

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Great River Energy for a Route Permit to Rebuild the Existing 69kV ST-WW Transmission Line to 115kV in Stearns County, Minnesota

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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
RECOMMENDATIONS**

This matter came before Administrative Law Judge Suzanne Todnem for public hearings on May 17 and 18, 2023, for the Route Permit Application (MPUC Docket No. ET-2/TL-22-235) (Application) of Great River Energy (Applicant) to rebuild approximately 3.2 miles of the existing 69-kilovolt (kV) ST-WW<sup>1</sup> transmission line to 115-kV in St. Joseph Township, the City of St. Joseph, and St. Wendell Township in Stearns County, MN (Project). The public hearing on May 17, 2023, was held at the Millstream Park Meeting Facility, 725 County Road 75 W, St. Joseph, Minnesota 56374. The May 18, 2023, public hearing was conducted virtually via conference call and WebEx.

Haley Waller Pitts, Fredrikson & Byron, P.A., and Mark Strohfus, Project Manager of Transmission Permitting for Great River Energy, appeared on behalf of Great River Energy.

Cezar Panait, Energy Facility Planner, Minnesota Public Utilities Commission (Commission) Staff (Staff), appeared on behalf of the Commission.

Jamie MacAlister and Jenna Ness, Environmental Review Managers, appeared on behalf of the Department of Commerce, Energy Environmental Review and Analysis (EERA).

**STATEMENT OF ISSUE**

Has Great River Energy satisfied the criteria set forth in Minn. Stat. § 216E.04 (2022) and Minn. R. 7850.1000-.5600 (2023) for a route permit for the Project?

**SUMMARY OF RECOMMENDATIONS**

The Administrative Law Judge concludes that Great River Energy has satisfied the applicable legal requirements and, accordingly, recommends that the Commission

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<sup>1</sup> Great River Energy's line naming convention has evolved over time. In this instance, the first two letters in the line name code refers to Stearns Electric Association (ST) and the second two letters refer to the Westwood Distribution Substation (WW). The new 115-kV transmission line will be named the ST-WS line.

**GRANT** a Route Permit for the Project, subject to the recommended conditions discussed below.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

## **FINDINGS OF FACT**

### **I. APPLICANT**

1. Great River Energy is a not-for-profit generation and transmission cooperative based in Maple Grove, Minnesota. Great River Energy provides electrical energy and related services to 28 member cooperatives and customers. Great River Energy's distribution cooperatives and customers, in turn, supply electricity and related services to more than 720,000 residential, commercial, and industrial customers in Minnesota and Wisconsin.<sup>2</sup>

### **II. PROCEDURAL HISTORY**

2. The Minnesota Power Plant Siting Act (PPSA) provides that no person may construct a high voltage transmission line (HVTL) without a route permit from the Commission.<sup>3</sup> Under the PPSA, an HVTL includes a transmission line that is 100 kV or more and is greater than 1,500 feet in length.<sup>4</sup> The proposed 115-kV transmission line is an HVTL greater than 1,500 feet in length and, therefore, a route permit is required from the Commission prior to construction.<sup>5</sup>

3. The Commission's rules establish two tracks for the permitting of a HVTL. The full permitting process includes preparing an environmental impact statement (EIS) and holding a contested case hearing.<sup>6</sup> The alternative permitting process is available to, among other HVTLs, HVTLs which operate at a voltage between 100 and 200 kV; this process requires an Environmental Assessment (EA) instead of an EIS and a public hearing instead of a contested case hearing.<sup>7</sup>

4. Because Applicant's proposed transmission line would operate at a voltage between 100 and 200 kV, it is eligible for the alternative permitting process authorized by Minn. Stat. § 216E.04, subd. 2(3), and Minn. R. 7850.2800, subp. 1(C).<sup>8</sup>

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<sup>2</sup> Ex. GRE-2 at 1-1 (Application).

<sup>3</sup> Minn. Stat. § 216E.03, subd. 2 (2022).

<sup>4</sup> Minn. Stat. § 216E.01, subd. 4 (2022).

<sup>5</sup> Ex. GRE-2 at 1-1.

<sup>6</sup> See Minn. R. 7850.1700-.2700 (full permitting procedures).

<sup>7</sup> See Minn. R. 7850.2900-.3900 (alternative permitting procedures).

<sup>8</sup> Minn. Stat. § 216E.04, subd. 2(3) and Minn. R. 7850.2800, subp. 1(C).

5. On July 14, 2022, Applicant filed with the Commission a notice that Applicant intended to apply for a Route Permit for the Project and intended to use the Alternative Permitting Process within Minn. R. 7850.2800-.3900.<sup>9</sup>

6. On August 25, 2022, Great River Energy submitted the Route Permit Application for the Project.<sup>10</sup>

7. On September 6, 2022, the Commission issued a Notice of Comment Period regarding the completeness of the Application, requesting initial comments by September 20, 2022, reply comments by September 27, 2022, and supplemental comments by October 4, 2022. The notice requested comments on whether the Application was complete within the meaning of the Commission's rules; whether there were contested issues of fact with respect to the representations made in the Application; whether the Commission should appoint an advisory task force; and whether there were any additional procedural requirements that should be considered.<sup>11</sup>

8. On September 20, 2022, EERA filed its comments and recommendations on application completeness. EERA recommended that the Commission accept the Application as complete but require Applicant to supplement the record with additional information in the form of an amended site permit. EERA also recommended that the Commission take no action on an advisory task force.<sup>12</sup>

9. The City of St. Cloud submitted a comment expressing its support of the design proposal that maintains the alignment to the west of 73rd Avenue North and requested the alignment account for future widening of 73rd Avenue North and its potential extension south of Westwood Parkway.<sup>13</sup>

10. Minnesota Department of Natural Resources (DNR) submitted a comment expressing its appreciation for early communication about the project and stated its need for additional route details such as pole placement, to provide feedback on any route alternatives and to recommend permit conditions prior to route permit approval.<sup>14</sup>

11. Minnesota Department of Transportation (MnDOT) submitted a comment indicating it had not yet been directly contacted to discuss the potential project and recommended early coordination with state agencies to avoid future issues in permitting processes.<sup>15</sup>

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<sup>9</sup> Ex. GRE-1 (Notice of Intent by Great River Energy to Submit a Route Permit Application under the Alternative Permitting Process).

<sup>10</sup> Ex. GRE-2.

<sup>11</sup> Ex. PUC-1 (Notice of Comment Period on Application Completeness).

<sup>12</sup> Ex. EERA-1 (Comments and Recommendations on Application Completeness) (September 20, 2022) (eDocket No. [20229-189194-01](#)).

<sup>13</sup> Public Comments – City of St. Cloud (September 12, 2022) (eDocket No. [20229-188984-01](#)).

<sup>14</sup> Public Comments – MNDNR (September 20, 2022) (eDocket No. [20229-189180-01](#)).

<sup>15</sup> Public Comments – MnDOT (September 20, 2022) (eDocket No. [20229-189183-01](#)).

12. On September 26, 2022, Applicant filed a Confirmation of Notice compliance filing for the Route Permit Application.<sup>16</sup>

13. On September 27, 2022, Applicant submitted reply comments concerning the Application's completeness.<sup>17</sup>

14. On October 4, 2022, EERA submitted supplemental comments concerning the Application's completeness.<sup>18</sup>

15. On October 14, 2022, the Commission issued a Notice of Commission Meeting on Application completeness for October 27, 2022.<sup>19</sup>

16. On October 19, 2022, Commission staff filed Briefing Papers, and the Commission met to consider Applicant completeness on October 27, 2022.<sup>20</sup>

17. On October 27, 2022, the Commission met and Commissioner Means moved that the Commission (1) accept the Application as complete and authorized review under the alternative permitting process defined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800-.3900; (2) require Great River Energy to file, at least 10 days prior to the scoping meeting, additional information identified by EERA in its September 9, 2022, initial comments; (3) request that an administrative law judge from the Office of Administrative Hearings (OAH) preside over a public hearing under the Commission's Summary Proceeding process; (4) request that the administrative law judge (a) establish the types of filings necessary to facilitate proper record development and a schedule for submitting those filings through a prehearing conference and (b) prepare a report setting forth findings of fact, conclusions of law, and recommendations on the merits of the Application and provide recommendations, if any, on the conditions and provisions a permit; and (5) take no action on an advisory task force at this time. The motion passed four to zero.<sup>21</sup>

18. On November 21, 2022, the Commission issued an Order finding the Application complete and referring the matter for summary proceedings.<sup>22</sup>

19. Also on November 21, 2022, the Commission and EERA issued a Notice of Public Information Meeting and EA Scoping Meeting, requesting responses to four questions regarding the Project: (1) What potential human and environmental impacts should be studied?; (2) What are possible methods to minimize, mitigate, or avoid potential impacts that should be studied?; (3) Are there any alternative routes or route

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<sup>16</sup> Ex. GRE-4 (Compliance Filing – Notice of Filing Application) (September 26, 2022).

<sup>17</sup> Ex. GRE-5 (Reply Comments regarding Application Completeness) (September 27, 2022).

<sup>18</sup> Supplemental Comments – Comments on Application Completeness (October 4, 2022) (eDocket No. [202210-189547-01](#)).

<sup>19</sup> Notice of Commission Meeting on Application Completeness (October 14, 2022) (eDocket No. [202210-189774-06](#)).

<sup>20</sup> Ex. PUC-3 (Briefing Papers—October 27, 2022, Agenda).

<sup>21</sup> October 27, 2022 Minutes (January 3, 2023) (eDocket No. [20231-191748-01](#)).

