

In the Matter of the Application of
Great River Energy for a Route Permit for the
Cedar Lake Reroute Project in Scott and Rice
Counties, Minnesota

**Environmental Assessment
Scoping Decision
Docket No. ET2/TL-23-170**

The above matter is before the Commissioner of the Department of Commerce (Department) for a decision on the scope of the environmental assessment (EA) to be prepared for the Cedar Lake Reroute (Project) proposed by Great River Energy (GRE or Applicant) in Scott and Rice Counties.

This scoping decision identifies topics that will be analyzed in the EA.

Background

On June 7, 2023, Great River Energy (Applicant or GRE) 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).

The Project will replace approximately an existing 115 kV transmission line connected to the Cedar Lake substation. The existing 115 kV line is currently installed in the second circuit position on CapX2020 structures 044 through 068 in the Helena to Chub Lake segment of the Brookings to Hampton 345 kV transmission line project. On May 26, 2015, the Commission approved GRE's request for a minor alteration to allow the temporary installation of the existing 115 kV line. GRE indicated that use of the existing double circuit structures would be temporary and would continue until such time as the structures are needed to carry a new permanent 345 kV transmission line. At that time, GRE would be required to remove the 115 kV line and develop other means to serve the Cedar Lake substation.

GRE entered into a temporary structure sharing agreement with the CapX2020 owners. The agreement requires GRE to remove the existing 115 kV line when the owners provide written notice specifying the need for the Brookings project second circuit line. On March 29, 2023, the owners provided GRE with notice of termination of the agreement, effective 30 months from the date of the notice.

The current Project is proposed in order to make room for a second 345 kV circuit to be attached to the existing CapX2020 Brookings to Hampton transmission structures. The Project will include construction of a new approximately 6.3-mile 115 kV transmission line.

The transmission line will connect at GRE's existing MV-EVX 115 kV transmission line near the intersection of County Road 23 and Minnesota Highway 19 and extend to the existing Cedar Lake Substation south of County Road 2 (**Figure 1**). The Project will be designed to 115 kV standards, but will initially operate at 69 kV; designing to 115 kV standards will simplify operating the regional transmission system at 115 kV as electrification and load development increases in the area. Once the transmission line is constructed and connected to the substation, GRE's existing 115 kV transmission circuit, which is co-located in part on the CapX2020 Brookings to Hampton transmission structures, will be removed.

¹ Great River Energy Cedar Lake Reroute Application, pp. 1-1 through 1-7. June 7, 2023. eDocket No. 20236-196404-02.

Scoping Process Summary

Department of Commerce, Energy Environmental Review and Analysis (EERA) and Commission staff jointly held a public information and EA scoping meeting at the Park Ballroom in New Prague on August 1, 2023. A remote-access meeting was held on August 2, 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 impacts and alternatives that should be considered during preparation of the EA. A court reporter was present at the meetings to document oral statements.

Approximately 28 people attended the in-person public information and scoping meeting, while four people attended the remote meeting. During the comment period, which closed on August 14, 2023, eight public comments were received, and three comment letters were received from state agencies. The record from the public meetings, as well as scanned images (pdf) of the original written comments received, were posted on the EERA webpage and filed in eDockets.

Comments received ranged from statements of support for, or opposition to, the proposed HVTL project, to specific concerns or perceived impacts. During the EA scoping comment period several members of the public suggested alternative routes, alternative route segments, or modifications to the alignment proposed by GRE in their RPA.²

On September 13, 2023, EERA staff filed its *Summary of Scoping Process* with the Commission.³ In that filing, staff recommended that GRE's preferred route be the sole routing alternative included in the scoping decision for the EA. EERA staff did not recommend any other route alternatives or alignment modifications for inclusion in the EA scoping decision.

On October 3, 2023, EERA staff, along with a representative from Great River Energy, conducted an additional site visit. The purpose of this site visit was to allow EERA staff to reassess routing alternatives for the project.

