

PROPOSED  
RESOLUTION  
OF THE  
MINNESOTA ENVIRONMENTAL QUALITY BOARD

Designation of Route and Issuance of  
Route Permit  
To  
Faribault Energy Park, LLC  
For Two  
115 kilovolt Transmission Lines  
in  
Rice County, Minnesota

MEQB Docket No. 04-79-TR-FEP

BE IT RESOLVED, that the Minnesota Environmental Quality Board approves and adopts the Findings of Fact, Conclusions and Order designating a route for two new 115 kilovolt transmission lines in Rice County and issuing a Route Permit for the lines to Faribault Energy Park, LLC.

BE IT FURTHER RESOLVED, that Robert A. Schroeder, chair of the Board, is authorized to sign the adopted Findings of Fact, Conclusions and Order, and the Route Permit.



**STATE OF MINNESOTA  
ENVIRONMENTAL QUALITY BOARD**

In the Matter of the Application of Faribault Energy Park, LLC, for a Route Permit for Two 115 Kilovolt Transmission Lines to Connect a Proposed New Power Plant to an Existing Transmission Line in Rice County, Minnesota

**FINDINGS OF FACT,  
CONCLUSIONS, AND ORDER  
ISSUING A ROUTE PERMIT FOR  
TWO HIGH VOLTAGE  
TRANSMISSION LINES**

**MEQB DOCKET NO.  
04-79-TR-FEP HVTL**

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The above-captioned matter came before the Minnesota Environmental Quality Board (EQB) at a regular meeting on May 20, 2004, pursuant to an application by Faribault Energy Park, LLC (FEP), for a Route Permit to construct two 115 kilovolt transmission lines (a double-circuit) in Rice County, Minnesota, to interconnect a new proposed power plant with the transmission grid.

**STATEMENT OF ISSUE**

Should Faribault Energy Park, LLC (FEP) be granted a Route Permit for two 115 kilovolt transmission lines to connect a new power plant in Rice County, Minnesota, with the transmission grid, and if so, along what route and under what conditions?

Based upon all of the proceedings herein, the Minnesota Environmental Quality Board makes the following:

**FINDINGS OF FACT**

**The Applicant**

1. The applicant is Faribault Energy Park, LLC (hereinafter "Applicant" or "FEP"). FEP is a limited liability corporation wholly owned by the Minnesota Municipal Power Agency.

**The Project**

2. The proposed project consists of two 115 kilovolt transmission lines approximately 400 feet long that will connect a new power plant to be built by FEP with the nearby Lake Marion-West Faribault 115 kV line owned by Xcel Energy. The lines will be double circuited on the same structures. The structures will be H-frame wood

pole structures approximately 60 feet high. There will be six structures. The transmission lines will be located entirely on property owned by FEP.

3. The power plant is the subject of a separate EQB permit proceeding. EQB Docket No. 02-48-PPS-FEP. The EQB adopts the Findings of Fact and Conclusions in that Docket as though fully set forth herein.

4. As part of the permit application for a Site Permit for the power plant, Faribault Energy Park proposed two different sites, contiguous to each other. As part of this proceeding, the EQB considered a proposed route for the transmission line from each of the two possible locations for the power plant. Because the EQB has issued a Site Permit for FEP's preferred site for the power plant, the route approved in this proceeding is the route proposed from the preferred site to the nearby existing transmission line.

### **Procedural History**

5. On March 3, 2004, the Applicant notified the EQB that it intended to apply for a Route Permit under the Alternative Permitting Procedures set forth in the EQB rules, Minn. Rules parts 4400.2000 to 4400.2950. Exhibit 1.

6. On March 8, 2004, FEP applied to the EQB for a Route Permit for two high voltage transmission lines. Exhibit 2. The EQB Chair accepted the application on March 9, 2004, and began the review process. The Chair determined that a citizen advisory task force was not necessary. Exhibit 3.

7. The Applicant notified residents in the area of the proposed transmission line of the fact that FEP had applied for a permit from the EQB for the new lines. Exhibit 19.

8. The Applicant published notice in the Faribault Daily News on March 17, 2004, that an application had been filed with the EQB. Exhibit 7. The Applicant also notified persons on the EQB general notification list. Exhibit 8.

9. Notice of the acceptance of the application and of an upcoming public meeting to scope the Environmental Assessment that the EQB was required to prepare on the project was provided by direct mail to those persons on the EQB notification list and by publication in the Faribault Daily News. Exhibits 4, 5, and 6. The public meeting was held in Faribault, Minnesota, on March 22, 2004.

