

## MEMO

**Date:** October 28, 2016

**To:** William Grant, Deputy Commissioner

**Through:** John Wachtler, Director EERA

*JW*

**From:** William Cole Storm, Environmental Review Manager  
EERA, (651) 539-1844

**Subject: Environmental Assessment Scoping Decision for MPL-Laporte  
115 kV HVTL, PUC Docket No. ET/TL-14-327**

### ***Action Required***

The signature of the Deputy Commissioner is requested on the attached Environmental Assessment (EA) Scoping Decision. Once signed, Department of Commerce, Energy Environmental Review and Analysis (EERA) staff will provide notice of the Scoping Decision to those persons on the *Project Contact List* and all affected landowners and begin preparing the Environmental Assessment.

### ***Background***

Minnkota Power Cooperative, Inc., submitted a Route Permit Application for the Project to the Commission on June 6, 2016. The Application was accepted as complete on August 11, 2016. The Applicant expects the project to be operational by the end of 2017.

The attached scoping process summary and EA Scoping Decision recommendation are intended to advise the Deputy Commissioner on the scoping process for the MPL-Laporte 115 kilovolt High Voltage Transmission Line project. Once finalized, the *EA Scoping Decision* will identify the issues and alternatives that the Department of Commerce and the Public Utilities Commission have determined are appropriate for inclusion in the environmental review document.

### ***Schedule***

Please review and provide a signature by November 4, 2016. If you require any changes or have any questions, please contact staff as soon as possible. The Environmental Assessment is scheduled to be completed by the end of January 15, 2017.



In the Matter of the Application of  
Minnkota Power Cooperative, Inc. for a  
HVTL Route Permit for the MPL-Laporte  
115 kV Transmission Line and Substation  
Project in Clearwater and Hubbard  
Counties

**ENVIRONMENTAL  
ASSESSMENT  
SCOPING DECISION**

(PUC Docket no. ET6/TL-16-327)

The above matter has come before the Deputy Commissioner of the Department of Commerce (Department) for a decision on the scope of the Environmental Assessment (EA) to be prepared for the MPL-Laporte 115 kilovolt (kV) Transmission Project (Project) proposed by Minnkota Power Cooperative, Inc. (Minnkota) in Itasca township in Clearwater County and Lake Hattie and Lake Alice townships in Hubbard County.

**Project Description and Purpose**

The proposed project will provide electrical service to a proposed new pumping station to be constructed and operated by Minnesota Pipeline Company, LLC. The Project does not require a Certificate of Need by length or capacity for a large energy facility as defined in Minnesota Statute 216B.2421.

The proposed Project (see below) includes construction of a new 9.4-mile long 115 kV electric transmission line and a new 115/4.16 kV substation. The route originates in Section 12 of Township 144N, Range 36W in Itasca



Township. The proposed HVTL extends west from the existing line and then south, adjacent to existing roadway right-of-way (ROW) along 281<sup>st</sup> Avenue for approximately 3.7 miles. The HVTL then turns east and southeast and cuts cross-country until it reaches State Highway 200. The HVTL continues southeast adjacent to State Highway 200 and crosses the county line. Just after entering Hubbard County, the line turns east and is located adjacent to 400<sup>th</sup> Street for approximately 1.7 miles. The HVTL turns south at 115<sup>th</sup> Avenue and continues south adjacent to existing roadway ROW for approximately 2.0 miles before turning west for approximately 2,350 feet adjacent to County Road 95. The HVTL then turns south, crossing County Road 95 and entering the new Substation site in Section 17 of Township 143N, Range 35W.

## Regulatory Background

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

Minnesota Statute 216E.04, Subd. 2 (3), qualifies high-voltage transmission lines of between 100 and 200 kV as eligible for review under the Alternative Permitting Process. Minnesota submitted the Application for the proposed transmission line and substation pursuant to the provisions of the Alternative Permitting Process as outlined in Minnesota Rule 7850.2800-3900. The Alternative Permitting Process includes environmental review and public hearings, and typically takes six to nine months to complete.

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

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

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

## Scoping Process

On August 13, 2016, Commission and EERA staff sent notice of the place, date and time of the Public Information and Scoping meeting to local government units and those persons on the Project contact/general list.

On August 17, 2016, EERA staff released a *Draft Scoping Document*. The draft scoping document is intended to advise the public of the scoping process and the process for the preparation of the Environmental Assessment. The draft scoping document provides interested persons and/or agencies with generic categories in which to insert specific issues and concerns. The *Scoping Decision* will identify for the public the issues and alternatives that the Department of Commerce (DOC) has determined are appropriate for inclusion in the environmental review document.

Commission staff and EERA staff jointly held a Public Information and EA Scoping meeting at the public library in Park Rapids on August 30, 2016. The purpose of the meeting was to provide information to the public about the

proposed Project, to answer questions, and to allow the public an opportunity to suggest alternatives and impacts (i.e., scope) that should be considered during preparation of the environmental review document. A court reporter was present at the meeting to document oral statements.

### ***Scoping Comments***

Approximately 7 people attended the public information and scoping meeting; 3 individuals took the opportunity to speak on the record.

