Energy Environmental Review and Analysis
85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
ph 651.539.1500 | fx 651.539.0109
http://mn.gov/commerce/energyfacilities/

January 2, 2014

Burl W. Haar, Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: Application Completeness Review
Odell Wind Farm, LLC High Voltage Transmission Line Route Permit
Docket No. IP6914/TL-13-591

Dear Dr. Haar:

Attached are the review and comments of the Minnesota Department of Commerce Energy Environmental Review and Analysis (EERA) staff in the following matter:

Application of Odell Wind Farm, LLC for a Route Permit for a High Voltage Transmission Line for the Odell Wind Farm Project in Martin, Jackson and Cottonwood Counties, Minnesota

Odell Wind Farm, LLC has submitted an application pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 for a Route Permit for a 9.5 mile long 115 kV transmission line in Cottonwood, Jackson and Martin counties.

This filing was made on December 12, 2013, by:

Patrick Smith
Director of Environmental Planning
Odell Wind Farm, LLC
7650 Edinborough Way, Suite 725
Edina, Minnesota 55435

EERA staff is available to answer any questions the Commission may have.

Sincerely,

Richard Davis, Environmental Review Manager
EERA Staff

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF THE MINNESOTA DEPARTMENT OF COMMERCE ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS

DOCKET NO. IP6914/TL-13-591

Date…….. January 2, 2014
EERA Staff: Richard I. Davis .....(651) 539-1846

In the Matter of the Application of Odell Wind Farm, LLC for a Route Permit for a High Voltage Transmission Line for the Odell Wind Farm Project in Martin, Jackson and Cottonwood Counties, Minnesota

Issues Addressed: Application Completeness; contested issues of fact; and establishing an Advisory Task Force.

Additional documents and information can be found on http://mn.gov/commerce/energyfacilities/Docket.html?Id=33682 or on eDockets http://www.edockets.state.mn.us/EFilin/search.jsp (13-591).

This document can be made available in alternative formats; i.e. large print or audio tape by calling (651) 539-1530.

Introduction and Background

On December 12, 2013, Odell Wind Farm, LLC submitted a high voltage transmission line (HVTL) Route Permit Application under the alternative permitting process to the Commission for the proposed Odell Wind Farm HVTL Project.

The Project is located in Cottonwood, Jackson, and Martin counties. Odell Wind Farm, LLC proposes to construct 9.5 miles of new 115 kV transmission line from planned Odell Wind Farm substation in Cottonwood County to the proposed Woad Hill substation in Martin County. The Odell Wind Farm substation has been included in the Odell Wind Farm Large Wind Energy Conversation System (LWECS) site permit application (Docket IP6914/WS-13-843), and the Woad Hill substation is being included in the Odell Wind Farm HVTL route permit application.

Project Location
The project is located in Mountain Lake Township in Cottonwood County, Kimball Township in Jackson County and Cedar Township in Martin County.

Project Description and Purpose
Odell Wind Farm, LLC proposes to construct the Odell Wind Farm HVTL Project to transmit energy generated at the proposed 200 MW LWECS Odell Wind Farm to the Woad Hill substation. As part of the Project, Odell Wind Farm proposes to construct approximately 9.5 miles of 115 kV HVTL and construct the Woad Hill substation.

Odell Wind Farm, LLC has proposed the project utilize a variable 150 to 600 foot route width for the 115 kV HVTL. The majority of the proposed route will be 150 feet wide extending from the road centerline. Odell Wind Farm, LLC is requesting that the proposed route width in sections 1 and 12 of Kimball Township in Jackson County be 300 feet, extending 150 feet on both sides of the road centerline. The proposed 300 foot route width in this area will allow additional flexibility to accommodate distances from homes. Odell Wind Farm, LLC is requesting a 600 foot route width in section 6 and 7 of Cedar Township in Martin County. In this area, the additional route width will allow flexibility to work around a known easement title issue.

Regulatory Process and Procedures

Minnesota Statute 216E.03, subd. 2 provides that no person may construct an HVTL without a Route Permit from the Commission. An HVTL is defined as a transmission line of 100 kV or more and greater than 1,500 feet in length in Minnesota Statute 216E.01, subd. 4. The proposed transmission line are HVTLs and therefore a Route Permit is required prior to construction. The Application was submitted pursuant to the provisions of the Alternative Permitting Process outlined in Minn. Rules 7850.2800-3900.

