

May 21, 2024

VIA eDOCKETS

The Honorable James Mortenson
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, MN 55164-0620

RE: EERA Reply Comments
Minnesota Power HVDC Modernization Center Project
PUC Docket No. E-015/TL-22-611 and CN-22-607
OAHC Docket No. 5-2500-39600

Dear Judge Mortenson,

Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff submits these reply comments on the proposed Minnesota Power HVDC Modernization Center Project (Project). These comments address the proposed findings of fact, conclusions of law, and recommendations proposed by Minnesota Power.

Minnesota Power submitted its initial brief and proposed findings of fact on May 3, 2024.¹ This submittal summarized the hearing record, responded to hearing comments (including EERA's December 11, 2023, comments),² along with proposed Findings of Fact, Conclusions of Law, and Recommendations (Findings).³

In these reply comments, EERA responds to Minnesota Power's comments. EERA's comments consist of two parts:

- I. Substantive modifications to Minnesota Power's Proposed Findings
- II. Minor technical edits to Minnesota Power's Proposed Findings

¹ Minnesota Power, *Filing Letter, COS, And Service Lists For Brief And Findings*, May 3, 2024, eDocket No. [20245-206380-02](#).

² EERA, *Hearing Comments*, April 15, 2024, eDocket Nos. [20244-205360-02](#) and [20244-205360-04](#).

³ Minnesota Power, *Proposed Findings of Fact*, May 3, 2024, eDocket No. [20245-206380-06](#).

I. Substantive Modifications to Minnesota Power's Proposed Findings

For purposes of this discussion, proposed language in Minnesota Power's Findings is shown in plain black text and EERA's recommended revisions are shown with red strikeout for omissions and red underline for additions. For clarity and length, footnotes included in Minnesota Power's Findings are not included in EERA's comments.

- A. EERA recommends adding information to Finding 218 to completely outline all impacts in the environmental assessment (EA) that were not determined minimal or negligible.

218. DOC-EERA evaluated the potential impacts to the natural and socioeconomic environments for the Minnesota Power Proposed Configuration and the ATC Arrowhead Alternative in the EA developed for the HVDC Modernization Project. DOC-EERA's analysis indicated that potential impacts to the natural and socioeconomic environments are anticipated to be minimal with a couple of exceptions. DOC-EERA anticipates that the following elements have the potential for moderate impacts: (i) construction noise, aesthetics, surface water, and topography for both the Minnesota Power Proposed Configuration and the ATC Arrowhead Alternative) and (ii) cultural values for those who place a high value on the rural nature of the HVDC Modernization Project area for the Minnesota Power Proposed Configuration.

- B. EERA recommends adding information to Finding 363 to better document that the EA has satisfied the Scoping Decision by fulfilling the Department of Natural Resources' (DNR) request in its Scoping Comments submitted on September 22, 2023, to include discussion of metallic mineral and aggregate potential in the EA.⁴

363. There are no known active gravel pits or other mining activity in the vicinity of the Project and impacts to underground mineral resources is expected to be minimal. The project is sited in an area where the land has metallic mineral and aggregate potential. Since the DNR does not have surface ownership in the project area, they cannot require geophysical survey of the below-ground minerals on private lands. The construction of electrical utility facilities would likely interfere with any future geophysical surveys because the surveying technology cannot accurately assess what is underground when HVTLs are above the survey location. Project infrastructure will not be sited above this resource or other identified aggregate sources. As no impacts on mining are anticipated, no mitigation is proposed.

- C. EERA recommends changing Finding 409 to correct an inaccurate statement.

409. In its April 15, 2024, Hearing Comments, DOC-EERA stated that it did not disagree that ATC had offered a buffer of low-growing vegetation adjacent to West Rocky Run in testimony. In any event, DOC-EERA did not agree that any vegetation buffer at the crossing under the ATC Arrowhead Alternative would change the conclusions in the EA.

⁴ Scoping Comments of the Minnesota DNR, September 22, 2023, eDockets No. [20239-199095-01](#).

II. Minor Technical Edits to Minnesota Power's Proposed Findings

EERA proposes technical edits to Minnesota Power's proposed Findings to correct minor typographical errors.

EERA recommends revising Finding 407 to fix an incorrect spelling.

407. Direct impacts to West Rocky Run cannot be avoided by the Project, primarily derived from tree clearing for the new transmission line right-of-way^{wy}. Potential impacts to surface waters are anticipated to be moderate for both system alternatives which will clear one additional right-of-way in a part of the trout stream that is already impaired and experiencing warming from previous right-of-way clearing that will remain.

EERA staff appreciates the opportunity to submit these reply comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jenna Ness', with a stylized flourish at the end.

Jenna Ness
Environmental Review Project Manager