DRAFT SCOPING DOCUMENT

GREAT RIVER ENERGY CEDAR LAKE REROUTE PROJECT PUC DOCKET NUMBER ET2/TL-23-170

Prepared by the Staff of the Energy Environmental Review & Analysis

July 15, 2023



Introduction and Background

On June 7, 2023, Great River Energy (Applicant) submitted a high voltage transmission line (HVTL) Route Permit Application (RPA) to the Minnesota Public Utilities Commission (Commission). The RPA is submitted under the alternative review process (Minnesota Statute 216E.04; Minnesota Rule 7850.2800-3900).

Project Purpose and Description

The Project is being done to make room for a second 345-kV circuit to be attached to the existing CapX2020 Brookings to Hampton transmission structures, which run along County Road 2 in the Project area. The Project will include construction of a new approximately 6.3-mile 115-kV transmission line. The transmission line will connect at GRE's existing MV-EVX 115-kV transmission line near the intersection of County Road 23 and Minnesota Highway 19 and extend to the existing Cedar Lake Substation south of County Road 2.

The Project will initially operate at 69 kV; designing to 115-kV standards will simplify operating the regional transmission system at 115 kV as electrification and load development increases in the area. Once the transmission line is constructed and connected to the substation, GRE's existing 4.5-mile MV-CDT 115-kV transmission circuit, which is co-located in part on the CapX2020 345-kV transmission structures along County Road 2, will be removed.¹

Regulatory Process and Procedures (Certificate of Need)

A Certificate of Need (CN) by the Public Utilities Commission is required for all "large energy facilities," unless the facility falls within a statutory exemption from the CN requirements. Through the CN proceedings the applicant must demonstrate using a number of factors prescribed in the rules that the proposed facility is in the best interest of the state's citizens. The applicant must also demonstrate there is not a more prudent and reasonable way than the proposed project to provide the stated goals. A large energy facility is defined as "any high-voltage transmission line with a capacity of 100 kVs or more with more than ten miles of its length in Minnesota or that crosses a state line."

The proposed Project is less than ten miles in length and does not cross a state line; therefore, a Certificate of Need is not required.

Regulatory Process and Procedures (HVTL Route Permit)

The Cedar Lake Reroute Project requires a HVTL route permit from the Commission;⁴ the Project qualifies for review under the alternative permitting process authorized by Minnesota Statutes § 216E.04, subd. 2(3) and Minnesota Rules 7850.2800, Subp. 1(C) because the proposed transmission line, rated at 115 kV, lies between the regulatory threshold of 100 to 200-kV, and thus qualifies for alternative review.

Applicants must provide the commission with written notice of their intent to file an application under the alternative permitting process,⁵ which was provided on May 3, 2023.⁶

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

² Minn. Stat. 216B.243, subd. 2; Minn. Stat. 216B.2421, subd. 2(1 and 2).

³ Minn. Stat. § 216B.2421, subdiv. 2(3) (2006).

⁴ Minn. Stat. 216E.03, subd. 1 and 2.

⁵ Minn. R. 7850.2800, subp. 2.

⁶ Great river Energy, Notice of Intent to File Route Permits Under the Alternative Process, May 3, 2023. eDocket No. 20235-195541-01.

Application and Acceptance

Route permit applications must provide specific information.⁷ This includes, but is not limited to, information about the applicant, descriptions of the project and site, and discussion of potential human and environmental impacts and possible mitigation measures.⁸ Under the alternative permitting process an applicant is not required to propose alternative sites or routes; however, if alternatives were evaluated and rejected, the application must describe these and the reasons for rejecting them.⁹

Upon receiving a HVTL route permit application, the Commission may accept it as complete, reject it and advise the applicant of its deficiencies, or accept it as complete but require the applicant submit additional information.¹⁰

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

Public Advisor

Upon acceptance of a route permit application the Commission must designate a public advisor.¹¹ The public advisor answers questions about the permitting process but cannot provide legal advice or act as an advocate for any person.

Advisory Task Force

The Commission may appoint an advisory task force to aid in the environmental review process. An advisory task force would assist EERA staff in identifying additional routes or particular impacts to evaluate in the EA prepared for the project. If appointed, an advisory task force must include certain local government representatives. The advisory task force expires upon completion of its charge or issuance of the scoping decision. The advisory task force expires upon completion of its charge or issuance of the scoping decision.

Appointment of an advisory task force is not required at the time of *Application Acceptance*; in the event no advisory task force is appointed citizens may request one be created.¹⁶ If such a request is made, the commission must make this determination at its next scheduled agenda meeting.¹⁷

The decision whether to appoint an advisory task force, does not need to be made at this time; however, a decision should be made as soon as practicable to ensure an advisory task force could complete its charge prior to issuance of the scoping decision.

Environmental Review

Route permit applications are also subject to environmental review. The alternative permitting process requires completion of an EA, which is prepared by EERA staff. An EA contains an overview of the resources affected by

⁷ Minn. Stat. 216E.04, subd. 3; Minn. R. 7850.3100.

⁸ Ibid.

⁹ Ibid.

¹⁰ Minn. R. 7850.3200.

¹¹ Minn. R. 7850.3400.

¹² Minn. Stat. 216E.08, subd. 1; Minn. R. 7850.3600, subp. 1.