During the comment period, which closed on September 13, 2016, two letters were received from state agencies and three written comments were received from the general public.

A variety of questions were asked and answered during the oral comment period of the scoping meeting. Topics included: several persons requested that the existing pipeline corridor be followed by the new HVTL (i.e., RPA - *Red Route*), perceived impacts to private parcels (value and wildlife), use of private versus public versus corporate owned lands, noise and electromagnetic fields (EMF) from the conductors, interference issues (internet and TV) caused by the conductors, potential impacts to live-stock, and issues surrounding the need, and private versus public interest relative to eminent domain and the construction of infrastructure servicing private corporations.

The Minnesota Department of Natural Resources (MNDNR) noted that the agency has been working closely with Minnkota Power Cooperative on the development of a route which would minimize impacts to state resources and the Itasca State Park. Additionally, the MNDNR believes that the proposed route contained within the Route Permit Application represents this collaboration and supports the environmental review of this proposed route.

MNDNR noted in their comments that the alternative routes (i.e., orange, purple, red, and green) contained within the RPA as "*alternative routes considered and rejected*" were less desirable due to potential impacts to areas of Minnesota Biological Survey (MBS) sites and presence of rare features.

MNDNR continued, stating that due to the presence of these resources in the area that it is possible that the DNR may require biological surveys as part of its "license to cross" public lands and waters depending on the final route selected by the Commission.

The Minnesota Department of Transportation (MnDOT) requests the EA identify and quantify any impacts of the proposed Project on the safety of the transportation system, the effectiveness of the operations or maintenance of the state trunk highway system and any potential costs to the state trunk highway fund. MnDOT further states that in addition to applying for a Utility Accommodation on Trunk Highway Right Of Way (Form 2525), Minnkota may need to apply for a Miscellaneous Permit (Form 1723) for tree clearing, as well as reimburse MnDOT for said trees depending on the final route selected by the Commission.

### ***Proposed Alternatives***

The process for individuals to request that specific alternative routes, alternative route segments, and/or alignment modifications be included in the scope of the environmental review document was discussed at the public meeting. Of the three written comment letters received from the general public, two (Thompson and Seeger) included requests of alternative routes to be considered for the EA scope.

#### ***Bergin Comments***

While the third (Bergin) written comment letter did not contain a specific alternative route for consideration (other than the aforementioned existing pipeline corridor or the *red route*), it did raise concerns on the health effects of EMF on both animals and humans.

#### ***Thompson Comments***

In their written comments and supporting material, the Thompsons put forth one alternative route (**Figure 2**). This route alternative was developed from suggestions made by the MNDNR in correspondence to Minnkota Power dated November 16, 2015, and presented here:

*“MNDNR would like Minnkota Power to consider alternatives that avoid the creation of a new corridor through the MBS site and crossing the stream altogether. This could be achieved by heading due east from the starting point and cross north of Big LaSalle Lake along Ridgeway Drive to 105th Avenue, then south to 400th Street. This route still makes use of county land and limits the habitat impacts of a new corridor by utilizing existing roadway corridors.”*

Minnkota Power developed the *purple route* in response to the MNDNR’s early comments; the *purple route* was considered and rejected by Minnkota power due to proximity of homes and landowner concerns (Figure 1).

The Thompson Route modifies the *purple route* by continuing south along 105<sup>th</sup> Avenue (as opposed to heading east along County Road 96) to the intersection of State Highway 200. The Thompson Route then follows State Highway 200 south to County Road 95 (also the PLS Section line between T143 R35 S8 – T143 R35 S17) where it heads east along County Road 95 for approximately ½ mile to the projects terminus.

The Thompsons are concerned about the safety of a HVTL on their property and the potential health and safety impacts to their livelihood (live-stock), as well as, a significant decrease in the value of their property and the aesthetics impacts of the line.

They also note the presence of a large area of native Lady Slippers growing all along the east side of 281st Avenue that potentially could be impacted by the construction of the proposed transmission line route.

#### *Seeger Comments*

In his written comments Mr. Seeger provided six alternative routes for consideration in the scope of the EA (**Figure 3 to 7**). Mr. Seeger’s concerns include: the use of public lands, rather than placing the burdens of this infrastructure on private land owners; and the potential impact to his property (value, wildlife, displacement from the future dwelling site, health and safety concerns).

The Seeger Alternative Route 1 follows the existing MPL pipeline corridor from the interconnection (T144 R36 S12) to the new Substation (T143 R35 S17). This is the same path as the *red route* which was considered and rejected by Minnkota Power (**Figure 1**).

The Seeger Alternative Route 2 (**Figure 3**) follows Minnkota Power’s *yellow route* (north to south) to its intersection with the existing MPL pipeline corridor, at which point the Seeger Alternative Route 2 diverges from the *yellow route* and follows the existing MPL corridor south to the HVTL project terminus. The *yellow route* is Minnkota Power’s proposed route; the existing pipeline corridor (*red route*) was considered and rejected by Minnkota Power.

