BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Ellen Anderson	Chair
J. Dennis O'Brien	Commissioner
Phyllis Reha	Commissioner
David Boyd	Commissioner
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Missouri River Energy Services
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SERVICE DATE: October 24, 2011

DOCKET NO. ET-10/MC-11-857

In the Matter of the Application by the Western Minnesota Municipal Power Agency for a Minor Alteration to the Fergus Falls – Henning 230 kV Transmission Line in Otter Tail County, Minnesota

The above entitled matter has been considered by the Commission and the following disposition made:

Authorized, with the following two conditions, the minor alterations requested by the Western Minnesota Municipal Power Agency (WMMPA) to its plans for rerouting and rebuilding the Fergus Falls – Henning 230 kilovolt (kV) transmission line:

A. Archaeological Survey.

Prior to construction, WMMPA shall conduct an archaeological survey (Phase I) for the project. WMMPA shall contract with a qualified archaeologist to complete the survey and shall submit the results of the survey to the Commission, the Minnesota state archaeologist, and the Minnesota State Historic Preservation Office (SHPO) at the Minnesota Historical Society. WMMPA shall make every effort to avoid impacts to identified archaeological and historic resources during construction. In the event that an archaeological or historic resource is encountered during construction

WMMPA shall mark and preserve the resource and directly consult with SHPO. SHPO shall have three working days from the time the agency is notified by WMMPA of a resource site to conduct an inspection of the site. On the fourth day after notification, WMMPA may begin work on

the site unless SHPO has directed that work shall cease. In such event, work shall not continue until SHPO determines that construction can proceed.

Prior to construction, WMMPA shall ensure that construction personnel are trained about the need to avoid archaeological and historic resources, how to identify these resources, and procedures to follow if such resources are found during construction.

B. Notification to Commission

1. **At least 10 days before the rebuilt line is to be placed into service, WMMPA shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete.**
2. **Within 60 days after completion of construction, WMMPA shall submit to the Commission geo-spatial information for all above ground structures associated with the project.**

The Commission agrees with and adopts the recommendations of the Department of Commerce which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF MINNESOTA DEPARTMENT OF COMMERCE ENERGY FACILITY PERMITTING STAFF

DOCKET NO. ET10/MC-11-857

Meeting Date: October 20, 2011 Agenda Item # _____

Company: Western Minnesota Municipal Power Agency

Docket No. ET10/MC-11-857

In the Matter of the Application by the Western Minnesota Municipal Power Agency for a Minor Alteration to the Fergus Falls – Henning 230 kV Transmission Line in Otter Tail County, Minnesota.

Issue(s): Should the Commission authorize a minor alteration for the proposed transmission line reroute and rebuild? If so, what conditions, if any, should attach to the minor alteration?

EFP Staff: Ray Kirsch…….…….....651-296-7588

Relevant Document(s)

WMMPA's Request for Minor Alteration Authorization ……..……August 22, 2011
Notice of Minor Alteration Application and Comment Period.……...…. August 29, 2011

The enclosed materials are work papers of Department of Commerce, Energy Facility Permitting (EFP) staff. They are intended for use by the Public Utilities Commission and are based on information already in the record unless otherwise noted.

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Documents Attached

1. Project Overview Map

Additional documents and information can be found on eDockets: https://www.edockets.state.mn.us/EFiling/search.jsp (11-857) and the Commission's energy facilities permitting website: http://energyfacilities.puc.state.mn.us/Docket.html?Id=5803.

Statement of the Issues

Should the Commission authorize a minor alteration to the Western Minnesota Municipal Power Agency's Fergus Fall – Henning 230 kV transmission line per the provisions of Minnesota Rule 7850.4800? If so, what conditions, if any, should attach to the minor alteration?

Introduction and Background

The Western Minnesota Municipal Power Agency (WMMPA) owns and operates the Fergus Falls – Henning 230 kV transmission line in Otter Tail County, Minnesota. The transmission line was originally constructed in 1954 and upgraded in 1968. WMMPA is proposing to reroute and rebuild a section of the line, approximately 0.7 miles long, around Norway Lake. The rising water level of the lake has damaged several transmission line structures and limited access for maintenance. WMMPA is proposing to reroute the transmission line around Norway Lake to address these issues (see attached map). The reroute includes (1) the construction of 10 new transmission line structures on a new route alignment away from the lake and (2) the removal of eight existing structures near the lake.