On October 10, 2023, EERA staff filed amended comments to its *Summary of Scoping Process*,⁴ adding an alignment modification shifting the proposed alignment to run parallel to the southside of highway 19 just prior to Country Hollows Lane (Country Hollows Lane alignment alternative, **Figure 2**). The remainder of EERA's previous recommendations remaining unchanged.

At its October 19, 2023, agenda meeting the Commission considered EERA's *EA Scoping Summary* for the Cedar Lake Reroute Project. After consideration of the scoping process and EERA staff's proposed scoping recommendations, the Commission requested that the Department add a widening of the applicant's proposed route width from 400 feet to 2,640 feet along Baseline Avenue.⁵ The purpose of the broadening of the route is to encourage alignment modifications within the studied route to mitigate environmental and human impacts and to allow impacted landowners to propose alignment modifications for consideration before the public hearing.

² EERA Summary of Scoping Process, September 13, 2023. eDocket No. 20239-198916-01.

³ EERA Summary of Scoping Process, September 13, 2023. eDocket No. 20239-198916-01.

⁴ EERA Amended Comments and Recommendations, October 10, 2023. eDocket No. 202310-199497-01 to 04.

⁵ Commission Order, October 26, 2023, eDocket No. 202310-199921-01.

Additionally, the Commission required that the EA include an analysis of a complete under build for the full length of the proposed route paralleling Highway 19 of the existing distribution line that is now located South of Highway 19 or other modifications that co-locate or remove the distribution infrastructure from the route corridor in coordination with the electric distribution provider Minnesota Valley Electric Cooperative.⁶

HAVING REVIEWED THE MATTER, consulted with EERA staff, and in accordance with Minnesota Rule 7850.2500, I hereby make the following scoping decision:

MATTERS TO BE ADDRESSED

The issues outlined below will be analyzed in the EA for the proposed Cedar Lake Reroute Project. The EA will describe the Project and the human and environmental resources in the project area. 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.

I. GENERAL DESCRIPTION OF THE PROJECT

- A. Project Description
- B. Project Purpose
- C. Route Description
- D. Project Costs

II. REGULATORY FRAMEWORK

- A. Certificate of Need
- B. High Voltage Transmission Line Route Permit
- C. Environmental Review Process
- D. Other Permits and Approvals

III. ENGINEERING AND DESIGN

- A. Transmission Line Structures
- B. Transmission Line Conductors
 - Safety features in case of downed lines

IV. CONSTRUCTION

- A. Right-of-Way Acquisition
- B. Construction
- C. Restoration
- D. Damage Compensation
- E. Operation and Maintenance

⁶ Id.

V. AFFECTED ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATIVE MEASURES

The EA will include a discussion of the human and environmental resources potentially impacted by the proposed project. Potential impacts, both positive and negative, of the project and each alternative will be described. Based on the impacts identified, the EA will describe mitigation measures that could reasonably be implemented to reduce or eliminate the identified impacts. The EA will describe any unavoidable impacts resulting from implementation of the proposed project.

Data and analyses in the EA will be commensurate with the importance of potential impacts and the relevance of the information to consideration of the need for mitigation measures.⁷ EERA staff will consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail of information to be prepared for the EA. Less important material may be summarized, consolidated, or simply referenced.

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 the relevance of the information in evaluating potential impacts.⁸

- A. Description of the Environmental Setting
- B. Human Settlements
 - 1. Noise
 - 2. Aesthetics
 - 3. Displacement
 - 4. Property Values
 - 5. Zoning and Land Use Compatibility
 - 6. Socioeconomics / Environmental Justice
 - 7. Public Services
 - a) Roads and Highways
 - Transmission structures and traffic line of sight
 - MnDOT coordination, Utility Accommodation Policy
 - b) Utilities
 - c) Emergency Services
 - 8. Electronic Interference
 - a) Radio
 - b) Television
 - c) Wireless Phone / Internet Services
- C. Public Health and Safety
 - 1. Electric and Magnetic Fields
 - Potential EMF impacts to bees/apiaries
 - 2. Implantable Medical Devices
 - 3. Stray Voltage
 - 4. Induced Voltage

⁷ Minnesota Rule 4410.2300.