The Seeger Alternative Route 3 (**Figure 4**) follows Minnkota Power’s *red route* (MPL pipeline corridor) south to its intersection with County Road 96, then travels westward for approximately ½ mile along County Road 96 to 105<sup>th</sup> Avenue, where it turns south along 105<sup>th</sup> Avenue for approximately 1.25 miles to the intersection with State Highway 200. The Seeger Route 3 then follows State Highway 200 south to County Road 95 (also the PLS Section line between T143 R35 S8 – T143 R35 S17) where it heads east along County Road 95 for approximately ½ mile to the projects terminus.

The Seeger Alternative Route 4 (**Figure 5**) follows Minnkota Power’s *yellow route* (north to south) to its intersection with 105<sup>th</sup> Avenue, where it turns south along 105<sup>th</sup> Avenue for approximately 1.25 miles to the intersection with State Highway 200. The Seeger Route 4 then follows State Highway 200 south to County Road 95 (also the PLS Section line between T143 R35 S8 – T143 R35 S17) where it heads east along County Road 95 for approximately ½ mile to the projects terminus.

The Seeger Alternative Route 5 (**Figure 6**) follows Minnkota Power's *red route* (MPL pipeline corridor) south to its intersection with County Road 96; from here it follows Minnkota Power's *yellow route* east along County Road 96 for approximately 0.25 miles to the intersection with 115<sup>th</sup> Avenue and south along 115<sup>th</sup> Avenue to the projects terminus. The Seeger Alternative Route 5 deviates from Minnkota Power's *yellow route* at T143 R35 S4 SW ¼, where it avoids the Seeger property (PID Numbers 15.04.00400 and 15.04.00400) by deviating to the east around the subject parcels before swinging back west to rejoin the yellow route.

The Seeger Alternative Route 6 (**Figure 7**) follows Minnkota Power's *yellow route* (north to south) to the projects terminus. The Seeger Alternative Route 6 deviates from Minnkota Power's *yellow route* at T143 R35 S4 SW ¼, where it avoids the Seeger property (PID Number PID Numbers 15.04.00400 and 15.04.00400) by deviating to the east around the subject parcels before swinging back west to rejoin the *yellow route*.

### ***Applicant Comments***

Pursuant to Minn. Rule 7850.3700, subpart 2(B), applicants have the right to review proposed alternatives. Minnkota submitted comments on September 23, 2016.

Minnkota evaluated the various route alternatives put forth by commenters during the EA scoping comment period by comparing the following criteria for each:

1. Wetland area to be crossed,
2. Private versus public parcels crossed;
3. Area of trees to be removed,
4. Sites of Biodiversity crossed,
5. Proximity to residences to the anticipated ROW,
6. Total line route length,
7. Estimated EMF and noise values, and
8. Co-locating HVTL and pipelines.

Minnkota did not provide a "fatal flaw" for any of the suggested route alternatives. However, they offered the opinion that according to their analysis and weighting, the yellow route (proposed route) is the most favorable in terms of minimizing potential impacts to the natural and built environments.

While EERA staff acknowledges that co-locating the HVTL adjacent to the existing MPL pipeline corridor may pose certain technical and engineering challenges. Since these concerns do not represent "fatal flaws", EERA staff feels these issues are best vetted through the permit review process (environmental review and formal hearing process).

### ***Commission's Consideration of Alternatives***

Under Minn. Rules, part 7850.3700, subp. 3, the scope of the environmental assessment must be determined by the Department within 10 days after close of the public comment period. However, Minn. Stat. § 216E.04, subd. 5, anticipates Commission input into the identification of routes, in addition to the applicant's proposed route, for inclusion in the environmental review of a project. Since the rule's 10-day timeline for determining the scope of the environmental assessment after the close of the public comment period constrains the Commission's ability to provide input, the Commission varied the 10-day timeline. The Commission extended the 10-day timeline.

In its briefing paper dated October 20, 2016 (eDocket No. 201610-125875-01) PUC staff recommended the Commission 1) take no action regarding route alternatives to be evaluated in the environmental document, and 2) use the *Summary Proceeding* process to develop the record. On October 28, 2016, the Commission at its regularly scheduled meeting considered what action, if any, the Commission should take in regards to the alternatives put forth during the scoping process. The Commission elected to take no action with regards to route alternatives.

**HAVING REVIEWED THE MATTER**, consulted with Department EERA staff, and in accordance with Minnesota Rule 7850.3700, I hereby make the following Scoping Decision:

## **MATTERS TO BE ADDRESSED**

The issues outlined below will be identified and described in the Environmental Assessment for the proposed MPL-Laporte 115 kV Transmission Project. The EA will describe the Project and the human and environmental resources at the facility location. The EA will also provide information on the potential impacts of the proposed Project and alternatives as they relate to the topics outlined in this scoping decision, including possible mitigation for identified impacts, identification of irretrievable commitment of resources, and permits from other government entities that may be required for construction of the Project.

The EA on the MPL-Laporte Project will address and provide information on the following matters:

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

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

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

If relevant information cannot be obtained within timelines prescribed by statute and rule, or if the costs of obtaining such information is excessive, or the means to obtain it is not known, EERA staff will include in the

EA a statement that such information is incomplete or unavailable and describe the relevance of the information in evaluating potential impacts or mitigation (Minnesota Rule 4410.2500).