<sup>22</sup> Ex. PUC-4 (Order Finding Application Complete And Referring The Matter For Summary Proceedings).

segments that should be studied to address potential impacts?; and (4) Are there any unique characteristics of the Project area that should be considered?<sup>23</sup>

20. On November 22, 2022, Applicant filed a Pre-Scoping Supplemental Filing with Attachments A through F.<sup>24</sup>

21. On December 5, 2022, the Commission issued a Sample Route Permit.<sup>25</sup>

22. On December 6, 2022, the Commission filed the handouts prepared for the Public Information and Scoping Meeting.<sup>26</sup> The Commission also filed the Affidavits of Publication for the Notice of the Public Information and Scoping Meeting.<sup>27</sup>

23. On December 21, 2022, MnDOT filed comments in response to the Notice of Public Information and Environmental Assessment Scoping Meetings.<sup>28</sup>

24. On December 29, 2022, Applicant filed scoping comments explaining that it was coordinating with the cities of St. Joseph and St. Cloud on an expanded route width.<sup>29</sup>

25. On December 29, 2022, DNR filed comments regarding the potential environmental impacts that should be considered in the EA.<sup>30</sup>

26. On January 19, 2023, EERA filed comments and recommendations regarding scoping of the EA.<sup>31</sup>

27. On January 31, 2023, EERA filed a decision on the scope of the EA to be prepared for the Project. The outline the EERA provided included: Project Description; Project Purpose; Regulatory Framework; Proposed Project; Potential Impacts of the Project; Cumulative Impacts; Unavoidable Impacts; Irreversible and Irrecoverable Commitments of Resources; Other Permits Required; and Issues Outside the Scope of the EA.<sup>32</sup>

28. On February 3, 2023, the Office of Administrative Hearings filed a Notice of Prehearing Conference scheduling a prehearing conference for February 22, 2023, and requiring parties to file a proposed procedural schedule by February 15, 2022.<sup>33</sup>

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<sup>23</sup> Ex. PUC-5 (Notice of Public Information and Environmental Assessment Scoping Meeting).

<sup>24</sup> Ex. GRE-6 (Pre-Scoping Supplemental Filing with Attachments A-F).

<sup>25</sup> Sample Route Permit (December 5, 2022) (eDocket No. [202212-191096-01](#)).

<sup>26</sup> Ex. PUC-7 (Public Meeting PowerPoint Presentation).

<sup>27</sup> Ex. PUC-8 (Affidavits of Publication – Notice of Public Meetings) (filed December 13, 2022).

<sup>28</sup> Ex. DOT-2 (Comments).

<sup>29</sup> Ex. GRE-7 (Scoping Comments).

<sup>30</sup> Ex. EERA-3 (MDNR Scoping Comments).

<sup>31</sup> Ex. EERA Comments (January 19, 2023) (eDocket No. [20231-192286-01](#)).

<sup>32</sup> Ex. EERA-4 (Scoping Decision for EA).

<sup>33</sup> Notice of Prehearing Conference (February 3, 2023) (eDocket No. [20232-192916-01](#)).

29. On February 9, 2023, EERA filed a letter proposing a procedural schedule upon which EERA, Commission staff, and the Applicant agreed.<sup>34</sup>

30. On February 22, 2023, a prehearing conference was held before Administrative Law Judge Suzanne Todnem and on February 27, 2023, the Administrative Law Judge issued a Scheduling Order establishing a schedule for the proceedings.<sup>35</sup> The transcripts from the prehearing conference were filed on February 27, 2023.<sup>36</sup>

31. On May 1 and 2, 2023, EERA filed the EA.<sup>37</sup>

32. On May 1, 2023, the Commission issued a Notice of Public Hearing scheduling hearings for May 17, 2023 (in person) and May 18, 2023 (remote access).<sup>38</sup> The notice also opened a public comment period until June 1, 2023.

33. Great River Energy filed supplemental testimony on May 3 and 5, 2023. Great River Energy proposed changes to some standard sections of the route permit; the addition of section 4.1 and modifications to sections 5.2 and 5.3.7.<sup>39</sup>

34. Great River Energy recommended amendments to section 5.2 Access to Property to add, “unless otherwise negotiated with the affected landowner” to the end of the draft permit language.<sup>40</sup> The EERA did not object to the proposed change to section 5.2.<sup>41</sup>

35. Great River Energy recommended section 5.3.7 be modified to delete the third paragraph of the section. Great River Energy is concerned the language in that paragraph implies a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater permit from the Minnesota Pollution Control Agency (MPCA) is always required.<sup>42</sup> The EERA objected to this change because it is a general permit condition that applies to all transmission projects.<sup>43</sup> The standard language begins, “In accordance with Minnesota Pollution Control Agency requirements. ...” Because that language establishes a condition, i.e., subject to the MPCA requirements, the route permit in and of itself does not require Great River Energy to obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater permit.

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<sup>34</sup> Department of Commerce Proposed Schedule (February 9, 2023) (eDocket No. [20232-193051-01](#)).

<sup>35</sup> First Scheduling Order (February 27, 2023) (eDocket No. [20232-193463-01](#)).

<sup>36</sup> Prehearing Conference Transcript 2-22-2023 (February 27, 2023) (eDocket No. [20232-193424-01](#)).

<sup>37</sup> Ex. EERA-6 (EA).

<sup>38</sup> Ex. PUC-10 (Notice of Public Hearing).

<sup>39</sup> Exs. GRE-8 and 9.

<sup>40</sup> Ex. GRE-9.

<sup>41</sup> EERA Comments (June 1, 2023) (eDocket No. [20236-196332-01](#)).

<sup>42</sup> Ex. GRE-9.

<sup>43</sup> EERA Comments (June 1, 2023) (eDocket No. [20236-196332-01](#)).



36. On May 9, 2023, the Commission filed documentation confirming that it had provided the EA and Notice of EA Availability, Public Hearings, and Comment Period for the Project to the *EQB Monitor*.<sup>44</sup>

37. On May 17 and 18, 2023, the Administrative Law Judge held public hearings. The May 17, 2023, public hearing was held in person in St. Joseph, Minnesota. The May 18, 2023, public hearing was conducted virtually via conference call and WebEx.<sup>45</sup>

38. On June 1, 2023, EERA filed a comment and a amended draft route permit (amended draft route permit). The amended draft route permit replaced the draft permit previously filed with the EA. EERA did not support Great River Energy's proposed changes to the general permit conditions except for Applicant's request to include section 4.1 Route Width Variations, which EERA did support.<sup>46</sup>

39. The EERA draft permit included the addition of section 6.1 Independent Third-Party Monitor, to read:

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of Commerce. The scope of work shall be developed in consultation with and approved by Commerce. This third-party monitor will report directly to and will be under the control of Commerce with costs borne by the Permittee. The Permittee shall file with the Commission the scope of work and the name, address, email, and telephone number of the third-party monitor at least 30 days prior to commencing any construction or right-of-way preparation and upon any change in contact information that may occur during construction of the Project and restoration of the right-of-way.<sup>47</sup>

40. The EERA Proposed the addition of section 6.2 Northern Long-Eared Bat, to read, "The Permittee will coordinate with the U.S. Fish and Wildlife Service regarding the timing of tree-clearing and any other construction or restoration actions that may impact Northern Long-Eared Bat in vicinity of the project."<sup>48</sup>

41. The EERA draft permit included the addition of section 6.3 Vegetation Management Plan, to read:

Permittee shall develop a vegetation management plan in coordination with EERA and DNR. The vegetation and management plan and documentation of the coordination efforts between the permittee and the coordinating agencies shall be filed at least 14 days prior to the plan and profile for the

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<sup>44</sup> EQB Monitor (May 9, 2023) (eDocket No. [20235-195730-01](#)).

<sup>45</sup> Public Hearing Presentation (May 23, 2023) (eDocket No. [20235-196068-01](#)).

<sup>46</sup> EERA Comments (June 1, 2023) (eDocket No. [20236-196332-01](#)); Ex. GRE-9 Supplemental Testimony of Mark Strohfus and Schedule B).

<sup>47</sup> EERA Comments (June 1, 2023) (eDocket No. [20236-196332-01](#)).

<sup>48</sup> *Id.*

project. The Permittee shall provide all affected landowners with copies of the plan. The vegetation management plan must include the following: Management objectives addressing short-term (seeding and establishment) and long-term goals (life of the project); A description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used; A description of tree removal/planting activities and the timing of such activities; A description of how the site will be monitored and evaluated to meet management goals; A description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities.<sup>49</sup>

42. Lastly, the draft permit included the addition of section 6.4, Coordination with Cities of St. Joseph and St. Cloud, to read, “At least 30 days prior to commencing construction, Great River Energy shall file documentation of the coordination regarding the project which has occurred after the issuance of the route permit with the City of St. Joseph, the City of St. Cloud, and St. Wendell Township.”<sup>50</sup>

43. Also on June 1, 2023, DNR filed comments recommending that the Project route permit include two special conditions.<sup>51</sup> The first recommended special condition relates to dust control and the DNR recommended the following language, “The Permittee shall utilize non-chloride products for onsite dust control during construction.” The second recommendation relates to wildlife-friendly erosion control. The DNR suggested, “The Permittee shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.”<sup>52</sup> Great River Energy did not object to the DNR’s recommendations.<sup>53</sup>

44. No members of the public submitted written comments during the comment period.

45. Great River Energy submitted responses to comments and proposed findings of fact and conclusions of law on June 6, 2023. Great River Energy did not oppose the EERA’s proposed draft permit but recommended further amendment to section 6.3 to add, “Recognition of landowner preference regarding site restoration and seed mixes.”<sup>54</sup> EERA maintains that landowner preference is appropriate as a vegetation management goal but not as a permit condition.<sup>55</sup>

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> DNR Comments (June 1, 2023) (eDocket No. [20236-196308-01](#)).

<sup>52</sup> *Id.*

<sup>53</sup> GRE Reply Comments (June 6, 2023) (eDocket No. [20236-196407-01](#)).

<sup>54</sup> GRE Reply Comments (June 6, 2023) (eDocket No. [20236-196407-01](#)).

<sup>55</sup> EERA Response Comments (June 16, 2023) (eDocket No. [20236-196632-01](#)).