The Odell Wind Farm HVTL Project qualifies for review under the alternative permitting process authorized by Minnesota Statute 216E.04, subd. 2, and Minn. Rule 7850.2800, subp. 1, because the project is between 100 and 200 kV. According to that same rule, since the project qualifies for the alternative permitting process, the Applicant can choose to follow the alternative process procedures under Minn. Rule 7850.2800-3900 rather than the procedures for a full process under 7850.1700-2700. Odell Wind Farm, LLC has chosen to follow the alternative permitting process.

A Certificate of Need is not required for the project because it is not classified as a large energy facility under Minnesota Statutes Sections 216B.243 and 216B.2421, subdivision 2(3). While the Project is a HVTL with a capacity of 100 kV or more, it is not more than 10 miles long in Minnesota and it does not cross a state line. Therefore, the project is exempt from the Certificate of Need requirements.

Route Permit Application and Acceptance
Route permit applications must provide specific information about the proposed project including, but not limited to, applicant information, route description, environmental impacts, alternatives and mitigation measures (Minn. Rule 7850.3100). The Commission may accept an

application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information (Minn. Rule 7850.3200).

The review process begins with the determination by the Commission that the application is complete. Application acceptance allows initiation of the public participation and environmental review processes. The Commission has six months to reach a final decision on the route permit application from the date the application is determined to be complete. The Commission may extend this limit for up to three months for just cause or upon agreement of the applicant (Minn. Rule 7850.3900).

Environmental Review

Applications for HVTL route permits under the alternative permitting process are subject to environmental review, which is conducted by EERA staff under Minn. Rule 7850.3700. EERA staff will provide notice and conduct a public scoping meeting to solicit public comments on the scope of the environmental assessment (EA). Following the close of the comment period, EERA staff will file comments on alternative route proposals with the Commission. The Deputy Commissioner of the Department of Commerce will determine the scope of the EA.

An EA is a written document that describes the human and environmental impacts of a proposed project (and selected alternative routes) and methods to mitigate such impacts. The EA will be completed and made available prior to the public hearing.

Public Hearing

Applications for HVTL route permits under the alternative permitting process require a public hearing upon completion of the EA. The hearing would be conducted in the project area and in accordance with the procedures provided in Minn. Rule 7850.3800.

Public Advisor

Upon acceptance of an application for a route permit, the Commission must designate a person to act as the public advisor on the project (Minn. Rule 7850.3400). The public advisor is available to answer questions for the public about the permitting process. In this role, the public advisor may not act as an advocate on behalf of any person.

Advisory Task Force

The Commission may appoint an advisory task force (Minnesota Statute 216E.08, subd. 1). Minn. Rule 7850.3600 directs the Commission to determine whether to appoint a task force as early in the process as possible. Should the Commission appoint a task force, the Commission must specify in writing the charge to the task force. The charge to the task force includes, at minimum, identification of additional routes or specific impacts to be evaluated in the EA. A task force would terminate upon completion of its charge, designation by the Commission of alternate routes to be included in the EA, or upon a specific date set by the Commission. An advisory task force appointed to evaluate routes considered for designation must, at minimum, include at least one representative from the applicable Regional Development Commission, county, municipalities and one town board member (Minn. Statute 216E.08, subd. 1).

The Commission is not required to assign an advisory task force for every project. In the event that the Commission does not name a task force, a citizen may request appointment of a task force (Minn. Rule 7850.3600). If such a request were made, the Commission would then need to determine at a subsequent meeting whether a task force should be appointed.

The decision whether to appoint an advisory task force does not need to be made at the time of accepting the application; however, it should be made as soon as practicable to ensure its charge can be completed prior to the EA scoping decision by the Department.

EERA Staff Analysis and Comments

EERA staff conferred with Odell Wind Farm, LLC about the Odell Wind HVTL Project as the route permit application was developed and provided comments on a draft of the application. Subsequently, EERA staff has conducted a completeness review of the Odell Wind HVTL Project application filed with the Commission on December 12, 2013, relative to the application content requirements specified in Minn. Rule 7850.3100. Odell Wind Farm, LLC has included a Completeness Checklist table on pages 1 through 3 of the application, which illustrates the required information and where the information can be found within the document.

