

Appendix C Scoping Decision



ENVIRONMENTAL ASSESSMENT SCOPING DECISION

In the Matter of the Application of Great River Energy for a HVTL Route Permit for the St. Joseph 115 kV Transmission Line and Substation Rebuild in Stearns County
PUC Docket No. ET2/TL-22-235

The above matter has come before the Commissioner of the Department of Commerce (Department) for a decision on the scope of the Environmental Assessment (EA) to be prepared for Great River Energy's St. Joseph 115 kilovolt (kV) Transmission Line and Substation Rebuild in Stearns County.

Introduction and Background

On August 25, 2022, Great River Energy (Applicant) submitted a high voltage transmission line (HVTL) Route Permit Application (RPA) to the Minnesota Public Utilities Commission (Commission).¹ The RPA was submitted under the alternative review process (Minnesota Statute 216E.04; Minnesota Rule 7850.2800-3900).

Project Purpose and Description

The Applicant's stated purpose for the transmission line and substation rebuild is to improve system reliability by completing the conversion of the regional transmission system to operate at 115-kV.² The upgrade of the transmission line will "loop" the system by allowing power to the Westwood Substation to be provided either through the West St. Cloud Substation to the south or the Le Sauk Substation to the north.

The project will improve service reliability and resiliency to Le Sauk, Westwood I, and Five Points Distribution Substations by re-establishing additional transmission lines to power the Le Sauk Substation. By looping the system, more transmission lines can serve the load in the event of a transmission line being taken out of service due to maintenance, weather, or accidents. Outage durations will also be reduced by replacing some manual switches with motor operated switches that can be activated remotely.³

The Applicant also states that the project will address North American Electric Reliability Corporation category P6 contingency low voltage problems by eliminating low voltage problems, which can negatively impact the operation of some electrical equipment. Measures to address safety concerns resulting from high current amp levels on the distribution system when transferring load between the Westwood I and Westwood II distribution banks are also included in the project, to avoid damage to

¹ Route Permit Application, August 25, 2022, eDockets No(s) [20228-188608-02](#), [20228-188608-03](#), [20228-188608-04](#)

² Application, P. 1-5.

³ Ibid.

equipment and technicians. Lastly, the project will reduce outage exposure at the substations involved in the project by shortening the 115-kV transmission system that serves them.⁴

The Great River Energy St. Joseph 115 kV Transmission Line and Substation Rebuild Project includes: (1) removing approximately 3.2 miles of the existing 69-kV ST-WW transmission line and structures between the existing West St. Cloud, Westwood, and Le Sauk Substations and replacing those facilities with an overhead 115-kV transmission line and structures; (2) extending the transmission line approximately 170 feet northwesterly near the existing Le Sauk Substation to tap into a new 115-kV switch on Great River Energy's existing Stearns - Five Points Substation transmission line; (3) installing an additional 115-kV breaker and associated equipment at the existing West St. Cloud Substation; and (4) installing two 115-kV line switches: one for the tap feeding the existing Westwood Substation, and one north of the existing Le Sauk Substation.⁵

Regulatory Process and Procedures

The St. Joseph 115 kV Transmission Line and Substation Rebuild Project requires a HVTL route permit from the Commission;⁶ the Project qualifies for review under the alternative permitting process authorized by Minnesota Statutes § 216E.04, subd. 2(3) and Minnesota Rules 7850.2800, Subp. 1(C) because the Project is a HVTL between 100 and 200 kV. Applicants must provide the Commission with written notice of their intent to file an application under the alternative permitting process at least ten days before submitting an application for the project,⁷ which was provided on July 14, 2022.⁸

Application and Acceptance

Route permit applications must provide specific information.⁹ This includes, but is not limited to, information about the applicant, descriptions of the project and site, and discussion of potential human and environmental impacts with possible mitigation measures.¹⁰ Under the alternative permitting process an applicant is not required to propose alternative sites or routes; however, if alternatives were evaluated and rejected, the application must describe these and the reasons for rejecting them.¹¹

Upon receiving a HVTL route permit application, the Commission may accept it as complete, reject it and advise the applicant of its deficiencies, or accept it as complete but require the applicant submit additional information.¹²

Once the Commission determines an application is complete, the formal environmental review process can begin.

⁴ Ibid.

⁵ Ibid.

⁶ Minn. Stat. 216E.03, subdivision 2.

⁷ Minn. R. 7850.2800, subpart. 2.

⁸ Great River Energy, Notice of Intent to File Under the Alternative Process. eDocket No. 20227-187430-01.

⁹ Minn. Stat. 216E.04, subdivision. 3; Minn. R. 7850.3100.

¹⁰ Ibid.

¹¹ Ibid.