- a. Human Settlement
  - i. Public Health and Safety (including EMF, stray voltage/induced current)
  - ii. Displacement (including future building site)
  - iii. Noise
  - iv. Aesthetics
  - v. Socioeconomics (including property values, agriculture business)
  - vi. Cultural Values
  - vii. Recreation
  - viii. Public Services and Infrastructure (including TV/internet interference, transportation, and ROW access and trespass control)
  - ix. Land Use and Zoning (including use of public, private and corporate lands)
- b. Land Based Economies
  - i. Agriculture
  - ii. Forestry (including timber harvest)
  - iii. Tourism
  - iv. Mining
- c. Archaeological and Cultural Resources
- d. Natural Environment
  - i. Air
  - ii. Geology, Soils and Groundwater
  - iii. Surface Water
  - iv. Wetlands
  - v. Vegetation (including reported Lady Slipper patch)
  - vi. Wildlife (including black tail deer, wolf, cougar, bobcat, avian species)
  - vii. Rare and Unique Natural Resources (including local MBS sites, Itasca State Park)

**VI. Cumulative Impacts**

- a. Other projects, if any, under construction or reasonably foreseeable projects in the area

**VII. Unavoidable Impacts**

**VIII. Irreversible and Irretrievable Commitments of Resources**

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

**ROUTES TO BE EVALUATED IN THE ENVIRONMENTAL ASSESSMENT**

The EA will evaluate the route proposed by Minnkota in its Route Permit Application (*yellow route*) and seven alternatives proposed by local residents. The following route alternatives are depicted on the attached maps.

- Co-location along the existing MPL pipeline corridor (Figure 1);
- Thompson Alternative Route (Figure 2);
- Seeger Alternative Route 2 (Figure 3);
- Seeger Alternative Route 3 (Figure 4);

- Seeger Alternative Route 4 (Figure 5);
- Seeger Alternative Route 5 (Figure 6);
- Seeger Alternative Route 6 (Figure 7).

### IDENTIFICATION OF PERMITS

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

### ISSUES OUTSIDE THE SCOPE OF THE ENVIRONMENTAL ASSESSMENT

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

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

### SCHEDULE

The Environmental Assessment is anticipated to be completed and available by January 15, 2017. A public hearing will be held in the Project area after the Environmental Assessment has been issued and notice served.

Signed this 28<sup>th</sup> day of October, 2016

STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE



William Grant, Deputy Commissioner

**FIGURES**



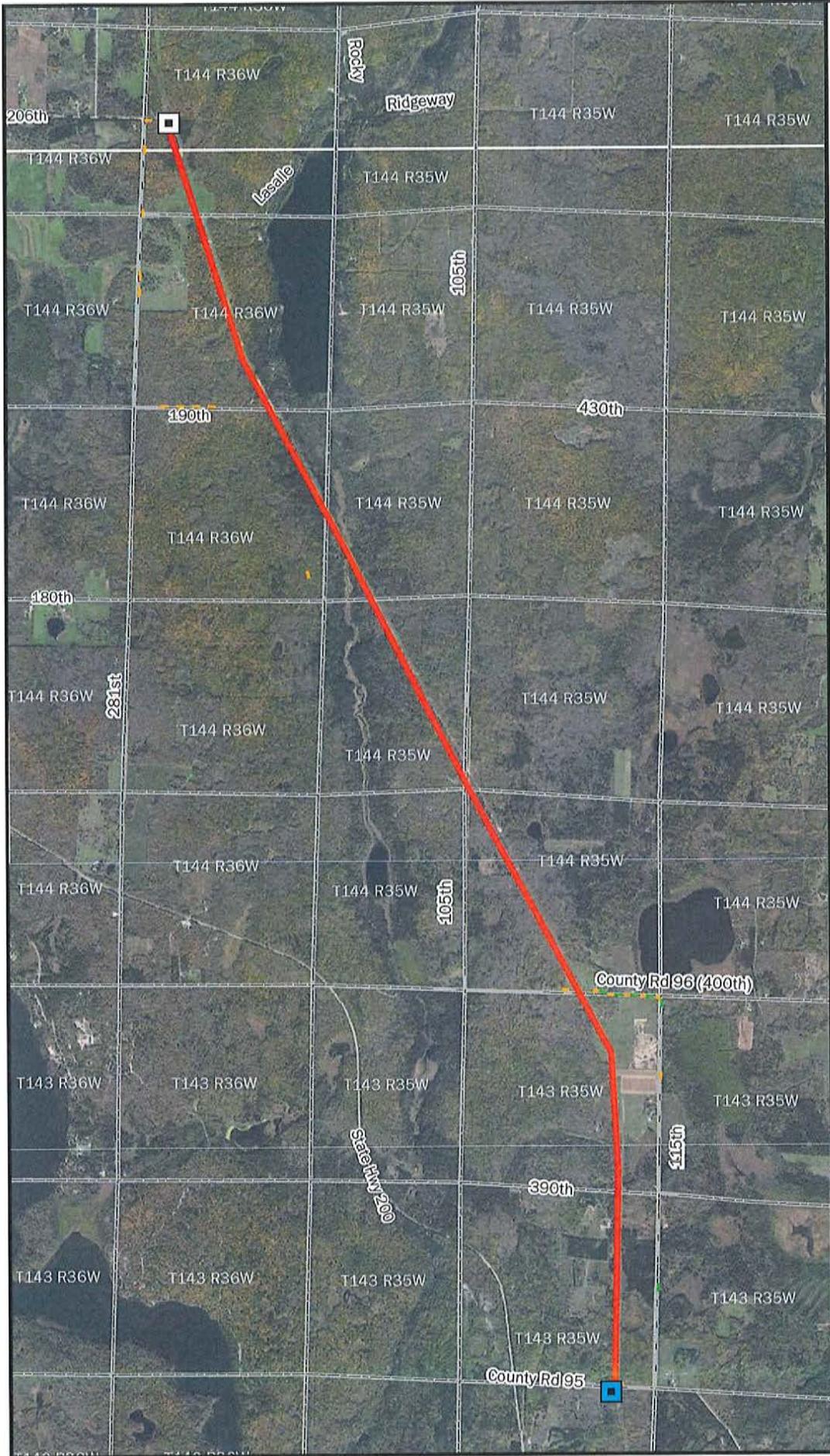
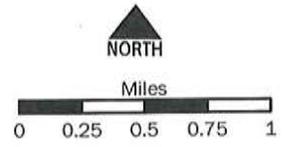
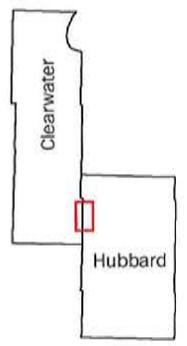