¹³ Minn. R. 7850.2400, subp 3.

¹⁴ Minn. Stat. 216E.08, subd. 1.

¹⁵ Minn. R. 7850.2400, subp. 4.

¹⁶ Minn. R. 7850.2400, at subp. 2.

¹⁷ Ibid.

¹⁸ Minn. Stat. 216E.04, subd. 5; Minn. R. 7850.3700, subp. 1.

the project and discusses potential human and environmental impacts and mitigation measures.¹⁹ Under the alternative permitting process an EA is the only required state environmental review document.²⁰

EERA conducts necessary public scoping meetings in conjunction with a public comment period to inform the content of the EA (i.e., Scoping).²¹ The commissioner of the Department or a designee determines the scope of the EA,²² and may include alternative routes suggested during the scoping process if they would aid the Commission in making a permit decision.²³

Public Hearing

The alternative permitting process requires a public hearing be held in the project area upon completion of the EA^{24} in accordance with the procedures outlined in Minnesota Rule 7850.3800, subpart 3.

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

EERA staff recommends that the Commission request a full ALJ report for the project's public hearing. EERA staff believes that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to air and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on Commission staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the site permitting process. EERA staff has provided a draft schedule concept for the Duluth Loop project permitting process, which includes a comparison of potential hearing work products and schedules – i.e. a summary of public testimony vs. a full ALJ report with findings, conclusions, and recommendations.

Final Decision

The Commission is required to make a HVTL route permit decision within six months from the date an application is accepted.²⁵ This time limit may be extended up to three months for just cause or upon agreement of the applicant.²⁶

EA Scoping Process

The purpose of the scoping process is to provide the public with an opportunity to participate in the development of the scope of the EA by holding a public meeting and soliciting public comment.

The public information/scoping meeting and the comment period listed below are your opportunity to participate in the determination of the content or "scope" of the EA.

¹⁹ Minn. Stat. 216E.04, subd. 5; Minn. R. 7850.3700, subp. 4.

²⁰ Minn. Stat. 216E.04, subd. 5.

²¹ Minn. R. 7850.3700, subp. 2.

²² Id. at subp. 3.

²³ Id. at subp. 2.

²⁴ Minn. R. 7850.3800, subp. 1.

²⁵ Minn. R. 7850.3900, subp. 1.

²⁶ Ibid.

PUBLIC INFORMATION AND SCOPING MEETINGS

Tuesday, August 1, 2023 6:00 p.m. to 9:00 p.m. The Park Ball Room

300 Lexington Avenue, New Prague, MN 56071

Link to Google Map: https://goo.gl/maps/BDBfSi9aH6k2EHkm6

Representatives of the DOC EERA, the Commission and the Applicant will participate in the meeting to describe the proposed project, take comments, and answer questions.

Written public comments can be submitted to the DOC EERA staff until Monday, **August 14, 2023**. Once the scope is determined, the DOC EERA staff will prepare and release the EA.

Draft Scope for Completion of the EA

The environmental assessment will address the following matters:

Abstract

Acronyms, Abbreviations and Definitions

- 1.0 Introduction
 - 1.1 Project Description
 - 1.2 Project Location
 - 1.3 Project Purpose
 - 1.4 Sources of Information
- 2.0 Regulatory Framework
 - 2.1 Certificate of Need
 - 2.2 Route Permit
 - 2.3 Combining Processes
 - 2.4 Scoping Process
 - 2.5 Public Hearing
 - 2.6 Other Permits
 - 2.7 Applicable Codes
 - 2.8 Issues Outside the Scope of the EA
- 3.0 Proposed Project
 - 3.1 Project Segments
 - 3.2 Right-of-Way Requirements
 - 3.3 Project Construction and Maintenance
 - 3.4 Project Implementation
 - 3.5 Alternative Routes Considered and Rejected
- 4.0 Alternative Routes and/or Route Segments*
- 5.0 Potential Impacts of the Proposed Route
 - 5.1 Description of Environmental Setting
 - 5.2 Socioeconomic
 - 5.3 Displacement
 - 5.4 Anticipated Noise Impacts

Cedar Lake Reroute Project Draft Scoping Document PUC Docket No. TL-23-170

Page 6

- 5.5 Radio and Television Interference
- 5.6 Aesthetics
- 5.7 Public Health and Safety Including EMF
- 5.8 Recreation
- 5.9 Land-based Economies
- 5.10 Commercial, Industrial, Residential Land Use
- 5.11 Public Services and Transportation
- 5.12 Archaeological and Historic Resources
- 5.13 Natural Environment

Air Quality

Water Quality

Flora

Fauna

- 5.14 Rare and Unique Natural Resources
- 6.0 Potential Impacts Comparison of Alternate Routes*
- 7.0 Unavoidable Impacts
- (*) If applicable

The above outline is not intended to serve as a table of contents for the EA document itself. Therefore, the organization and structure of the document may not be the same as that appearing here.

SCHEDULE FOR COMPLETION OF THE EA

The Environmental Assessment on the Cedar Lake Reroute Project is anticipated to be release in December 2023.

Upon completion of the EA, the EERA staff will notify those persons who have asked to be notified of the completion. In addition, the EERA staff will publish notice of the availability of the EA in the EQB Monitor. The EA will be made available for review and posted on the Public Utilities Commission's webpage.