¹² Minn. R. 7850.3200.

Public Advisor

Upon acceptance of an RPA the Commission must designate a public advisor.¹³ The public advisor answers questions about the permitting process but cannot provide legal advice or act as an advocate for any person.

Advisory Task Force

The Commission may appoint an advisory task force to aid in the environmental review process.¹⁴ An advisory task force assists Energy Environmental Review and Analysis (EERA) staff in identifying additional routes or specific impacts to evaluate in the EA prepared for the project.¹⁵ If appointed, an advisory task force must include certain local government representatives.¹⁶ The advisory task force expires upon completion of its charge or issuance of the scoping decision.¹⁷

Appointment of an advisory task force is not required at the time of *Application Acceptance*; in the event no advisory task force is appointed citizens may request one be created.¹⁸ If such a request is made, the Commission must make this determination at its next scheduled agenda meeting.¹⁹ Deciding to appoint an advisory task force should be made as soon as practicable to ensure an advisory task force could complete its charge prior to issuance of the scoping decision.

Environmental Review

Route permit applications are also subject to environmental review. The alternative permitting process requires completion of an EA, which is prepared by EERA staff.²⁰ An EA contains an overview of the resources affected by the project and discusses potential human and environmental impacts and mitigation measures.²¹ Under the alternative permitting process an EA is the only required state environmental review document.²²

EERA conducts necessary public scoping meetings in conjunction with a public comment period to inform the content of the EA (i.e., Scoping).²³ The Commissioner of the Department or a designee determines the scope of the EA,²⁴ and may include alternative routes suggested during the scoping process if they would aid the Commission in making a permit decision.²⁵

¹³ Minn. R. 7850.3400.

¹⁴ Minn. Stat. 216E.08, subdivision. 1; Minn. R. 7850.3600, subpart 1.

¹⁵ Minn. R. 7850.2400, subpart 3.

¹⁶ Minn. Stat. 216E.08, subdivision. 1.

¹⁷ Minn. R. 7850.2400, subpart 4.

¹⁸ Minn. R. 7850.2400, subpart 2.

¹⁹ Minn. R. 7850.2400, subpart 2.

²⁰ Minn. Stat. 216E.04, subdivision 5; Minn. R. 7850.3700, subpart 1.

²¹ Minn. Stat. 216E.04, subdivision 5; Minn. R. 7850.3700, subpart 4.

²² Minn. Stat. 216E.04, subdivision 5.

²³ Minn. R. 7850.3700, subpart 2.

²⁴ Id. at subpart 3.

²⁵ Id. at subpart 2.

Public Hearing

The alternative permitting process requires a public hearing be held in the county where the project is located upon completion of the EA²⁶ in accordance with the procedures outlined in Minnesota Rule 7850.3800, subpart 3.

The hearing is typically presided over by an Administrative Law Judge (ALJ) from the Office of Administrative Hearings (OAH). The Commission may request that the ALJ provide solely a summary of public testimony. Alternately, the Commission may request that the ALJ provide a full report with findings of fact, conclusions of law, and recommendations regarding the project (this hearing is not a contested case hearing and is not conducted under OAH Rule 1405).

Final Decision

The Commission is required to make a HVTL route permit decision within six months from the date an application is accepted.²⁷ This time limit may be extended up to three months for just cause or upon agreement of the applicant.²⁸

On November 21, 2022, the Commission issued an Order²⁹ on Great River Energy's application for a HVTL Route Permit for the St. Joseph 115 kV Transmission Line and Substation Rebuild Project. Through the order, the Commission: 1) Accepted the HVTL RPA for the St. Joseph 115 kV Transmission Line and Substation Rebuild Project as complete, but 2) required GRE to file additional information identified by EERA in its September 9, 2022, initial comments, and 3) requested a full ALJ report with recommendations for the Project's public hearing. EERA did not recommend an advisory task force and the Commission took no action on the matter of the advisory task force.

Scoping Summary

On November 21, 2022, Commission and EERA staff sent notice of the place, date, and time of the Public Information and Scoping meetings to local government units and those persons on the Project contact/general list.³⁰

Commission staff and EERA staff jointly held a Public Information and EA Scoping meeting at the Millstream Park Meeting Facility in St. Joseph on December 8, 2022. A remote-access meeting (Webex) was held on December 7, 2022. The purpose of the meetings was to provide information to the public about the proposed Project, to answer questions, and to allow the public an opportunity to suggest alternatives and impacts (i.e., scope) that should be considered during preparation of the environmental review document. A court reporter was present at the meetings to document oral statements.

²⁶ Minn. R. 7850.3800, subpart 1.

²⁷ Minn. R. 7850.3900, subpart 1.

