

Minnesota Public Utilities Commission
Staff Briefing Papers

Meeting Date: November 21, 2016Agenda Item *1

Company: Minnesota Power

Docket No. E015/TL-14-21

In the Matter of the Application of Minnesota Power for a Route Permit for
the 500 kV Great Northern Transmission Line Project in Roseau, Lake of the
Woods, Beltrami, Koochiching and Itasca counties

Issues: Should the Commission approve the minor alteration request?
If the minor alteration is approved, should any conditions be required?

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Relevant Documents

Order Issuing Route Permit with Modifications (4 parts) April 11, 2016
Minnesota Power Petition for Minor AlterationOctober 18, 2016
Department of Commerce EERA Response to PetitionNovember 3, 2016
Minnesota Department of Natural Resources Response to Petition (4 parts).....November 3, 2016
Public CommentNovember 4, 2016

Attachment

North Black River Minor Alteration Area Map

The attached materials are work papers of the Minnesota Public Utilities Commission staff. They are intended for use by the Commission and are based upon information already in the record unless noted otherwise.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0406 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

Statement of the Issues

Should the Commission approve the minor alteration request? If the minor alteration is approved, should any conditions be required?

Statutes and Rules

Under Minn. R. 7850.4800, no person may make a minor alteration to a large electric power generating plant or high-voltage transmission line without approval from the Commission.

A minor alteration is defined as a change in a large electric power generating plant or high-voltage transmission line that does not result in significant changes in the human or environmental impact of the facility. A permittee requesting a minor alteration must submit an application to the Commission describing the alteration to be made and an explanation why the alteration is minor.

Upon receiving a minor alteration petition, the Commission must provide at least a 10-day period for interested persons to submit comments on the request. After close of the comment period, the Commission must decide whether to authorize the minor alteration and impose reasonable conditions, as necessary, or determine that the alteration is not minor and requires a full permitting decision.

Procedural History

On April 11, 2016, the Minnesota Public Utilities Commission issued a high-voltage transmission line route permit for the Great Northern Transmission Line Project authorizing Minnesota Power to construct and operate an approximately 229-mile, 500-kilovolt transmission line and associated facilities in Roseau, Lake of the Woods, Beltrami, Koochiching and Itasca counties.

On October 18, 2016, Minnesota Power requested a modification to an approximately 6.5-mile segment of the approved route near the North Black River in Koochiching County in order to address resource and environmental concerns raised by the Minnesota Department of Natural Resources. Minnesota Power asserted that the request is reasonable and that approval is appropriate because the proposed alteration has comparable impacts to the impacts associated with the initially approved route and anticipated alignment and, therefore, does not result in significant change in the human or environmental impact of the facility.

On October 20, 2016, the Commission issued a notice requesting comments on the petition. Comments on the matter were accepted through Thursday, November 3, 2016.

Minnesota Department of Commerce Comments

On November 3, 2016, Department of Commerce Energy Environmental Review and Analysis staff (EERA) filed comments. EERA noted that the alteration was developed to avoid a non-ferrous

mineral resource and to promote corridor sharing with the existing 230-kV transmission line that passes through the variation area. EERA concluded that the project is eligible for authorization as a minor alteration. EERA provided an analysis of impacts and concluded that the proposed project would not result in significant changes in the human or environmental impacts relative to those identified for the permitted. EERA recommended that the route permit conditions within the original route permit be applied to the alignment within the requested minor alteration.

Minnesota Department of Natural Resources Comments

On November 3, 2016, the Minnesota Department of Natural Resources (DNR) filed comments in support of the minor alteration. The DNR expressed support for authorization of the reroute and noted that it would benefit the natural environment by using existing transportation and transmission rights-of-way.

The DNR noted that the alteration would reduce hydrology and vegetation impacts to the Agassiz candidate lowland conifer old growth area and the North Black River Peatland Scientific and Natural Area watershed protection area. Additionally, the minor alteration reroute would facilitate access during construction, maintenance, and operation for the proposed transmission line along the existing road right-of-way.

The DNR noted that a habitat suitability assessment conducted for the subject area identified specific construction procedures to minimize potential impacts to a state threatened flower species (*Cardamine pratensis*) along the proposed reroute. The DNR recommends that the following construction procedures from the habitat suitability assessment be included as a permit condition for this portion of the project.

- Tree clearing will occur under frozen ground conditions. Ground must be sufficiently frozen to allow for tree clearing activities to cause minimal damage or alteration of soils and existing above ground plants, consistent with the Vegetation Management Plan,
- Access and other construction activities will use construction mats, ice roads or low ground pressure equipment to protect against soil compaction, rutting and disturbance of existing ground vegetation, consistent with the Vegetation Management Plan,
- Construction mats will be removed at the earliest practicable time,
- If there is a sufficient time span between tree clearing and structure setting, summer 2017 surveys would be conducted to identify existing populations of *Cardamine pratensis*,
- If populations are found, a protection/mitigation plan would be developed in consultation with the DNR, and
- Protection against the movement of weed seed and vegetative material will be strictly monitored and adhered to.

Public Comments

Mr. Robert Behling inquired as to whether the change would result in the destruction of a

“centennial log cabin” located on a DNR parcel in the subject area¹.

Staff Discussion

Upon review of the minor alteration petition and comments received, staff concludes that the requested alteration constitutes a minor alteration and does not significantly change the human or environmental impacts of the project.

Staff recommends that the Commission approve the Permittee’s minor alteration request. Staff supports inclusion of the proposed permit conditions recommended by EERA and the DNR in order to minimize impacts to natural resources, the environment and threatened species.

Staff recommends that the DNR clarify its expectations as to what constitutes a sufficient time span necessary for conducting the Summer 2017 population surveys of *Cardamine pratensis*.

In response to Mr. Behling’s inquiry regarding potential impacts to a “centennial log cabin”, EERA’s response to the petition indicated that there are no residences or non-residential buildings within the subject area. Because of this, staff does not anticipate any issues on the matter, but requests that EERA clarify the location of the structure relative to the minor alteration, and as necessary provide analysis of any potential impacts or historical significance as appropriate no later than the filing of its plan and profile review. If necessary, Staff will make a determination on Mr. Behling’s inquiry during consideration of the plan and profile approval.

COMMISSION DECISION ALTERNATIVES

A. Minor Alteration Approval and Conditions

1. Authorize the Minor Alteration without additional conditions.
2. Authorize the Minor Alteration with additional conditions identified in the Route Permit and in the DNR’s North Black Reroute Habitat Assessment for *Cardamine pratensis*.
3. Request that EERA consider the location of location of the structure referenced in the public comment and provide recommendations as to its significance as part of its plan and profile review for the Minor Alteration.
4. Determine that the requested alteration is not minor and require a full permitting decision.
5. Take some other action deemed appropriate.

Staff Recommendation: Decision Options A.2 and A.3.

¹ A photograph of the cabin can be found at: <https://speakup-us-production.s3.amazonaws.com/uploads/attachment/file/5812e2fba263becba800bd68/0930141007a.jpg>.