Regulatory Process and Procedures

A minor alteration is a change in a large electric power generating plant or high voltage transmission line that does not result in significant changes in the human or environmental impact of the facility (Minn. Rule 7850.4800). Minnesota Rule 7850.4800 outlines the application, review, and public notice procedures to be used in seeking minor alteration authorization.

WMMPA filed a request with the Commission for minor alteration authorization for the project on August 22, 2011. On August 29, 2011, EFP staff, on behalf of the Commission, issued a notice of application for a minor alteration and associated comment period. Comments were sought on whether the proposed project is a minor alteration, and any conditions that may be appropriate should the project be authorized as a minor alteration. The comment period closed on September 16, 2011. One comment was received on the project. This comment, from the Minnesota State Historic Preservation Office, recommended that an archaeological survey be completed for the project.

The Commission may authorize the minor alteration or determine that the alteration is not minor and requires a full permitting decision (Minn. Rule 7850.4800, Subp. 3). The Commission may

authorize the minor alteration but impose reasonable conditions on the approval (Minn. Rule 7850.4800, Subp. 3).

DOC EFP Staff Analysis and Comments

Minor Alteration
WMMPA's request for minor alteration authorization has been reviewed by EFP staff. The request provides adequate information for staff to conclude that the proposed project would not result in significant changes in the human or environmental impacts of WMMPA's existing 230 kV transmission line and is eligible for authorization as a minor alteration.

The proposed reroute around Norway Lake will cross land which is currently in agricultural production. Thus, the reroute will create agricultural impacts. WMMPA indicates that the three landowners whose land would be impacted by the reroute are agreeable to easements for the new alignment. As the new alignment crosses agriculture land and parallels existing roads, tree clearing will be minimal.

The proposed reroute will change the aesthetics of the transmission line; it is possible that the aesthetic impact of the line will decrease by moving it away from Norway Lake.

The placement of new transmission line structures and the removal of existing structures will introduce construction-related impacts, e.g., noise, dust, soil movement. These impacts are not anticipated to rise to the level of a "significant change."

No public comments were received which proposed or argued that the project is not a minor alteration. Accordingly, EFP staff concludes that the project is eligible for authorization as a minor alteration.

Conditions
One public comment was received on the project – a comment from the Minnesota State Historic Preservation Office (SHPO) at the Minnesota Historical Society.[1] SHPO recommends that an archaeological survey be completed for the project prior to construction. Accordingly, EFP staff recommends that such a survey, including related procedural protections common to Commission site and route permits, be a condition of authorizing this minor alteration.

Additionally, EFP staff believes it would be appropriate to attach notification conditions, common to Commission route permits, to authorization of this minor alteration.

Thus, EFP staff recommends the following conditions:

A. **Archaeological Survey.** Prior to construction, WMMPA shall conduct an archaeological survey (Phase I) for the project. WMMPA shall contract with a qualified archaeologist to complete the survey and shall submit the results of the survey to SHPO, the Commission, and the Minnesota state archaeologist. WMMPA shall make every effort to avoid impacts to identified archaeological and historic resources during construction.

[1] Comment Letter from Minnesota Historical Society, September 28, 2011 | eDockets 20119-66795-01

In the event that an archaeological or historic resource is encountered during construction, WMMPA shall mark and preserve the resource and directly consult with SHPO. SHPO shall have three working days from the time the agency is notified by WMMPA of a resource site to conduct an inspection of the site. On the fourth day after notification, WMMPA may begin work on the site unless SHPO has directed that work shall cease. In such event, work shall not continue until SHPO determines that construction can proceed.

Prior to construction, WMMPA shall ensure that construction personnel are trained about the need to avoid archaeological and historic resources, how to identify these resources, and procedures to follow if such resources are found during construction.

B. **Notification to Commission**

1. At least 10 days before the rebuilt line is to be placed into service, WMMPA shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete.

2. Within 60 days after completion of construction, WMMPA shall submit to the Commission geo-spatial information for all above ground structures associated with the project.

Commission Decision Options

A. Authorize the minor alteration request for WMMPA's Fergus Falls – Henning 230 kV transmission line reroute and rebuild without conditions.

