

## 2.0 Regulatory Framework

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### 2.1 Permit Requirement

The Commission is responsible for permitting power plants, transmission lines, pipelines, and wind turbine siting. Under the Power Plant Siting Act, a permit from the Commission is required for transmission line projects over 100 kV (Minn. Stat. § 216E). However, local review and permitting is possible for eligible projects (Minn. Stat. § 216E.05). For such projects, a utility may apply to a local unit of government instead of the Commission for a permit to build the project. Based on these rules, SMMPA requested that Redwood County evaluate the proposed Project under the local review process.

Redwood County has agreed to act as the lead local unit of government with jurisdiction to approve the project. The County was afforded the opportunity to relinquish its jurisdiction by requesting that the Commission assume jurisdiction, but elected to maintain jurisdiction of the project. Therefore, as required by Minn. Stat. § 216E.05, subd. 3, and Minn. Rules 7849.6200 Subp. 3, SMMPA provided notice to the Commission that a route permit had been applied for through the local review process. SMMPA sent the notice letter to the Commission December 14, 2010 (see Appendix A). A letter was sent by the Department of Commerce, Office of Energy Security (OES) to SMMPA on December 16, 2010 confirming the proposed Project was eligible for local review (see Appendix A). A copy of the same notice was also sent to those persons on the Power Plant Siting General Notification list as required under Minn. Rules 7850.5300, Subp. 3.

### 2.2 Environmental Assessment Requirements

In accordance with Minn. Rules 7849.6200 Subp. 5, the local unit of government with jurisdiction over the project must prepare an Environmental Assessment (EA). The EA contains information on the human and environmental impacts of the proposed project and addresses methods to mitigate such impacts.

When the EA is complete, Redwood County must provide a copy of the EA to the Commission (Minn. Rules 7850.5300, Subp. 5) and publish a notice in the Minnesota Department of Administration, Environmental Quality Board (EQB) Monitor that the EA is available for public review, how a copy of the document may be reviewed, that the public may comment on the document, and the procedure for submitting comments to Redwood County. A final decision on the

proposed Project cannot be made by Redwood County until at least 10 days after the notice appears in the EQB Monitor.

### **2.3 Public Participation/Scoping of Environmental Assessment**

Minn. Rules 7850.5300 requires that the public has the opportunity to participate in developing the scope of the EA before it is prepared. A survey requesting comments on the proposed Project and input on the scope of the EA was sent on February 4, 2011 by Redwood County to all landowners who are located outside of the Redwood Falls city limits and within ¼ mile of the proposed route, and on February 18, 2011 to landowners located within Redwood Falls city limits and within 500 feet of the proposed route. The survey and survey responses are provided in Appendix B.

### **2.4 Conditional Use Permit/Hearing**

SMMPA and the City of Redwood Falls sent a Conditional Use Permit (CUP) Application to Redwood County on December 2, 2010. The CUP was accepted as complete by the Redwood County Environmental Office on December 9, 2010. The CUP Application and Redwood County acceptance letter are provided in Appendix C.

Once the notice of the EA has been published in the EQB Monitor and the comment period requirements have been met, Redwood County will hold a public hearing and make a decision on the CUP Application for the proposed Project. At least 10 days prior to the public hearing on the CUP Application for the proposed Project, notices will be mailed to landowners located with ¼ miles of the project and a *Notice of Public Hearing* will be published in the Redwood Gazette. The notice will provide details about the meeting date, time, and location.