EERA staff held the public information and scoping meeting as noticed on October 12, 2015, at Backus City Hall in Backus, Minnesota. The purpose of this meeting was to provide information to interested persons about the proposed project, to answer questions about the proposed project and the permitting process, and to allow the public an opportunity to suggest impacts, mitigative measures, and alternatives that should be considered in the EA. A court reporter was present at the meeting to document oral statements.¹⁵

No members of the public attended the public meeting. Meeting handouts¹⁶ were left at Backus City Hall, and city staff notified of their location.

Public Comments

A public comment period, ending October 26, 2015, provided the opportunity to submit written comments to EERA on the scope of the EA. The purpose of this comment period was to allow for interested persons to suggest impacts, mitigative measures, and alternatives that should be considered in the EA. Written comments were received from the Minnesota Department of Natural Resources (DNR) and the Minnesota Department of Transportation (MnDOT). DNR suggested a route segment alternative be studied in the EA.

Staff Analysis and Comments

The scoping process for environmental review in Minnesota is designed to identify and analyze “*only those potentially significant issues relevant to the proposed project*” and alternatives to the project.¹⁷ With respect to route and site alternatives, Commerce is charged with including those alternatives which will “*assist in the [Commission’s] ultimate decision on the permit application.*”¹⁸

DNR addressed a variety of issues. The agency requested the EA discuss methods to mitigate impacts to birds, specific construction and maintenance methods, pole placement, and cumulative impacts.

MnDOT indicated that the proposed project does not abut a state trunk highway; however, the agency requested it be made aware of any changes to the proposed project such that the project area would subsequently be modified to include a portion of current MnDOT ROW. MnDOT also requested that any construction work or materials delivery with potential to affect its ROW be coordinated with the agency.

¹⁵ Minnesota Department of Commerce, *Scoping and Informational Meeting Summary*, October 19, 2015, eDockets No. [201510-114937-01](#).

¹⁶ Minnesota Department of Commerce, *Public Meeting Handouts*, October 6, 2015, <http://mn.gov/commerce/energyfacilities/Docket.html?Id=34235>.

¹⁷ Minn. R. [4410.2100](#), subp. 1.

¹⁸ Minn. R. [7850.3700](#), subp. 2(B).

These comments provided by MnDOT and DNR will be carried forward as staff develops its recommendation to the deputy commissioner of Commerce regarding the scope of the EA.

Staff recognizes that construction of the proposed project is dependent upon approval of the Line 3 Project along the applicant's proposed route (at least within the immediate vicinity of the proposed project). Therefore, the EA will study the "*incremental effects of [the proposed project] in addition to [the Line 3 Project] in the environmentally relevant area that might reasonably be expected to affect the same environmental resources.*"¹⁹

Route Segment Alternatives

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

- Was the alternative submitted in a timely manner, that is, prior to the end of the public comment period for scoping?
- Does the alternative contain "*an explanation of why the site or route should be included in the [environmental review document]*"?²⁰ EERA staff interprets this text to require that route and site alternatives – to be included in the scope of the environmental review document – must mitigate a potential impact of the proposed project, and this mitigation must be, in general terms, explained by the proposer of the route alternative.²¹ The proposer need not provide extensive supporting data for their alternative, but must provide enough explanation such that the potential impact(s) being mitigated by the alternative it is clear and understandable.
- Is the alternative outside areas prohibited in Minnesota Rule 7850.4300, for example, state and national parks?
- Does the alternative meet the applicant's stated need for the project?
- Is the alternative feasible, that is, can the alternative be constructed and is it permissible by state and federal agencies with authority for construction or operation of the project?

Finally, EERA staff analyzes alternatives meeting these five criteria to determine if evaluation in the EA would aid in the Commission's decision on the permit application. This includes comparing the alternative to other alternatives that could avoid or mitigate the impacts described by the proposer of the alternative and determining if the alternative is likely to negatively impact any of the routing factors of Minnesota Rule 7850.4100 relative to the proposed route.

¹⁹ Minn. R. [4410.0200](#), subp. 11a.

²⁰ Minn. R. [7850.3700](#), subp. 2(B).

²¹ As an example, if a proposed transmission line proceeds past 10 residences and a citizen suggests a route alternative that also proceeds past 10 residences but in another location, it is not clear how the suggested alternative mitigates potential impacts to human settlement.

EERA staff applied the above criteria to analyze the DNR alternative. The proposed route segment alternative proposed by DNR was received prior to the close of the comment period. It meets the applicants stated need for the project, avoids areas prohibited by Minnesota Rule 7850.4300, and is feasible. The alternative was described and generally depicted on a map.

Route Segment Alternative A

Proposed Route Segment Alternative A was proposed by DNR and is depicted in **Figure 1**. It would follow existing electric transmission infrastructure for its entire length by eliminating the approximately one-quarter-mile cross-country portion of the proposed route. DNR indicates that the alternative would mitigate an individual wetland complex from being surrounded within a triangle of utility lines. Additionally, the alternative reduces impacts to a Northern Mesic Hardwood Forest type — an uncommon native plant community in Minnesota — by approximately four acres.²²

The applicant indicates that if the existing DC Line is followed, transmission line structures would either need to be placed in the wetland or H-frame structures would be needed to span the wetland. This span could reach 1,000-plus feet in length.

EERA believes that these issues should be further evaluated and intends to recommend to the Deputy Commissioner of Commerce that Alternative Route Segment A be studied as part of the EA.

²² See Application, Appendix D Agency Correspondence.

Figure 1 Suggested Alternatives Map