Figure 1

MPL Collocate Alternative

-  Existing Substation
-  Proposed Substation

 Red Route (MPL Pipeline Corridor)



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



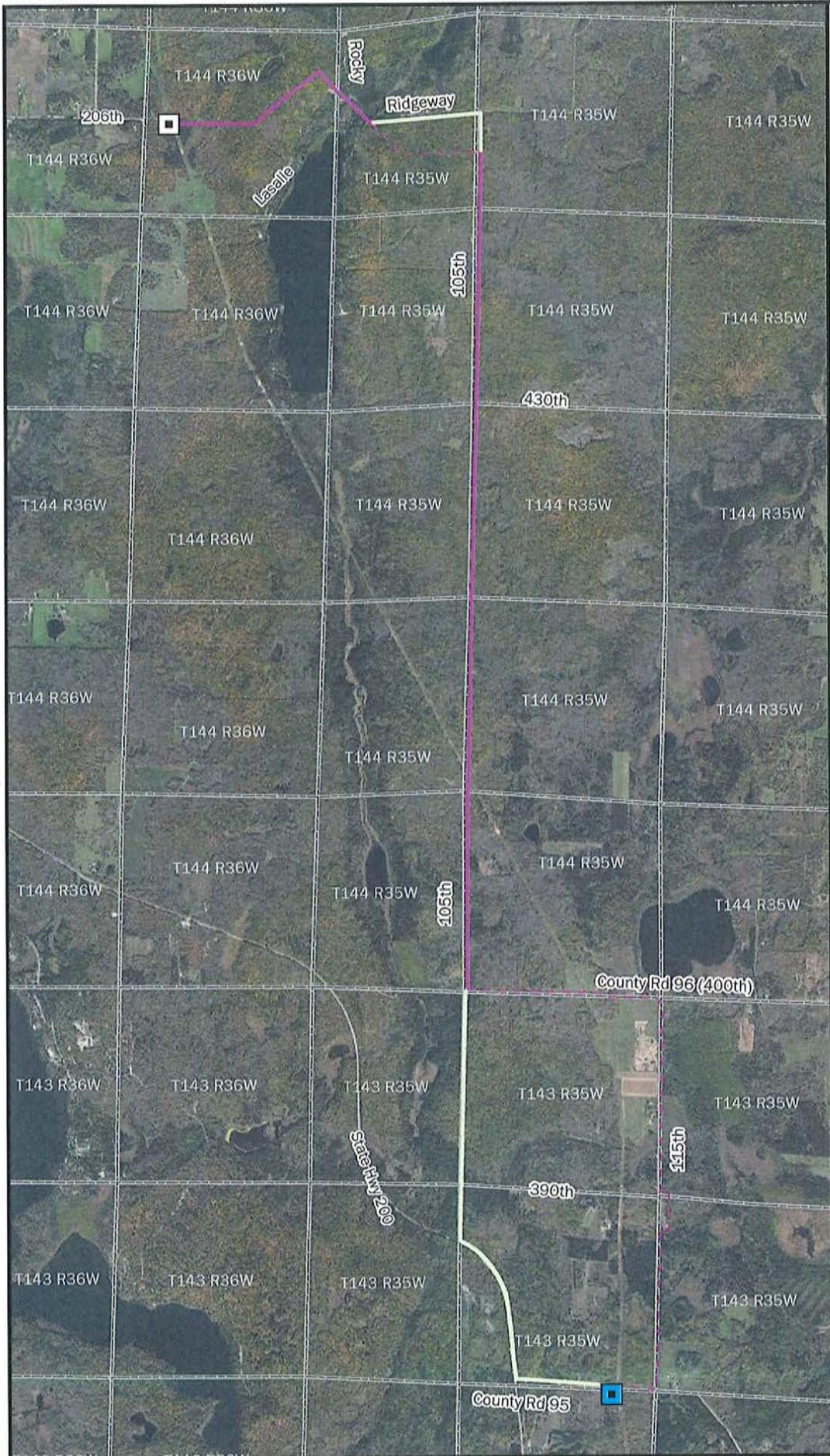
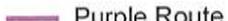
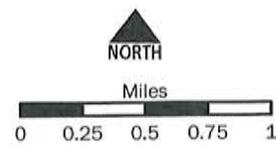
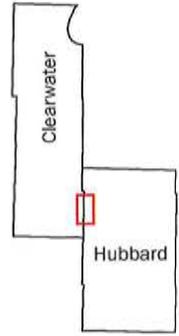