²⁸ Ibid.

²⁹ Order Finding Application Complete, eDocket no. 202211-190769-01.

³⁰ Notice of Public Information/Scoping Meeting, eDocket no. 202211-190763-01.

Scoping Comments

Written comments were received from two state agencies and the applicant. No route alternatives, route alternative segments, and/or alignment modifications were suggested for consideration. However, the applicant is requesting an expanded route width for a portion of the proposed project. A summary of comments follows.

MDNR

MDNR comments focus on the uplisting of the northern long-eared bat from federally threatened to federally endangered and proximity of the project to the Audubon Society's Avon Hills Important Bird Area (IBA).³¹

Specifically, MDNR comments included the following:

- A request that the EA acknowledge that the northern long-eared bat (NLEB) has been uplisted to federally endangered. The project borders a township known to contain NLEB and DNR recommends further coordination with U.S. Fish and Wildlife Service to understand how this change in status could affect the project.
- A recommendation that tree removal be prohibited from April through October to avoid potential NLEB impacts.
- A note that the proposed transmission lines are less than a half mile from the Audubon Society's Avon Hills Important Bird Area (IBA). The southern portion of the project area along Ridgewood Road contains wetlands that extend into the IBA and are likely used by bird species documented within the IBA.
- A recommendation that swan-type flight diverters be required along the southern portion of the transmission line in areas that are in/border wetlands near the IBA to minimize avian injuries and fatalities.

MnDOT

MnDOT's comments focus on potential impacts of the proposed project to current MnDOT right of way and the need for MnDOT permits.³²

Specifically, MnDOT noted the following:

- The proposed rebuild project does not directly affect current MnDOT right-of-way. Should alternate routes be proposed during the scoping process, MnDOT would need to reevaluate those proposal(s) as MnDOT does have right-of-way near the project area.
- GRE may need to apply for oversize/overweight hauling permits during construction of the project.
- MnDOT's highway construction activities could impact the Applicant's plans to haul oversize loads to the proposed site, the Applicant will need to coordinate with MnDOT when planning such loads. This coordination includes, but is not limited to, State Project construction, holiday travel restrictions, seasonal load limits, vertical and width restrictions, and new

³¹ Scoping Comments of the Minnesota DNR, December 29, 2022, eDocket No. [202212-191679-01](#).

³² Comments of the Minnesota Department of Transportation, December 21, 2022, eDocket No. [202212-191541-01](#)

changes to escort requirements for oversized vehicles.

- MnDOT will not issue permits until the Commission has issued an approved route permit for the project. The applicant should continue coordination with MnDOT District 3B permits office.

Applicant

Pursuant to Minn. Rule 7850.3700, subpart 2(B), applicants have the right to review proposed alternatives. GRE submitted a comment letter (1) amending their requested route width as shown on figures 2A and 2B, and (2) requesting that the expanded route width be included for analysis in the EA.³³

No requests for alternative routes, alternative route segments, and/or alignment modifications were received.

Proposed Alternatives

The process for individuals to request that specific alternative routes, alternative route segments, and/or alignment modifications be included in the scope of the environmental review document was discussed at the EA scoping meetings. To be considered for inclusion in EERA's *Scoping Decision* recommendation to the Department Commissioner, alternative routes, route segments, or modifications to the alignment must meet an initial screening. This initial screening requires that all requests:

1. Be submitted during the scoping comment period.
2. Describe the specific impact being mitigated.
3. Be specific and identifiable.
4. Meet the stated need for the project.

EERA Staff Analysis

EERA provides technical expertise and assistance to the Commission.³⁴ EERA and the Commission work cooperatively, but function independently to meet their respective statutory responsibilities.

The scoping process for environmental review in Minnesota is designed to identify and analyze "only those potentially significant issues relevant to the proposed project" and alternatives to the project.³⁵ The following recommendation for the scope of the EA covers those items required under Minnesota Rule 7850.3700 subpart 4 – *Content of Environmental Assessment*.

In addition to the generic categories found under Minnesota Rule 7850.4100 – *Factors Considered*, the EA will address specific concerns raised in the scoping comments received.

EERA staff is not recommending any alternative routes, alternative route segments, and/or alignment modifications be included in the *Scoping Decision*.

³³ Comments of Great River Energy, December 29, 2022, eDocket No. [202212-191693-01](#)

³⁴ Minn. Stat. 216E.03, subdivision 11.

³⁵ Minnesota Rule 4410.2100, Subpart 1.