### III. DESCRIPTION OF THE PROJECT

46. The Project consists of Great River Energy rebuilding approximately 3.2 miles of the existing 69-kV transmission line to 115-kV in St. Joseph Township, the City of St. Joseph, and St. Wendell Township in Stearns County, MN. The rebuilt line will be designated as the ST-WS line and will complete the conversion of the regional transmission system to operate at 115-kV.<sup>56</sup>

47. Great River Energy proposes to remove 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 replace those facilities with an overhead 115-kV transmission line and structures. Great River Energy proposes that the new 115-kV transmission line to follow the alignment of the existing 69-kV transmission line to the extent possible (Proposed Route). Great River Energy plans to extend 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 ST-FPT (loosely the Stearns - Five Points Substation line) transmission line. Great River Energy plans to install an additional 115-kV breaker and associated equipment at the existing West St. Cloud Substation, which will require an approximately 6,500-square-foot expansion of the substation. Great River Energy plans to install two 115-kV line switches: one for the tap feeding the existing Westwood Substation, and one north of the existing Le Sauk Substation.<sup>57</sup>

48. The Proposed Route will exit the east side of the West St. Cloud substation and run east on the south side of Ridgewood Road for approximately one-half mile, then cross over to an upgraded switch and tap line for Stearns Electric Association's Westwood Substation. From the Westwood Substation, the Project continues east for 1,100 feet along the north side of Ridgewood Road before turning north for approximately 1.4 miles to Mullen Road, then westerly along Mullen Road for approximately 0.9 miles where the existing 69-kV line terminates on the east side of County State Aid Highway (CSAH) 133. The 115-kV line will then extend approximately 170 feet northwest on new right-of-way, crossing over Mullen Road and CSAH 133, to a new switch pole on Great River Energy's existing ST-FPT 115-kV line.<sup>58</sup>

### IV. NEED OVERVIEW

49. Over the last decade, Great River Energy has been upgrading the St. Joseph area to a 115-kV transmission system to improve reliability and resiliency. This Project will complete the area upgrade and loop the 115-kV 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.<sup>59</sup>

50. As compared to the 69-kV system, the 115-kV system will, once completed, have the following impacts: (1) improve service reliability and resiliency to Le Sauk,

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<sup>56</sup> Ex. GRE-2 at 1-1 (Application).

<sup>57</sup> *Id.* at 1-5.

<sup>58</sup> *Id.* at 1-6.

<sup>59</sup> *Id.* at 1-9.

Westwood I,<sup>60</sup> and Five Points Distribution Substations by re-establishing additional transmission lines to power the Le Sauk Substation; (2) address North American Electric Reliability Corporation (NERC) category P6 contingency low voltage problems by eliminating low voltage problems, which can negatively impact the operation of some electrical equipment; (3) address safety concerns resulting from high current levels amps on the distribution system when transferring load between the Westwood I and Westwood II<sup>61</sup> distribution banks; (4) reduce outage exposure to Westwood I, Le Sauk and Five Points Distribution Substations by serving them with a shorter 115-kV transmission system; and (5) reduce the duration of any outage by replacing some manual switches with motor operated switches that can be activated remotely.<sup>62</sup>

## **V. ROUTES EVALUATED**

### **A. Applicant's Proposed Route.**

51. The Project is proposed to replace the existing 69-kV transmission line. It will exit the east side of the West St. Cloud substation and run east on the south side of Ridgewood Road for approximately one-half mile, then cross over to an upgraded switch and tap line for Stearns Electric Association's Westwood Substation. From the Westwood Substation, the Project continues east for 1,100 feet along the north side of Ridgewood Road before turning north for approximately 1.4 miles to Mullen Road, then westerly along Mullen Road for approximately 0.9 miles where the existing 69-kV line terminates on the east side of CSAH 133. The 115-kV line will then extend approximately 170 feet northwest on new right-of-way, crossing over Mullen Road and CSAH 133, to a new switch pole on Great River Energy's existing ST-FPT 115-kV line.<sup>63</sup>

### **B. Other Routes Evaluated by Applicant.**

52. Minn. Stat. § 216E.04, subd. 3, and Minn. R. 7850.3100 require an applicant to identify any alternative routes that were considered and rejected for the Project.

53. Prior to submitting the Application, Great River Energy evaluated and rejected one alternative route for the Project.<sup>64</sup>

54. The alternative route involved constructing a new 115-kV transmission line to the west along the new right-of-way. The new line would extend from the Westwood Distribution Substation west for approximately 1.25 miles along 304th Street until intersecting with Great River Energy's existing de-energized 69-kV ST-WL line. The existing ST-WL would be removed and replaced with a new 115-kV line that would extend northerly for approximately 1.5 miles to Great River Energy's existing Le Sauk Substation.

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<sup>60</sup> Westwood I is currently served by the 69-kV system and located within the existing Westwood Distribution Substation.

<sup>61</sup> Westwood II is currently served from the existing 115-kV transmission system and located within the existing Westwood Distribution Substation.

<sup>62</sup> Ex. GRE-2 at 1-9.

<sup>63</sup> *Id.* at 1-6.

<sup>64</sup> *Id.* at 5-11.

The existing ST-WW line extending east from the West St. Cloud Substation to the Westwood Distribution Substation would also be rebuilt to 115-kV. Great River Energy rejected this route because it would result in the same types of impacts as the Project, but potentially on a greater magnitude because of the creation of the new right-of-way, while at the same time presenting feasibility and reliability concerns not present for the Project as proposed.<sup>65</sup>

### **C. Routes Analyzed in the Environmental Assessment.**

55. Consistent with EERA's scoping decision, the EA did not analyze route segment alternatives because none were proposed during scoping. However, as requested by Great River Energy, the EA did analyze an expanded route width to accommodate potential future road expansion near the Project.<sup>66</sup>

## **VI. TRANSMISSION LINE STRUCTURE TYPES AND SPANS**

56. The majority of the new 115-kV line will consist of single circuit, monopole wood structures spaced approximately 300 to 400 feet apart. Transmission structures will typically range in height from 70 to 90 feet above ground, depending upon the terrain and environmental constraints. The average diameter of the wood structures at ground level is 20 inches.<sup>67</sup>

57. Laminated wood structures or steel structures may be needed for switches and angled structures; the size of these structures is dependent on the weight of the switch material, the tension on the line, and/or the angle of deflection the pole location causes on the transmission line. Specific sizing of these structures will be determined after a route permit is issued and detailed engineering design is initiated.<sup>68</sup>

58. Multi-pole (3-pole deadend) and/or H-frame structures may be used to cross underneath the existing Xcel Energy 115-kV line located between Ridgewood Road and 304th Street. Multi-pole and/or H-frame structures are designed in a horizontal configuration, which maintains the transmission line conductors parallel to the ground. The horizontal configuration allows the upgraded 115-kV transmission line to be as low as possible at the crossing point, while still maintaining the required clearances set forth by the National Electrical Safety Code (NESC). Specific sizing of these structures will be determined after a route permit is issued and detailed engineering design is initiated.<sup>69</sup>

59. NESC sets minimum clearances of the conductors from structures adjacent to or within the right-of-way. For a 115-kV transmission line like the Project, the NESC minimum clearance under a 48 mile-per-hour (mph) wind is 8.6 feet. When there is no wind, the conductors must have a clearance of 9.1 to 11.6 feet from various structures. Great River Energy also typically requires the blowout to remain within the right-of-way under a more extreme wind condition of 94 mph. Blowout on a typical

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<sup>65</sup> *Id.* at 5-11 – 5-12.

<sup>66</sup> See Ex. EERA-6 at 14.

<sup>67</sup> Ex. GRE-2 at 4-4.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

115-kV transmission line with a 300-foot span is approximately 5 feet with 48 mph winds and 8 feet with 94 mph winds. During preliminary and final engineering, both of which start after a route permit is issued, the span distances are constrained in part by the NESC and Great River Energy's clearance requirements.<sup>70</sup>

60. The modified West St. Cloud Substation will be equipped with breakers and relays located where the transmission line will connect to the substation. This equipment is designed to protect human health as well as all of the equipment on the transmission system by de-energizing the transmission line should any unsafe line faults occur.<sup>71</sup>

## VII. TRANSMISSION LINE CONDUCTORS

61. The single circuit structures will have three single conductor phase wires and one shield wire. It is anticipated that the phase wires will be 795 thousand circular mil aluminum conductor steel supported with seven steel core strands and 26 outer aluminum strands, or a conductor with similar capacity.<sup>72</sup>

62. The shield wire will be 0.528 optical ground wire.<sup>73</sup>

## VIII. TRANSMISSION LINE ROUTE WIDTHS

63. Great River Energy is requesting approval of the following route widths for the Project:<sup>74</sup>

- a. The entire parcel upon which the expanded West St. Cloud Substation is proposed to be located.
- b. Along the south side of Ridgewood Road, a 100-foot-wide route extending southerly and perpendicular from the road right-of-way.
- c. An approximately 2.75-acre area around the existing Westwood Substation to enable design and construction options for the Project to cross over Ridgewood Road and railroad tracks, under the existing Xcel Energy 115-kV transmission line, over 304th Street, and to accommodate redesign options at the Westwood Substation.
- d. Along the north side of 304th Street, a 100-foot-wide route width extending northerly and perpendicular from the road right-of-way.
- e. Along the north-to-south parcel/section lines, a 100-foot-wide route extending westerly and perpendicular from the north-to-south parcel/section lines, except that starting at the northeast corner of the Project at the intersection of 73rd Avenue and Mullen Road, a route width of 450 feet west of the City of St. Cloud boundary,

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<sup>70</sup> *Id.* at 4-5.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.* at 4-6.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at 1-6 – 1-7; Ex. GRE-8 at 4 (Direct Testimony of Mark Strohfus and Schedule A).

extending 1,480 feet south of the Mullen Road centerline. From this point, the route width decreases to 250 feet west of the City of St. Cloud boundary, extending 2,650 feet further to the south. From this point south to 304th Street, the route width returns to 100 feet west of the City of St. Cloud boundary.

- f. Along the easterly-to-westerly Mullen Road, a 220-foot-wide route that extends 110 feet perpendicular from each side of the road centerline.
- g. Along the final 115-kV transmission line segment connected to the new switch on Great River Energy's existing ST-FPT 115-kV transmission line, a 200-foot-wide route width that extends perpendicular from the proposed transmission line centerline.

64. Great River Energy is requesting a wider route width west of 73rd Avenue. The Cities of St. Joseph and St. Cloud (Cities) have identified potential plans for future road expansion in the vicinity of the Project. Great River Energy's expanded route width represents its best effort at this time to understand the Cities' potential future road expansion plans, and Great River Energy has shared this route width with the Cities. However, the Cities' potential future road expansion plans are not sufficiently defined to allow Great River Energy to determine whether shifting the Project's proposed alignment and using the expanded route width would be appropriate, given that it will result in additional tree clearing, potential agricultural impacts, and would require a new right-of-way.<sup>75</sup>

65. Great River Energy has described the circumstances under which it would seek to use the expanded route width south of Mullen Road. Specifically, with respect to the northern portion of the expanded route width, to the extent the Cities are able to provide a road expansion design prior to the time Great River Energy commences final design for the Project, Great River Energy could seek to use the expanded route width. However, the road expansion design would need to also reflect an agreement to relocate the existing natural gas compressor station (which would also be affected by a road expansion in this area) and landowner agreement. Great River Energy will commence final design after a route permit is issued for the Project.<sup>76</sup>

66. With respect to the southern portion of the expanded route width, where there are residential parcels roughly north of Black Spruce Street and immediately east of 73rd Avenue, Great River Energy is amenable to moving the Project sufficiently west without the Cities having a complete design, funding, or schedule for that portion of the road; however, landowner agreement would be needed. Specifically, the Project would be shifted west of the existing 69-kV transmission line to where there are no existing residential properties immediately east of 73rd Avenue, provided that the impacted landowners are willing to negotiate new easements for the Project. The expanded route

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<sup>75</sup> Ex. GRE-8 at 4.