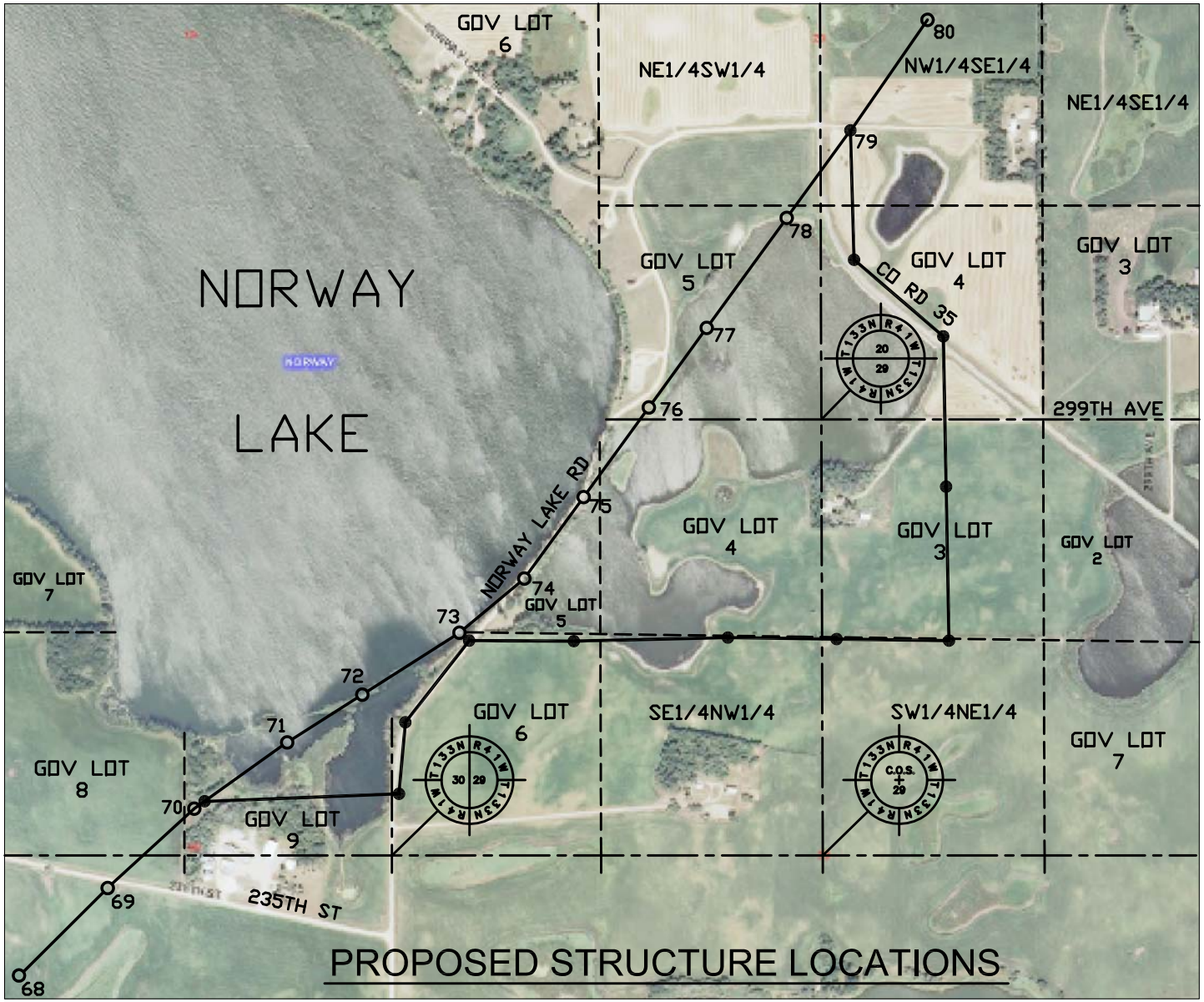
B. Authorize the minor alteration request for WMMPA's Fergus Falls – Henning 230 kV transmission line reroute and rebuild with conditions A and B noted above.

C. Determine that the alteration is not minor and requires a full permitting process.

D. Make some other decision deemed more appropriate.

DOC EFP Staff Recommendation: Staff recommends option B.

Figure 1. Norway Lake Reroute
WMMPA - Otter Tail County, Minnesota



LEGEND

EXISTING

PROPOSED

N

NO SCALE

MISSOURI RIVER ENERGY SERVICES

Western Minnesota municipal power agency

DRAWING TITLE
FERGUS FALLS–HENNING
(NORWAY LAKE REROUTE)
PROPOSED STR. LOCATIONS

DWG. SIZE	DRAWING SCALE	DRAWING DATE	APPVD BY:	DRAWN BY:
B	NONE	6–16–11	MBN	MBN

DRAWING NUMBER Figure 3

REV. NO. 0

REV NO.	REV DESCRIPTION	DATE	BY	APR

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