Public Utilities Commission Action

EERA's *Scoping Summary* was considered by the Commission via its consent agenda on January 19, 2023. The Commission concurred with EERA and took no action on the route alternatives to be evaluated in the environmental assessment. On January 24, 2023, the Commission issued minutes from that meeting indicating their response.³⁶

SCOPING DECISION

HAVING REVIEWED THE MATTER, consulted with EERA staff, and in accordance with Minnesota Rule 7850.3700, I hereby make the following scoping decision:

MATTERS TO BE ADDRESSED

The issues outlined below will be identified and described in the EA for the proposed St. Joseph 115 kV Transmission Line and Substation Rebuild Project. The EA will describe the Project and the human and environmental resources along the HVTL routes. The EA will also provide information on the potential impacts of the proposed project as they relate to the topics outlined in this scoping decision, including possible mitigation for identified impacts, identification of irretrievable commitment of resources, and permits from other government entities that may be required for construction of the project.

Data and analyses will be commensurate with the level of impact for a given resource. This approach is consistent with Minnesota Statute and Rule, which state the purpose of scoping, in part, is to reduce the scope and bulk of environmental review documents.³⁷ The decision whether to abbreviate analysis for certain resource topics will be made by EERA staff and will be based on information from the route permit application, field visits, scoping comments, preliminary environmental analysis, and staff experience with similar projects.

If relevant information cannot be obtained within timelines prescribed by Statute and Rule, or if the costs of obtaining such information is excessive, or the means to obtain it is not known, EERA staff will include in the EA a statement that such information is incomplete or unavailable, and an explanation of the relevance of the lacking information in evaluating potential impacts.³⁸

The EA will be organized as outlined below and will provide information on the following matters:

- 1. Project Description**
- 2. Project Purpose**
- 3. Regulatory Framework**

³⁶ Minutes of the Public Utilities Commission, January 24, 2023, eDocket No. [20231-192470-01](#).

³⁷ *E.g.*, Minn. Stat. [116D.04](#), subd. 2a; Minn. R. [4410.2100](#), subp. 1.

³⁸ Minnesota Rule [4410.2500](#).

- 3.1. Certificate of Need (none required)
- 3.2. Route Permits
- 3.3. Scoping Process
- 3.4. Public Hearing
- 3.5. Other Permits (discussion will include permitting and licensing required by other agencies, including MDNR and MnDOT).
- 3.6. Issues outside the EA

4. Proposed Project

- 4.1. Proposed Location (Route and Right-of-wayalignment)
- 4.2. ROW Requirements
- 4.3. Project Design
- 4.4. Project Construction
- 4.5. Project Operation and Maintenance

5. Potential Impacts of the Project

- 5.1. Human Settlement
 - 5.1.1. Public Health and Safety (including EMF, stray voltage/induced current)
 - 5.1.2. Displacement
 - 5.1.3. Noise
 - 5.1.4. Aesthetics
 - 5.1.5. Socioeconomics (including property values, agriculture business)
 - 5.1.6. Environmental Justice
 - 5.1.7. Cultural Values
 - 5.1.8. Recreation
 - 5.1.9. Public Services and Infrastructure (including TV/internet interference, transportation, and ROW access and trespass control). Transportation concerns raised by MnDOT will include a discussion of the impacts on the transportation system, including safety, potential costs to MnDOT (if any), and maintaining the necessary MnDOT clear zone(s) along the transmission line.
 - 5.1.10. Land Use and Zoning
- 5.2. Land Based Economies
 - 5.2.1. Agriculture
 - 5.2.2. Forestry
 - 5.2.3. Tourism
 - 5.2.4. Mining
- 5.3. Archaeological and Cultural Resources
- 5.4. Natural Environment
 - 5.4.1. Air
 - 5.4.2. Geology, Soils and Groundwater
 - 5.4.3. Surface Water
 - 5.4.4. Wetlands
 - 5.4.5. Vegetation
 - 5.4.6. Wildlife
 - 5.4.7. Rare and Unique Natural Resources
 - 5.4.8. Climate Change

6. Cumulative Impacts

- a. Other projects, if any, under construction or reasonably foreseeable projects in the area
- b. Associated actions, if any, related to construction of the project

7. Unavoidable Impacts

8. Irreversible and Irretrievable Commitments of Resources

9. Other Permits Required

The EA will include a list and description of permits or approvals from other government entities that may be required for construction of the proposed project.

10. Issues Outside the Scope of the EA

The EA for this project will not consider the following:

- Any route alternative(s) not specifically identified for study in this scoping decision.
- Any project alternative (an alternative to the proposed transmission line) not specifically identified for study in this scoping decision.
- Landowner compensation or easements.

SCHEDULE

The EA is anticipated to be completed and available in May 2023. Public hearings will be held in the project area after issuance of the EA and are anticipated to occur in May 2023.

Signed this ____ day of _____, 2023

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

Michelle Gransee, Assistant Commissioner