<sup>76</sup> *Id.*

to the south is less likely to be used if the impacted landowners are not willing to negotiate new easements.<sup>77</sup>

67. Great River Energy stated that it is continuing to engage with the Cities on the possible road expansion but did not have further updates beyond what was provided in its November 22, 2022 filing at the time of the hearing.<sup>78</sup>

## **IX. TRANSMISSION LINE RIGHT-OF-WAY**

68. Great River Energy is requesting a 100-foot right-of-way for the Project, consistent with other 115-kV lines, but, given the existing development in the area, ultimately anticipates that the Project easements will allow for a right-of-way width that is at least 70-foot-wide (35 feet on each side of the transmission line centerline). A 70-foot-wide right-of-way is needed to maintain proper clearances from objects within the right-of-way, and to ensure that the conductor will not blow out past the right-of-way during high wind events and that vegetation is sufficiently cleared to safely operate and maintain the line.<sup>79</sup>

## **X. PROJECT SCHEDULE**

69. Great River Energy plans to commence construction of the Project in summer of 2024 once required permits and approvals are obtained. Great River Energy anticipates construction will take approximately six months and the Project will be energized in early 2025.<sup>80</sup>

## **XI. PROJECT COSTS**

70. Great River Energy estimates that the Project, if constructed on the Proposed Route, will cost approximately \$6.4 million dollars.<sup>81</sup>

71. The estimated annual cost of right-of-way maintenance and operation of Great River Energy's transmission lines (69 kV to 500 kV) in Minnesota currently averages about \$2,000 per mile. Storm restoration, annual inspections, and ordinary replacement costs are included in these annual operating and maintenance costs.<sup>82</sup>

## **XII. PERMITTEE**

72. The permittee for the Project is Great River Energy.

## **XIII. PUBLIC AND LOCAL GOVERNMENT PARTICIPATION**

73. Prior to submitting the Application, Great River Energy initiated landowner outreach by providing information on the Project via letters mailed to potentially impacted

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<sup>77</sup> *Id.* at 4-5.

<sup>78</sup> *Id.* at 5.

<sup>79</sup> *Id.*

<sup>80</sup> Ex. GRE-2 at 1-1, 4-9.

<sup>81</sup> *Id.* at 1-5, 4-8.

<sup>82</sup> *Id.* at 4-9, 6-21.



landowners, interested parties and local governmental officials, publishing notices in area newspapers, and holding an open house meeting.<sup>83</sup>

74. Great River Energy held an open house at the St. Joseph Community Fire Station, St. Joseph, Minnesota, on February 17, 2022. Great River Energy staff were available to provide information and answer questions from members of the public concerning the Project.<sup>84</sup>

75. On September 12, 2022, the City of St. Cloud submitted comments requesting that the Project alignment account for the future widening of 73rd Avenue North and its potential future extension south of Westwood Parkway.<sup>85</sup>

76. A Public Information Meeting and EA Scoping Meeting was held on December 7, 2022, which multiple members of the public spoke.<sup>86</sup> No written comments were received during the public comment period ending on December 30, 2022.

77. In addition, on December 21, 2022, MnDOT submitted scoping comments stating the proposed rebuild Project does not directly affect current MnDOT right-of-way but is near one. MnDOT also stated that if alternate routes are proposed during the scoping process, then MnDOT would need to reevaluate the proposal(s).<sup>87</sup>

78. On December 29, 2022, DNR submitted scoping comments on the Northern Long-Eared Bat (NLEB) and the Audubon Society's Avon Hills Important Bird Area (IBA). Regarding the NLEB, DNR stated that the EA should acknowledge that this species has been uplisted to federally endangered status. Because the Project borders a township known to contain NLEB, DNR recommends further coordination with U.S. Fish and Wildlife Service (USFWS) to understand how this change in status could affect the Project, such as avoiding tree removal during the active season. DNR further stated that the proposed transmission lines are less than a half mile from the IBA. The DNR recommended installing swan-type flight diverters along the southern portion of the transmission line in areas that are in or border wetlands near the IBA as a method to minimize avian injuries and fatalities.<sup>88</sup> The DNR's recommendation is addressed in section 5.3.15 Avian Protection, of the draft route permit.

79. Two members of the public spoke at the in-person portion of the public hearing on May 17, 2023, in St. Joseph, Minnesota.<sup>89</sup> The commenters asked questions concerning the land acquisition process for the Project, and representatives from Great

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<sup>83</sup> *Id.* at 2-3.

<sup>84</sup> *Id.* at 1-11.

<sup>85</sup> Ex. PUC-2 (Public Comment – City of St. Cloud).

<sup>86</sup> Notice of Public Information and Environmental Assessment Scoping Meeting (November 21, 2022) (eDocket No. [202211-190763-01](#)).

<sup>87</sup> Ex. DOT-2 (Comments).

<sup>88</sup> Ex. DNR-2 (Comments).

<sup>89</sup> See Pub. Hrg. Tr. (May 17, 2023).

River Energy provided responses.<sup>90</sup> There were no comments from members of the public at the May 18, 2023, remote access public hearing.<sup>91</sup>

#### **XIV. FACTORS FOR A ROUTE PERMIT**

80. The PPSA, Minn. Stat. §§ 216E.01-.18 (2022), requires that route permit determinations “be guided by the state’s goal to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state’s electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.”<sup>92</sup>

81. Under the PPSA, the Commission must be guided by the following responsibilities, procedures, and considerations:

- a. evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;
- b. environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
- c. evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;
- d. evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;<sup>93</sup>
- e. analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;
- f. evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;

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<sup>90</sup> See Pub. Hrg. Tr. at 34 (May 17, 2023).

<sup>91</sup> See Pub. Hrg. Tr. at 27-28 (May 18, 2023).

<sup>92</sup> Minn. Stat. § 216E.03, subd. 7.

<sup>93</sup> Factor 4 is not applicable because Applicant is not proposing to site a large electric generating plant in this docket.

- g. evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;
- h. evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;
- i. evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;
- j. evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;
- k. evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved;
- l. when appropriate, consideration of problems raised by other state and federal agencies and local entities;
- m. evaluation of the benefits of the proposed facility with respect to (i) the protection and enhancement of environmental quality, and (ii) the reliability of state and regional energy supplies;<sup>94</sup>
- n. evaluation of the proposed facility's impact on socioeconomic factors; and
- o. evaluation of the proposed facility's employment and economic impacts in the vicinity of the facility site and throughout Minnesota, including the quantity and quality of construction and permanent jobs and their compensation levels. The commission must consider a facility's local employment and economic impacts, and may reject or place conditions on a site or route permit based on the local employment and economic impacts.<sup>95</sup>

82. In addition, Minn. Stat. § 216E.03, subd. 7(e), provides that the Commission “must make specific findings that it has considered locating a route for a high-voltage transmission line on an existing high-voltage transmission line route and the use of parallel existing highway right-of-way and, to the extent those are not used for the route, the [C]ommission must state the reasons.”

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<sup>94</sup> Factors 13, 14, and 15 were added to Minn. Stat. § 216E.03 in 2023 as part of H.F. No. 7 and became effective on February 8, 2023, after the Application was filed.

<sup>95</sup> Minn. Stat. § 216E.03, subd. 7.

83. In addition to the PPSA, the Commission is governed by Minn. R. 7850.4100, which mandates consideration of the following factors when determining whether to issue a route permit for a high voltage transmission line:

- a. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
- b. effects on public health and safety;
- c. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
- d. effects on archaeological and historic resources;
- e. effects on the natural environment, including effects on air and water quality resources and flora and fauna;
- f. effects on rare and unique natural resources;
- g. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;
- h. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;
- i. use of existing large electric power generating plant sites;<sup>96</sup>
- j. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;
- k. electrical system reliability;
- l. costs of constructing, operating, and maintaining the facility which are dependent on design and route;
- m. adverse human and natural environmental effects which cannot be avoided; and
- n. irreversible and irretrievable commitments of resources.

84. There is sufficient evidence in this record to assess the Project using the criteria and factors set forth above.

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<sup>96</sup> This factor is not applicable because it applies only to power plant siting.

## **XV. APPLICATION OF ROUTING FACTORS TO THE PROPOSED ROUTE**

### **A. Effects on Human Settlement.**

85. Minnesota law requires consideration of the Project's effects on human settlement, including displacement of residences and businesses, noise created during construction and by operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.<sup>97</sup>

#### **1. Displacement.**

86. There are no permanent residences, churches, schools, daycares, or nursing homes within the rights-of-way of the Project. The nearest residences are in the City of St. Cloud where the Project is adjacent to the city line. The closest home is approximately 70 feet from the proposed transmission centerline.<sup>98</sup>

87. Because no displacement impacts are anticipated, no mitigation is necessary.<sup>99</sup>

#### **2. Noise.**

88. The MPCA has established standards for the regulation of noise levels. The most restrictive MPCA noise limits are 60 to 65 A-weighted decibels (dBA) during the daytime and 50 to 55 dBA during the nighttime.<sup>100</sup>

89. Potential noise impacts from the Project can be grouped into three categories: construction noise, transmission line noise, and substation noise.<sup>101</sup>

90. During the construction of the Project, temporary, localized noise from heavy equipment and increased vehicle traffic is expected to occur along the right-of-way during daytime hours.<sup>102</sup>

91. Great River Energy estimated that noise levels for the Project would be approximately 41 dBA at the edge of the transmission line right-of-way and 44 dBA directly under the line. These noise levels are within Minnesota noise standards (i.e., < 50 dBA), and would only be perceptible when ambient noise levels in the Project area fall below 40 dBA.<sup>103</sup>

92. Substation noise results from the operation of transformers and switchgear. Noise impacts from the Project are anticipated to be minimal and within Minnesota's noise standards. However, this does not mean that noise impacts would not occur. Even if the operational noise levels for the Project are within state standards, the Project would

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<sup>97</sup> Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. A.