Figure 2  
Thompson Alternative

-  Existing Substation
-  Proposed Substation
- Thompson Route Segment Proposal
-  Purple Route
-  Replaced Portion of Purple Route

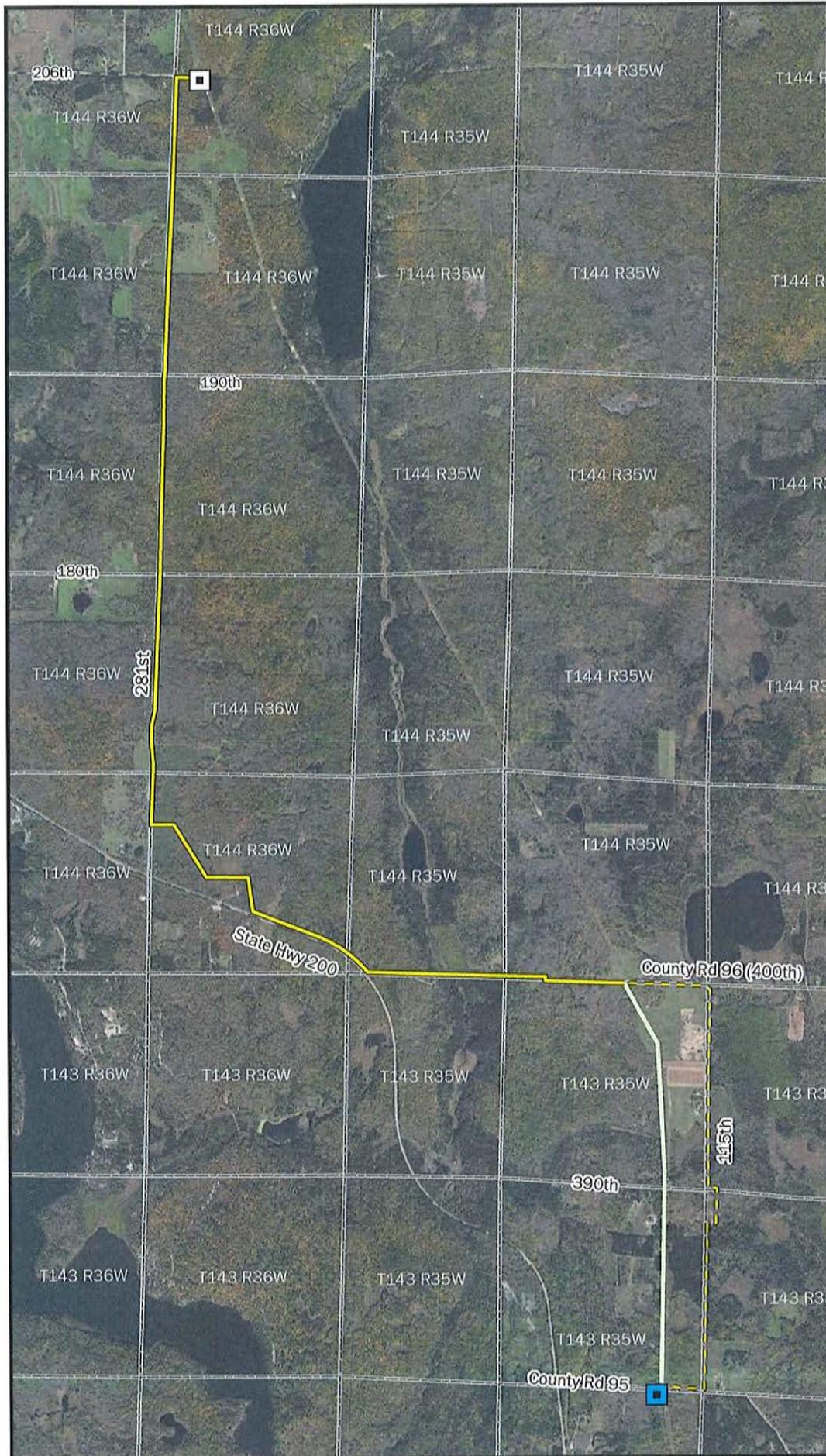


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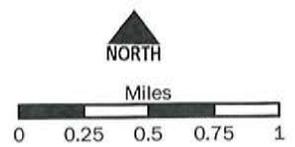
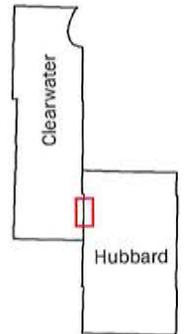