10. The matter was held open for submission of written comments on the scope of the Environmental Assessment until April 2, 2004. The Chair issued the Scoping Decision on April 7, 2004. Exhibit 9. The EQB mailed notice of the Scoping Decision to interested persons on April 9, 2004. Exhibit 10.

11. On April 9, 2004, the EQB Chair appointed Alan Mitchell of the EQB staff to serve as the hearing examiner in a public hearing on the proposed transmission line project. Exhibit 13.

12. On April 15, 2004, the EQB mailed Notice of Public Hearing to interested persons. Exhibit 12. The Notice announced that a public hearing would be held on May 3, 2004, and that the Environmental Assessment would be available by May 1, 2004. Exhibit 11. The Notice of Public Hearing was published in the Faribault Daily News on April 20, 2004. Exhibit 14. City and county officials were also notified directly by mail of the public hearing. Exhibit 15.

13. An Environmental Assessment, Exhibit 18, was completed on April 28, 2004. Notice of the availability of the Environmental Assessment was mailed out to interested persons on April 28. Exhibit 17.

14. A public hearing was held in Faribault, Minnesota, on May 3, 2004. EQB staff and several representatives of the Applicant were in attendance, but no member of the public attended the hearing.

15. The record was kept open for the receipt of written comments until May 13, 2004. No comments were submitted to the EQB.

### **Potential Impacts**

16. In the Environmental Assessment, various potential impacts of the proposed transmission lines were evaluated.

17. The proposed lines will be located entirely on row cropped agricultural land. FEP has a purchase agreement for the entire length of the lines.

18. The nearest residence to the lines is approximately 700 yards away. No persons will be displaced by location of the lines along the route.

19. The proposed transmission lines will not add significantly to background noise levels. The generating plant will be a much louder noise source than the transmission lines and the plant will operate in compliance with all state noise standards.

20. The H-frame structures will be visible from a few local residences and from several highways including I-35, but the existence of the lines is not expected to have significant visual impacts.

21. There are no state recreational areas, historic features, or other protected areas that will be impacted by the lines along the route. No structures will be located in a wetland.

22. The proposed transmission lines will be designed to meet or exceed all requirements of the National Electric Safety Code, which is the utility standard that applies to all transmission lines.

23. The issue of electric and magnetic field (EMF) exposure was examined. There are no state or federal health-based exposure standards. The Minnesota Department of Health recommends avoiding exposures about which there are questions of safety or

health, at least to the extent that an activity can be avoided easily or cheaply. The Department has stated that it is prudent to continue to monitor research in this area.

24. The electric field generated by the line will not exceed the limit that the EQB has included in other permits it has issued, which is 8 kilovolts per meter one meter above the ground.

25. The EQB has not imposed similar limits on exposure to magnetic fields.

26. It is reasonable to require FEP to conduct measurements of the electric and magnetic fields in the vicinity of the line after it is constructed.

### **Costs**

27. The transmission lines along the preferred route will cost approximately \$75,000. The route from the other site considered for location of the power plant would require a much longer line and the costs of construction along that route are estimated to be \$200,000. Exhibit 2 at page 2-2.

### **Environmental Assessment**

28. The Environmental Assessment addresses the issues identified in the Chair's scoping decision.

Based on the foregoing Findings of Fact, the Environmental Quality Board makes the following:

## **CONCLUSIONS**

1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.
2. The Environmental Quality Board has jurisdiction over the subject matter of this proceeding pursuant to Minn. Stat. § 116C.57, subdivision 2.
3. This project qualifies for review under the Alternative Review Process of Minn. Stat. § 116C.575 and Minn. Rules parts 4400.2000 to 4400.2950.
4. The Applicant and the EQB have complied with all procedural requirements required by law.
5. The EQB has completed an Environmental Assessment on this project as required by Minn. Stat. § 116C.575, subdivision 5 and Minn. Rules part 4400.2750, and considered all the pertinent factors in determining which route to approve.
6. The route proposed by the Applicant is necessary to connect with the site approved for location of the power plant.

7. The conditions included in the Route Permit are reasonable and appropriate and agreed to by the Applicant.

Based on the Findings of Fact and Conclusions contained herein and the entire record of this proceeding, the Environmental Quality Board hereby makes the following

**ORDER**

A Route Permit is hereby issued to Faribault Energy Park for construction of two 115 kilovolt transmission lines along the route proposed by the Applicant and under the conditions specified in the permit. The Permit shall be issued in the form attached hereto, with a map showing the approved route.

Dated this 20<sup>th</sup> day of May, 2004

STATE OF MINNESOTA  
ENVIRONMENTAL QUALITY BOARD



Robert A. Schroeder  
Chair