<sup>98</sup> Ex. EERA-6 at 37 (EA).

<sup>99</sup> *Id.*

<sup>100</sup> Minn. R. 7030.0040 (2023).

<sup>101</sup> Ex. EERA-6 at 41 (EA).

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*; Ex. GRE-2 at 7-8.

introduce a new noise source that, in certain situations (e.g., a calm evening) may be heard by residents in the Project area.<sup>104</sup>

93. Operational noise from the transmission line is not anticipated to significantly contribute to exceedances of the MPCA's total noise standards; therefore, no mitigation is proposed after construction is completed. Construction noise can be mitigated to minimize the impact of any exceedances of the standard that may occur.<sup>105</sup>

### **3. Aesthetics.**

94. The proposed transmission line will have visual impacts. The Project will occupy the same space as the current line. The poles will be larger, but there will be fewer of them. Most of the structures will be wood poles approximately 70 to 90 feet above ground with spans between poles ranging from 300 to 400 feet.<sup>106</sup>

95. The visual impact of the Project is expected to be most noticeable for residents and businesses in the immediate vicinity of the transmission line and substation. There is one residence and no commercial buildings within 50 feet of the Project alignment. There are a total 18 residences and one commercial buildings within 200 feet of the Project alignment. Impacts to residences have been minimized in Project design by routing the transmission line within the existing right-of-way.<sup>107</sup>

96. Some visual impacts may decrease if the existing distribution lines owned by Xcel Energy and Stearns Electric Association are buried, as expected. The new transmission line structures will be 20 to 30 feet taller with larger insulators, which may increase the visual impacts perceived by a viewer; however, the number of structures will decrease.<sup>108</sup>

97. Aesthetic impacts cannot be fully avoided. Great River Energy is committed to working with landowners on pole placement and alignment adjustments. Most of the maintained right-of-way will not significantly change; however, the expanded route width along 73rd Avenue North would require tree clearing. Great River Energy will coordinate with landowners to identify concerns related to the transmission line and aesthetics.<sup>109</sup>

### **4. Cultural Values.**

98. St. Joseph has a vibrant arts community and is home to the College of St. Benedict, both of which are important to the city's identity. The city also hosts many events throughout the year, from farmer's markets, fall festivals, to the "small shop crawl," that attract local residents and visitors.<sup>110</sup>

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<sup>104</sup> Ex. EERA-6 at 41.

<sup>105</sup> *Id.* at 42.

<sup>106</sup> *Id.* at 35.

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> *Id.* at 36.

99. Construction and operation of the Project is not likely to impact cultural values in the Project area, natural resource amenities, recreational opportunities, or tourism. There may be localized disruptions along local roadways during construction, but any disruptions would be of short duration and localized to the Project area. No mitigation is proposed as there no impacts are anticipated.<sup>111</sup>

## **5. Recreation.**

100. Stearns County has numerous year-round recreational opportunities such as trails for hiking, biking, and cross-country skiing, lakes and rivers for swimming, boating, and fishing. Existing recreational resources in the Project area, include trails, rivers, lakes, and parks. The Lake Wobegon Regional Trail and snowmobile trail number 211 are adjacent to the Project. A portion of the Lake Wobegon Trail was built in 2018 and runs parallel along the north side of Ridgewood Road. The Lake Wobegon Trail Association and Stearns County Park Department manage the trail. The snowmobile trail follows alongside CSAH 33 and passes near the Le Sauk and Five Points substations.<sup>112</sup>

101. The Project will cross the Lake Wobegon Trail where the line crosses from the south side of Ridgewood Road to the north side of 304th Street. It will also cross over the snowmobile trail where the transmission line crosses over CSAH 33 to connect with the switch structure. The existing 69-kV line already crosses the bike trail and there are other existing transmission and substations in this area, which will help to mitigate the transmission line's visual impacts. Great River Energy does not anticipate closures of the Lake Wobegon Trail or the snowmobile trail during construction.<sup>113</sup>

## **6. Socioeconomics.**

102. Approximately 16 workers will be required for construction of the Project. Great River Energy expects construction to take approximately six months. There will be minor short-term positive economic impacts as a result of construction activity and an influx of contractor employees during construction of the project. Great River Energy will use contractors for all construction activities. Local businesses will likely experience short-term positive economic impacts through the use of the hotels, restaurants and other services used by contractors during construction. In addition, construction materials, such as concrete, may be purchased from local vendors where feasible. There will be no permanent positions created as a result of the Project.<sup>114</sup>

103. During construction, there may be short-term positive impacts to the nearby communities. Potential increases in local revenue may occur for businesses, such as hotels, grocery stores, gas stations and restaurants to support utility personnel and contractors. Long term benefits of the Project include the ongoing reliable electrical services and the ability to serve existing and new local load growth. The benefits apply to the local community regardless of economic status, race, and personal identification.

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<sup>111</sup> *Id.*

<sup>112</sup> *Id.* at 42.

<sup>113</sup> *Id.*

<sup>114</sup> *Id.* at 45; Ex. GRE-2 at 4-9.

Because impacts to socioeconomics will be generally short-term and beneficial, no mitigation is proposed.<sup>115</sup>

## **7. Environmental Justice.**

104. Environmental justice is the "fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."<sup>116</sup>

105. Minnesota Statute § 216B.1691, subdivision 1 (e), was recently updated to reflect the definition of an environmental justice area. The data does not define the Project area as an environmental justice area based on the population residing in surrounding census tracts. This means that none of the census tracts contain: (1) 40 percent or more nonwhite populations; (2) 35 percent or more households with income less than 200 percent of the poverty level; (3) 40 percent or more residents with limited English proficiency; or (4) Indian country.<sup>117</sup>

106. The socioeconomic setting of the proposed Project area was evaluated on a regional basis, comparing data for the City of St. Joseph with average data for Stearns County and the State of Minnesota. The US EPA's Environmental Justice Screening Tool (EJ Screen) was also used to evaluate the Proposed Route plus a 0.25-mile buffer to consider the composition of the affected area to determine whether low-income, minority, or tribal populations are present and whether there may be disproportionately high and adverse human health or environmental effects on these populations. This tool suggests the population in the Project area's exposure to environmental hazards is similar to, or less than, the state and national average exposure values across a range of variables.<sup>118</sup>

107. The Project will not have disproportionately high and adverse human health or environmental effects on low-income, minority, or tribal populations. No further mitigation is proposed.<sup>119</sup>

## **8. Public Service and Infrastructure.**

108. The Project is located in a mixed area of light to heavy industry, grazing and cultivated lands, residential, and some pockets of wooded areas with typical public services (police, fire protection, waste collection, natural gas, wells, septic systems, cable television, electricity, telephone, etc.).<sup>120</sup>

109. Several existing overhead transmission lines are located in the area. There is an existing natural gas pipeline which will be crossed by the Project. Other existing

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<sup>115</sup> Ex. EERA-6 at 45.

<sup>116</sup> *Id.* at 48.

<sup>117</sup> *Id.* at 48-49.

<sup>118</sup> *Id.* at 50.

<sup>119</sup> *Id.*

<sup>120</sup> Ex. GRE-2 at 7-14.



utilities, such as gas/oil pipelines and electric distribution lines, and site improvements, such as septic systems and wells, will be identified during survey activities.<sup>121</sup>

110. The Project is more than 8 miles west of the St. Cloud Regional Airport. The MnDOT Office of Aeronautics web page indicates proposed structures would be located greater than its three-nautical-mile threshold for marking requirements. Furthermore, the Project does not include any structures that would be more than 200 feet above ground level. Thus, the Project would not have an impact to area airports.<sup>122</sup>

111. The Project will have minor impacts to roadways during construction and operation. Other public services and infrastructure will not be impacted.<sup>123</sup>

## **B. Effects on Public Health and Safety.**

112. Minnesota's high voltage transmission line routing factors require consideration of the Project's potential effect on health and safety.<sup>124</sup>

### **1. Electromagnetic Fields (EMF).**

113. There are no federal regulations regarding allowable electric or magnetic fields produced by transmission lines in the United States. The Commission has imposed a maximum electric field limit of 8 kV per meter (kV/m).<sup>125</sup>

114. Impacts to human health and safety are assessed by looking at two main issues: EMF and stray voltage. Given the distance from homes, the voltage of the line and the permittee's obligations for safe operation and proper maintenance of the line, no notable impacts to human health and safety are expected.<sup>126</sup>

### **2. Stray Voltage.**

115. Impacts to residences, businesses, or farming operations resulting from neutral to earth voltage are not anticipated. The Project does not directly connect to businesses or residences at any point along the route and does not change local electrical service.<sup>127</sup>

### **3. Induced Voltage.**

116. Impacts due to induced voltage are not anticipated to occur as a result of the operation of the new transmission line. The new transmission line may induce a voltage on insulated metal objects near the transmission line right-of-way; however, the Commission requires that transmission lines be constructed and operated to meet NESC

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<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> Ex. EERA-6 at 46-47.

<sup>124</sup> Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100, subp. B.

<sup>125</sup> Ex. EERA-6 at 51.

<sup>126</sup> *Id.* at 50.

