

Appendix B Scoping Decision



In the Matter of the Application of
Great River Energy for a Route Permit for the
Pilot Knob to Burnsville 115 kV
Rebuild and Upgrade Project in
Dakota County, Minnesota

**ENVIRONMENTAL ASSESSMENT
SCOPING DECISION
DOCKET NO. ET2/TL-23-410**

The above matter has come before the Commissioner of the Department of Commerce (Department) for a decision on the scope of the environmental assessment (EA) to be prepared for the Pilot Knob to Burnsville 115 kV Rebuild and Upgrade Project (Project) proposed by Great River Energy in Dakota County, Minnesota.

Background

On November 17, 2023, Great River Energy (Applicant or GRE) submitted a high voltage transmission line (HVTL) Route Permit Application (RPA) to the Minnesota Public Utilities Commission (Commission) for the Pilot Knob to Burnsville 115 kV Transmission Line Rebuild and Upgrade Project (Project).¹ The RPA was submitted under the alternative review process (Minnesota Statute 216E.04; Minnesota Rule 7850.2800-3900).

On January 17, 2024, the Commission accepted the RPA as complete and authorized Department of Commerce, Energy Environmental Review and Analysis (EERA) staff to prepare an environmental assessment (EA) for the project.²

The Project will rebuild and upgrade three portions of approximately 8.75 miles of an existing 69 kilovolt (kV) line with 115 kV high voltage transmission line. The three sections of the HVTL rebuild and upgrade include the following: 1) between the existing Pilot Knob and Deerwood substations, 2) between the existing Deerwood and River Hills substations, and 3) between the existing River Hills and Burnsville substations. The existing Burnsville Substation will be upgraded and modified as part of the Project. The Project is located in the cities of Eagan, Burnsville, and Apple Valley, Dakota County, Minnesota (**Figure 1-1**).

The Applicant indicates that the proposed Project is needed to maintain transmission system reliability, prepare for future load growth, and preserve the existing looping system allowing the Deerwood and River Hill substations to serve customers in both directions along the transmission line. The Deerwood and River Hill substations provide service to Dakota Electric Association's electric cooperative members. The Applicant states that the new equipment will meet modern design standards and provide the ability

¹ Great River Energy. *Route Permit Application for the Pilot Knob to Burnsville 115 kV Transmission Line Rebuild and Upgrade Project*. November 17, 2023, eDockets Numbers – Filing Letter [202311-200563-01](#), [Application 202311-200563-02](#), [Figures 202311-200563-03](#), [202311-200563-04](#), [202311-200563-05](#), [202311-200563-06](#), [Appendix A 202311-200563-07](#), [202311-200563-08](#), [Appendix B and C 202311-200563-09](#), [Appendix D 202311-200564-01](#), [202311-200564-02](#), [202311-200564-03](#), [Appendices E-I 202311-200564-04](#) [hereinafter Application or RPA].

² Commission. Order. January 17, 2024, eDocket 20241-202249-01

to operate the line at a higher voltage.³

Scoping Process Summary

Commission and EERA staff jointly held a remote-access public information and EA scoping meeting on February 20, 2024, and a joint in-person public information and EA scoping meeting at the Diamondhead Education Center in Burnsville on February 21, 2024. The purpose of the meetings was to provide information to the public about the proposed Project, to answer questions, and to allow the public an opportunity to identify impacts and alternatives that should be considered during preparation of the EA. A court reporter was present at the meetings to document oral statements.

Five people attended the remote meeting, and four persons attended the in-person public information and scoping meeting. There were three public comments received during the remote virtual meeting, and no comments received during the in-person meeting.^{4,5} During the comment period, which closed on March 6, 2024, five written public comments were received – two from the general public and three from state agencies.^{6,7} Comments received ranged from statements of support for (or opposition to) the proposed project, to specific concerns or perceived impacts.

On March 27, 2024, EERA staff filed its *EA Scoping Summary* with the Commission.⁸ In that filing, staff recommended that GRE's preferred route be the sole routing alternative included in the scoping decision for the EA. EERA staff did not recommend any other route alternatives or alignment modifications for inclusion in the EA scoping decision.

The Commission considered EERA's *EA Scoping Summary* for the Project on its April 11, 2024, consent agenda.⁹ On April 16, 2024, the Commission concurred with EERA and authorized the Applicant's proposed route as the sole routing alternative for analysis in the EA.¹⁰

HAVING REVIEWED THE MATTER, consulted with EERA staff, and in accordance with Minnesota Rule 7850.3700, I hereby make the following scoping decision:

MATTERS TO BE ADDRESSED

The issues outlined below will be analyzed in the EA for the proposed Pilot Knob to Burnsville Rebuild and Upgrade Project. The EA will describe the Project and the human and environmental resources in the project area. The EA will also provide information on the potential impacts of the proposed project as they relate to the topics outlined in this scoping decision, including possible mitigation for identified

³ Application, Section 1.5

⁴ EERA. Virtual Meeting – Oral Public Comments. March 4, 2024. eDocket [20243-204045-02](#)

⁵ EERA. In-person Meeting – Oral Public Comments. March 4, 2024. eDocket [20243-204045-01](#)

⁶ EERA. Written Comment, Shannon Marcus, February 21 and 22, 2024. eDocket [20243-204565-01](#)

⁷ EERA. Written Comments, Agencies. March 6, 2024. eDocket [20243-204563-01](#)

⁸ EERA. Environmental Assessment Scoping Summary. March 27, 2024. eDocket No. [20243-204675-01](#).

