



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

**Environmental Assessment
Scoping Decision**

eDockets No. ET2/TL-15-628

The above matter has come before the Deputy Commissioner of the Department of Commerce (Commerce) for a decision on the scope of the environmental assessment (EA) to be prepared for the Bull Moose 115 kV Transmission Line Project (project) proposed by Great River Energy (applicant) in Cass County, Minnesota.

Project Purpose

The applicant's stated purpose is to provide electric service to the new, 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). The applicant indicates the project will not be constructed if the Line 3 Project is not permitted by the Minnesota Public Utilities Commission (Commission).

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 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 early 2017 and energize the transmission line in spring of 2017.

Regulatory Background

The applicant filed a route permit application for the project pursuant to the alternative review process outlined in Minnesota Statute 216E.04 and Minnesota Rules 7850.2800-3900 on August 7, 2015.¹ The Commission considered the completeness of the application at its September 17, 2015, agenda meeting.² On October 13, 2015, the Commission issued an order accepting the application as complete and authorizing use of the alternative review process.³

HVTL Route Permit

No person may construct a high voltage transmission line (HVTL) without first obtaining a route permit from the Commission. 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. The proposed project will operate at 115 kV and be approximately two and one-half miles in length. As a result, the proposed project requires a route permit from the Commission.

Certificate of Need

No person may construct a large energy facility without first obtaining a Certificate of Need (CN) from the Commission. A HVTL is considered a large energy facility if it meets the following capacity and length requirements:

- 200 kV or more and is greater than 1,500 feet in length
- 100 kV or more with more than 10 miles of its length in Minnesota
- 100 kV or more and crosses a state line

The proposed project has a capacity of more than 100 kV; however, it does not meet the definition of large energy facility because it is not more than 10 miles in length or does not cross a state line. Therefore, a CN is not required for the project.

Eminent Domain

If issued a route permit by the Commission, the applicant may exercise the power of eminent domain to acquire the land necessary for the project pursuant to Minnesota Statute 216E.12 and Minnesota Statutes 117.

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](#).

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")

Environmental Review

Applications for a HVTL route permit are subject to environmental review, which is conducted by Commerce Energy Environmental Review and Analysis (EERA) staff. The alternative permitting process requires preparation of an EA.⁴ An EA is a written document that contains an overview of the resources and potential human and environmental impacts and mitigation measures associated with the proposed project.⁵ This is the only state environmental review document required for the project.⁶

Scoping

The first step in the preparation of an EA is scoping. The scoping process has two primary purposes: (1) to ensure that the public has a chance to participate in determining what routes and issues are studied in the EA, and (2) to help focus the EA on impacts and issues important to a reasoned route permit decision.

EERA conducts 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.⁷ The commissioner of Commerce determines the scope of the EA,⁸ and may include alternative route or route segments suggested during the scoping process if it is determined the alternatives would aid the Commission in making a permit decision.⁹ Applicants are provided the opportunity to respond to each request that an alternative be included in the EA.¹⁰

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.¹¹

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.¹² Notice of the public information and scoping meeting was

⁴ Minnesota Statute [216E.04](#), subd. 5; Minnesota Rule [7850.3700](#), subp. 1.

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

⁶ Minn. Stat. [216E.04](#), subd. 5.

⁷ Minn. R. [7850.3700](#), subp. 1.

⁸ Minn. R. [7850.3700](#), subp. 3.

⁹ Minn. R. [7850.3700](#), subp. 2.

¹⁰ Minn. R. [7850.3700](#), subp. 2.

¹¹ Order.

¹² Minnesota Public Utilities Commission and Minnesota Department of Commerce, *Notice of Public*

published in *The Pilot-Independent Newspaper* on September 30, 2015, and *The Echo Journal* on October 1, 2015.¹³ Additionally, notice was provided on both the Commission and EERA webpages.

Public Scoping Meeting

Commission and EERA staff jointly 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.¹⁴

No members of the public attended the scoping meeting. Meeting handouts¹⁵ were left at Backus City Hall, and city staff was 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 to be studied in the EA.

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.

Scoping comments are compiled and available to view or download on the EERA webpage.¹⁶

Information and Environmental Assessment Scoping Meeting, September 18, 2015, eDockets Nos. [20159-114113-01](#), [20159-114113-02](#).

¹³ Great River Energy, *Bull Moose 115 kV Project Newspaper Affidavits for 10-12-15 Scoping Meeting*, October 14, 2015, eDockets No. [201510-114824-01](#).

¹⁴ Minnesota Department of Commerce, *Scoping and Informational Meeting Summary*, October 19, 2015, eDockets No. [201510-114937-01](#).

¹⁵ Minnesota Department of Commerce, *Public Meeting Handouts*, October 6, 2015, Retrieved December 9, 2015, from: <http://mn.gov/commerce/energyfacilities/Docket.html?id=34235>.