⁸ Minnesota Rule 4410.2500.

- 5. Air Quality
- 6. Greenhouse Gases and Climate Change
- D. Land Based Economies
 - 1. Agriculture
 - 2. Forestry
 - 3. Mining
 - 4. Recreation and Tourism
- E. Archaeological and Historic Resources
- F. Natural Environment
 - 1. Water Resources
 - a) Surface Waters
 - b) Groundwater
 - c) Wetlands
 - 2. Soils
 - Use of non-chloride dust suppressants
 - 3. Flora
 - Vegetation Management
 - 4. Fauna
 - Use of wildlife-friendly erosion control coverings
- G. Threatened / Endangered / Rare and Unique Natural Resources
 - Loggerhead Shrike
- H. Electric System Reliability
- I. Operation and Maintenance Costs that are Design Dependent
- J. Adverse Impacts that Cannot be Avoided
- K. Irreversible and Irretrievable Commitments of Resources

VI. ROUTES AND ALIGNMENTS TO BE EVALUATED IN THE ENVIRONMENTAL ASSESSMENT

The EA will evaluate the applicant's preferred route and the Country Hollows Lane alignment alternative (**Figures 1 and 2**). The EA will evaluate an expanded route width between the Cedar Lake Substation and Highway 19. The EA will provide an assessment of potential impacts a quarter mile South and West of the proposed alignment from the substation to Highway 19 and a quarter mile to the east of the proposed alignment from the intersection of 270th St. W. and Baseline Road to Highway 19.

The EA will also evaluate under-building, for the length of the applicant's route paralleling Highway 19, of the existing distribution line that is now located South of Highway 19 and other modifications that co-locate or remove the distribution infrastructure from the applicant's preferred route.

VII. IDENTIFICATION OF PERMITS

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

ISSUES OUTSIDE THE SCOPE OF THE ENVIRONMENTAL ASSESSMENT

The EA will not consider the following:

- A. Any route, route segment, or alignment alternative not specifically identified for study in this scoping decision.
- B. Any system alternative (an alternative to the proposed transmission line project).
- C. Potential impacts of specific energy sources.
- D. The manner in which landowners are paid for transmission line right-of-way easements.

SCHEDULE

The EA is anticipated to be completed on or before December 29, 2023. Public hearings will be held in the project area after issuance of the EA and are anticipated to occur in January 2024.