EERA staff believes that its comments on the draft application have largely been addressed and that the application meets the content requirements of Minn. Rule 7850.3100 and is substantially complete. Staff does note, however, that the right-of-way discussion in Section 3.2 is somewhat confusing and appears to suggest that the HVTL requires a 113 to 130 foot right-of-way; rights-of-way for 115 kV lines are more typically 75 to 80 feet in width. EERA believes that this issue can be clarified through development of the EA for the project.

Contested Issues

At this time, EERA staff is not aware of any contested issues of fact with respect to representations in the route permit application. Although issues may be identified during the scoping process required for development of the EA, EERA staff believes that the alternative permitting process public hearing allows for robust record development to inform the Commission's eventual route permit decision.

Advisory Task Force

In analyzing the merits of establishing an Advisory Task Force for the project, EERA staff considered four project characteristics: size, complexity, known or anticipated controversy and sensitive resources. The proposed design information and preliminary environmental data contained in the HVTL route permit application were used to complete the following evaluation.

Project Size: At 9.5 miles in length, and at 115 kV, the proposed line is relatively small in length and capacity. The majority of the requested project route is a 150 foot width, which is relatively typical when compared to other projects, in similar agricultural areas.

Complexity: EERA staff considers the 9.5 mile Odell Wind HVTL transmission project to have a relatively low level of complexity. At 115 kV, the project is the smallest HVTL requiring state permitting. Although the project route is located within three counties, the proposed project consists of only one 115 kV transmission line and is entirely located within privately owned agricultural land directly adjacent to existing road right-of-ways.

Odell Wind Farm, LLC has requested wider route widths in two areas to allow flexibility in routing near homes and around a known easement title issue.

Known/Anticipated Controversy: EERA staff anticipates a relatively low level of controversy with the Odell Wind HVTL project. The Applicant has entered into Transmission Easement Agreements with the private landowners along the proposed route. As noted above, the proposed route width is wider in two areas to accommodate setbacks from homes and a conflict with an existing easement. The Odell Wind Farm, LLC is working with landowners to address these issues. EERA has not received comment from the public on any other potential alternatives or issues at this time.

Sensitive Resources. No sensitive natural resources are associated with the proposed project. The Odell Wind HVTL project is located entirely within an area of agricultural land use. The Project does not cross any Wildlife Management Areas, Waterfowl Production Areas or Scientific and Natural Areas.

No state-listed or federally-listed species are known to exist within one mile of the proposed transmission line.

Based on the analysis above, EERA staff believes that an advisory task force is not warranted at this time. EERA staff believes that the alternative permitting process provides adequate opportunity for citizens and state and local governmental units to identify issues and route alternatives to be addressed in the EA. As it has in prior projects, EERA staff will assist citizens and governmental units in understanding the scoping process and the process for identifying issues to be addressed and route and alignment alternatives to be considered.

Commerce EERA Recommendations

Commerce EERA staff recommends that the Commission accept the route permit application for the Odell Wind HVTL Project as substantially complete. EERA staff recommends that the Commission take no action on an advisory task force at this time.

Odell Wind Farm HVTL Route Permit Application - Tentative Schedule and Process

Estimated Timeframe	Route Permit Application Process Step	Who
December 12, 2013	Application Submitted	Odell
January 2, 2014	Application Completeness Comments	EERA
January 9, 2014	Reply Comments	Odell
January 23, 2014	Decision on Application Acceptance	PUC
January 30, 2014	EA Scoping Notice, Scoping Meeting Notice, and Comment Period Begins	EERA
February 12, 2014	Scoping Meeting	EERA
February 26, 2014	ER Scoping Comment Period Closes	EERA
March 5, 2014	Memo to PUC on alternative routes	EERA
March 20, 2014	PUC considers alternative routes for EA scope	PUC
March 21, 2014	Scope Decision Issued	DOC
June 20, 2014	Environmental Report (EA) Issued	EERA
June 20, 2014	Public Hearing Notice	PUC
July 2, 2014	Public Hearing	OAH
July 15, 2014	Public Hearing Comment Period Close File Findings of Fact	OAH Odell
July 25, 2014	Post-hearing Tech Analysis File Response to Hearing Comments	EERA Odell
August 25, 2014	ALJ Report	OAH
September 5, 2014	Exceptions to ALJ Report	EERA, Odell
September 18, 2014	Decision on Route Permit Issuance	PUC