Figure 3

Seeger Alternative 2



-  Existing
-  Proposed
-  Seeger Route Segment Proposal 2
-  Proposed Route
-  Replaced Portion of Proposed Route

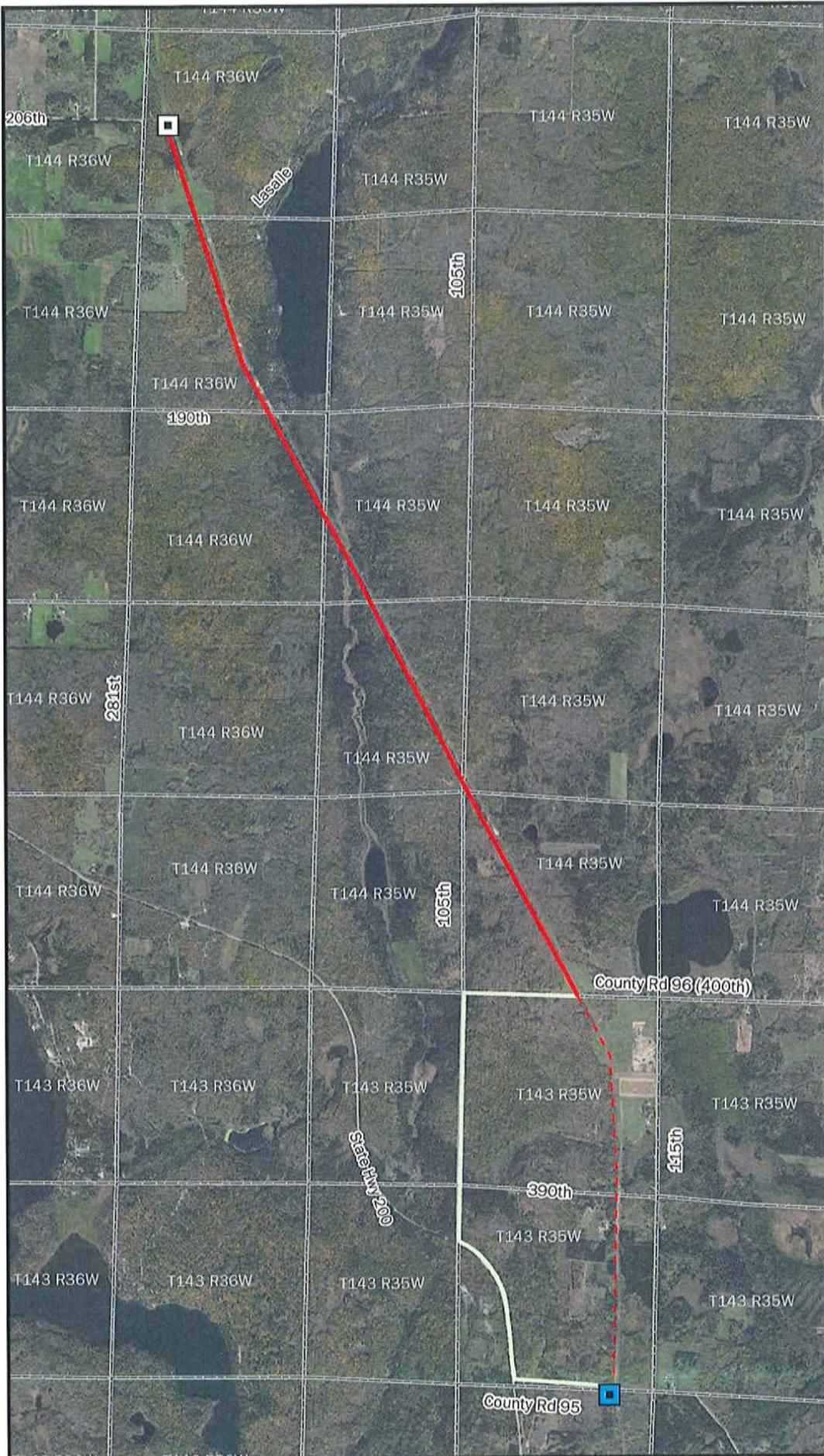


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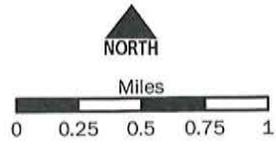
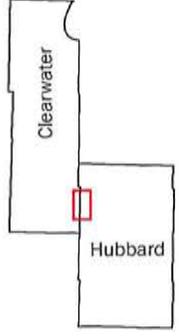


Figure 4

Seeger Alternative 3



-  Existing Substation
-  Proposed Substation
-  Seeger Route Segment Proposal 3
-  Red Route
-  Replaced Portion of Red Route