<sup>127</sup> *Id.* at 52.

standards as well as the Commission's own electric field limit of 8-kV/m, reducing these impacts.<sup>128</sup>

### **C. Effects on Land-Based Economies.**

117. Minnesota's high voltage transmission line routing factors require consideration of the Project's impacts to land-based economies—specifically, agriculture, forestry, tourism, and mining.<sup>129</sup>

118. There may be impacts to agriculture due to construction of the Project. There are no other land-based economies (forestry, mining) in the area potentially impacted by the Project.<sup>130</sup>

#### **1. Agriculture.**

119. The Project will have a minor impact on agricultural lands. Agricultural lands within the Proposed Route consist primarily of pasture, hay, and cultivated lands. The transmission line will cross approximately 6.4 acres of agricultural land (assuming a 70-foot right-of-way).<sup>131</sup>

120. Some agricultural land may be temporarily removed from production during construction. Permanent and incrementally negligible agricultural land conversion will occur due to marginally larger structure diameters for the 115-kV circuit. The diameter of the 69-kV structure at ground level are approximately 16 inches, whereas the 115-kV structures will typically be 20 inches.<sup>132</sup>

121. Agricultural land will be impacted by construction. Equipment used in the construction process includes backhoes, cranes, boom trucks and assorted small vehicles that can cause rutting and soil compaction, particularly during springtime and otherwise wet conditions. It is anticipated that some temporary construction space on property immediately adjacent to the right-of-way and on private property will be needed, apart from limited equipment access. Great River Energy will obtain all necessary easements and permissions for temporary workspace.<sup>133</sup>

122. Great River Energy will work with landowners to minimize impacts to all agricultural activities along the route and will compensate landowners for any crop damage/loss and soil compaction that may occur during construction.<sup>134</sup>

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<sup>128</sup> *Id.*

<sup>129</sup> Minn. Stat. § 216E.03, subd. 7(b)(5); Minn. R. 7850.4100, subp. C.

<sup>130</sup> Ex. EERA-6 at 53.

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> Ex. GRE-2 at 7-19.

## **2. Forestry.**

123. There are no commercially operated forestlands within the Project area.<sup>135</sup>

124. There will be no impacts to commercial forest lands and no mitigation is proposed.<sup>136</sup>

## **3. Mining.**

125. There are no known gravel pits or other mining activity in the vicinity of the Project. As no impacts on mining are anticipated, no mitigation is proposed.<sup>137</sup>

## **4. Tourism.**

126. There are no State Parks, State Forests, Scientific and Natural Areas, Wildlife Management Areas, county parks, or federal forests or refuges within the Proposed Route. Tourist destinations near the Proposed Route include the Lake Wobegon Trail, rivers, and lakes. Popular activities include fishing, boating, swimming, biking, hiking, and scuba diving. The recently constructed portion of Lake Wobegon Trail within the Project area provides opportunities for biking, picnicking, viewing wildlife and ecosystems.<sup>138</sup>

127. The Proposed Route would have minimal impacts on tourism activities and nearby tourist destinations. Tree clearing along 73rd Avenue North will permanently displace wildlife and nesting birds in that location and may impact wildlife viewing opportunities locally. Long-term impacts resulting from tree clearing will be minimized by reducing the amount of tree clearing to the extent practicable and restoring the area following construction.<sup>139</sup>

128. Impacts to avian species can be mitigated by following the recommendation of the DNR and installing swan-flight type avian flight diverters.<sup>140</sup>

### **D. Effects on Archaeological and Historic Resources.**

129. Minnesota Rule 7850.4100, subparagraph D, requires consideration of the effects of the Project on historic and archaeological resources.

130. A cultural resource literature review of the proposed transmission line and a one-mile buffer was conducted online and at the Minnesota State Historic Preservation Office (SHPO). There are six previously recorded historic or archaeological sites within the study area. SHPO concluded that “there are no properties listed in the National or State Registers of Historic Places in the area that will be affected by this project and no

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<sup>135</sup> Ex. EERA-6 at 55.

<sup>136</sup> *Id.* at 53.

<sup>137</sup> *Id.*

<sup>138</sup> *Id.* at 54.

<sup>139</sup> *Id.*

<sup>140</sup> *Id.* at 55.

known or suspected archaeological properties in the area that will be affected by this project.”<sup>141</sup>

131. Great River Energy requested feedback on the Project from the 11 federally recognized Tribes geographically located within Minnesota and the Minnesota Indian Affairs Council. Currently, no traditional cultural properties or cultural resources that reflect cultural or religious importance have been identified.<sup>142</sup>

## **E. Effect on Natural Environment.**

132. Minnesota’s high voltage transmission line routing factors require consideration of the Project’s effect on the natural environment, including effects on air and water quality resources and flora and fauna.<sup>143</sup>

### **1. Air Quality.**

133. Air quality in the Project area is relatively better than more populated areas of the state such as the Twin Cities metro region. Potential air quality impacts due to the Project are of two types: (1) emissions of ozone and nitrous oxide during operation, and (2) fugitive dust caused by construction activities.<sup>144</sup>

134. Ozone and nitrous oxide emissions from the new 115-kV line are anticipated to be well below the applicable state and federal standards.<sup>145</sup> Impacts are unavoidable and do not affect a unique resource.<sup>146</sup>

135. Dust from construction activities, or fugitive dust, is a particulate air pollutant. Construction activities along the Proposed Route, such as clearing vegetation and driving utility poles, may create exposed areas susceptible to wind erosion. All projects that involve movement of soil, or exposure of erodible surfaces, generate some type of fugitive dust emissions. Motorized equipment will emit exhaust. This includes construction equipment and vehicles travelling to and from the Project. Exhaust emissions, primarily from diesel equipment, would vary according to the phase of construction. The magnitude of emissions is dependent on weather conditions and the specific construction activity taking place. For example, traveling to a construction site on a dry gravel road will result in more fugitive dust than traveling the same road when wet. Any adverse impacts are anticipated to be localized, minimal, and temporary.<sup>147</sup>

### **2. Greenhouse Gas.**

136. Construction activities will result in short-term increases in greenhouse gas (GHG) emissions because of the combustion of fossil fuels in construction equipment and vehicles. These emissions would be short-term and dispersed over the region; therefore,

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<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> Minn. Stat. § 216E.03, subd. 7(b)(1)–(2); Minn. R. 7850.4100, subp. E.

<sup>144</sup> Ex. EERA-6 at 57.

<sup>145</sup> Minn. R. 7009.0800 (2023); The Clean Air Act, 40 CFR part 50.

<sup>146</sup> Ex. EERA-6 at 57-58.

<sup>147</sup> *Id.* at 58.

total emissions would be minimal and not result in a direct impact to any one location. Impacts are unavoidable but can be minimized.<sup>148</sup>

137. Great River Energy's preliminary estimate for fuel use on a typical construction day averages 120 gallons, depending on the size and type of equipment used. The typical fuel used is a mixture of number 1 and number 2 grade diesel. Project construction is anticipated to take approximately nine months; conservatively assuming four weeks per month and five workdays per week, total fuel consumption would be 10,800 gallons of each number 1 and number 2 grade diesels. This estimate likely overestimates fuel use. Total GHG emissions for Project construction are estimated to be approximately 244 tons of carbon dioxide equivalent (CO<sub>2</sub>e). Potential impacts due to construction GHG emissions are anticipated to be negligible.<sup>149</sup>

138. Operational GHG emissions would occur from vehicle usage to and from the transmission line and substation for regular maintenance activities as well as emergency maintenance. Operational emissions would be considerably less than construction.<sup>150</sup>

### **3. Climate Change.**

139. Construction emissions will have a short-term negligible increase in GHG that contribute to climate change. Once operational, the Project will generate minimal GHG emissions as described in the GHG impacts section of this EA. GHG emissions from vehicle usage and sulfur hexafluoride are minimal and potential impacts are anticipated to be negligible.<sup>151</sup>

### **4. Geology and Topography.**

140. Construction of the Project will not alter the geology along the route, and no mitigation is proposed.<sup>152</sup>

141. The Project is not expected to impact geologic resources. Any impacts to the water table would be localized and short term, not affecting geologic resources.<sup>153</sup>

### **5. Soils.**

142. Soil compaction and rutting will occur from movement of construction vehicles along the right-of-way. Installing structures requires removing and handling soils, which, along with vegetation clearing and minor grading, will expose soils to wind and water erosion. Topsoil could be lost to improper handling or erosion.<sup>154</sup>

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<sup>148</sup> *Id.*

<sup>149</sup> *Id.* EERA-6 at 59.

<sup>150</sup> *Id.*

<sup>151</sup> *Id.* at 60.

<sup>152</sup> *Id.* at 62.

<sup>153</sup> *Id.*

<sup>154</sup> *Id.* at 65.

143. Structures for the Project will generally be installed at existing grade; therefore, landscape-level impacts to soils and geology are expected to be minimal. Because there is very little elevation change along the Proposed Route, only minimal grading will be needed. Great River Energy will grade the site back to as close to its original condition as possible, and all imported fill, including temporary culverts and road approaches, will be removed from the site and disturbed areas will be returned to pre-disturbance conditions.<sup>155</sup>

144. Long-term impacts of the Project on geology and soils are not anticipated. During final design, geotechnical analysis will ensure that placement of poles is compatible with local geology and post construction restoration will prevent ongoing erosion issues. Impacts to geology and soils can be further addressed through the application of construction best practices and standard permit conditions.<sup>156</sup>

## **6. Water Quality and Resources.**

145. There are a variety of water resources in the vicinity of the Project but few within the Project area. The Project lies within the Mississippi River - Sartell watershed, in the south portion of the Upper Mississippi River Basin.<sup>157</sup>

146. Impacts from construction may include sedimentation resulting from ground disturbed by excavating, grading, and construction traffic. Similarly, short term water quality impacts could be experienced at wetlands along the route due to sedimentation. Long term impacts, however, are not expected as the poles will be placed outside of wetlands. Construction of the substation is not expected to impact water resources.<sup>158</sup>

### **1) Groundwater.**

147. No impacts to groundwater in the Project area are anticipated. Dewatering activities are not expected for this Project, and any effects on water tables would be localized and short term and would not affect hydrologic resources.<sup>159</sup>

### **2) Surface Water.**

148. The nearest lakes, rivers and streams are more than one-half mile from the Project and the transmission line will not cross any lakes, rivers or streams, no navigable waters will be affected by the Project.<sup>160</sup>

### **3) Wetlands.**

149. There are two emergent wetland basins (type PEM1C) within the Project right-of-way. The proposed transmission line will cross an approximately 160-foot

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<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> *Id.* at 66.

<sup>158</sup> *Id.* at 67.

<sup>159</sup> *Id.* at 69.

