

June 24, 2024

VIA eDOCKETS

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: EERA Exceptions to ALJ Report
Minnesota Power HVDC Modernization Project
PUC Docket No. E-015/TL-22-611 and CN-22-607
OA H Docket No. 5-2500-39600

Dear Mr. Seuffert,

Department of Commerce, Energy Environmental Review and Analysis (EERA) staff has reviewed the Findings of Fact, Conclusions of Law, and Recommendations (ALJ report) issued by Administrative Law Judge James Mortenson on June 21, 2024, for the Minnesota Power HVDC Modernization Project.

EERA appreciates the ALJ report's comprehensive analysis of the record. Staff provides the following exceptions to the report. EERA staff's exceptions are related to recommendations suggested by EERA in its reply comments.¹

1. **Finding 234** of the ALJ report states:

The DOC-EERA evaluated the potential impacts to the natural and socioeconomic environments for Minnesota Power's proposed configuration and the ATC alternative in the EA developed for the HVDC modernization project. The DOC-EERA's analysis indicated that potential impacts to the natural and socioeconomic environments are anticipated to be minimal with a couple of exceptions. The DOC-EERA anticipates that the following elements have the potential for moderate impacts: (1) aesthetics, surface water, and topography for both Minnesota Power's proposed configuration and the ATC alternative; and (2) cultural values for those who place a high value on the rural nature of the project area for Minnesota Power's proposed configuration.

As requested in EERA's May 21, 2024, Reply Comments, EERA recommends editing finding 234 to denote all impacts in the environmental assessment (EA) that were not determined minimal or negligible as follows:

¹ Department of Commerce EERA, May 21, 2024. *EERA Reply Comments*. eDockets No. [20245-206944-02](#).

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.

2. Similarly, **finding 262** of the ALJ report states:

The DOC-EERA anticipates that the following elements have the potential for moderate impacts: (1) aesthetics, surface water, and topography (for both Minnesota Power's proposed configuration and the ATC alternative); and (2) cultural values for those who place a high value on the rural nature of the project area.

EERA recommends editing finding 262 to denote all impacts in the EA that were determined to potentially be moderate as follows:

The DOC-EERA anticipates that the following elements have the potential for moderate impacts: (1) construction noise, aesthetics, surface water, and topography (for both Minnesota Power's proposed configuration and the ATC alternative); and (2) cultural values for those who place a high value on the rural nature of the project area.

3. **Finding 446** of the ALJ report states:

In its April 15, 2024, Hearing Comments, the DOC-EERA stated that it did not agree that ATC had offered a buffer of low-growing vegetation adjacent to West Rocky Run in testimony. The DOC-EERA did not agree that any vegetation buffer at the crossing under the ATC alternative would change the conclusions in the EA. Therefore, the DOC-EERA concluded that the ATC alternative would present slightly higher potential for warming impacts to the West Rocky Run, as compared to the proposed project.

As requested in EERA's May 21, 2024, Reply Comments, EERA recommends editing finding 446 to correctly reflect EERA staff's hearing comments as follows:

In its April 15, 2024, Hearing Comments, the 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. The DOC-EERA did not agree that any vegetation buffer at the crossing under the ATC alternative would change the conclusions in the EA. Therefore, the DOC-EERA concluded that the ATC alternative would present slightly higher potential for warming impacts to the West Rocky Run, as compared to the proposed project.

EERA staff appreciates the opportunity to provide these exceptions and is available to answer any questions the Commission may have.

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