⁹ Commission. Proposed Consent Items. April 11, 2024. eDocket No. [20244-205259-05](#)

¹⁰ Commission. Order. April 16, 2024. eDocket No. [20244-205449-01](#)

impacts, identification of irretrievable commitment of resources, and permits from other government entities that may be required for construction of the project.

I. GENERAL DESCRIPTION OF THE PROJECT

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

II. REGULATORY FRAMEWORK

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

III. ENGINEERING AND DESIGN

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

IV. CONSTRUCTION

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

V. AFFECTED ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATIVE MEASURES

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

Data and analyses in the EA will be commensurate with the importance of potential impacts and the relevance of the information to consideration of the need for mitigation measures.¹¹ EERA staff will consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail of information to be prepared for the EA. Less important material may be summarized, consolidated, or simply referenced.

If relevant information cannot be obtained within timelines prescribed by statute and rule, or if the costs of obtaining such information is excessive, or the means to obtain it is not known,

¹¹ Minnesota Rule 4410.2300.

EERA staff will include in the EA a statement that such information is incomplete or unavailable and the relevance of the information in evaluating potential impacts.¹²

- A. Description of the Environmental Setting
- B. Human Settlements
 - 1. Noise
 - 2. Aesthetics
 - 3. Displacement
 - 4. Property Values
 - 5. Zoning and Land Use Compatibility
 - 6. Socioeconomics / Environmental Justice
 - 7. Public Services
 - a) Roads and Highways
 - Transmission structures and traffic line of sight
 - MnDOT coordination, Utility Accommodation Policy
 - b) Utilities
 - c) Emergency Services
 - 8. Electronic Interference
 - a) Radio
 - b) Television
 - c) Wireless Phone / Internet Services
- C. Public Health and Safety
 - 1. Electric and Magnetic Fields
 - 2. Implantable Medical Devices
 - 3. Stray Voltage
 - 4. Induced Voltage
 - 5. Air Quality
 - 6. Greenhouse Gases and Climate Change
- D. Land Based Economies
 - 1. Agriculture
 - 2. Forestry
 - 3. Mining
 - 4. Recreation and Tourism
- E. Archaeological and Historic Resources
- F. Natural Environment
 - 1. Water Resources
 - a) Surface Waters
 - b) Groundwater
 - c) Wetlands
 - 2. Soils
 - Use of non-chloride dust suppressants
 - 3. Flora
 - Vegetation Management
 - Tree Removal

¹² Minnesota Rule 4410.2500.

- 4. Fauna
 - Use of wildlife-friendly erosion control coverings
 - Facility Lighting
- G. Threatened / Endangered / Rare and Unique Natural Resources
 - Blanding's Turtle
- H. Electric System Reliability
- I. Operation and Maintenance Costs that are Design Dependent
- J. Adverse Impacts that Cannot be Avoided
- K. Irreversible and Irretrievable Commitments of Resources

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

The EA will evaluate the applicant's proposed route (attached **Figure 1-1**).

VII. IDENTIFICATION OF PERMITS

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

ISSUES OUTSIDE THE SCOPE OF THE ENVIRONMENTAL ASSESSMENT

The EA will not consider the following:

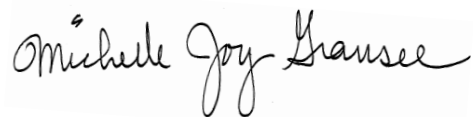
- A. Any route, route segment, or alignment alternative not specifically identified for study in this scoping decision.
- B. Any system alternative (an alternative to the proposed transmission line project).
- C. Potential impacts of specific energy sources.
- D. The manner in which landowners are paid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