<sup>160</sup> *Id.* at 68.

segment of one wetland and another approximately 85-foot segment of the other wetland.<sup>161</sup>

150. Temporary impacts to wetlands may occur if they are crossed during construction. Great River Energy will span wetlands if possible to avoid impacts. If spanning the wetlands is not possible, permanent impacts to wetlands would occur where a structure is located in the wetland (approximately 20 square feet of permanent impact per structure).<sup>162</sup>

151. Great River Energy plans to span wetlands to avoid impacts and will implement established best management practices, such as silt fencing and erosion control during construction to prevent sedimentation. If spanning wetlands is not possible, the following measures will be implemented: constructing during frozen ground conditions; use of construction mats to protect wetland vegetation; use of all-terrain construction vehicles to minimize impact to soils in damp areas; assembly of structures on upland areas before installation; and post-construction site restoration.<sup>163</sup>

#### **4) Impaired Waters.**

152. The Project will not impact impaired waters and will not cause a water to be newly listed as impaired.<sup>164</sup>

#### **5) Floodplains.**

153. The Project will not impact floodplains and is not expected to be damaged by any flooding that may occur in nearby areas.<sup>165</sup>

### **7. Flora.**

154. Construction and operation of the Project may cause short-term and/or long-term impacts on vegetation. Land cover along the Proposed Route is a mix of developed and undeveloped land, with the undeveloped land consisting of agricultural land, pasture, and wooded areas. The expanded route width area along 73rd Avenue North has a large, wooded area adjacent to the right-of-way.<sup>166</sup>

155. Long-term impacts will primarily be a result of tree trimming and removal in the right-of-way. Removal of trees may also impact the visual aesthetics of the corridor. Maintenance of the right-of-way must meet electrical safety standards; therefore woody vegetation that is removed from the right-of-way is unlikely to be replaced. Impacts to trees and woody vegetation may also occur due to the expansion of the West St. Cloud Substation. Removal of trees may also impact the visual aesthetics of the corridor.<sup>167</sup>

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<sup>161</sup> *Id.*

<sup>162</sup> *Id.* at 68-69.

<sup>163</sup> *Id.* at 69.

<sup>164</sup> *Id.* at 68.

<sup>165</sup> *Id.* at 70.

<sup>166</sup> *Id.*

<sup>167</sup> *Id.* at 71.

156. Use of the existing right-of-way will minimize impacts to vegetation in most areas. Vegetation may be impacted if invasive or non-native species are introduced to the right-of-way during construction or restoration, or by changes in habitat (e.g., soils, water flows) that adversely impact plant growth.<sup>168</sup>

## 8. Fauna.

157. Construction and operation of the Project may cause short-term and long-term impacts on wildlife resources. Impacts on wildlife are assessed by evaluating the vegetation cover/habitat in the right-of-way, the proximity of the right-of-way to sensitive wildlife habitats, and known occurrences of sensitive wildlife species. In this case, the Project will be located in an existing utility corridor, minimizing impacts associated with habitat fragmentation and destruction.<sup>169</sup>

158. Operation, maintenance, and emergency repair activities may have long-term indirect impacts on wildlife, including the displacement of birds, burrowing animals, and other species utilizing the right-of-way or its vicinity for foraging, breeding, or nesting.<sup>170</sup>

159. There are no DNR wildlife management areas, DNR scientific and natural areas, or USFWS waterfowl production areas in the Project area.<sup>171</sup> However, the Project is less than a half mile from the IBA and due to the proximity and number of lakes and wetlands in the Project area, there may be impacts such as changes in flight patterns, nesting, foraging, and potential collision risk.<sup>172</sup>

160. The primary risk to wildlife in the Project area is the potential risk of avian collisions with transmission conductors and equipment.<sup>173</sup> Great River Energy will work with the USFWS to identify any areas that may require marking transmission line shield wires and/or to use alternate structures to reduce the likelihood of avian collisions. Project design and construction will be done in accordance with Avian Power Line Interaction Committee guidelines. Great River Energy will also adhere to guidance provided by the USFWS regarding the NLEB.<sup>174</sup>

161. As mentioned previously, tree removal will displace wildlife in the immediate Project area.<sup>175</sup> The Project has avoided and/or minimized potential impacts by utilizing existing right-of-way for the majority of its length.

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<sup>168</sup> *Id.*

<sup>169</sup> *Id.* at 72.

<sup>170</sup> *Id.*

<sup>171</sup> *Id.* at 72-73.

<sup>172</sup> *Id.* at 72.

<sup>173</sup> *Id.* at 73.

<sup>174</sup> Ex. GRE-2 at 2-6.

<sup>175</sup> Ex. EERA-6 at 73.



## **F. Effects on Rare and Unique Natural Resources.**

162. Minnesota's high voltage transmission line routing factors require consideration of the Project's effect on rare and unique natural resources.<sup>176</sup>

163. There are no sites of biodiversity significance within or adjacent to the Proposed Route.<sup>177</sup>

164. Constructing within and/or adjacent to an existing utility right-of-way minimizes impacts to habitat in this area. Great River Energy will continue to coordinate with the DNR and USFWS to avoid and minimize Project impacts on sensitive species. Impacts to rare and unique resources are not expected because the Project avoids sensitive habitat.<sup>178</sup>

165. Likewise, no rare species are present within the route width.<sup>179</sup>

## **G. Application of Various Design Considerations.**

166. Minnesota's high voltage transmission line routing factors require consideration of the Project's applied design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of the transmission system in the area.<sup>180</sup>

167. The Project is designed to maintain necessary reliability requirements in the area and is sized to accommodate electric demand growth and future electrical system configurations that may be needed to continue to provide a reliable electrical system. The Project will be designed with enough capacity to meet current and future needs of the Great River Energy system. The proposed substation site can accommodate a second transformer if necessary.<sup>181</sup>

## **H. Use of or Paralleling of Existing Rights-of-Way, Survey Lines, Natural Division Lines, and Agricultural Field Boundaries.**

168. Minnesota's high voltage transmission line routing factors require consideration of the Project's use of or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries.<sup>182</sup>

169. The preferred route is largely within the existing right-of-way, except for expanded route widths near the end points and along 73rd Avenue North.<sup>183</sup>

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<sup>176</sup> Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100, subp. F.

<sup>177</sup> Ex. EERA-6 at 73.

<sup>178</sup> *Id.*

<sup>179</sup> *Id.* at 74.

<sup>180</sup> Minn. Stat. § 216E.03, subd. 7(a)-(b); Minn. R. 7850.4100, subp. 2(L).

<sup>181</sup> Ex. EERA-6 at 25.

<sup>182</sup> Minn. Stat. § 216E.03, subd. 7(b)(9); Minn. R. 7850.4100, subp. H.

<sup>183</sup> Ex. EERA-6 at 6.

**I. Use of Existing Transportation, Pipeline, and Electrical Transmission System Rights-of-Way.**

170. Minnesota high voltage transmission line routing factors require consideration of the Project's use of existing transportation, pipeline, and electrical transmission system rights-of-way.<sup>184</sup>

171. The Project uses existing right-of-way for the majority of its length.<sup>185</sup>

**J. Electrical System Reliability.**

172. Minnesota's high voltage transmission line routing factors require consideration of the Project's impact on electrical system reliability.<sup>186</sup>

173. Great River Energy has been upgrading the St. Joseph area to a 115-kV transmission system to improve reliability and resiliency; the Project is part of that upgrade.<sup>187</sup>

174. The Project will be constructed to meet reliability requirements.<sup>188</sup>

**K. Costs of Constructing, Operating, and Maintaining the Facility.**

175. Minnesota's high voltage transmission line routing factors require consideration of the Project's cost of construction, operation, and maintenance.<sup>189</sup>

176. Applicant estimates that the Project will cost approximately \$6.4 million, with the cost of the transmission line estimated at \$3.3 million and the cost of the proposed substation and other facilities estimated at \$3.1 million.<sup>190</sup>

177. Great River Energy estimates the annual operation and maintenance costs for the Project to be approximately \$2,000 per mile.<sup>191</sup>

**L. Adverse Human and Natural Environmental Effects that Cannot be Avoided.**

178. Minnesota's high voltage transmission line routing factors require consideration of the adverse human and natural environmental effects that cannot be avoided.<sup>192</sup>

179. Unavoidable adverse impacts include the physical impacts to the land due to construction of the Project. However, as detailed in the Application and the EA,

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<sup>184</sup> Minn. Stat. 216E.03, subd. 7(b)(8); Minn. R. 7850.4100, subp. J.

<sup>185</sup> Ex. EERA-6 at 47.

<sup>186</sup> Minn. Stat. § 216E.03, subd. 7(b)(5)–(6); Minn. R. 7850.4100, subp. M.

<sup>187</sup> Ex. EERA-6 at 8.

<sup>188</sup> Ex. GRE-2 at 4-5, 6-14.

<sup>189</sup> Minn. R. 7850.4100, subp. L.

<sup>190</sup> Ex. GRE-2 at 4-8; Ex. EERA-6 at 13.

<sup>191</sup> Ex. EERA-6 at 13.

<sup>192</sup> Minn. Stat. § 216E.03, subd. 7(b)(5)–(6); Minn. R. 7850.4100, subp. M.

Applicant will employ avoidance, minimization, and mitigation measures to limit Project impacts.<sup>193</sup>

#### **M. Irreversible and Irretrievable Commitments of Resources.**

180. Minnesota's high voltage transmission line routing factors require consideration of the irreversible and irretrievable commitments of resources that are necessary for the Project.<sup>194</sup>

181. The Project will require only minimal commitments of resources that are irreversible and irretrievable. Irreversible commitments of resources are those that result from the use or destruction of a specific resource that cannot be replaced within a reasonable timeframe. Irretrievable resource commitments are those that result from the loss in value of a resource that cannot be restored after the action. For the Project, those commitments that do exist are primarily related to construction. Construction resources include aggregate resources, concrete, steel, and hydrocarbon fuel. During construction, vehicles necessary for these activities would be deployed on site and would need to travel to and from the construction area, consuming hydrocarbon fuels. Other resources would be used in pole construction, pole placement, and other construction activities.<sup>195</sup>

182. The majority of the Proposed Route parallels land that has already been committed to existing distribution, transmission, and/or transportation rights-of-way.<sup>196</sup>

#### **XVI. ROUTE PERMIT MODIFICATIONS AND CONDITIONS**

183. The EA and original draft route permit prepared by EERA included various recommendations and potential route permit conditions related to the Project.<sup>197</sup> Great River Energy responded in supplemental direct testimony.<sup>198</sup>

184. Great River Energy proposed changes to the general permit conditions in the original draft route permit prepared by EERA. EERA did not support Great River Energy's proposed changes, with the exception of the addition of section 4.1 and modification to section 5.2.<sup>199</sup>

185. The record supports and the Administrative Law Judge recommends adoption of the addition of section 4.1 to read,

Route width variations may be allowed to accommodate the potential site-specific constraints listed below. These constraints may arise from any of the following: 1) Unforeseen circumstances encountered during the detailed engineering and design process. 2) Federal or state agency requirements. 3) Existing infrastructure within the route, including but not limited to railroads, natural gas and liquid

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<sup>193</sup> Ex. GRE-2 at 7-34; Ex. EERA-6 at 76.