¹⁶ Minnesota Department of Commerce, *Public Comments Received on the Scope of the EA*, Retrieved December 9, 2015, from: <http://mn.gov/commerce/energyfacilities//resource.html?id=34309>.

Commission Consideration of Alternatives

On November 4, 2015, EERA staff provided the Commission with a summary of the scoping process.¹⁷ The summary indicated that EERA staff would recommend to the deputy commissioner that the scoping decision for the proposed project should include the additional alternative proposed by DNR. In its briefing paper dated November 22, 2015, Commission staff recommended taking no action regarding route alternatives to be considered in the EA.¹⁸

On December 3, 2015, the Commission considered what action, if any, it should take in regards to the alternatives put forth during the scoping process. The Commission elected to take no action, that is, the Commission neither recommended removal of the alternative proposed by DNR nor recommended that additional alternatives be considered as part of the EA.

* * * * *

Having reviewed the matter, consulted with Commerce EERA staff, and in accordance with Minnesota Rule 7850.3700, I hereby make the following scoping decision:

MATTERS TO BE ADDRESSED

The issues outlined below will be analyzed in the EA for the proposed project. The EA will describe the proposed project and the human and environmental resources of the project area. It will provide information on the potential impacts of the proposed project as they relate to the topics outlined in this scoping decision, including possible mitigation measures. It will identify impacts that cannot be avoided, irretrievable commitments of resources, and permits from other government entities that may be required. The EA will discuss the relative merits of the route alternatives studied in the EA using the routing factors found in Minnesota Rule 7850.4100.

The EA regarding the proposed project will address and provide information on the following matters:

I. Project Description

- Purpose
- Description
- Location
- Route Description

II. Regulatory Framework

- Commission Route Permit
- Certificate of Need Applicability

¹⁷ Minnesota Department of Commerce, *Scoping Process and Route Alternatives*, November 4, 2015, eDockets No. [201510-115443-01](#).

¹⁸ Minnesota Public Utilities Commission, *Staff Briefing Papers*, November 24, 2015, eDockets No. [201511-115918-01](#).

- Environmental Review
- Other Potential Permits Required

III. Proposed Project

- Project Design
- Project Construction
- Restoration
- Project Operation and Maintenance
- Project Cost

IV. Affected Environment, Potential Impacts, and Mitigative Measures

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

Data and analyses in the EA will be commensurate with the importance of potential impacts and the relevance of the information to a reasoned choice among alternatives and to the consideration of the need for mitigation measures.²⁰ EERA staff will consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail to provide in the EA. Less important material may be summarized, consolidated or simply referenced.

If relevant information cannot be obtained within timelines prescribed by statute and rule, the costs of obtaining such information is excessive, or the means to obtain it is not known, EERA staff will include in the EA a statement that such information is incomplete or unavailable and the relevance of the information in evaluating potential impacts or alternatives.²¹

Human Settlement

- Aesthetics
- Cultural Values
- Displacement
- Interference
- Land Use and Zoning
- Noise
- Public Health and Safety (including electromagnetic fields)
- Public Services and Infrastructure
- Recreation

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

²⁰ Minn. R. [4410.2300](#).

²¹ Minn. R. [4410.2500](#).

- Socioeconomics (including property values)

Land Based Economies

- Agriculture
- Forestry
- Mining
- Tourism

Archaeological and Cultural Resources

Natural Environment

- Air
- Geology
- Groundwater
- Rare and Unique Resources
- Soils
- Surface Water
- Vegetation
- Wetlands
- Wildlife (including Wildlife Habitat)

Unavoidable Impacts

Irreversible and Irrecoverable Commitments of Resources

V. Routes to be Evaluated in the Environmental Assessment

The EA will evaluate the route proposed by the applicant. It will also evaluate Alternative Route Segment A as depicted in **Figure 1**. No other route or route segment alternatives will be evaluated in the EA.

Alternative Route Segment A was proposed by DNR. 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.²² Additionally, the alternative reduces impacts to a Northern Mesic Hardwood Forest type – an uncommon native plant community in Minnesota – by approximately four acres.²³

The applicant indicates that Alternative Route Segment A would require that 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.

²² Minnesota Department of Natural Resources, *Comments*, October 26, 2015, eDockets No. [201510-115104-01](#).

²³ See Application, Appendix D Agency Correspondence.

VI. Identification of Permits

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

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

ISSUES OUTSIDE THE SCOPE OF THE ENVIRONMENTAL ASSESSMENT

The EA will not consider the following:

- Any alternative not specifically identified in this scoping decision.
- A no-build alternative.
- Issues related to project need, size, type or timing.
- Impacts of specific energy sources.
- The manner in which landowners are compensated for ROW easements.

SCHEDULE

The EA is anticipated to be completed and available by February 2016. A public hearing will be held in the project area after the EA has been issued and notice served.

Signed this 10th day of December, 2015

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE



William Grant, Deputy Commissioner

Figure 1 Alternative Map