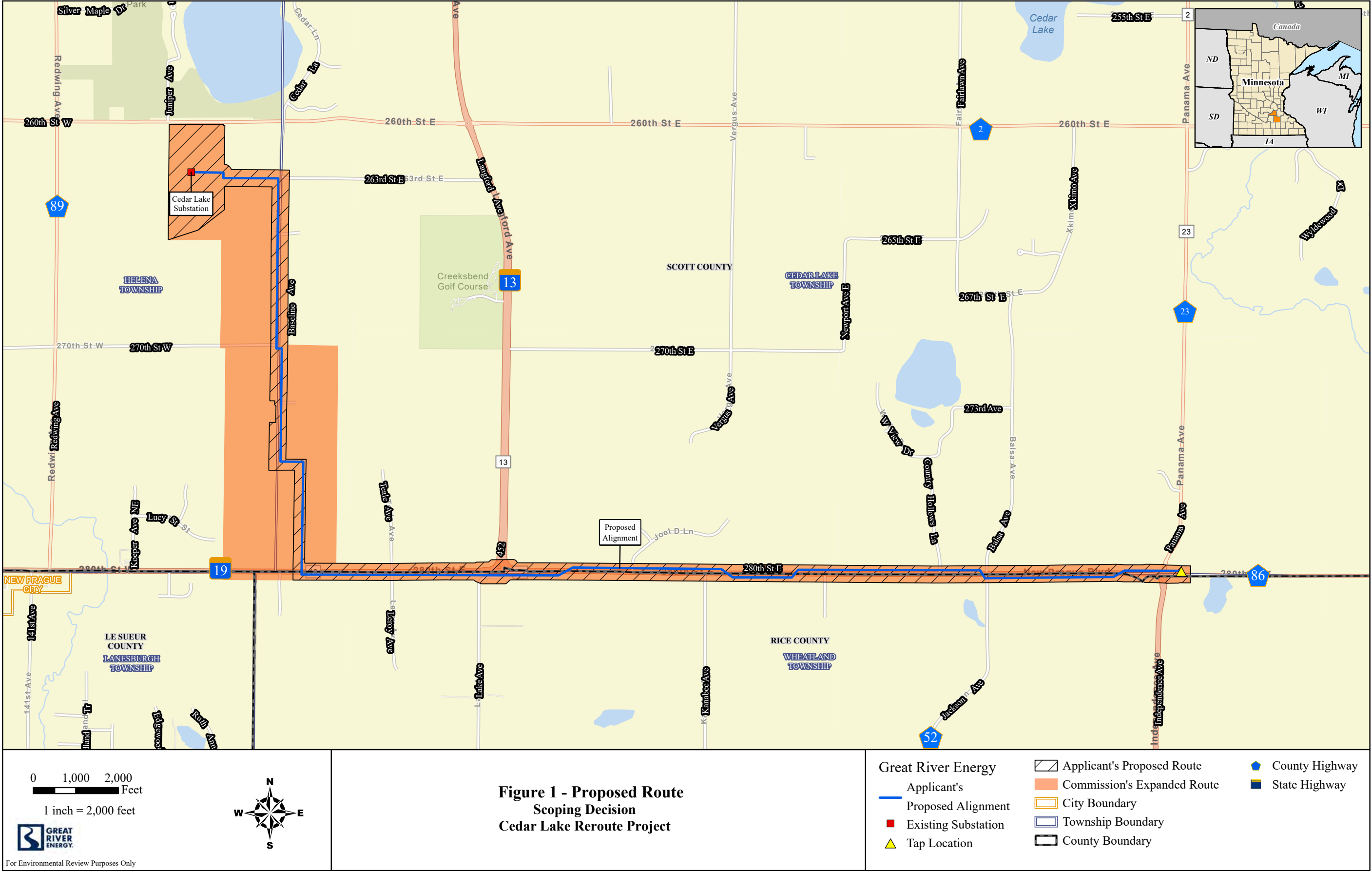
Signed this 15th day of November 2023

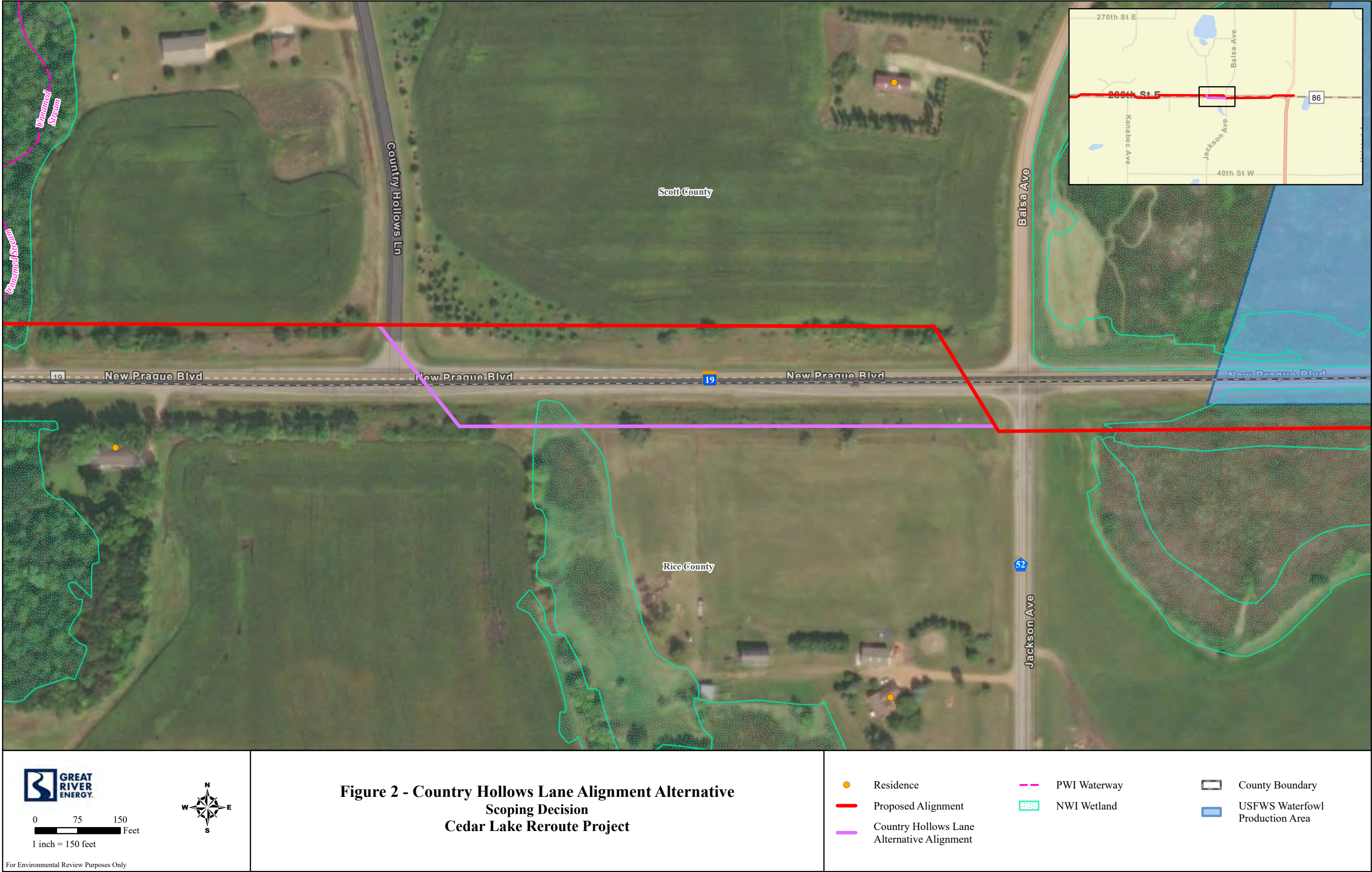
STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

A handwritten signature in black ink that reads "Michelle Joy Gransee". The signature is written in a cursive, flowing style.

Michelle Gransee, Deputy Commissioner

FIGURES





CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Environmental Assessment Scoping Decision**

Docket No. ET2/TL-23-170

Dated this **16th** day of **November 2023**

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jon	Brekke	jbrekke@grenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_23-170_Official CC Service List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-170_Official CC Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_23-170_Official CC Service List
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	60 S Sixth St Ste 1500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_23-170_Official CC Service List
Stacy	Kotch Egstad	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul, MN 55155	Electronic Service	No	OFF_SL_23-170_Official CC Service List
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_23-170_Official CC Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-170_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes	OFF_SL_23-170_Official CC Service List
Mark	Strohfus	mstrohfus@grenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_23-170_Official CC Service List
Suzanne	Todnem	suzanne.todnem@state.mn.us	Office of Administrative Hearings	600 Robert St N PO Box 64620 St. Paul, MN 55164	Electronic Service	Yes	OFF_SL_23-170_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500 Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_23-170_Official CC Service List
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, MN 55155-4040	Electronic Service	No	OFF_SL_23-170_Official CC Service List