SCHEDULE

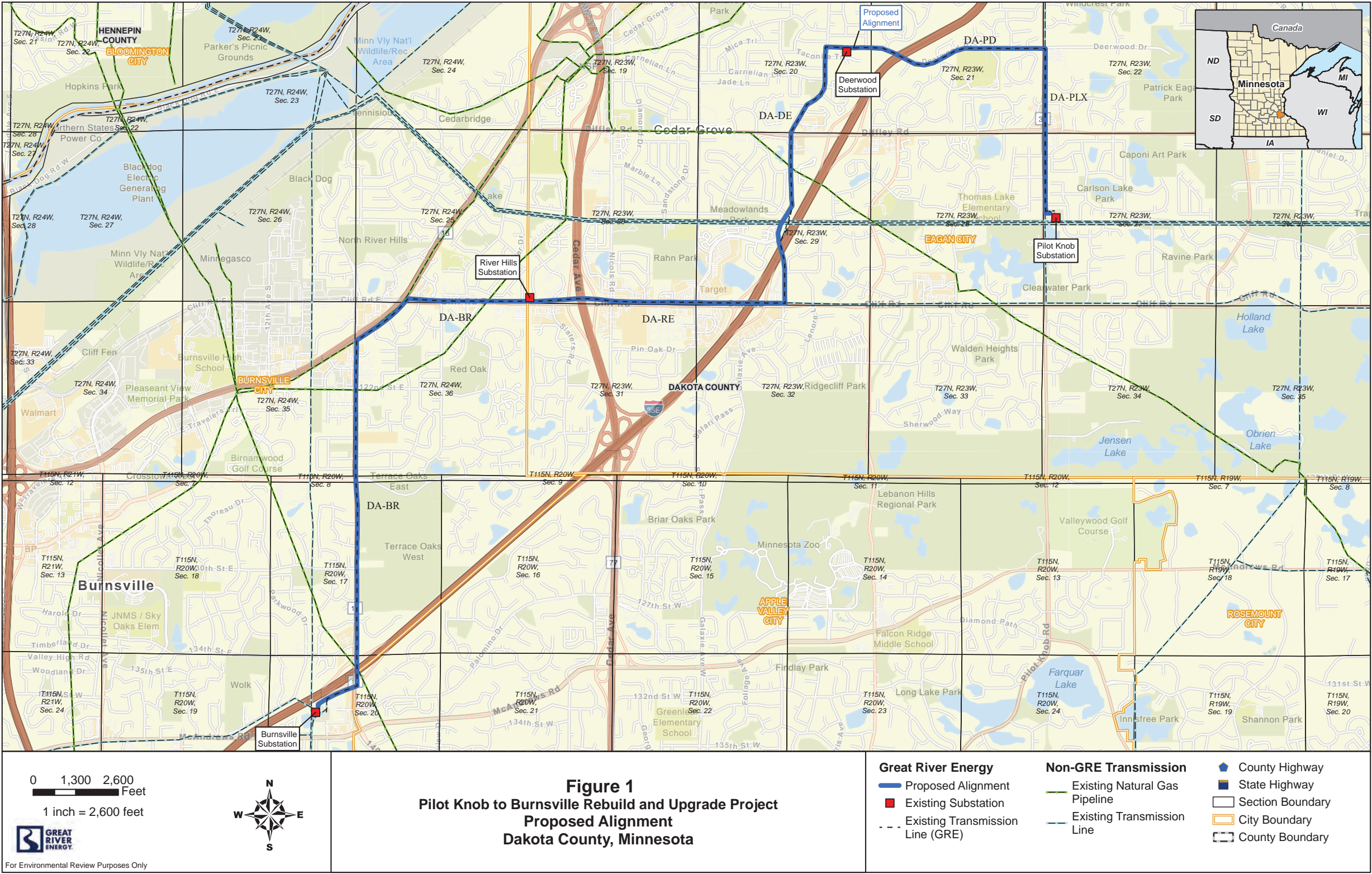
The EA is anticipated to be completed on or before August 2, 2024. Public hearings will be held in the project area after issuance of the EA and are anticipated to occur in August 2024.

Signed this 30th day of April, 2024.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE



Michelle Gransee, Deputy Commissioner



CERTIFICATE OF SERVICE

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

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

Docket No. ET2/TL-23-410

Dated this 1st day of **May 2024**

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Brock	FLUEGGE	brock@lakesideins.com	Lakeside Insurance Brokers	11979 County Rd 11 Ste 270 Burnsville, MN 55337	Electronic Service	No	OFF_SL_23-410_Official CC Service List
Kellie	LeClair	scokejolo@msn.com		4100 Blackhawk Road Eagan, MN 55122	Electronic Service	No	OFF_SL_23-410_Official CC Service List
James	Mortenson	james.mortenson@state.mn.us	Office of Administrative Hearings	PO BOX 64620 St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_23-410_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes	OFF_SL_23-410_Official CC Service List
Sarah	Turton	sturton@agreerealty.com		Agree Stores, LLC (Bldg. MN-301629) 32301 Woodward Avenue Royal Oak, MI 48073	Electronic Service	No	OFF_SL_23-410_Official CC Service List
Kathy	Zeroth	kathyzerm@gmail.com		4134 Signal Pointe Eagan, MN 55122	Electronic Service	No	OFF_SL_23-410_Official CC Service List