<sup>194</sup> Minn. Stat. § 216E.03, subd. 7(b)(11); Minn. R. 7850.4100, subp. N.

<sup>195</sup> Ex. GRE-2 at 7-34; Ex. EERA-6 at 76.

<sup>196</sup> Ex. GRE-2 at 1-11.

<sup>197</sup> Ex. EERA-6 at Appendix B (Draft Route Permit).

<sup>198</sup> Ex. GRE-9 (Supplemental Testimony of Mark Strohfus and Schedule B).

<sup>199</sup> EERA Comments (June 1, 2023) (eDocket No. [20236-196332-01](#)).

pipelines, high voltage electric transmission lines, or sewer and water lines. Any alignment modifications arising from these site-specific constraints that would result in right-of-way placement outside of the designated route shall be specifically reviewed by the Commission under Minn. R. 7850.4900.<sup>200</sup>

186. The Administrative Law Judge also recommends adoption of the modification to section 5.2 Access to Property to read, “The Permittee shall notify landowners or their designee at least 14 days in advance but not greater than 60 days in advance of entering the property, unless otherwise negotiated with the affected landowner.”

187. The record supports and the Administrative Law Judge recommends no changes to section 5.3.7 Soil Erosion and Sediment Control in the amended draft route permit.

188. The record supports and the Administrative Law Judge recommends adopting section 6.1 Independent Third-Party Monitor as proposed in the amended draft route permit.

189. The record supports and the Administrative Law Judge recommends for adoption that draft route permit section 6.2 be titled “Northern Long-Eared Bat” and read, “The permittee shall coordinate with U.S. Fish and Wildlife Service regarding the timing of tree clearing and any other construction or restoration actions that may impact Northern Long-Eared bat in the vicinity of the Project.”<sup>201</sup>

190. On June 6, 2023, Great River Energy submitted comments explaining that it generally did not object to EERA’s proposed draft route permit or revisions but requested that Condition 6.3 of the route permit be revised to reflect that landowner decisions and preferences.<sup>202</sup> Because landowners will continue to own and use the property after construction is complete, Great River Energy requested that the following phrase be added in Condition 6.3: “Recognition of landowner preferences regarding site restoration and seed mixes.” EERA contends that the purpose of the vegetation management plan is to guide post-construction restoration activities; it is a technical document for those implementing the plan. EERA believes that landowner preferences should be incorporated as a goal of the vegetation management plan rather than a permit condition to allow for flexibility, adaptability and differences across landowners through specific management objectives. The Administrative Law Judge agrees with EERA that landowner preference is appropriate as a vegetation management plan goal and recommends not including recognition of landowner preferences in the route permit. The record supports and the Administrative Law Judge recommends adoption of section 6.3 Vegetation Management Plan as proposed in the amended draft route permit.

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<sup>200</sup> *Id.*; Ex. GRE-9 (Supplemental Testimony of Mark Strohfus and Schedule B).

<sup>201</sup> EERA Comment (June 1, 2023) (eDocket No. [20236-196332-01](#)).

<sup>202</sup> GRE Reply Comments (June 6, 2023) (eDocket No. [20236-196407-01](#)).

191. The record supports, the parties agree, and the Administrative Law Judge recommends adoption of section 6.4 Coordination with Cities of St. Joseph and St. Cloud as proposed in the amended draft route permit.

192. The record supports, the parties agree, and the Administrative Law Judge recommends adoption of section 6.5 Dust Control to read, “The Permittee shall utilize non-chloride products for onsite dust control during construction.”

193. The record supports, the parties agree, and the Administrative Law Judge recommends adoption of section 6.6 Wildlife-Friendly Erosion Control to read, “The Permittee shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.”

## **XVII. NOTICE**

194. Minnesota statutes and rules require and Applicant to provide certain notice to the public and local governments before and during the Application for a Route Permit process.<sup>203</sup>

195. Applicant provided notice to the public and local governments in satisfaction of Minnesota statutory and rule requirements.<sup>204</sup>

196. EERA and the Commission likewise provided notices in satisfaction of Minnesota statutes and rules.<sup>205</sup>

## **XVIII. COMPLETENESS OF EA**

197. The EA process is the alternative environmental review approved by the Environmental Quality Board for high voltage transmission lines. The Commission is required to determine the completeness of the EA. An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.<sup>206</sup>

198. The evidence in the record demonstrates that the EA is adequate because the EA and the record created at the public hearing and during the subsequent comment period address the issues and alternatives raised in the Scoping Decision.<sup>207</sup>

## **CONCLUSIONS OF LAW**

1. Any of the forgoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.

2. The Commission has jurisdiction to consider the Application.

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<sup>203</sup> Minn. Stat. § 216E.03, subds. 3a, 4; Minn. R. 7850.2100, subps. 2, 4.

<sup>204</sup> Exs. GRE-1; GRE-3 (Rule 7850.2100 Notice of Filing Route Permit); and GRE-4.

<sup>205</sup> Exs. EERA-2 (Notice of Public Information and Scoping Meeting) and EERA-5 (Notice of Availability and Public Hearing).

<sup>206</sup> Minn. R. 4410.4400, subp. 6 (2023); Minn. R. 7850.3900, subp. 2.

<sup>207</sup> Ex. EERA-4.

3. The Commission determined that the Application was substantially completed and accepted the Application on November 21, 2022.

4. EERA has conducted an appropriate Environmental Analysis of the Project for purposes of this Route Permit proceeding, and the EA satisfies Minn. R. 7850.3700, .3900. Specifically, the EA and the record address the issues identified in the Scoping Decision to a reasonable extent considering the availability of information, and the EA includes the items required by Minn. R. 7850.3700, subp. 4, and was prepared in compliance with the procedures in Minn. R. 7850.3700.

5. Applicant gave notice as required by Minn. Stat. § 216E.04, subd. 4; Minn. R. 7850.2100, subp. 2; and Minn. R. 7850.2100, subp. 4.

6. Notice was provided as required by Minn. Stat. § 216E.04, subd. 6; Minn. R. 7850.3500, subp. 1; Minn. R. 7850.3700, subps. 2, 3, and 6; and Minn. R. 7850.3800.

7. A public hearing was conducted near the Proposed Route. Proper notice of the public hearing was provided, and the public was given the opportunity to speak at the hearing and to submit written comments. All procedural requirements for the Route Permit were met.

8. The evidence in the record demonstrates that the Proposed Route satisfies the Route Permit factors set forth in Minn. Stat. § 216E.04, subd. 8 (referencing Minn. Stat. § 216E.03, subd. 7) and Minn. R. 7850.4100.

9. There is no feasible and prudent alternative to the construction of the Project, and the Project is consistent with and reasonably required for the promotion of public health and welfare in light of the state's concern for the protection of its air, water, land, and other natural resources as expressed in the Minnesota Environmental Rights Act.

10. The evidence in the record demonstrates that the Proposed Route is the best route for the Project.

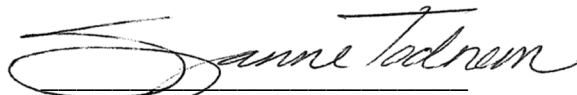
11. The evidence in the record demonstrates that the general Route Permit conditions are appropriate for the Project, with the additional revisions and special conditions identified in Section XVI herein.

12. Any of the foregoing Conclusions of Law which are more properly designated Findings of Fact are hereby adopted as such.

## RECOMMENDATIONS

Based upon these Conclusions, the Administrative Law Judge recommends that the Commission issue to the Applicant a Route Permit for the Proposed Route to construct and operate the Project and associated facilities in Stearns County, and that the permit include the recommended draft permit conditions amended as set forth in the Findings of Fact above.

Dated: August 4, 2023



SUZANNE TODNEM  
Administrative Law Judge

## NOTICE

Notice is hereby given that exceptions to this Report, if any, by any party adversely affected must be filed under the time frames established in the Commission's rules of practice and procedure, Minn. R. 7829.2700, .3100 (2023), unless otherwise directed by the Commission. Exceptions should be specific and stated and numbered separately. Oral argument before a majority of the Commission will be permitted pursuant to Part 7829.2700, Subpart 3. The Commission will make the final determination of the matter after the expiration of the period for filing exceptions, or after oral argument, if an oral argument is held.

The Commission may, at its own discretion, accept, modify, or reject the Administrative Law Judge's recommendations. The recommendations of the Administrative Law Judge have no legal effect unless expressly adopted by the Commission as its final order.

August 4, 2023

See Attached Service List

**Re: *In the Matter of the Application of Great River Energy for a Route Permit to Rebuild the Existing 69kV ST-WW Transmission Line to 115kV in Stearns County, Minnesota***

**OAH 23-2500-38942  
MPUC ET-2/TL-22-235**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, [nichole.helmuelle@state.mn.us](mailto:nichole.helmuelle@state.mn.us), or via facsimile at (651) 539-0310.

Sincerely,



NICHOLE HELMUELLER  
Legal Assistant

Enclosure

cc: Docket Coordinator



STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
PO BOX 64620  
600 NORTH ROBERT STREET  
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

In the Matter of the Application of Great River Energy for a Route Permit to Rebuild the Existing 69kV ST-WW Transmission Line to 115kV in Stearns County, Minnesota	OAH Docket No.: 23-2500-38942 MPUC ET-2/TL-22-235
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On August 4, 2023, a true and correct copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS** was served by eService, and United States mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC
Richard	Dornfeld	Richard.Dornfeld@ag.state.mn.us	Office of the Attorney General-DOC
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA
Jamie	MacAlister	jamie.macalister@state.mn.us	Department of Commerce
Jenna	Ness	jenna.ness@state.mn.us	Department of Commerce
Cezar	Panait	Cezar.Panait@state.mn.us	Public Utilities Commission
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates
Mark	Strohfus	mstrohfus@greenergy.com	Great River Energy
Suzanne	Todnem	suzanne.todnem@state.mn.us	Office of Administrative Hearings
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.