



October 18, 2004

Tom Beck, Clerk  
Akeley Township  
24707 Highwood Trail  
Akeley, MN 56433

Larry Bubacz  
Sr. Environmental Compliance Specialist  
Minnesota Power  
30 West Superior Street  
Duluth, MN 55802-2093

**Subject: Minnesota Power 115/34.5 kV electric substation and transmission and distribution line extensions referenced as the Akeley Substation Project**

Dear Mr. Beck and Mr. Bubacz:

This letter confirms that the Minnesota Environmental Quality Board has received notification that Minnesota Power proposes to construct a 115/34.5 kV electric substation, with transmission and distribution line extensions to existing 115 kV and 34.5 kV lines in Akeley Township in Hubbard County.

This project falls under the Power Plant Siting Act, Minnesota Statutes § 116C.51-.69, and Minnesota Rules chapter 4400, which, for most transmission line projects over 100 kV, requires a permit from the EQB. Minn. Stat. § 116C.61 subd.1 provides that the EQB permit supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local, and special purpose government. However, for eligible projects, a utility may apply to those local units of government that have jurisdiction over the route for approval to build the project instead of applying to the EQB. The proposed 115 kV transmission line and substation project is eligible for local review. [Minn. Stat. § 116C.576 and Minn. R. part 4400.5000 subp. 2 C]

Minnesota Power has indicated that Akeley Township is the only local unit of government with jurisdiction that is involved in permitting the project and that a Building Permit application was submitted to the Township on October 7, 2004. A local unit of government may relinquish its jurisdiction by requesting the EQB to assume jurisdiction within 60 days of the filing of an application with the local unit of government. [Minn. R. 4400.5000 subp. 4]



An environmental assessment must be prepared by the local unit of government with jurisdiction over the project. I acknowledge that Akeley Township is the RGU for the Akeley Substation Project.

Specific requirements with regard to the environmental review process include an opportunity for the public to participate in the development of the scope of the environmental assessment before it is prepared; notice published in the EQB Monitor of when the assessment is available for review and of the procedure for commenting on the assessment; and that the final decision on the project will not be made until at least ten days after the notice appears in the EQB Monitor. Akeley Township must provide a copy of the environmental assessment to the EQB when it is completed. [Minn. R. 4400.5000 subp. 5]

Also note that Minnesota Power is required to send notice to those persons on the EQB power plant siting general notification list that a permit has been applied for from the local unit of government. [Minn. R. 4400.5000 subp. 3] The EQB can supply that list by electronic file to Minnesota Power upon request.

If there are any other questions, please feel free to contact me by phone or email.

Sincerely,

A handwritten signature in black ink, appearing to read "David Birkholz", with a stylized flourish at the end.

David Birkholz  
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St. Paul, MN 55155  
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