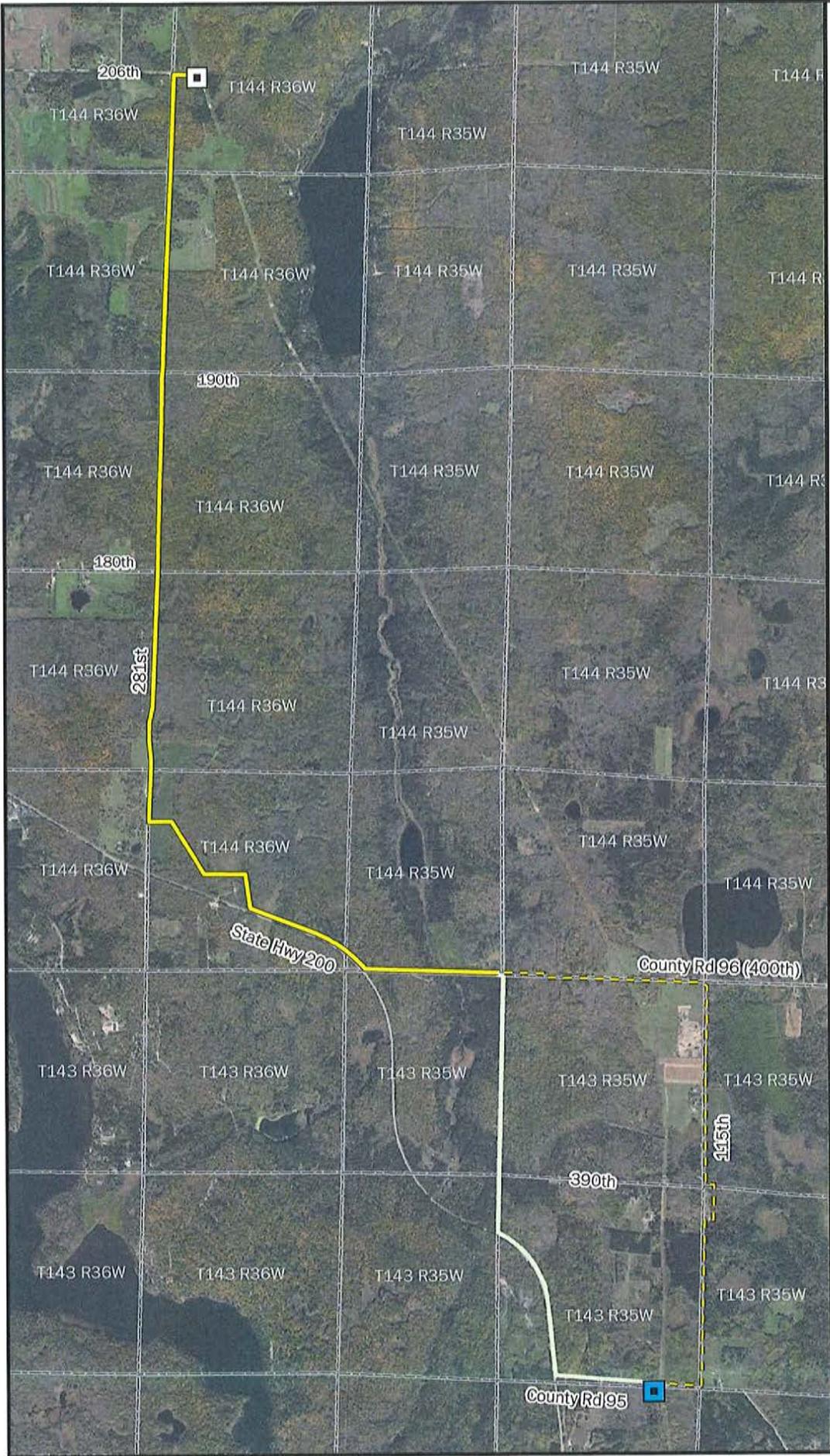


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Figure 5

Seeger Alternative 4



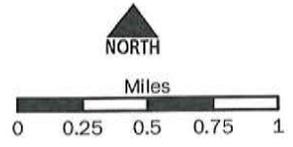
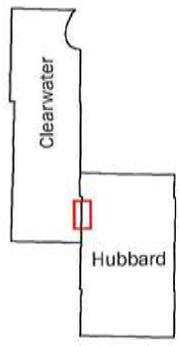
Existing

Proposed

Seeger Route Segment Proposal 4

Proposed Route

Replaced Portion of Proposed Route



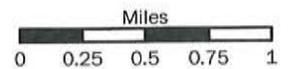
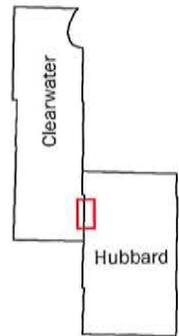
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Figure 6

Seeger Alternative 5

-  Existing Substation
-  Proposed Substation
-  Seeger Route Segment Alternative 5
-  Proposed Route
-  Replaced Portion of Proposed Route
-  Red Route
-  Replaced Portion of Red Route



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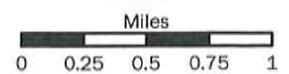
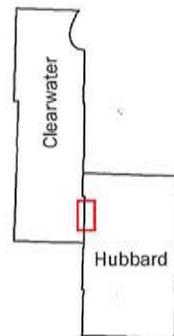




Figure 7

Seeger Alternative 6

-  Existing Substation
-  Proposed Substation
-  Seeger Route Segment Alternative 6
-  Proposed Route
-  Replaced Portion of Proposed Route



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